

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
PAUL D. ALLEN, :
RESPONDENT. : LS0705164APP

Division of Enforcement Case No. 05 APP 032

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Paul D. Allen
P.O. Box 4426
Salem, OR 97302

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

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Real Estate Appraisers Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact and Conclusions of Law and Order:

FINDINGS OF FACT

1. **Paul D. Allen** (DOB 03/04/48) was issued Wisconsin certified residential appraiser certification # 9-1129 on 10/06/98. Mr. Allen's certification expired on 01/01/06.
2. Mr. Allen's most recent address on file with the Wisconsin Department of Regulation and Licensing is P.O. Box 4426, Salem, OR 97302.
3. On or about April 30, 2005, Mr. Allen completed an appraisal report for property located at 1812 Caledonia Street, La Crosse, WI 54603. The appraisal was prepared for lender Chase Home Finance Inc. The appraisal showed a market value of \$105,000.
4. The appraisal for the property at 1812 Caledonia Street, La Crosse, WI 54603 failed to comply with the 2005 Uniform Standards of Professional Appraisal Practice (USPAP) in the following respects:
 - a. Standards Rule 1-1 Developing an Appraisal and S.R. 2-1 Report Not Misleading, by the combination of the concerns detailed further below;

b. Standards Rule 1-2(e) Property Characteristics by the report failing to address the fact that the subject property is across the street from commercial and light industrial property; also, the report indicates that the subject property has an effective age of 10 years, without adequate explanation for how that determination was made on a property that was originally built in 1938.

c. Standards Rule 1-4(a) Sales Comparison Approach by the selection of comparables because the photographs of the sales suggest that they are all superior to the subject—they certainly have better curb appeal. Furthermore there is no support for the following adjustments which appear to be far too low and/or inconsistent:

- \$1,000 for a bedroom appears low; moreover, Sale 2 has the same number of bedrooms and baths as the subject, yet an adjustment is made;
- GLA at \$4 per square foot;
- The subject is listed as having a full basement and Sale 1 only has a partial basement yet no adjustment was made for this difference;
- Sale 2 is adjusted \$1,000 per parking space, while Sale 3 is adjusted \$2,000 per parking space; and.

d. Standards Rule 1-5 (b) Prior Sales by failing to include a March 2003 sale of the subject property, which falls within the 3-year period prior to the effective date of the appraisal. The appraisal report indicates “no sales past 3 yr” for subject property. The Respondent indicates that he relied upon the MLS and the owner’s statement that the property had not sold within the past three years. However, information was easily obtained from the La Crosse Assessor’s Office showing a sale of the property on March 6, 2003, for \$45,000 to the current owner, who was the owner at the time this appraisal was completed.

5. In resolution of this matter, Mr. Allen wishes to voluntarily surrender his Wisconsin certified residential appraiser certification, # 9-1129.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 458.26, and is authorized to enter in the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By failing to comply with the 2005 Uniform Standards of Professional Appraisal Practice (USPAP), as described above in paragraph 4 of the Findings of Fact, Mr. Allen is deemed to have also violated Wis. Admin. Code § 86.01(2), thereby subjecting himself to discipline pursuant to Wis. Admin. Code § 86.01(1) and Wis. Stat. § 458.26(3)(b) and (c).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The VOLUNTARY SURRENDER of the Wisconsin certified residential appraiser certification of Paul D. Allen, # 9-1129, is hereby ACCEPTED. Mr. Allen shall immediately return all indicia of Wisconsin certification to the Department Monitor, P.O. Box 8935, Madison, WI 53709-8935.

IT IS FURTHER ORDERED that:

2. Mr. Allen shall not seek to renew, or request reinstatement or re-apply for licensure or certification to practice as a real estate appraiser in the State of Wisconsin for a minimum of 2 years from the date of this Order.

3. In the event that Mr. Allen seeks to renew or reinstate his certification to practice as a certified residential appraiser in the State of Wisconsin, or seeks to apply for appraiser licensure or general appraiser certification in Wisconsin, he shall submit a new application for certification or licensure and meet all then-existing requirements for licensure or certification.

4. In the event that Mr. Allen seeks to renew or reinstate his Wisconsin certification, or applies for licensure or certification to practice as a real estate appraiser in the State of Wisconsin, the Department may determine whether and under what terms and conditions such request may be granted.

5. Mr. Allen shall not practice as a real estate appraiser or attempt to practice as one in the State of Wisconsin without being licensed or certified in Wisconsin.

IT IS FURTHER ORDERED THAT:

6. If Mr. Allen ever seeks to renew, petitions for reinstatement or applies for any real estate appraiser license or certification in the State of Wisconsin, then he shall pay the costs of investigating and prosecuting this matter in the amount of ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00) before such renewal, petition or application may be considered. Payment of costs would need to be made payable to the Wisconsin Department of Regulation and Licensing, and mailed 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

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Mr. Allen's certification. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Mark P. Kowbel
A Member of the Board

5/16/07
Date