

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
	:	ADOPTING STIPULATION
JAMES G. BUCHTA,	:	95 APP 002
RESPONDENT.	:	93 APP 002

The parties to this action for the purpose of Wis. Stats., 227.53 are:

James G. Buchta
1215 West Sherman Ave.
Fort Atkinson, WI 53538

Bureau of Business and Design Professions
Real Estate Appraisers Board
P.O. Box 8935
Madison, WI 53708-8935

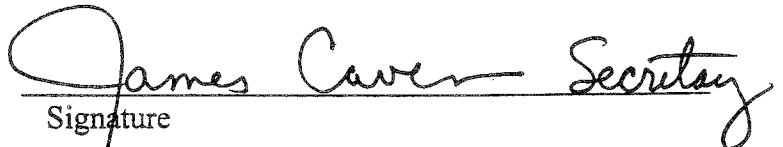
The State of Wisconsin, Real Estate Appraisers Board, having considered the Stipulation Agreement annexed hereto of the parties, in resolution of the captioned-matters, makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to jurisdiction and authority granted to the Board in chapter 458, Wis. Stats., and sec. RL 2.12, Wis. Adm. Code, that the Stipulation Agreement annexed hereto, filed by Complainant's Attorney, shall be and hereby is incorporated, made and ordered the Final Decision and Order of the State of Wisconsin, Real Estate Appraisers Board.

Let a copy of this Order be served on Respondent by certified mail.

Dated this 13th day of December, 1996.



Signature

HES:kcb
ATY-FLG2691

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JAMES G. BUCHTA,
RESPONDENT.

STIPULATION
95 APP 002
93 APP 002

Respondent James G. Buchta (Buchta), his attorney, John H. Short, and Complainant's attorney, Henry E. Sanders, having reached agreement for disposition of the captioned-matters, hereby stipulate and agree as follows:

1. Respondent Buchta of 1215 West Sherman Avenue, Fort Atkinson, WI 53538, is and was at all time material to the complaints, licensed/certified as a Certified General Appraiser (CRA), and had been so licensed/certified under the provisions of ch. 458. Wis. Stats., since November 22, 1991.

2. This Stipulation shall be submitted to the Real Estate Appraisers Board (Board) for approval and disposition of the matters. If the terms of the Stipulation are not acceptable to the Board, then the parties shall not be bound by any of the provisions of the Stipulation. This Stipulation is dispositive of Investigative Complaints #93APP002 and 95APP002 and all investigative complaints received by the Board prior to the date this Stipulation is accepted by the Board.

3. Respondent has been advised of his right to a public hearing on each and every allegation of the complaints, but hereby freely and voluntarily waives his right to hearings in these matters on the condition that all provisions of this Stipulation be acceptable to and approved by the Board. Respondent further agrees to waive any appeal of the Boards' Final Decision and Order adopting the Stipulation Agreement.

4. Subsequent to Respondent's certification as a Certified General Appraiser, the Department received a Complaint alleging a commercial appraisal performed by Respondent was inadequate and not per USPAP.

5. In addition to reviews and analysis of the appraisal referred to in Paragraph 4, supra, Respondent was requested to, and did provide seven additional appraisals for review and analysis for compliance with USPAP.

6. Complainant alleges that a review of those seven appraisals indicated that the residential appraisals were pursuant

to USPAP's standards, but that none of the commercial appraisals were pursuant to USPAP's standards. Specifically, the commercial appraisals did not meet the following USPAP Standards: Standard Rule 1-1(a)-(c); Standard Rule 1-4(a)-(c); Standard Rule 2-1(a)-(c); Standard Rule 2-2(a)(i).

7. During the course of the investigation relating to the above enumerated complaints, the Department became aware of a different commercial appraisal performed by Respondent, which Complainant alleges indicated similar violations of USPAP standards.

8. In addition to the above-referenced appraisals, 10 additional commercial appraisals were received from Respondent, which Complainant alleges indicated similar violations of USPAP.

9. The Department is also aware of other commercial appraisals performed by Respondent in which it is alleged that the appraisals contains similar violations of USPAP.

10. Therefore, Complainant alleges that Respondent, while performing commercial appraisals, has violated sec. 458.26(3)(c), Wis. Stats., engaged in conduct while practicing as an appraiser which evidences a lack of knowledge or ability to apply professional principles or skills relating to performing commercial/industrial appraisals; violated USPAP's Standard Rules 1-4, 2-1, 2-2, and sec. RL 86.01(2), (6), Wis. Adm. Code, which provides in part that all appraisals shall conform to USPAP..., and a Certified Appraiser shall not offer to perform, nor perform services which he is not competent to perform through education or experience.

11. Respondent neither admits nor denies the allegations, but to resolve the captioned matters, hereby agrees and consents to limitations on his Certified General Appraisal Certification previously issued to him; to cease and desist from performing commercial/industrial appraisals which require Certified General Certification, except as limited by the terms of this Stipulation, and/or within his discretion, apply for whatever other license/certificate he qualifies for; and to pay the amount of \$600 to the Department as part of assessment of costs in resolving these matters. The effective date of this Stipulation shall be 10 days following adoption of the Stipulation by the Board, with the understanding that thereafter, Respondent is not to engage in Certified General level of commercial appraising, except as permitted by the terms of this Stipulation, nor any other commercial appraising which he is not competent to perform.

12. Additionally, prior to being allowed to perform Certified General level of commercial/industrial appraisals in the future, Respondent will have to demonstrate commercial appraisal education and competency as provided in this Stipulation.

(a) Specifically, and prior to the lifting of the limitations, he shall take and successfully complete a minimum of 40 hours of commercial/industrial appraisal education, and a course on USPAP and report writing. (Respondent is hereby credited with 35 hours of such appraisal education completed in December 1995 which satisfies the USPAP education requirement and report writing conditions of this stipulation. Respondent is further credited with 16 hours of such appraisal education completed April 12-13, 1996, and the education conditions of this stipulation are deemed satisfied.)

(b) None of the Board-ordered education required by this Stipulation shall be credited toward his required continuing education.

13. Following successful completion of the above ordered education and submittance of proof of completion to the Board or the Board's designee, receipt of which is acknowledged, Respondent may commence doing commercial/industrial appraisals which require Certified General Certification under the supervision of a Certified General Appraiser for a period of not less than 4 months. The name of any supervising appraiser that Respondent chooses, shall be presented to the Board or its designee prior to the commencement of supervision of Respondent's commercial appraising. The Board warrants that any supervising appraiser shall not be subject to discipline under Standard Rule 2-5, Standard Rule 3, or otherwise as a result of any supervision of Respondent required by this Stipulation.

14. Before Respondent may independently commence doing commercial appraisals which require Certified General Certification, the supervising/reviewing appraiser must submit a letter to the Board or its designee, attesting that Respondent, in his/her opinion, is competent to independently perform certified general appraiser level of commercial/industrial appraising. If respondent commences doing commercial appraisals independently, he shall submit the first three appraisal products to Complainant's Attorney Sanders at the time of completing the appraisal reports, for USPAP's compliance review(s).

15. If, after Respondent commences doing commercial appraisals independently, the Board determines his appraisals are not per USPAP, then Respondent's Certified General Certification may be permanently limited re commercial/industrial appraisals; he may be ordered to apply for a lesser-level appraisal certification, or the Board may take other appropriate disciplinary action.

16. Any failures to comply with the terms of this Stipulation and the Board's Order are grounds for further discipline.

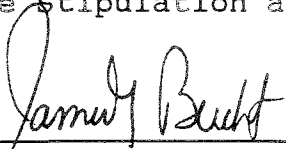
17. No later than 10 days after the effective date of the Board's Order, Respondent shall submit the Certified General

certificate previously issued to him to the Complainant's attorney, at which time he will be issued a limited certification consistent with the terms of this Stipulation.

18. The payment of the \$600 part assessment of costs shall be by Cashier's Check or Money Order made payable to the Department of Regulation and Licensing and submitted to the attention of Attorney Sanders at the time of the execution of this Stipulation, or on or before the effective date of the Board's Order.

19. Respondent agrees that this Stipulation Agreement may be incorporated into the Board's Final Decision and Order adopting the Stipulation Agreement.

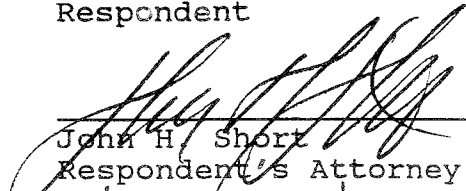
20. Respondent further agrees that Complainant's Attorney Sanders may appear at any closed-deliberative meeting of the Board with respect to this Stipulation, but that appearance is limited solely to clarification, justification and to statements in support of the stipulation and for no other purpose.



James G. Buchta
Respondent

11-5-96

Date



John H. Short
Respondent's Attorney

11-5-96

Date



Henry E. Sanders
Complainant's Attorney

11/6/96

Date