

# 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	:	<b>FINAL DECISION AND ORDER</b>
<b>ROBERT L. CALL, JR.,</b>	:	<u>ORDER 0000 356</u>
RESPONDENT.	:	

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Division of Enforcement case file 08 APP 101

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

Robert L. Call, Jr.  
816 Turnsbury Drive  
Waunakee, WI 53597

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. Robert L. Call, Jr. is licensed in the State of Wisconsin as a Real Estate Appraiser. License number 4-1733 was first issued on February 6, 2004.
2. Mr. Call's most recent address on file with the Department of Regulation and Licensing ("Department") is 816 Turnsbury Drive, Waunakee, WI 53597.

3. Mr. Call performed an appraisal and prepared an appraisal report for property at 730 W. Doyan Street in Endeavor, Wisconsin as of October 9, 2008. His estimate of value was \$130,000.00.

4. In his appraisal and appraisal report, Mr. Call failed to comply with the Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rules (S.R.) in the following ways:

S.R. 1-1 (a,b,c) and S.R. 1-2 (e)(i) Trends of Property Values, Supply/Demand & Marketing Time Regional market data provided by Zillow indicates area value trends were stable to declining during the period preceding the effective date of the appraisal report. The appraiser did not provide a source or support for his conclusion that real estate prices were showing “steady price increases”.

S.R. 1-2 (e)(i) Location Description In the appraiser’s statement to the home owner, he identified a value conclusion for the subject’s outbuilding without following USPAP Standards Rule 1 (Appraisal Development). He failed to understand the uses allowed by the Village zoning ordinance as “conditional” and inaccurately advised the home owner. The Village of Endeavor zoning ordinance states that “home occupation” is a permitted conditional use in R-1 zoning.

S.R. 1-2 (e)(i) Analysis of Current Zoning The zoning designation is indicated as “R-1 single family residential.” The zoning ordinance description of the conditional uses acceptable in this classification include “home based businesses.” It appears that the appraiser did not actually investigate the legal zoning as he claims, supporting the misrepresentation claimed by the home owner. Nothing is found in the work file showing that the appraiser investigated the subject’s zoning.

S.R. 1-4(b)(i), S. R. 2-2 (b)(ix), S.R. 1-1(a) and the Competency Rule Site Valuation The appraiser failed to support the estimated site value by including his data using a market-oriented valuation method. His “leap of faith” statement about the site value is unsupported by comparable land sales or market extraction calculations.

S.R. 1-1(a,b,c) and S.R. 2-2(b)(ix) Reproduction/Replacement Cost Estimates The appraiser omitted the “as-is” value of site improvements resulting in an incorrect calculation by the cost approach. There is no explanation why the estimated site value is 4 times the municipal land assessment, without support for the opinion of site value (misleading). No source of cost data is provided.

S.R. 1-1 (a,b,c) Cost Approach Conclusion The cost approach is not applicable to this property due to its age and significant depreciation. However, the appraiser elected to complete the cost approach. Simply because the cost approach is not required by Fannie Mae form 1004 it does not relieve the appraiser of the responsibility to correctly complete it. Errors and omissions in calculation resulted in an incorrect cost approach conclusion.

S.R. 1-1(a,b,c), S.R.1-4(a) and S.R. 2-2(a,b,c)(ix) Adjustments to Comparable Sales

Appraiser failed to adjust for a significant difference in effective age of Sale #3. Overall, sales grid adjustments are very low and do not appear to reflect market value of the amenity ( \$1,000 site adjustment for a site more than five times larger) thereby increasing the adjusted values of the comparable sales.

S.R. 2-2 (a,b,c) and Advisory Opinion 5 Certification Section Requirements

Both appraisers who signed this report failed to disclose that trainee Keith Phillips provided significant assistance in the completion of the appraisal report. Mr. Phillips is not mentioned anywhere in the appraisal report, conflicting with the appraiser's certification #22. This is a reporting violation which creates a misleading report in violation of Standards Rule 2-1(a).

### **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 failing to comply with USPAP in the appraisal and the appraisal report for property at 730 W. Doyan Street in Endeavor, Wisconsin, Respondent Robert L. Call, Jr. violated sections RL 86.01 (1) and (2) of the Wisconsin Administrative Code, and is subject to discipline under section 458.26 (3), Wis. Stats.

### **ORDER**

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

IT IS FURTHER ORDERED that within six months of the date of this Order, the respondent, Robert L. Call, Jr., must successfully complete at least 30 hours of educational coursework dealing with Basic Appraisal Principles or Procedures. The courses may be taken from the Appraisal Institute or from any educational institution approved by the Department of Regulation and Licensing, in advance, through the Department Monitor:

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

None of the education completed pursuant to this order may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

Mr. Call shall submit proof of successful completion in the form of verification from the institution providing the education to the Department Monitor.

IT IS FURTHER ORDERED that Mr. Call's Real Estate Appraisers license is hereby LIMITED in that Mr. Call shall not supervise or train others in the real estate appraisal profession, and he shall not rely in his reports on another's work, until he has completed the education ordered above. The limitation shall automatically be removed upon receipt of the required verification of education.

IT IS FURTHER ORDERED that Mr. Call pay one-half of the Department's costs of this matter in the amount of **\$757.95** within 120 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 Department Monitor. In the event Mr. Call fails to pay the costs within the time and in the manner as set forth above, his Real Estate Appraisers license shall be suspended without further notice, without further hearing, and without further Order of the Board, and said suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing.

IT IS FURTHER ORDERED that 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 Mr. Call's license. The 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 Mr. Call fails to timely submit payment of the costs or fails to comply with the ordered continuing education as set forth above, Mr. Call's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs or completion of the continuing education.

IT IS FURTHER ORDERED that file 08 APP 101 be closed with regard to Mr. Call.

Dated this 25 day of AUGUST, 2010.

**WISCONSIN REAL ESTATE APPRAISERS BOARD**

By:   
Marla Britton, Board Chair, or another member of the Board