

**REAL ESTATE APPRAISERS BOARD
MINUTES
AUGUST 25, 2010**

PRESENT: Marla Britton, Sharon Fiedler, Lawrence Nicholson (Live Meeting), Edward Potter (Live Meeting), Henry Simon

EXCUSED: Micquel Hoffman, Jose Perez

STAFF: Nora Wilson, Bureau Director; Michele Miller Hayes, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff

GUESTS: Debbi Conrad, WRA; Linda Verbecken

CALL TO ORDER

Marla Britton, Chair, called the meeting to order at 9:09 a.m. A quorum of five (5) members was confirmed.

APPROVAL OF AGENDA

Amendments:

- After item “H” – Discussion of Department of Revenue Adopting USPAP for Assessors..., this is an appearance by Jim Murphy and Greg Landretti scheduled for 10:30
- After item “K” (closed session) – insert after page 176 – Deliberation of Proposed Decision and Order in the disciplinary proceedings against Shawn R. Sewald – 08 APP 021/DRL-09-0089
- Under item “L” (closed session) – insert after page 204 – Administrative Warning 09 APP 020
- Under item “M” (closed session) – Case Closing 08 APP 104
- Under item “N” Monitoring Cases (closed session) – insert after page 304 -
 - Gordon Svendsen – Requesting Full Licensure Reinstatement
 - Jeffrey M. McMahon – Violation of Board Order
 - Marcial Galang – Violation of Board Order

MOTION: Sharon Fiedler moved, seconded by Henry Simon, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 19, 2010

MOTION: Henry Simon moved, seconded by Edward Potter, to approve the minutes of May 19, 2010 as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Welcome new DRL staff

Nora Wilson is the new Bureau Director and introduced herself to the Board. Ms. Wilson formerly worked in the Division of Enforcement and has moved over to Board Services.

Upcoming Trainings

Case advisor trainer will be held at DRL on September 30 and is open to all new board members and those who have not previously attended.

Board chair, vice chair and public member training will be held December 2-3 at the Concourse Hotel in Madison.

July 2010 Board Member Orientation Results

The feedback from the July 2010 Board Member Orientation was positive and the training was well received.

2011 Meeting Dates

The Board reviewed the proposed 2011 meeting dates. The Board considered adding additional meeting dates. The consensus at this time is to stay with four meetings per year; however this will be re-reviewed at the next meeting on November 10.

The 2011 meeting dates are:

February 23

May 18

August 24

November 9

**REQUEST OF BOARD TO DELEGATE TO THE DIVISION OF ENFORCEMENT
COMPLAINT INTAKE STAFF AUTHORITY TO SCREEN OUT SPECIFIED
COMPLAINTS**

Dennie Petersen, Complaint Intake Supervisor, appeared before the Board with a request to delegate screening of some cases to DOE staff. The Board reviewed the eight categories of complaints for the business boards that virtually never result in disciplinary action.

MOTION: Edward Potter moved, seconded by Henry Simon, to approve delegation of screening to DOE staff only for anonymous complaints that do not allege danger to the public, do not provide evidence to support allegations, or do not provide information which can be used to follow up the allegations. Motion carried unanimously.

**DISCUSSION OF REQUIRING SUBMISSION OF APPRAISALS FOR REVIEW IN
ORDERS**

Sharon Henes and Patara Horn appeared before the Board to discuss the submission of appraisal reports as required in some orders. The Board wants to review the current orders that require submission of appraisal reports and will discuss this further at the next meeting.

DIVISION OF ENFORCEMENT UPDATE

Attorney Peter McCombs, DOE, addressed the Board. The Federal appraisers will be at DRL for a meeting on October 28 and there will be an audit in early 2011. Currently there are 111 open cases, of which 43 are identified for Board action. Contractor reviews have decreased turn-around time and have allowed cases to move more quickly. Mr. McCombs also thanked the professional members of the Board for their review of cases.

The Division of Enforcement has received approval to hire an investigator who is a credentialed appraiser. Interviews for this position will be held in the next few weeks.

Mr. McCombs attended a USPAP course in Chicago in August. The Appraisal Institute offered this course for government employees, investigators and board members. Mr. McCombs reported this course was very useful.

Mr. McCombs and the Board discussed discipline matrices from other sources. Marla Britton asked Mr. McCombs to email this information to the Board members and have further discussion at the November Board meeting.

PRESENTATION OF PROPOSED STIPULATIONS

DOE staff presented Proposed Stipulations, Final Decisions and Orders in the disciplinary proceedings against the following:

1. Neal Aitchison (08 APP 077)
2. Donald L. Waldvogel (07 APP 001)
3. Mary E. Schaefer (08 APP 080)
4. Susan E. Cantwell (07 APP 136)
5. Alfred E. Willie, III (07 APP 016 and 09 APP 085)
6. Mark A. Tralmer (09 APP 032)
7. Donald J. Wergin (08 APP 057)
8. Robert L. Call, Jr. (08 APP 001)
9. Willard Parr (08 APP 056 and 08 APP 101)
10. Richard L. Beyer (09 APP 059)
11. Tamara L. Knutson (07 APP 038)
12. Robert C. Epple (08APP 116)

CONSIDERATION OF CORRESPONDENCE REGARDING PERSONAL LOAN INFORMATION TO APPRAISERS

The Board reviewed correspondence from Jodi Best. Edward Potter will draft a response to the letter.

BOARD DISCUSSION ON ARTICLES: "HVVC'S SUNSET AND OTHER APPRAISAL REFORMS ON THE HORIZON," "FEELING SQUEEZY" AND "APPRAISAL INSTITUTE SUPPORTED PROVISIONS INCLUDED IN FINAL VERSION OF FINANCIAL REFORM"

The Board reviewed the articles. Marla Britton expressed interest in developing a task force with the Real Estate Board (REB) to address these issues. Nora Wilson will contact the Bureau Director for the REB to inquire about adding this item to that agenda. Edward Potter volunteered to meet with Nora Wilson and the REB.

DISCUSSION OF DEPARTMENT OF REVENUE ADOPTING USPAP FOR ASSESSORS AND THE RELATED IMPLICATIONS AND PROCEDURES APPEARANCE BY JIM MURPHY AND GREG LANDRETTI

The representatives from the Wisconsin Department of Revenue were unable to meet with the Board.

**BOARD TRAVEL TO APPRAISAL SUMMIT AND EXPO
SEPTEMBER 23-24, LAS VEGAS NV**

The Appraisal Summit and Expo will be held September 23-24, 2010 in Las Vegas, Nevada.

MOTION: Henry Simon moved, seconded by Lawrence Nicholson, to authorize Sharon Fiedler to attend the Appraisal Summit and Expo on September 23-24, in Las Vegas, Nevada. Motion carried unanimously.

LEGISLATION AND ADMINISTRATIVE RULES

Rule changes were approved by the Board at the February 2010 meeting. The next steps are drafting a fiscal estimate and to hold a public hearing.

PRACTICE ISSUES

There were no practice issues.

BOARD MEMBER ACTIVITY

Edward Potter is considering working for a firm that does analysis for Fannie Mae.

NEW BUSINESS

There was no new business at this time.

PUBLIC COMMENTS

There were no public comments.

CONVENE TO CLOSED SESSION

MOTION: Edward Potter moved, seconded by Sharon Fiedler, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats. Motion carried by roll call vote: Marla Britton-yes, Sharon Fiedler-

yes; Lawrence Nicholson-yes; Edward Potter-yes, Henry Simon - yes.

Open Session recessed at 12:41 p.m.

RECONVENE TO OPEN SESSION

MOTION: Henry Simon moved, seconded by Sharon Fiedler, to reconvene into Open Session. Motion carried unanimously.

Open session reconvened at 5:02 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON
IN CLOSED SESSION**

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

NEAL AITCHISON

08 APP 077

MOTION: Lawrence Nicholson moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Neal Aitchison. Motion carried unanimously.

DONALD L WALDVOGEL

07 APP 001

MOTION: Sharon Fiedler moved, seconded by Lawrence Nicholson, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Donald L. Waldvogel. Motion carried unanimously.

MARY E SCHAEFER

08 APP 080

MOTION: Sharon Fiedler moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Mary E. Schaefer. Motion carried unanimously.

SUSAN E CANTWELL
07 APP 136

MOTION: Edward Potter moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Susan E. Cantwell. Motion carried unanimously.

ALFRED F WILLIE, III
07 APP 016 AND 09 APP 085

MOTION: Sharon Fiedler moved, seconded by Lawrence Nicholson, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Alfred F. Willie, III. Motion carried unanimously.

MARK A TRALMER
09 APP 032

MOTION: Sharon Fiedler moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Mark A. Tralmer. Motion carried unanimously.

DONALD J WERGIN
08 APP 057

MOTION: Edward Potter moved, seconded by Lawrence Nicholson, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Donald J. Wergin. Motion carried unanimously.

ROBERT L CALL, JR
08 APP 101

MOTION: Sharon Fiedler moved, seconded by Edward Potter, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Robert L. Call, Jr. Motion carried unanimously.

**WILLARD PARR
08 APP 056 AND 08 APP 101**

MOTION: Henry Simon moved, seconded by Sharon Fiedler, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Willard Parr. Motion carried unanimously.

**RICHARD L BEYER
09 APP 059**

MOTION: Sharon Fiedler moved, seconded by Lawrence Nicholson, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Richard L. Beyer. Motion carried unanimously.

**TAMARA L KNUTSON
07 APP 038**

MOTION: Edward Potter moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Tamara L. Knutson. Motion carried unanimously.

**ROBERT C EPPLE
08 APP 116**

MOTION: Sharon Fiedler moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Robert C. Epple. Motion carried unanimously.

ORDER FIXING COSTS

**MICHAEL DAVIS
DHA CASE DRL-09-0100
DOE CASES 08 APP 062, 08 APP 109 AND 08 APP 119**

MOTION: Sharon Fiedler moved, seconded by Lawrence Nicholson, to adopt the Order Fixing Costs in the disciplinary proceedings against Michael Davis. Motion carried unanimously.

PROPOSED DECISION AND ORDER

**SHAWN R SEEWALD
DHA CASE DRL-09-0089
DOE CASE 08 APP 021**

Micquel Hoffman joined the meeting at this time via telephone. Edward Potter was excused during deliberation.

MOTION: Sharon Fiedler moved, seconded by Lawrence Nicholson, to adopt the Administrative Law Judge's Proposed Decision and to revoke the license of Shawn R. Seewald. Motion carried. Edward Potter abstained.

MOTION: Sharon Fiedler moved, seconded by Henry Simon, to close case **08 APP 104** against Shawn R. Seewald for prosecutorial discretion (P7). Motion carried. Edward Potter abstained.

Micquel Hoffman was excused from the meeting after voting. Edward Potter returned to the meeting at this time.

ADMINISTRATIVE WARNINGS

08 APP 058

MOTION: Edward Potter moved, seconded by Henry Simon, to issue the administrative warning in case **08 APP 058**. Motion carried unanimously.

09 APP 077

MOTION: Sharon Fiedler moved, seconded by Lawrence Nicholson, to issue the administrative warning in case **09 APP 077**. Motion carried unanimously.

09 APP 013 AND 09 APP 084

MOTION: Edward Potter moved, seconded by Sharon Fiedler, to issue the administrative warning in cases **09 APP 013 and 09 APP 084**. Motion carried unanimously.

08 APP 094

This matter was tabled to the next meeting.

09 APP 049

MOTION: Sharon Fiedler moved, seconded by Henry Simon, to issue the administrative warning in case **09 APP 049**. Motion carried unanimously.

09 APP 038

MOTION: Sharon Fiedler moved, seconded by Lawrence Nicholson, to issue the administrative warning in case **09 APP 038**. Motion carried unanimously.

09 APP 054

MOTION: Edward Potter moved, seconded by Henry Simon, to issue the administrative warning in case **09 APP 054**. Motion carried unanimously.

09 APP 020

MOTION: Edward Potter moved, seconded by Lawrence Nicholson, to issue the administrative warning in case **09 APP 020**. Motion carried unanimously.

CASE CLOSINGS

09 APP 048

MOTION: Henry Simon moved, seconded by Sharon Fiedler, to close case **09 APP 048** for prosecutorial discretion (P3). Motion carried unanimously.

09 APP 005

MOTION: Sharon Fiedler moved, seconded by Henry Simon, to close case **09 APP 005** for lack of jurisdiction. Motion carried unanimously.

07 APP 006

MOTION: Sharon Fiedler moved, seconded by Henry Simon, to close case **07 APP 006** for prosecutorial discretion (P6). Motion carried unanimously.

09 APP 076

MOTION: Edward Potter moved, seconded by Henry Simon, to close case **09 APP 076** for no violation. Motion carried unanimously.

09 APP 052

MOTION: Sharon Fiedler moved, seconded by Edward Potter, to close case **09 APP 052** no violation. Motion carried unanimously.

09 APP 027

MOTION: Edward Potter moved, seconded by Henry Simon, to close case **09 APP 027** for prosecutorial discretion (P6). Motion carried unanimously.

09 APP 030

MOTION: Edward Potter moved, seconded by Lawrence Nicholson, to close case **09 APP 030** for prosecutorial discretion (P6). Motion carried unanimously.

07 APP 144, 08 APP 072 AND 09 APP 078

MOTION: Henry Simon moved, seconded by Edward Potter, to close cases **07 APP 144, 08 APP 072 and 09 APP 078** for prosecutorial discretion (P6). Motion carried unanimously.

09 APP 037

MOTION: Sharon Fiedler moved, seconded by Henry Simon, to close case **09 APP 037** for no violation. Motion carried unanimously.

08 APP 083 AND 09 APP 024

MOTION: Sharon Fiedler moved, seconded by Lawrence Nicholson, to close cases **09 APP 083 and 09 APP 024** for prosecutorial discretion with a flag should the licensee attempt to renew. Motion carried unanimously.

09 APP 035

MOTION: Edward Potter moved, seconded by Henry Simon, to close case **09 APP 035** for prosecutorial discretion (P6). Motion carried unanimously.

08 APP 103

MOTION: Sharon Fiedler moved, seconded by Edward Potter, to close case **08 APP 103** for insufficient evidence. Motion carried unanimously.

09 APP 047

MOTION: Lawrence Nicholson moved, seconded by Henry Simon, to close case **09 APP 047** for prosecutorial discretion (P1) against respondent D.B and L2 against respondent T.S. Motion carried unanimously.

08 APP 094

MOTION: Sharon Fiedler moved, seconded by Henry Simon, to close case **08 APP 094** for L2 against respondent J.F. Motion carried unanimously.

MONITORING

RHONDA AYLESWORTH

MOTION: Sharon Fiedler moved, seconded by Henry Simon, to grant the request for full licensure to Rhonda Aylesworth. Motion carried unanimously.

THOMAS L WILLIAMS

MOTION: Edward Potter moved, seconded by Lawrence Nicholson, to grant the request for full licensure to Thomas L. Williams. Motion carried unanimously.

GORDON E SVENDSEN

MOTION: Henry Simon moved, seconded by Lawrence Nicholson, to grant the request for full licensure to Gordon E. Svendsen. Motion carried. Edward Potter abstained.

JEFFREY M MCMAHON

MOTION: Sharon Fiedler moved, seconded by Edward Potter, to refer Jeffrey M. McMahon to the Division of Enforcement for violation of the Board Order. Motion carried unanimously.

MARCIAL GALANG

MOTION: Sharon Fiedler moved, seconded by Lawrence Nicholson, to refer Marcial Galang to the Division of Enforcement for violation of the Board Order. Motion carried unanimously.

ADJOURNMENT

MOTION: Lawrence Nicholson moved, seconded by Henry Simon, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 5:26 p.m.

THE NEXT SCHEDULED MEETING IS NOVEMBER 10, 2010