

# 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 THE DISCIPLINARY** :  
**PROCEEDINGS AGAINST** :  
 : **FINAL DECISION**  
 : **AND ORDER**  
**ROBERT E. WILL,** : **LS0708152APP**  
**RESPONDENT.** :

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Division of Enforcement Case No. 07APP005

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

Robert E. Will  
5250 S. Rainbow Blvd. #2175  
Las Vegas, NV 89118

Robert E. Will  
2938 Maple View Drive  
Madison, WI 53719

John N. Schweitzer  
Wisconsin Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

Wisconsin Real Estate Appraisers Board  
Department of Regulation & Licensing  
P. O. Box 8935  
Madison, WI 53708-8935

Procedural History

A motion for default judgment on the underlying Complaint in the above captioned matter was held on July 28, 2008, before Administrative Law Judge William A. Black. The Division of Enforcement appeared by attorney John Schweitzer. The respondent did not appear. Based on the entire record in this case, the undersigned administrative law judge recommends that the Wisconsin Real Estate Appraisers Board adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law and Order.

**Findings of Fact**

1. Robert E. Will is licensed as a real estate appraiser in the state of Wisconsin under license #4-1277, first granted on January 14, 2000.

2. Mr. Will's most recent address on file with the Wisconsin Department of Regulation and Licensing is 2938 Maple View Drive, Madison, WI 53719. Mr. Will's current address is Will Appraisals, 5260 S. Rainbow Blvd., Suite 21752, Las Vegas, NV 89118.

3. Robert E. Will performed an appraisal and prepared an appraisal report as of September 26, 2005 for property at 2942 (2948) County Road P in Mount Horeb, WI. His estimate of value was \$450,000.

4. On September 21, 2006, Rodney Sale performed an appraisal and prepared an appraisal report for the same property as of September 25, 2005. His estimate of value was \$355,000.

5. Mr. Sale forwarded Mr. Will's appraisal report to the Department of Regulation and Licensing for a USPAP compliance review.

6. Departmental investigator Douglas M. Austin sent letters to Mr. Will at both of his addresses requesting a response and giving him an opportunity to defend his work. Mr. Will did not respond.

7. On July 12, 2007, Investigator Austin called and spoke to Mr. Will in his office in Nevada, phone number 702-893-7795. Mr. Austin verified that Mr. Will had received at least one of the letters sent to him.

8. A Case Advisor for the Real Estate Appraisers Board reviewed Mr. Will's report and Mr. Sale's report and concluded the Mr. Will's report does not meet the following USPAP Standards for the following reasons:

S.R. 1-1 Developing an Appraisal and S.R. 2-1 Report Not Misleading

The combination of the concerns referenced below leads to the conclusion that these standards rules have been violated.

S.R. 1-2a Client and Intended User(s)

Does not identify the intended user(s). It is not acceptable to require the reader to infer that the intended user is the lender/client.

S.R. 1-2b Intended Use

Does not identify the intended use of the appraisal work.

S.R. 1-2c Purpose and Reasonable Exposure Time

Does not provide an opinion of reasonable exposure time linked to the value opinion (see the comment below S.R. 1-2(c)(iv)).

S.R. 1-2f Scope of Work

No scope of work statement.

S.R. 1-32b Highest and Best Use

No Highest and Best Use analysis provided. Simply checking a box on a form does not constitute analysis.

S.R. 1-2e Property Characteristics and 1-4a Sales Comparison Approach

Mr. Will apparently did not respond to the department, but the following questions are raised:

What is the size of the house? The MLS for the subject shows 1,613 sq. ft. Another appraiser indicates it is 1,715 sq. ft. Mr. Will indicates it is 2,000 sq. ft. Measurements differ significantly between Mr. Will's appraisal and Mr. Sale's.

Does the house have a fireplace? Mr. Will's report says yes, the MLS and Mr. Sale say no.

The CSM for the subject shows the lot to have 4.154 acres. It is very difficult to read the copy of Mr. Will's report,

but he appears to list a larger site size than this.

The following information differs between the MLS sheet and the data presented in Mr. Will's report:

Sale 1: house age, house square footage, site size, basement finish, central vacuum, wet bar, tennis courts, and 24 x 45' shed. (Beginning with basement finish, these value adding features are omitted from Mr. Will's report.

Sale 2: This sale is more than twice the size of the subject house and not a viable comparable (only a \$41,000 adjustment is made which is far too low). Site size (no adjustment vs. an adjustment for an apparent similar size difference for Sale 1), house size, and the following value adding features shown on the MLS are omitted: walk-out basement, security system, and jetted tub. The adjustment for an enclosed porch is far too low.

Sale 3. Site size differs from MLS, and the following value adding features shown on the MLS are omitted: 3 fireplaces (vs. 1 in report), solid surface counter, security system, jetted tub, wet bar, deck, landscaping, tray ceiling, sprinkler system. The report shows a patio; none is shown on the MLS. The basement finish adjustment is far too low.

Sale 4: Site size is understated in the report, and the following value adding features shown on the MLS are omitted: hot tub, wet bar, screened gazebo, invisible fence, 27' x47' Cleary building, walk-out basement. The basement finish adjustment is inconsistent with that for Sale 3. The MLS shows not central air; the report shows central air.

Sale 5: There is no explanation for lack of age adjustment and for the condition and room count adjustments. The MLS shows this house to have a walk-out basement, and the adjustment for basement finish is inconsistent with that for Sales 3 and 4.

#### S.R. 1-4b. Cost Approach

Provides no support for the concluded land value. This makes the report a restricted report, not a summary report.

#### S.R. 1-4c. Income Approach

Gives no explanation for omission of the Income Approach to value.

#### S.R. 1-5 Subject Listing and Sale Information

Doesn't analyze the 2003 sale of the subject nor provide any support for why the value is more than twice the 2003 sales price.

#### S.R. 2-2 Reporting Options

The copy of the report I have is hard to read, but I did not find an identification of the reporting option used.

With respect to the "Recertification of Value" form in the report, please refer to Advisor Opinion 3. This is an inappropriate use of this form.

### **Conclusions of Law**

1. The Wisconsin Real Estate Appraisers Board has jurisdiction of this matter pursuant to Wis. Stat. § 458.26.

2. By failing to file an Answer as required by Wis. Admin. Code § RL 2.09, and by failing to appear at the default hearing, the respondent is in default under Wis. Admin. Code § RL 2.14, and the Wisconsin Real Estate Appraisers Board may make findings and enter an order on the basis of the Complaint and the evidence presented at the hearing.

3. By the conduct referred to in Findings of Fact 3 through 8 above, Robert E. Will has violated Wis. Stat. § 458.26(3)(b) and Wis. Admin. Code §§ RL 86.01 (1), (2).

### **ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the respondent's license for practice as a licensed real estate appraiser in Wisconsin, number #1277, is **SUSPENDED** for an indefinite period of time. Respondent may petition the Board for removal of the suspension at any time after he satisfies the following course work and submits documentation of successful completion of the course work to the Department Monitor:

1. The 30-hour Appraisal Principles course and the 30-hour Appraisal Practice course offered by the Appraisal Institute or other equivalent course approved by the Board.
2. The 15-hour Uniform Standards of Professional Appraisal Practice (USPAP) course approved by the Appraisal Qualifications Board of the Appraisal Foundation.
3. The continuing education taken to meet the requirements under paragraphs 1 and 2 above shall not be counted to satisfy the general continuing education requirement necessary for renewal of his appraisal license.

**IT IS FURTHER ORDERED** that costs of this proceeding shall be assessed against the respondent.

This Order is effective on the day it is signed by the Board or its designee.

### **EXPLANATION OF VARIANCE**

The Board accepts the proposed Findings of Fact and the Conclusions of Law recommended by the Administrative Law Judge. The Board modifies the Administrative Law Judge's proposed Order as follows:

The Administrative Law Judge recommended in his proposed Order that Mr. Will's license be **SUSPENDED**, until such time as he completes ten hours of continuing education in ethics and standards of professional practice under the USPAP; that he be required to complete ten hours of continuing education in ethics and standards of professional practice under the USPAP that the ten hours of continuing education shall be acceptable to the board and submitted to the board or its designee for approval prior to being taken by the respondent, and that the ten hours of continuing education taken to meet the requirements of this order shall not be counted to satisfy the general continuing education requirement necessary for renewal of a license.

The Board modifies the proposed Order to state that Mr. Will shall be required to petition the Board for the removal of the suspension of his license and that, in lieu of the 10 hours of USPAP course work recommended by the Administrative Law Judge, he be required to complete the following course work:

1. The 30-hour Appraisal Principles course and the 30-hour Appraisal Practice course offered by the Appraisal Institute or other equivalent courses approved by the Board.
2. The 15-hour Uniform Standards of Professional Appraisal Practice (USPAP) course approved by the Appraiser Qualifications Board of the Appraisal Foundation.

The Board adopts the recommendation of the Administrative Law Judge that the continuing education taken to meet the requirements of this order shall not be counted to satisfy the general continuing education requirement necessary for renewal of his appraiser license.

Dated at Madison, Wisconsin this 20th day of May, 2009.

Marla L. Britton, Chair  
Wisconsin Real Estate Appraisers Board