

# 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 : FINAL DECISION AND ORDER  
:  
TOMMY R. KNECHT, : LS0902256APP  
RESPONDENT. :

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Division of Enforcement Case File # 08 APP 032

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

Tommy R. Knecht  
7 South Main Street  
Fond du Lac, WI 54935

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 decision of the matter, subject to the approval of the Real Estate Appraisers Board (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 Tommy R. Knecht (Knecht), whose last known address of record with the Department of Regulation and Licensing (Department) is 7 South Main Street, Fond du Lac, WI 54935, and whose date of birth is October 23, 1956, possesses a certificate of licensure and a certificate of certification to practice as a certified residential appraiser (#9-827). The certificate was first granted on April 4, 1994, and will expire on December 15, 2009.

2. From 2003-2007 Mr. Knecht has performed no less than 44 commercial appraisals for National Exchange Bank & Trust. Per statements obtained from the lenders by the Department, six of the 44 commercial appraisals involved extensions of credit exceeding \$250,000. Mr. Knecht used his license number and title on each of these reports.

3. Per Wis. Admin. Code § RL 86.01(3), "A certified residential appraiser may not use the title 'Wisconsin certified residential appraiser'... on any appraisal report... pertaining to commercial real estate having a transaction value of more than \$250,000.

4. Per Wis. Admin. Code § RL 86.03(1), "... each licensed and certified appraiser shall place his or her certificate number adjacent to or immediately below the title, 'Wisconsin certified general appraiser,' 'Wisconsin certified residential appraiser,' or 'Wisconsin licensed appraiser,' as appropriate, on each appraisal report..."

5. Per Wis. Stat. § 458.16(1), "Each certified appraiser shall place his or her title... and certificate number on each appraisal report... The title 'Wisconsin certified residential appraiser'... may only be used on an appraisal report... having a transaction value of not more than \$250,000 or to residential real estate."

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.... (or) (i) Violated this chapter or any rule promulgated under this chapter."

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 performing appraisals and rendering an appraisal reports concerning commercial real estate, where the transaction values exceeded \$250,000, as set forth more fully above in paragraph 2 of the Findings of Fact, **Tommy R. Knecht** has violated Wis. Admin. Code § RL 86.01 (3) and Wis. Stat. § 458.16(1), thereby subjecting herself to discipline per Wis. Stat. § 458.26 (3) (b) and (i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license and certification of Tommy R. Knecht (license # 9-827), shall be, and hereby are, REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Tommy R. Knecht shall pay forfeitures in the amount of FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500), with one half of that amount being due and owing on December 1, 2009, and the remainder of that amount being due and owing on December 1, 2010.

3. Tommy R. Knecht shall pay the costs of investigating this matter, in the amount of EIGHT HUNDRED AND SEVENTY-FIVE DOLLARS (\$875.00) within one hundred and eighty (180) days of the date of signing of this Order.

4. All submissions required by this Order shall be mailed, faxed, delivered or otherwise transmitted to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817 Fax (608) 266-2264

5. Case number 08 APP 032 is hereby closed.

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

REAL ESTATE APPRAISERS BOARD

By: Sharon Fiedler  
A Member of the Board

2/25/09  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
	:	
TOMMY R. KNECHT,	:	LS _____
RESPONDENT.	:	

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Division of Enforcement Case File # 08 APP 032

It is hereby stipulated and agreed, by and between Tommy R. Knecht, Respondent; Ronald P. Hammer, 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 investigation against Respondent’s licensure by the Division of Enforcement (08 APP 032). Respondent consents to the resolution of this matter without the issuance of a formal compliant.
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 obtained 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.

\_\_\_\_\_  
Tommy R. Knecht, Respondent  
7 South Main Street  
Fond du Lac, WI 54935

\_\_\_\_\_  
Date

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Ronald P. Hammer, Averbeck &  
Hammer, SC, Attorneys for Respondent  
104 S. Main St. #611  
Fond du Lac, WI 54936-1577

\_\_\_\_\_  
Date

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Mark A. Herman, Attorney  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

\_\_\_\_\_  
Date