

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN RE DISCIPLINARY PROCEEDINGS  
AGAINST

RICHARD L. BEYER,

RESPONDENT.

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FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND ORDER

ORDER 0000361

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Division of Enforcement Case No. 09 APP 059

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Richard L. Beyer  
100 Buena Vista Drive  
Darlington, WI 53530

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

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 Real Estate Appraisers Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact and Conclusions of Law and Order:

FINDINGS OF FACT

1. **Richard L. Beyer** (D.O.B. 03/17/1941) (hereinafter referred to as "Beyer" or "Respondent") is a duly certified general appraiser and a licensed appraiser in the state of Wisconsin, holding certification # 10-511, which was first granted on 1/11/1994. Beyer's most recent address on file with the Wisconsin Department of Regulation and Licensing is 100 Buena Vista Drive, Darlington, WI 53530.

2. Beyer prepared an appraisal of farmland located in Darlington, Wisconsin, owned by Audrey Schwartz (hereinafter, the "Subject Property"). The "limited restricted appraisal report," dated July 20, 2009, reflects an estimated fair market value of \$145,000.00, or \$2,628 per acre, as of June 24, 2009. The Subject Property appraisal is attached hereto as Exhibit A.

3. The Subject Property appraisal was found to be in violation of the Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rules ("S.R.") in the following respects:

- a. S.R. 2-2(c)(i): The appraisal report fails to identify the client, and fails to state a prominent use restriction.
- b. S.R. 2-2(c)(ii): The appraisal report fails to state the intended use.
- c. S.R. 2-2(c)(v): The type of value is identified as "fair market value," but there is no citation to the source of the definition as required.
- d. S.R. 2-2(c)(vii): The appraisal report fails to state the scope of work.
- e. S.R. 2-2(c)(viii): The appraisal report fails to clearly state which approaches to value were used, although the appraisal report does reference sales. There is no explanation of the exclusion of the cost and income approaches, and no sales comparison approach to value was indicated in the work file.
- f. S.R. 2-2(c)(ix): The appraisal report fails to state the use of the real estate, and there is no highest and best use indication.
- g. S.R. 2-2(c)(x): The appraisal report does not clearly and conspicuously include any information regarding the claimed "cash flow appraisal," which would involve at least one extraordinary assumption.
- h. S.R. 2-2(c)(xi): The appraisal report does not include a signed certification in accordance with S.R. 2-3.

4. Based upon the findings identified at Findings of Fact, Paragraph 3, above, the appraisal report fails to comply with the Conduct provisions of the Ethics Rule, which requires that an appraiser perform assignments competently and in accordance with USPAP.

5. Based upon the findings identified at Findings of Fact, Paragraph 3, above, the appraisal report fails to comply with the Competency Rule, which requires that an appraiser take all steps necessary to complete the assignment competently.

6. Based upon the findings identified at Findings of Fact, Paragraph 3, above, the appraisal report fails to comply with the provisions of S.R. 1-1, which require that an appraiser (a) be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal; (b) not commit a substantial error of omission or commission that significantly affects an appraisal; and (c) not render appraisal services in a careless or negligent manner, such as by making a series of errors that in the aggregate affects the credibility of those results.

7. Based upon the findings identified at Findings of Fact, Paragraph 3, above, the appraisal report fails to comply with the provisions of S.R. 2-1, which require that an appraisal report (a) clearly and accurately set forth the appraisal in a manner that will not be misleading; (b) contain sufficient information to enable the intended users of the appraisal to understand the report properly; and (c) clearly and accurately disclose all assumptions, extraordinary assumptions, hypothetical conditions, and limiting condition used in the assignment.

## CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 458.26, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. The conduct described above, at paragraph 4 of the Findings of Fact, constitutes a violation of the Ethics Rule, Competency Rule and the following Standards Rules:

- a. S.R. 1-1
- b. S.R. 2-1
- c. S.R. 2-2(c)(i)
- d. S.R. 2-2(c)(ii)
- e. S.R. 2-2(c)(v)
- f. S.R. 2-2(c)(vii)
- g. S.R. 2-2(c)(viii)
- h. S.R. 2-2(c)(ix)
- i. S.R. 2-2(c)(x)
- j. S.R. 2-2(c)(xi)

3. As a result of the above violations, Beyer is deemed to have also violated Wis. Admin. Code § 86.01(2), thereby subjecting himself to discipline pursuant to Wis. Admin. Code § 86.01(1) and Wis. Stats. § 458.26(3)(b) and (c).

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent **Richard L. Beyer**, certification # 10-511, is hereby **REPRIMANDED**.

2. Beyer shall, within 60 days of the date of this Order, pay **COSTS** of this matter in the amount of Five Hundred Twenty-five and 95/100 DOLLARS (\$525.95).

3. Payment of costs (made payable to the Wisconsin Department of Regulation and Licensing) shall be mailed, faxed or delivered to the Department Monitor at this address:

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

4. 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 Respondent'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 Respondent fails to timely submit payment of the costs as set forth above, the Respondent's license (#9-1594) 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 forfeiture or completion of the continuing education.

5. Case number 09 APP 059 shall be closed.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:

  
A Member of the Board

8/25/2010  
Date