

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
GORDON J. HOFSCHULTE	:	
	:	
RESPONDENT.	:	LS0510195APP

Division of Enforcement Case No. 05 APP 012

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

Gordon J. Hofschulte
6419 Manchester Drive
Greendale, WI 53129

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

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

The parties in these matters agree to the terms and conditions of the attached Stipulation as the final decision of the matter(s), subject to the approval of the Real Estate Appraisers Board (Board). The Board has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Gordon J. Hofschulte (Respondent), whose last known address of record with the Department of Regulation and Licensing (Department) is 6519 Manchester Drive, Greendale, Wisconsin 53129, holds a certificate of licensure as a licensed appraiser (#4-1708). He was first granted the license and certificate on January 9, 2004, pursuant to Wis. Stat. ch. 458. The license and certification will expire on December 31, 2005.
2. On or about January 27, 2005, Respondent conducted an appraisal of a property located at 26015 89th Street Salem, Wisconsin.
3. The Division of Enforcement alleges that in completing the appraisal report Respondent failed to comply with the Competency Rule of the Uniform Standards of Professional Appraisal Practice by failing to disclose what additional research he conducted in the course of performing an appraisal in a market area with which he was not experienced.
4. The Division of Enforcement further alleges that Respondent selected as comparables sales which were significantly different in neighborhood, amenities, appeal and size from the subject property, but did not make appropriate adjustments.
5. There is no evidence of intent to create a misleading report, and Respondent has not previously been disciplined by the Wisconsin Real Estate Appraisers Board.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in these matters pursuant to Wis. Stats. § 458.26.
2. The Wisconsin Real Estate Appraisers Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent shall take and successfully complete no less than seven (7) classroom hours of remedial education, subject of which may be either Uniform Standards of Professional Appraisal Practice standards or the selection of appropriate comparable properties. Said education shall not count towards Respondent's continuing education requirements. Respondent provide proof of successful completion to the Department Monitor no later than six (6) months from the day of the signing of this Order.

IT IS FURTHER ORDERED that:

2. Respondent shall pay costs of this proceeding in the amount of nine hundred (\$900.00) dollars within ninety (90) days of the signing of this Order.

3. All payments and information required by this order to be submitted to the Department Monitor shall be mailed or delivered to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

4. Case number 05 APP 012 is hereby closed.

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and well-being and may result in a summary suspension of Respondent's license and 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. In the event that the Respondent fails to timely submit any payment of the partial cost as set forth above, or fails to comply with the ordered continuing education the Respondent's license and certification (4-1708) SHALL BE SUSPENDED, without further notice or hearing until Respondent has complied with the terms of this Order.

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

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel
A Member of the Board

10/19/2005
Date