

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

**IN RE DISCIPLINARY PROCEEDINGS
AGAINST**

CHAD D. SVENDSEN,

RESPONDENT.

:
:
:
:
:
:

FINAL DECISION AND ORDER

LS0607128APP

Division of Enforcement Case No. 04 APP 038

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

Chad D. Svendsen
P.O. Box 84
Union Grove, WI 53182

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. 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 Chad D. Svendsen ("Svendsen"), whose last known address of record with the Department of Regulation and Licensing ("Department") is P.O. Box 84, Union Grove, Wisconsin 53182, and whose date of birth is August 15, 1976, possesses a certificate of licensure and a certificate of certification to practice as a certified residential real estate appraiser (#9-1157). The certificate was first granted on August 6, 1999, and will expire on December 14, 2007.

2. On May 19, 2004, the United States Department of Housing and Urban Development ("HUD") found that Mr. Svendsen had committed five or more violations of HUD standards in the course of conducting a HUD appraisal. HUD dismissed four or more allegations of other HUD violations in the course of conducting the same appraisal. Based upon the violations found, HUD removed Mr. Svendsen from the HUD roster for three (3) months, and required Mr. Svendsen to complete seven (7) hours of education.

3. The violations found primarily relate to HUD standards that are not generally applicable to other appraisals, or are errors that did not significantly affect the appraiser's opinion of market value including: (a) incorrectly measuring the upper level of the property as 28' x 30', when it measured 26' x 28'; (b) defining the neighborhood of the subject property too broadly; (c) failure to note possible asbestos pipe wrapping, which may or may not be noted in an appraisal not subject to HUD standards; and (d) failing to require an inspection of a flat roof, which is not within the scope of an appraiser's responsibilities under the 2003 Uniform Standards of Professional Appraisal Practice ("USPAP").

4. Respondent has violated the following provisions of USPAP: ETHICS RULE, Conduct section, which provides in relevant part that, "An appraiser must perform assignments... in accordance with USPAP and any supplemental standards agreed to by the appraiser in accepting the assignment."

5. Per Wis. Admin. Code § RL 86.01(2), "All appraisals... shall conform to the uniform standards of professional appraisal practice..." Per Wis. Admin. Code § RL 86.01(1), "Certified and licensed appraisers shall comply with the standards of practice established by ch. 458, Stats., and chs. RL 80 to 86 and the standards set forth in Appendix I" (Appendix I contains the Uniform Standards of Professional Appraisal Practice).

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 458.26.
2. The Wisconsin Real Estate Appraisers Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).
3. By failing to comply with the HUD Standards, as set forth in paragraphs 2-3 of the findings of fact, Respondent has violated the USPAP Ethics Rule, Conduct section, and thereby subjected himself to discipline per Wis. Stat. § 458.26(3)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license and certification of Respondent CHAD D. SVENDSEN (#9-1157) shall be, and hereby is REPRIMAND

IT IS FURTHER ORDERED that:

2. Respondent shall pay partial costs of this investigation in the amount of seven hundred and fifty (\$750.00) dollars within ninety (90) days of the signing of this Order.

3. All payments and proof of completion of education required by this order to be submitted to the Department M shall be mailed, faxed 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 04 APP 038 is hereby closed.

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and well and may result in a summary suspension of Applicant's license and certification. The Real Estate Appraisers 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 Respondent fails to timely submit any payment of costs as set forth above, or fails to comply with the conditions of education the Respondent's license and certification (#9-1157) 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

7/12/2006
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN RE DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	
	:	STIPULATION
CHAD D. SVENDSEN,	:	
	:	LS _____
RESPONDENT.	:	

Division of Enforcement Case No. 04 APP 038

It is hereby stipulated and agreed, by and between Chad D. Svendsen, 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 of Respondent’s licensure by the Division of Enforcement (04 APP 038). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him 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. Respondent has been provided with the opportunity to obtain legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Real Estate Appraisers Board (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, without the presence of Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any person 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. Respondent is 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 Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

CHAD D. SVENDSEN

Respondent

P.O. Box 84

Union Grove, WI 53182

Date

MARK A. HERMAN

Attorney, Division of Enforcement

1400 East Washington Avenue

Madison, WI 53708-8935

Date

[Case No. 04 APP 038; Reprimand; Costs \$750.00.]