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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

RALPH L. BANKE,
RESPONDENT

ORDER DENYING REQUEST FOR
REMOVAL OF LIMITATION
LS9807153APP

Ralph L. Banke
319 N. Maple Bluff Road
Stevens Point, Wisconsin 54481

~~Atty. John Fenoy~~
Department of Regulation & Licensing
P.O. Box 8935
Madison, Wisconsin 53708

BACKGROUND

On July 15, 1998, the Real Estate Appraisers Board issued a Final Decision and Order adopting a Stipulation filed by the parties in the above-captioned matter. Paragraph 12 of the Stipulation provides, in part, that respondent shall submit all Certified General Appraiser's certification to the Department's Monitor, Michelle Neverman, and receive a Limited Certified General Appraiser certification, limited to the scope of appraisal practice of a Certified Residential Appraiser, as set forth in s. RL 81.04 (2), Wis. Adm. Code [renumbered s. RL 81.05 (2), effective February 1, 1999].

In addition, paragraph 15 of the Stipulation states, in part, that after successful completion of all ordered education, respondent shall submit the first three appraisals performed by him for review and analysis of compliance with USPAP. If the appraisals comply with USPAP, respondent's Certified General Appraiser's certification shall be granted to him and he may commence doing certified general level of appraising. Finally, paragraph 16 of the Stipulation provides that if the three appraisals submitted by the respondent do not comply with USPAP, the Board may order that respondent's appraisal practice remain within the scope of appraisal practice of a certified residential appraiser, as provided in paragraph 12 of the Order.

Sometime between February 22, 1999, and April 23, 1999, Ralph Banke submitted three appraisal reports to Michelle Neverman as required under the Board Order. On April 23, 1999, Ms. Neverman forwarded Banke's appraisal reports to a Board member for review.

The Board member's report to Ms. Neverman, dated May 11, 1999, stated, in part:

I reviewed his appraisal for the land development of Whispering Wind for the Village of Weston. Mr. Banke has violated USPAP Section 1-1 (a) in terms of applying recognized methodologies for the valuation of land development. His methodology to accumulate a present worth discounted under his methodology is incorrect. This method shows his lack of understanding the discounted cash flow method.

In reviewing his appraisals for the 1140 Clark Street, Stevens Point address and 3133 Church Street address and they also violate USPAP Section 1-1 (a). Mr. Banke is applying a site adjustment of the square footage of land and multiplying that factor to the building's square footage. This appears to be an apple to orange comparison.

Therefore, I recommend to the board that Mr. Banke's three appraisals not be accepted as in compliance with USPAP.

On July 21, 1999, the Board considered the Board member's recommendation relating to the appraisals submitted by Ralph Banke. The Board issued an Order, dated July 27, 1999, denying Mr. Banke's request for removal of the limitations placed on his credential.

On October 28, 2004, Mr. Banke submitted a request for removal of the limitations placed on his Certified General Appraiser credential. The Board considered Mr. Banke's request at its meeting on November 10, 2004. Based upon the record, the Real Estate Appraisers Board issues the following order:

ORDER

NOW, THEREFORE, IT IS ORDERED that Ralph L. Banke's request for removal of the limitations placed on his Certified General Appraisal certification by the Board in its Final Decision and Order, dated July 15, 1998, is denied.

IT IS FURTHER ORDERED that:

1. Respondent's Certified General Appraiser's certification is Limited to the scope of practice of a Certified Residential Appraiser, as set forth in s. RL 81.05 (2), Wis. Adm. Code.
2. Respondent may petition the Board at any time for return to full certification and removal of the Limitation placed upon his Certified General Appraiser certification. The Board may grant such petition; provided, respondent submits evidence satisfactory to the Board that he is capable of practicing competently without limitations on his certification.

Dated this 23rd day of November, 2004.

LaMarr J. Franklin, Chairman
Real Estate Appraisers Board