

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD**

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**IN RE DISCIPLINARY PROCEEDINGS** :  
**AGAINST** :  
 : **FINAL DECISION AND ORDER**  
**JAMES G. BUCHTA,** :  
 : **LS#0509261APP**  
**RESPONDENT.** :

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Division of Enforcement Case No. 02 APP 043

The parties to this action for the purposes of Wis. Stats. Sec. 227.53 are:

James G. Buchta  
1219 Sherman Avenue West  
Fort Atkinson, WI 53538-0338

Real Estate Appraisers Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708 8935

The parties in these matters agree to the terms and conditions of the attached Stipulation as the final decision of the matter(s), subject to the approval of the Real Estate Appraisers Board ("Board"). The Board has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Board adopts the attached Stipulation and makes the following:

**FINDINGS OF FACT**

1. Respondent James G. Buchta ("Respondent"), whose last known address of record with the Department of Regulation and Licensing ("Department") is 1219 Sherman Avenue West, Fort Atkinson, Wisconsin 53538, and whose date of birth is June 21, 1950, possesses a certificate of licensure and a certificate of certification to practice as a certified general appraiser (#10-97). The certificate and license were first granted on November 22, 1991, and will expire on December 14, 2007.

2. Respondent's certificate and license are currently subject to a limitation pursuant to an order of the Board concerning Division of Enforcement Case No.s 93 APP 002 and 95 APP 002, dated December 13, 1996. Under the terms of the stipulation and order Respondent is to be supervised when performing any appraisal where a Certified General Appraisers license in order to conduct the appraisal. Further, under the terms of the Order once the supervisor deems Mr. Buchta fit to conduct appraisals independently, a letter to that effect is to be submitted to the Board. Thereafter, the Board is to review the first three appraisals conducted by Respondent independently. Finally, under the terms of the Order the Board agreed that a supervising appraiser would not be subject to discipline under the Uniform Standards of Professional Appraisal Practice "Standard Rule 2-5, Standard Rule 3, or otherwise..."

3. Respondent selected as his supervisor John Dalby. Mr. Dalby has never submitted a letter to the Board stating that Respondent is ready to conduct appraisals independently. Finally, the Board has received complaints alleging USPAP violations in the conduct of commercial appraisals by Respondent while under the supervision of Mr. Dalby.

**CONCLUSIONS OF LAW**

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 458.26.

2. The Wisconsin Real Estate Appraisers Board has authority to enter into this stipulated resolution of this matter

pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license and certification of **James G. Buchta** shall be, and hereby are, limited as follows: (a) for the next three appraisals performed by Mr. Buchta which cannot lawfully be performed by a person who is not licensed as a certified general appraiser, pursuant to Wis. Stat. § 458.06 and any other applicable state or federal law (hereafter “commercial appraisal”), Mr. Buchta must, at his own expense, employ a person who holds a Wisconsin license as a Certified General Appraiser to supervise his conduct of the commercial appraisal, and to review it, prior to submission of the commercial appraisal to the client; the supervising appraiser must not be Mr. Dalby, and must be approved by the Board’s Monitoring Liaison prior to the commencement of any commercial appraisal; (b) Mr. Buchta must inform the Department within five (5) business days of the completion of the supervision requirement under sub-paragraph (a) of this paragraph that the requirements of sub-paragraph (a) have been met; (c) Mr. Buchta may then commence conducting commercial appraisals independently; (d) Mr. Buchta must provide a list of the first five commercial appraisals that he performs following the fulfillment of the requirements of sub-paragraph (a) to the Department within five (5) business days of the completion of the fifth such commercial appraisal; and (e) the Department may, at its own expense, review up to three of the five commercial appraisals submitted in fulfillment of the requirement of sub-paragraph (d), with the costs being recoverable against Mr. Buchta only in the event that the Department elects to file a new complaint against Mr. Buchta based upon a commercial appraisal reviewed under this sub-paragraph.

IT IS FURTHER ORDERED that:

2. All submissions required by this order shall be submitted to the Department Monitor and shall be mailed, faxed delivered to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 261-7904, Fax (608) 266-2264

3. Case number 02 APP 043 is hereby closed.

4. The Order (not to include the Findings of Fact or the Conclusions of Law) entered in Case Numbers 93 APP ( 95 APP 002, shall be vacated upon completion of the conditions of paragraph 1, sub-paragraph (b) of this Order.

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and well and may result in a summary suspension of Respondent’s license and certification. The Real Estate Appraisers Board in its disc may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms Order.

6. This Order is effective on the date of its signing.

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel  
A Member of the Board

7/12/06  
Date

**STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD**

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<b>IN RE DISCIPLINARY PROCEEDINGS</b>	:	
<b>AGAINST</b>	:	
	:	<b>STIPULATION</b>
<b>JAMES G. BUCHTA,</b>	:	
	:	<b>LS#0509261APP</b>
<b>RESPONDENT.</b>	:	

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Division of Enforcement Case No. 02 APP 043

It is hereby stipulated and agreed, by and between James G. Buchta, Respondent; John H. Short, attorney for Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation resolves a pending investigation of Respondent's licensure by the Division of Enforcement (02 APP 043). Respondent consents to the resolution of this matter by stipulation.
2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided with the opportunity to obtain legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Real Estate Appraisers Board ("Board"). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Real Estate Appraisers Board ever assigned as an advisor in this investigation may appear before the Board, without the presence of Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any person may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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**JAMES G. BUCHTA**, Respondent  
1219 Sherman Avenue West  
Fort Atkinson, WI 53538

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Date

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**JOHN H. SHORT**  
**VANCE, WILCOX, SHORT & SHORT**  
Attorneys for Respondent  
79 North Main Street  
P.O. Box 338  
Fort Atkinson, WI 53538-0338

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Date

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**MARK A. HERMAN**  
Attorney, Division of Enforcement  
1400 East Washington Avenue  
Madison, WI 53708-8935

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Date

[Case No. 02 APP 043; Limitation.]