

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
RONALD J. TALLINGER,	:	
RESPONDENT.	:	LS07091217APP

Division of Enforcement Case File # 06 APP 083

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

Ronald J. Tallinger
W253 S5246 Periwinkle Court
Waukesha, WI 53189

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

PROCEDURAL HISTORY

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

1. **Ronald J. Tallinger**, (DOB 09/21/61), holds a certificate of licensure and certification as a certified residential appraiser in the state of Wisconsin (# 9-466), which was first granted on 08/20/92. Mr. Tallinger's most recent address on file with the Wisconsin Department of Regulation and Licensing is W253 S5246 Periwinkle Court, Waukesha, WI 53189.

2. On or about May 4, 2006, the U.S. Department of Housing and Urban Development notified Mr. Tallinger that he was removed from the FHA Appraiser Register for a period of six months. The sanction resulted from deficiencies noted in the review of several appraisals performed for FHA insured financing. A copy of the U.S. Department of Housing and Urban Development notification to Mr. Tallinger of his removal from the FHA Appraiser Roster is attached as **Exhibit 1** and is incorporated herein by reference.

3. Mr. Tallinger's appraisals were reviewed by the Department of Regulation and Licensing and it was determined that the appraisals did not meet the Uniform Standards of Professional Appraisal Practice (USPAP) "S.R. 1-5 Subject Listing and Sale Information" as follows:

a. With regard to the appraisal of property at **4917 N. Mohawk Ave., Milwaukee, WI**, Mr. Tallinger

indicated that the list price was \$144,900 and the sales price was \$144,900. The report also clearly states that “the contract and /or escrow instructions were not available for review. The unavailability of the contract is explained later in the addenda section.” No explanation for the unavailability was found, and this property was appraised at \$148,000.

b. With regard to the appraisal of property at **4937 N. 25th St., Milwaukee, WI**, Mr. Tallinger indicated that the list price was \$92,900 and the sales price was \$95,000. The report also clearly states that “the contract and/or escrow instructions were not available for review. The unavailability of the contract is explained later in the addenda section.” No explanation for the unavailability was found. The report further indicates that the property had previously sold for \$60,000 on 11/17/03. This property was appraised at \$95,000.

c. With regard to the appraisal of property at **5177 N. 64th St., Milwaukee, WI**, Mr. Tallinger indicated that the list price was \$89,900 and the sales price was \$96,000. The report also clearly states that “the contract and /or escrow instructions were not available for review. The unavailability of the contract is explained later in the addenda section.” No explanation for the unavailability was found, and this property was appraised at \$96,000.

d. With regard to the appraisal of property at **3418 N. 60th St., Milwaukee, WI**, Mr. Tallinger indicated that the list price was \$119,900 and the sales price was \$123,600. The report also clearly states that “the contract and/or escrow instructions were not available for review. The unavailability of the contract is explained later in the addenda section.” No explanation for the unavailability was found. The report further indicates that the property had previously sold for \$104,500 on 08/20/04. This property was appraised at \$124,000.

e. All of these appraisal reports share the same flaw, in that there is no analysis. With respect to the list prices, the properties are appraised at 2.1% - 6.8% more than the list prices, and there is no explanation as to why the properties are worth more than the list price in each instance. If properties are worth more than the list prices, there should be a valid reason (e.g., list price too low, distress situation, immediate sale with competing offers, etc.) Mr. Tallinger should provide the list price and length of time on the market along with some reasoning for why the value is placed below, at, or over the list price.

f. With respect to the contracts not being available for review, the appraiser should have provided, in the report, the steps that were taken to obtain the contracts.

g. With respect to the two properties that had sold within the past three years, the 2005 value opinions are 58.3% and 18.7% higher than those earlier sales prices. The standards rule also requires the appraiser to analyze those prior sales, meaning the list price, length of time on the market, analysis of whether the prior sales were arms length transactions, etc.

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 into the attached Stipulation pursuant to Wis. Stat. § 227.44 (5).

2. The conduct described above in paragraph 3 constitutes a violation of USPAP Standards Rule 1-5, Subject Listing and Sale Information.

3. As a result of the above USPAP violation, respondent is deemed to also have violated Wis. Stat. § 458.26(3)(c), and Wis. Admin. Code § RL 86.01(2), by engaging in conduct while practicing as an appraiser which evidences a lack of knowledge or ability to apply professional principles or skills.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The certified residential real estate appraiser license of **Ronald J. Tallinger**,

#9-466, be, and hereby is, **REPRIMANDED**.

2. Respondent **Ronald J. Tallinger** shall, within 60 days of the date of this Order, pay **COSTS** of this proceeding in the amount of \$600.00.

Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed 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

3. 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, Respondent's license, # 9-466, SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Marla Britton
A Member of the Board

9/12/07
Date