

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
	:	
BEATTA K. CHRISTOFFERSEN,	:	LS0905202APP
RESPONDENT.	:	

Division of Enforcement Case File # 07 APP 068

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

Beatta K. Christoffersen
1618 North Owaissa Street
Appleton, WI 54911

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 Beatta K. Christoffersen (Christoffersen), whose last known address of record with the Department of Regulation and Licensing (Department) is 1618 North Owaissa Street, Appleton, WI 54911, and whose date of birth is May 10, 1957, possesses a certificate of licensure and a certificate of certification to practice as a certified residential appraiser (#9-1024). The certificate was first granted on June 3, 1996, and will expire on December 15, 2009.

2. Ms. Christoffersen received a request for an appraisal from John Waite of Full Spectrum Mortgage for property at 3100 North Lawe Street, Appleton, WI (subject property).

3. On April 9, 2007, Ms. Christoffersen completed an appraisal of the subject property. She then transmitted two different reports concerning that appraisal. One was sent to John Waite at Full Spectrum mortgage, along with an invoice for \$600. The second was sent to John Waite at Full Resources Lending, along with an invoice for \$600. Full Resources Lending is a company created by John Waite.

4. Both reports had an opinion of market value of \$186,000. However, the details of the reports varied. Ms. Christoffersen states that it was simply an error that two versions of the report were sent out, and she is unsure how this occurred.

5. Mr. Waite forwarded each version of the report to separate lenders as part of separate loan packages. One loan package, which contained the version of the appraisal report addressed to Full Resources Lending, was rejected. The other, which contained the version of the report addressed to Full Spectrum Mortgage, was used to fund a loan. The Full Spectrum Mortgage version appears to contain fewer errors than the version in the package that was rejected.

6. A review of the version of the report that was sent to Full Spectrum Mortgage, the associated file materials, and information collected in the course of this investigation shows violations of the applicable version of the Uniform Standards of Professional Appraisal Practice, 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 selecting three comparable sales with sales prices of \$170,000 or greater, when other comparable sales that appear to be more similar in size, style, location, and amenities were available, but with sales prices of \$137,100 or lower.

b. USPAP Standards Rule 1-1(b), which requires appraisers to, “not commit a substantial error of omission or commission that significantly affects an appraisal;” by incorrectly reporting the age of the subject and the comparable sales selected, and by incorrectly reporting the above grade gross living area (ABGLA) square footage of the comparable sales selected. Errors in age for the comparable sales ranged from -26 to +4 years v. the actual age of the comparable properties; the subject was reported as being built in 1972 when it was built in 1963. Errors in ABGLA ranged from -82 square feet to -1040 square feet. Errors in below grade finished space, in the amount of -1752 sq. ft., were noted for one comparable sale used. Additionally, grid adjustments were not reflective of market conditions, and were not supported by either market extraction or paired sales analysis.

c. USPAP Standards Rule 1-1(c), which requires an appraiser to, “not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results...” and/or 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...” by incorrectly identifying the property rights involved; misstating the legal description; misidentifying the census tract; misidentifying the zoning classification, as well as the source of that information; and including FEMA information from a different property in the report.

d. USPAP Standards Rule 1-4(c)(i), which requires an appraiser to “analyze such comparable rental data as are available...” when employing the income approach, by failing to do so.

7. 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.”

8. 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.”

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 report that does not conform to the Uniform Standards of Professional Appraisal Practice, as set forth more fully above in paragraph 6 of the Findings of Fact, **Beatta K. Christoffersen** has violated Wis. Admin. Code § RL 86.01 (2), thereby subjecting herself to discipline per Wis. Stat. § 458.26 (3) (b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license and certification of **Beatta K. Christoffersen** (license # 9-1024), shall be and hereby is **REPRIMANDED**, and is further **SUSPENDED** for a period of forty (40) days, to begin 10 business days after the date of signing of this Order.

IT IS FURTHER ORDERED that:

2. **Beatta K. Christoffersen** shall successfully complete no less than twenty-four (24) hours of remedial EDUCATION, the subjects of which shall be: (a) the Income Approach to Valuation; (b) the Sales Comparison Approach to Valuation; and (c) Ethics. Courses completed in compliance with this Order may not be counted towards Respondent's continuing education requirements. Successful completion of any course shall include receipt of a passing score on any examination. Proof of completion of all courses must be submitted to the Department Monitor by December 1, 2009. Substitute courses shall only be allowed if approved in advance by the Board's Monitoring Liaison.

3. **Beatta K. Christoffersen** shall pay the costs of investigating this matter, in the amount of ONE THOUSAND DOLLARS (\$1,000.00) within one year of the date of signing of this Order.

4. All submissions and payments 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 07 APP 068 is hereby closed.

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

REAL ESTATE APPRAISERS BOARD

By: Marla Britton
A Member of the Board

5/20/09
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : STIPULATION
 :
 :
BEATTA K. CHRISTOFFERSEN, : LS _____
RESPONDENT. :
 :

Division of Enforcement Case File # 07 APP 068

It is hereby stipulated and agreed, by and between Beatta K. Christoffersen, Respondent; Brian P. Beisenstein, 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 (07 APP 068). Respondent consents to the resolution of this matter without the issuance of a formal compliant.
2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her 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 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 her 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.

Beatta K. Christoffersen, Respondent
1618 North Owaissa Street
Appleton, WI 54911

Date

Brian P. Beisenstein, Curtis Law
Office, Attorneys for Respondent
P.O. Box 2845
Oshkosh, WI 54903-1845

Date

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

Date