

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
WILLIAM J. BAKER, : LS0902252APP
RESPONDENT. :

Division of Enforcement case files 07 APP 033 and 07 APP 097

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

William J. Baker
2596 S. Trillium Circle
Green Bay, WI 54313

Wisconsin 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 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 Wisconsin Real Estate Appraisers Board (“Board”). The Board has reviewed this Stipulation and considers it acceptable. Accordingly, the Board adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. William J. Baker is licensed in the State of Wisconsin as a Real Estate Appraiser with license number 4-1867, first issued on November 12, 2004.
2. Mr. Baker’s most recent address on file with the Department of Regulation and Licensing (“Department”) is 2596 S. Trillium Circle, Green Bay, WI 54313.
3. On February 24, 2006, Mr. Baker performed an appraisal of property at W5193 Knollwood Court in Shawano, Wisconsin as of February 22, 2006.
4. In his appraisal of the property on Knollwood Court, Mr. Baker violated Standards Rule (“SR”) 1-1 (a), (b) and (c); SR 1-2 (a), (b) and (e); and SR 1-4 (c) of the Uniform Standards of Professional Appraisal Practice (“USPAP”) by
 - incorrect property address
 - ownership not correctly identified
 - no neighborhood description
 - incorrect land use
 - lot size incorrect
 - lot shape rectangular or irregular – both reported
 - incorrect zoning designation
 - 2005 tax amount was readily available and should not have been “TBD”
 - lot size is rectangular - readily available dimensions were not provided
 - subject was manufactured in 2003 and set on site in 2005

- comparable sale selection (waterfront properties) demonstrates a lack of knowledge and proficiency, grid adjustments are not based on market extraction or paired sale analysis

5. Mr. Baker did not keep a copy of the engagement letter for the Knollwood Court appraisal. This is a violation of the Record Keeping section of the USPAP Ethics Rule.

6. On April 12, 2007, Mr. Baker performed an appraisal of property at 2314 Samantha Street in DePere, Wisconsin, as of April 11, 2007.

7. In his appraisal of property on Samantha Street, Mr. Baker violated SR 1-1 (a), (b) and (c); SR 1-2 (a), (b) and (e); SR 1-4 (c); and SR 1-5 (c) and (b) of USPAP by

- incorrect offer to purchase price
- contract date not provided
- report failed to disclose or analyze the \$51,490 closing costs to be paid by seller
- contrary to the response provided by Mr. Baker, the subject property was listed for sale in Multiple Listing Service ("MLS") from 5/06 to 9/06 for \$184,900 which expired after 125 days on market, and from 12/06 to 4/07 for \$179,900 which expired after 122 days on market.
- lot shape rectangular or irregular – both reported
- no finished basement reported on Page #1, part finished reported on Page #2 grid
(The MLS listing from April of 2007 indicates there was no finished basement, and a bid to finish the basement was dated 4/8/07, 3 days before the effective date of the appraisal)
- no central air reported on Page #1, central air reported on Page #2 grid
- comparable sale selection (higher quality, garage size - two car is in a completely different price range than a three car garage) demonstrates a lack of knowledge and proficiency, grid adjustments are not based on market extraction or paired sale analysis
- comparable sales within two blocks of the subject property, including the house next door, that were more similar in size, location, quality and amenities were not used.

8. The Appraisal Order form sent to Mr. Baker by the client on 4-10-07 gave a requested value for the property of \$243,000. Mr. Baker's estimate of value was \$243,000. He stated in the appraisal "the estimated value of \$243,000 is both reasonable and supported." This is a violation of the Management section of the USPAP Ethics Rule, which prohibits an appraiser from accepting an assignment that is contingent on reporting a predetermined opinion of value.

9. In resolution of this matter, Mr. Baker voluntarily offers to surrender his Real Estate Appraiser's license.

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 and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

2. By violating the Uniform Standards of Professional Appraisal Practice (USPAP), William J. Baker thereby violated sections RL 86.01 (1) and (2) of the Wisconsin Administrative Code, and he is subject to discipline under section 458.26 (3) of the Wisconsin Statutes.

ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED that the voluntary surrender of his Real Estate Appraisers license by William J. Baker is hereby accepted.

IT IS FURTHER ORDERED that Mr. Baker pay the Department's costs of this matter in the amount of **\$616.15** (\$326.95 in case no. 07 APP 033 and \$289.20 in case no. 07 APP 097) within 60 days of the date of this Order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to the following address: Department Monitor

Department of Regulation and Licensing,
PO Box 8935, Madison, WI 53708-8935.
Fax (608) 266-2264
Tel. (608) 267-3817

IT IS FURTHER ORDERED that files 07 APP 033 and 07 APP 097 be closed.

Dated this 25th day of February, 2009.

WISCONSIN REAL ESTATE APPRAISERS BOARD

By: Sharon Fiedler