

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
RALPH H. BAUCH and VAUGHN H. :
BAUCH :
: LS0603012APP
RESPONDENTS. :

Division of Enforcement Case No. 05 APP 075

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

Ralph H. Bauch
W10596 Rowley Road
Portage, WI 53901

Vaughn H. Bauch
N5549 Beich Road
Portage, WI 53901

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 Ralph H. Bauch (“Ralph Bauch”), whose address of record with the Department of Regulation and Licensing (“Department”) is W10596 Rowley Road, Portage, Wisconsin 53901, holds a certificate of licensure as a certified residential appraiser (#9-113). He was first granted the license and certificate on October 14, 1991, pursuant to Wis. Stat. ch. 458. The license and certification will expire on December 14, 2007.

2. Respondent Vaughn H. Bauch (“Vaughn Bauch”), whose address of record with the Department of Regulation and Licensing (“Department”) is N5549 Beich Road, Portage, Wisconsin 53901, holds a certificate of licensure as a licensed appraiser (#4-1402). He was first granted the license and certificate on January 4, 2002, pursuant to Wis. Stat. ch. 458. The license and certification will expire on December 14, 2007.

3. On April 11, 2005, Respondent Ralph Bauch signed an appraisal report concerning real property located at E7884 East Virginia Street, Reedsburg, WI 53959. The appraisal report was completed with substantial assistance from an unlicensed assistant. Respondent Bauch has violated the following USPAP provisions by signing the appraisal report:

- a. USPAP Standards Rule 1-2(a), by failing to identify the intended user in the report;
- b. USPAP Standards Rule 1-2(f), by failing to include a scope of work statement in the report;
- c. USPAP Standards Rule 1-4(a), by failing to explain the lack of adjustments for differences in lot size between the subject property (1 acre) and two of the comparables selected (3 and 5 acres);
- d. USPAP Standards Rule 1-5 by not indicating whether the subject was listed for sale, providing a list price, and failing to provide a rationale for why the opinion of value was significantly higher than the sales price;

- e. USPAP Standards Rule 2-2, by failing to identify the reporting option used; and
- f. USPAP Standards Rule 2-3, by failing to include a certification statement with the report, and by failing to reflect in the certification statement he relied upon the work of others who did not sign the report.

4. On March 8, 2003, Respondent Vaughn Bauch signed an appraisal report concerning real property located at 710 Rosemary Lane, Baraboo, WI 53913. The appraisal report was completed with substantial assistance from an unlicensed assistant. Respondent Vaughn Bauch has violated the following USPAP provisions by signing the appraisal report:

- a. USPAP Standards Rule 1-2(a), by failing to identify the intended user in the report;
- b. USPAP Standards Rule 1-2(f), by failing to include a scope of work statement in the report;
- c. USPAP Standards Rule 2-2, by failing to identify the reporting option used; and
- d. USPAP Standards Rule 2-3, by failing to include a certification statement with the report, and by failing to reflect in the certification statement he relied upon the work of others who did not sign the report.

5. There is no evidence of intent to create a misleading report by either respondent; Respondent Ralph H. Bauch's work appears to have been supportable and competent; and Respondent Vaughn H. Bauch 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).
3. Respondent Ralph H. Bauch violated USPAP Standards Rules 1-2(a), 1-2(f), 1-4(a), 1-5, 2-2, and 2-3 as set forth above in paragraph 3 of the Findings of Fact.
4. Respondent Vaughn H. Bauch violated USPAP Standards Rules 1-2(a), 1-2(f), 2-2, and 2-3 as set forth above in paragraph 4 of the Findings of Fact.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. In lieu of receiving a reprimand, Respondent Ralph H. Bauch and Vaughn H. Bauch each shall take and successfully complete the following as remedial education, which shall not count towards their continuing education requirements within nine months of the date of signing of this Order: Effective Appraisal Writing by the Appraisal Institute.

IT IS FURTHER ORDERED that:

2. Respondents shall pay costs of this proceeding in the amount of three hundred and fifty (\$350.00) dollars within sixty (90) days of the signing of this Order. Respondents shall be held jointly and severally liable for this payment.

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) 261-7904, Fax (608) 266-2264

4. Case number 05 APP 075 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 Respondents' licenses and certifications. 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 either Respondent fails to timely submit any payment of the partial cost as set forth above, or fails to comply with the order regarding continuing education, the license and certification of the Respondent(s) in violation of this Order (9-113 and/or 4-1402) SHALL BE SUSPENDED, without further notice or hearing, until the affected Respondent(s) 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

3/1/06
Date

**STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD**

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : **STIPULATION**
RALPH H. BAUCH and VAUGHN H. :
BAUCH, :
 : **LS** _____
RESPONDENTS. :

Division of Enforcement Case No. 05 APP 075

It is hereby stipulated and agreed, by and between Ralph H. Bauch, Respondent; Vaughn H. Bauch, Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation resolves a pending investigation relating to and Ralph H. Bauch and Vaughn H. Bauch (Respondents), by the Division of Enforcement (05 APP 075). Respondents consent to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondents understand that by signing this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, 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 them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; 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 them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondents have been provided with the opportunity to obtain legal counsel prior to signing this Stipulation.
4. Respondents agree to the adoption of the attached Final Decision and Order by the Real Estate Appraisers 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. Respondent 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 then 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 any member of the Real Estate Appraisers Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondents or their attorney(s), 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. Respondents are informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

RALPH H. BAUCH

Respondent
W10596 Rowley Road
Portage, WI 53901

Date

VAUGHN H. BAUCH

Respondent
N5549 Beich Road
Portage, WI 53901

Date

MARK A. HERMAN

Attorney, Division of Enforcement
1400 East Washington Avenue
Madison, WI 53708-8935

Date