

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

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**IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST**

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**FINAL DECISION  
AND ORDER  
LS0808281APP**

**KEVIN E. WILDER,  
RESPONDENT.**

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(Division of Enforcement case files 08 APP 013, 08 APP 025, and 08 APP 038)

**PARTIES**

The parties in this matter under Wis. Stat. § 227.44 and for purposes of review under Wis. Stat. § 227.53 are:

Kevin E. Wilder  
228 East Racine Street  
Janesville, WI 53545

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

Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
Madison, WI 53708

**PROCEDURAL HISTORY**

This matter was commenced by the filing of a Notice of Hearing and Complaint on August 28, 2008, by John Nicolas Schweitzer, an attorney with the Division of Enforcement in the Department of Regulation and Licensing (hereinafter “Department”). The Respondent, Kevin E. Wilder did not submit an Answer to the Complaint. As a result, the Complainant filed a Notice of Motion and Motion for Default Judgment. The Respondent also failed to submit a response to the Complainant’s Motion for Default Judgment.

After the filing of the Complaint and Motions, the case was reassigned to Lara Herman, an attorney with the Division of Enforcement due to personnel reassignments within the Department. Ms. Herman appeared on behalf of the Complainant on the date scheduled for hearing in this matter and argued in support of the Motion for Default.

In the alternative, Ms. Herman submitted evidence in support of the Complaint and requested that formal discipline and costs be assessed against the Respondent.

Based upon the total record herein, including the motions and supporting information filed therewith, the Administrative Law Judge recommended that the Real Estate Appraisers Board adopt as its final decision in this matter, the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Kevin E. Wilder is licensed in the State of Wisconsin as a Real Estate Appraiser having license #4-1682, first granted December 30, 2003.

2. Mr. Wilder's license was suspended on December 10, 2007 for failing to pay costs as ordered in an earlier disciplinary matter, LS-07091221-APP (DOE case number 06 APP 057), and it has remained in suspended status to the present date.
3. Mr. Wilder's most recent address on file with the Department of Regulation and Licensing ("Department") is 228 East Racine Street, Janesville, WI 53545.
4. A mailing from the Department to Mr. Wilder at the above address on March 4, 2008 was returned by the U.S. Postal Service on March 19, 2008 with the notation "Return to Sender - Wilder, Kevin - Moved left no address - Unable to forward - Return to sender."

The allegations contained with the formal Complaint are set forth as follows:

Case 08 APP 013

5. On August 18, 2007, Mr. Wilder performed an appraisal of property for a residential property located at 508 Prospect Avenue, Janesville, Wisconsin.
6. Mr. Wilder undervalued and omitted certain aspects of the property. Specifically, he failed to report hardwood floors, he failed to report a kitchen disposal, and he reported one rather than two stoves.

Case 08 APP 025

7. On July 18, 2007, Mr. Wilder performed an appraisal of property owned by Barbara McDaniel at 11018 North Sherman Road, Edgerton, Wisconsin.
8. On January 18, 2008, after Mr. Wilder's license was suspended, Ms. McDaniel asked Mr. Wilder to perform another appraisal on the property. He agreed and accepted payment of \$250.00 from the lender and \$250.00 from Ms. McDaniel. Mr. Wilder filed an appraisal report that was an exact copy of one he had previously prepared, changing only the date.
9. Mr. Wilder identified himself as a licensed appraiser on the report filed in January 2008.

Case 08 APP 038

10. In July 2007, Mr. Wilder performed an appraisal of property owned by Jamie and Robyn Pauli at N1545 State Road 22, Arlington, Wisconsin.
11. In January of 2008, after Mr. Wilder's license was suspended, Mr. and Mrs. Pauli asked Mr. Wilder to perform another appraisal of the property. He agreed and accepted payment of \$350.00 from the couple. Mr. Wilder did not prepare an appraisal report. The check was cashed and Mr. Wilder has not refunded the payment.

**CONCLUSIONS OF LAW**

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in this matter pursuant to section 458.26 (3) of the Wisconsin Statutes.
2. By making various errors and omission in his appraisal report for a residential property, the Respondent created a misleading report, in violation of the Uniform Standard of Professional Appraisal Practice (USPAP) Standards Rule (SR) 1-1.

3. By practicing as an appraiser when his license was suspended, Mr. Wilder violated section 458.055 (3), Wis. Stats., which prohibits the use of the title “Wisconsin licensed appraiser” or any similar title unless the person is licensed.
4. By accepting payment for services that were not performed, Mr. Wilder violated section 458.26 (3) (b) of the Wisconsin Statutes, which prohibits unprofessional or unethical conduct.

### **ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the real estate appraisers license of Kevin E. Wilder (#4-1682) be, and hereby is, REVOKED.

**IT IS FURTHER ORDERED** that the costs of this proceeding shall be assessed against the respondent and shall be payable to the Department of Regulation and Licensing.

This Order is effective on the day it is signed by the Board or its designee.

### **EXPLANATION OF VARIANCE**

The Board accepts the proposed Findings of Fact and the Conclusions of Law recommended by the Administrative Law Judge. The Board modifies the Administrative Law Judge's proposed decision to include an Order revoking Mr. Wilder's licensed appraiser credential and ordering him to pay full costs of the proceeding.

The Administrative Law Judge recommended in her proposed decision that Mr. Wilder's license be revoked and that he be ordered to pay the full costs of the proceeding. However, the Administrative Law Judge failed to include a proposed Order in her proposed decision. The Board modifies the proposed decision to include the Order.

Dated at Madison, Wisconsin this 1st day of October, 2009.

Marla L. Britton, Chair  
Wisconsin Real Estate Appraisers Board