

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 :**

**ROBERT A. GREENWOOD and : FINAL DECISION AND ORDER
JUNE L. JACKSON : AS TO ROBERT A. GREENWOOD**

RESPONDENTS. : LS06101813APP

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Division of Enforcement Case No. 05 APP 031

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

Robert A. Greenwood
P.O. Box 237
Baraboo, WI 53913

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 Robert A. Greenwood ("Respondent"), whose last known address of record with the Department of Regulation and Licensing ("Department") is P.O. Box 237, Baraboo, Wisconsin 53913, holds a certificate of certification and a certificate of licensure as a certified general appraiser and licensed appraiser (#10-373). Respondent was first granted the license and certificate on February 11, 1993, pursuant to Wis. Stat. ch. 458. The license and certification will expire on December 14, 2007.

2. On or about December 21, 2004, June L. Jackson (#4-1329) conducted an appraisal of a property located at 715 Canyon Road, Lake Delton, WI 53940, under the supervision of Respondent. Respondent also signed the appraisal report, and the certification statement. Per the 2004 Uniform Standards of Appraisal Practice Standards ("USPAP"), Standards Rule 2-3, Comments, lines 1097-98, "Any appraiser(s) who signs a certification accepts full responsibility for all elements of the certification, for the assignment results, and for the contents of the appraisal report."

3. The report of the appraisal identified in paragraph 2 did not comply with the following provisions of USPAP:

- a. Rule 1-1(a), which requires an appraiser to, "be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal," by signing an appraisal report which improperly employed the income approach to appraisal; and
- b. Rule 2-2(b)(ix), which requires an appraiser to, "describe the information analyzed, the appraisal procedures followed, and the reasoning that supports the analysis, opinions, and conclusions," by signing an appraisal report which contained inadequate information regarding the reasoning that supports the analysis and opinions contained in the report.

4. 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).
3. By signing an appraisal report as a supervisory appraiser which did not comply with USPAP, as set forth above in paragraph three (3) of the findings of fact, Respondent committed one or more violations of USPAP per USPAP Standards Rule 2-3, thereby subjecting himself to discipline per Wis. Admin. Code § RL 86.01(1), and (2), and Wis. Stat. § 458.26 (3)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent shall take and successfully complete the following as remedial education within one (1) year of the signing of this Order: (a) Basic Appraisal Procedures, conducted by the Appraisal Institute, to include successful completion of of course exam, or an equivalent course if approved in advance by the Board's Monitoring Liaison; (b) a course on the topic of highest and best use, which shall be approved in advance by the Board's Monitoring Liaison; and (c) a course on the topic of n appraisal report writing, which shall be approved in advance by the Board's Monitoring Liaison. This matter has previously be brought before the Board, and a motion by the Board served as a basis for this stipulation. In the event that after signing the Stipulation related to this Order Respondent chose to take courses in anticipation of approval of this Order by the Board, then education taken may be used to satisfy the requirements of this Order only if all terms of this paragraph are fully complied with, including prior approval of a specific course by the Board's Monitoring Liaison, where applicable. Education taken in fulfillment requirements of this Order may not be counted towards Respondent's continuing education requirements.

IT IS FURTHER ORDERED that:

2. Respondent shall pay costs of this proceeding in the amount of three hundred and sixty-five (\$365.00) dollars within sixty (60) 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) 262-7904, Fax (608) 266-2264

4. Case number 05 APP 031 is hereby closed.

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and wel and may result in a summary suspension of Respondent's license and certification. The Board in its discretion may in the alterna impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the 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 (10-373) SHALL BE SUSPENDED, without further notice or l 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: Markk P. Kowbel
A Member of the Board

10-18-2006
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION AS TO
ROBERT A. GREENWOOD and	:	ROBERT A. GREENWOOD
JUNE L. JACKSON	:	
	:	LS _____
RESPONDENTS.	:	
	:	
	:	

Division of Enforcement Case No. 05 APP 031

It is hereby stipulated and agreed, by and between Robert A. Greenwood, 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 Robert A. Greenwood (Respondent), by the Division of Enforcement (05 APP 031). 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 by a 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. 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 Respondent or his attorney, 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. 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.

<hr/> ROBERT A. GREENWOOD Respondent P.O. Box 237 Baraboo, WI 53913	<hr/> Date
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<hr/> MARK A. HERMAN Attorney, Division of Enforcement 1400 East Washington Avenue Madison, WI 53708-8935	<hr/> Date
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