

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF \_\_\_\_\_ :  
DISCIPLINARY PROCEEDINGS AGAINST \_\_\_\_\_ : FINAL DECISION AND ORDER  
: LS07091219APP  
PATRICK T. WAGNER, :  
RESPONDENT. :

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Division of Enforcement Case No. 06 APP 077

The parties to this action for the purposes of Wis. Stat. sec. 227.53 are:

Patrick T. Wagner  
5 Clarendon Court  
Madison, Wisconsin 53704

Real Estate Appraisers Board  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the 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

1. Patrick T. Wagner (Date of Birth: April 30, 1970) possesses a certificate of licensure and a certificate of certification to practice in the state of Wisconsin as a Certified Residential Appraiser and Licensed Appraiser (certificate number 9-646). These certificates were first granted on April 20, 1993, and are current until December 14, 2007.
2. Mr. Wagner's most recent address known to the Department of Regulation and Licensing (hereinafter Department) is 5 Clarendon Court, Madison, Wisconsin 53704.
3. On January 17, 2005, Mr. Wagner conducted a physical inspection of a residential property located at 9233 Gorst Drive, Mazomanie, Wisconsin. On January 20, 2005, Mr. Wagner signed a Uniform Residential Appraisal Report for the same property.
4. Mr. Wagner's Uniform Residential Appraiser Report violated the following Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rules:
  - a. Standards Rule 1-2c, by failing to provide an opinion of reasonable exposure time linked to the value opinion.
  - b. Standards Rule 1-2e, by making a series of errors, including but not

limited to, siding, roof and patio door problems with the subject property.  
also misstated the size of the subject property in the Report.

Mr. Wagner

- c. Standards Rule 1-2f, by utilizing an incomplete scope of work statement.
- d. Standards Rule 1-4a, by overstating the value of the subject property by lack of location adjustments between the subject property and comparable properties, low site size adjustments between the subject property and the comparable properties and for by misstating the site size of the subject property. Mr. Wagner omitted several value adding features in the comparable properties.
- e. Standards Rule 1-4b, by providing no support for the concluded land value for the subject property and for the fact that there were no lot sales utilized in the work report. The lack of support makes the Report a Restricted Report and not a Summary Report.

### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction over this matter, pursuant to Wis. Stat. sec. 458.26, and Wis. Admin. Code Ch. RL 86.
2. The Wisconsin Real Estate Appraisers Board is authorized to enter into the attached stipulation, pursuant to Wis. Stat. sec. 227.44(5).
3. By the conduct in the above Findings of fact, Mr. Wagner has violated:
  - a. Wis. Stat. sec. 458.26(3)(b). Engaged in unprofessional conduct in violation of rules promulgated under Wis. Stat. sec. 458.24.
  - b. Wis. Stat. sec. 458.26(3)(i). Violated this chapter or any rule promulgated under this chapter.
  - c. Wis. Admin. Code Sec. RL 86.01(1). Certified and licensed appraisers shall comply with the standards of practice established by ch. 458, Stats., and chs. RL 80 to 86 and the standards set forth in Appendix 1. A violation of any provision in this chapter may result in disciplinary action under s. 458.26, Stats. (Appendix 1 contains the Uniform Standards of Professional Practice).
  - d. Wis. Admin. Code Sec. RL 86.01(2). All appraisals performed in conjunction with federally related transactions and non-federally related transactions shall conform to the uniform standards of professional appraisal practice set forth in Appendix I. (Appendix 1 contains the Uniform Standards of Professional Practice).

### ORDER

#### **NOW, THEREFORE, IT IS HEREBY ORDERED that:**

1. Patrick T. Wagner's certificate of licensure and certificate of certification to practice in the state of Wisconsin as Certified Residential Appraiser and Licensed Appraiser (certificate number 9-646) are hereby **REPRIMANDED**.
2. **IT IS FURTHER ORDERED** that Patrick T. Wagner shall, within 180 days of the effective date of this Order,

successfully complete 15 hours of Department approved education regarding USPAP Standards and submit proof of the same in the form of verification providing the education to the Department Monitor. None of the completed education may be used to satisfy any continuing education requirements that are or may be instituted by the Real Estate Appraisers Board or the Department of Regulation and Licensing.

3. **IT IS ALSO FURTHER ORDERED** that within ninety (90) days of the effective date of this Order, Mr. Wagner shall pay the **full costs in the amount of seven hundred dollars (\$700.00)** of this proceeding.

Any payments or verification of ordered education that need to be submitted according to the terms of this Order shall be directed to:

Department Monitor  
Division of Enforcement  
Post Office Box 8935  
Madison, WI 53708-8935  
Phone: 608-261-7904  
Fax: 608-266-2264

The full costs shall be payable by cashier's check or money order made payable to the Department of Regulation and Licensing (Place case number on the check or money order and the word "Costs").

**IT IS FURTHER ORDERED** that in the event Patrick T. Wagner fails to timely submit any payment of costs and/or fails to complete the ordered education as set forth above, Patrick T. Wagner's certificate of licensure and certificate of certification to practice in the state of Wisconsin as a Certified Residential Appraiser and Licensed Appraiser (certificate number 9-646) **SHALL BE SUSPENDED**, without further notice or hearing until Patrick T. Wagner has complied with the terms of this Order.

The effective date of the board's Order is the date of signing by the Board's chair or designee.

REAL ESTATE APPRAISERS BOARD

By: Marla Britton  
On Behalf of the Board

9/12/07  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF \_\_\_\_\_ :  
DISCIPLINARY PROCEEDINGS AGAINST \_\_\_\_\_ : STIPULATION  
: LS# \_\_\_\_\_  
PATRICK T. WAGNER, :  
RESPONDENT. :

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Division of Enforcement Case No. 06 APP 077

It is hereby stipulated between, Patrick T. Wagner, Respondent, and John C. Temby, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Mr. Wagner by the Division of Enforcement (06 APP 077). Mr. Wagner consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Wagner understands that by the signing of 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 by a 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, and the Wisconsin Administrative Code.
3. Mr. Wagner is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this Stipulation.
4. Mr. Wagner agrees to the adoption of the attached Final Decision and Order by the Real Estate Appraisers Board (hereinafter "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. Mr. Wagner 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 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 the member of the Board assigned as advisor in this investigation may appear before the Board in open and closed session, without the presence of Mr. Wagner or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board 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. Mr. Wagner is informed that should the Board adopt this Stipulation, the Final Decision and Order is a public record and will be published in accordance with standard Department procedures.

8. The Division of Enforcement joins Patrick T. Wagner in recommending the Real Estate Appraisers Board adopt this Stipulation and issue the attached Final Decision and Order.

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**Patrick T. Wagner**

Respondent  
5 Clarendon Court  
Madison, Wisconsin 53704  
License Number: 9-646

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Date

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**John C. Temby**

Attorney  
Division of Enforcement  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

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Date