

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
DANIEL G. CRIBBEN,	:	
RESPONDENT.	:	LS0707113APP

Division of Enforcement Case No. 05 APP 098

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Daniel G. Cribben
6100 Howison Road
Somonauk, IL 60552

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

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Real Estate Appraisers Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact and Conclusions of Law and Order:

FINDINGS OF FACT

1. **Daniel G. Cribben** (DOB 01/21/53) holds a certificate of licensure and certification as a certified general appraiser and licensed appraiser in the state of Wisconsin (# 10-974), which was first granted on 12/04/98.

2. Mr. Cribben's most recent address on file with the Wisconsin Department of Regulation and Licensing is 6100 Howison Road, Somonauk, IL 60552.

3. On or about May 15, 2002, Mr. Cribben completed a uniform agricultural appraisal report for a farm located at N2965 Mill Road, Waupun, Wisconsin 53963. The appraisal was done for the purpose of substantiating damages in condemnation proceedings.

4. Mr. Cribben's appraisal was reviewed by the Department and was found to be in violation of the 2002 Uniform Standards of Professional Appraisal Practice (USPAP) in the following respects:

a. Standards Rule 1-3(b) requires the appraiser to “develop an opinion of the highest and best use of the real estate.” Although Mr. Cribben states that he is departing from this Standard, his departure is due to a lack of detailed analysis in the determination of the highest and best use of the property. The highest and best use analysis of real property is fundamental to the estimate of its market value. Mr. Cribben states that the highest and best use of the subject property both before and after the acquisition is for use as a dairy farm. Mr. Cribben also states in the appraisal report, page 6, that the “[c]omparable sales used in this report have similar attributes and *identical* highest and best uses” (emphasis added). Of the 5 improved sales used in the valuation of the subject property, Sales 6, 7 & 8 indicate the highest and best use as “Rural Residence.” Sale 6 had \$0 contributory value indicated for a barn, 2 silos, and a cattle shed. Sale 7 had 10% of the sale price contributed to a barn, 2 silos and a grain bin, and \$0 contribution for 3 additional sheds and a barn addition. Sale 8 had 1.9% of the sale price contributed to a barn and tool shed, and \$0 contribution for 3 silos, an implement building, and 3 sheds. Sale 9, although it has a highest and best use as “Ag Production,” it was a family sale on a land contract and had \$0 contributory value for an attached garage, old barn, new barn and lean-to, silo, tool shed, and implement building. Sale 10 is the only sale with a highest and best use identical with the subject as “Milk Production,” yet had only 14.4% of the sale price contributed to a dairy barn, 4 silos, and implement building, and \$0 contributory value to a tool shed. The conclusion of value of \$3,800.00 per acre for the subject property is not supported by the one and only sale of comparability which indicates a value at the lowest end of \$2,605.00 per acre.

b. In selecting non-compatible sales as described above in paragraph a., Mr. Cribben has also violated Standards Rule 1-1(a,b,c), Standards Rule 1-4(a), Standards Rule 2-2(b)(ix), and has created a misleading report. Standards Rule 1-1(a, b, c) states that:

[i]n developing a real property appraisal, an appraiser must:

- (a) be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal;
- (b) not commit a substantial error of omission or commission that significantly affects an appraisal; and
- (c) not render appraisal services in a careless or negligent manner.

Standards Rule 1-4(a) states that “[w]hen a sales comparison approach is applicable, an appraiser must analyze such comparable sales data as are available to indicate a value conclusion.” Standards Rule 2-2(b)(ix) states that “[t]he content of a Summary Appraisal Report must be consistent with the intended use of the appraisal and, at a minimum: . . . summarize the information analyzed, the appraisal procedures followed, and the reasoning that supports the analyses, opinions and conclusions.”

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 458.26, and is authorized to enter in the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. The conduct described above in paragraph 4 constitutes a violation of:

- a. 2002 USPAP Standards Rule 1-3(b), highest and best use;
- b. 2002 USPAP Standards Rule 1-1(a, b, c), produce a credible appraisal;
- c. 2002 USPAP Standards Rule 1-4(a), analyze comparable sales data; and
- d. 2002 USPAP Standards Rule 2-2(b)(ix), summarize information analyzed, procedures followed, and reasoning.

3. As a result of the above USPAP violations, Mr. Cribben is deemed to have also violated Wis. Admin. Code § 86.01(2), thereby subjecting himself to discipline pursuant to Wis. Admin. Code § 86.01(1) and Wis. Stat. § 458.26(3)(b) and (c).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent **Daniel G. Cribben**, license # 10-974, shall, within one year of the date of this Order and at his own expense, successfully complete, including any testing component offered for the course, Course A-250, "Eminent Domain," offered by the American Society of Farm Managers and Rural Appraisers ("ASFMRA").

2. Mr. Cribben shall submit proof of the same in the form of verification from the institution providing the education to the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

3. The certificate of licensure and certification of **Daniel G. Cribben**, license # 10-974, shall be **LIMITED** as follows:

a. Mr. Cribben shall not perform eminent domain appraisals in Wisconsin;

b. This limitation shall continue until Mr. Cribben petitions the Board for removal of this limitation and such petition is granted by the Board. Any such petition must be accompanied by a copy of an eminent domain appraisal that Mr. Cribben has completed in the state of Illinois after his completion of Course A-250 as ordered above in para. 1. The earliest date on which Mr. Cribben may petition the board for removal of the limitation on his appraiser license is six months from the date he successfully passes the final exam for Course A-250.

4. Respondent **Daniel G. Cribben** shall, within 60 days of the date of this Order, pay **COSTS** of this matter in the amount of \$500.00

5. Proof of successful class completion and payment of costs (made payable to the Wisconsin Department of Regulation and Licensing) shall be mailed, faxed or delivered to the Department Monitor at this address:

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

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. 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 Respondent fails to timely submit any payment of the costs as set forth above or fails to complete the education as ordered, or is otherwise in violation of this order, Mr. Cribben's license # 10-974 SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Mark P. Kowbel
A Member of the Board

7/11/2007
Date