

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

IN RE DISCIPLINARY PROCEEDINGS :
AGAINST :
 : **FINAL DECISION AND ORDER**
JOSEPH P. HASELWANDER, :
 : **LS0709128APP**
 :
RESPONDENT. :

Division of Enforcement Case No.s 05 APP 036, 06 APP 088, 06 APP 126 and 06 APP 127

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

Joseph P. Haselwander
1784 U.S. Hwy. 53
Chippewa Falls, WI 54729

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

PROCEDURAL HISTORY

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 Joseph P. Haselwander (“Haselwander”), whose last known address of record with the Department of Regulation and Licensing (“Department”) is 1784 U.S. Hwy. 53, Chippewa Falls, WI 54729, and whose date of birth is March 17, 1966, holds a certificate of certification and certificate of licensure as a certified residential appraiser in the state of Wisconsin (#9-510). The certificate was first granted on November 19, 1992, and will expire on December 14, 2007.

06 APP 088

2. On June 14, 2006, the Department issued a Notice of Denial to B.K. in response to his application for certification and licensure as a licensed appraiser. The Department denied B.K.’s license after reviewing three appraisal reports submitted by B.K. for review. All three appraisal reports were signed by Mr. Haselwander as supervising appraiser, including the appended certification statements.

3. A review of the reports shows violations of the applicable Uniform Standards of Professional Appraisal Practice (USPAP) including, but not limited to, the following:

a. USPAP Standards Rule 1-1 (a), which requires appraisers to “be aware of, understand and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal” by incorrectly employing the income approach to valuation for an owner-occupied rental unit with respect to one or more of the appraisal reports reviewed.

b. USPAP Standards Rule 1-1 (b), which requires an appraiser to “not commit a substantial error of omission or commission that significantly affects an appraisal” by failing to adequately support reasoning for adjustments, analysis,

opinions and conclusions with respect to all three of the appraisal reports reviewed.

c. USPAP Standards Rule 1-2 (e), which requires appraisers to, “identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal, including: (i) its location and physical, legal and economic attributes...” by failing to identify the dimensions of the site and by failing to report the legal zoning classification of one or more properties, and by failing to identify physical improvements to the property in support of opinions, as referred to above.

d. USPAP Standards Rule 1-2 (f), which requires appraisers to “identify the scope of work necessary to complete the assignment;” by failing to do so with respect to all three appraisal reports reviewed.

4. Per USPAP Standards Rule 2-3, Comment, lines 1069-1072, “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.”

5. Per Wis. Admin. Code § RL 86.01(2), “All appraisals performed in conjunction with federally related transactions and non-federally related transactions shall conform to the uniform standards of professional appraisal practice set forth in Appendix I.”

6. Per Wis. Stat. § 458.26(3), “... the board may limit, suspend or revoke any certificate under this chapter... if the... board finds that the... holder of the certificate has done any of the following: (b) Engaged in unprofessional... conduct in violation of rules promulgated under s. 458.24.”

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 accepting responsibility for appraisal reports that were completed in a manner which does not comply with the Uniform Standards of Professional Appraisal Practice, as described above in paragraph 3 of the Findings of Fact, **Joseph P. Haselwander** has violated Wis. Admin. Code § RL 86.01 (2), thereby subjecting himself to discipline per Wis. Stat. § 458.26 (3) (b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The certificate of licensure and license of Respondent **Joseph P. Haselwander** (#9-510) shall be, and hereby is, **LIM** as follows: (a) Respondent is barred from affixing his signature to or supervising any appraisal report prepared by any other person and is prohibited from relying upon any work performed by any other person in any appraisal report that he affixes his signature. These limitations shall be removed upon presentation of the proof of successful completion of the following education: (i) The Professionals Guide to the Uniform Residential Appraisal Report, conducted by the Appraisal Institute; OR 15-Hour USPAP Course, conducted by the Appraisal Institute; AND (ii) a Basic Appraisal Principles, offered by the Appraisal Institute. Successful completion of one or more these courses will include successful completion of any testing component, if offered. Alternative completion shall only be accepted if approved in advance by the Board’s Monitoring Liaison. Education required by this paragraph must be completed by no later than December 1, 2008, and may not be counted towards continuing education requirements. Further, upon removing this limitation the Board’s Monitoring Liaison shall review three work samples, selected at random from Respondent’s complete work log for the 12 months preceding the request to remove the limitation, and must conclude that all three appraisal reports reviewed substantially comply with the Uniform Standards of Professional Appraisal Practice.

IT IS FURTHER ORDERED that:

2. **Joseph P. Haselwander** shall pay costs of these investigations in the amount of \$1,500.00 within ninety (90) days of the date of signing of this Order.

3. Proof of completion of coursework and payment of costs shall be mailed, faxed, delivered or otherwise transmitted

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 06 APP 088 is hereby closed. Case number 05 APP 036 is hereby closed for insufficient evidence against all respondents. Case numbers 06 APP 126 and 06 APP 127 are hereby closed under prosecutorial discretion code P7. If any complaints against Mr. Haselwander currently exist, then they shall remain open until otherwise ordered by the Board.

5. 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 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 (#9-510) 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: Marla Britton
A Member of the Board

9/12/07
Date

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

IN RE DISCIPLINARY PROCEEDINGS :
AGAINST :
 : **STIPULATION**
JOSEPH P. HASELWANDER, :
 : **LS** _____
 :
RESPONDENT. :

Division of Enforcement Case No.s 05 APP 036, 06 APP 088, 06 APP 126 and 06 APP 127

It is hereby stipulated and agreed, by and between Joseph P. Haselwander, Respondent; Steven M. Anderson, attorney for 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 investigations of Respondent's licensure by the Division of Enforcement (05 APP 036, 06 APP 088, 06 APP 126 and 06 APP 127). Respondent consents to the resolution of these investigations 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 the advice of 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.

JOSEPH P. HASELWANDER

Respondent
1784 US Hwy 53
Chippewa Falls, WI 54729

Date

STEVEN M. ANDERSON

Ruder Ware, L.L.S.C.
Attorneys for Respondent
P.O. Box 187
Eau Claire, WI 54702-0187

Date

MARK A. HERMAN

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

Date