

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

APRIL L. KONCZAL,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0001538
:

Division of Enforcement Case No. 11 APP 039

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

April L. Konczal
3213 Great Oak Dr.
Caledonia, WI 53402

Wisconsin Real Estate Appraisers Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Enforcement
Department of Safety and Professional Services
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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent April L. Konczal (dob 04/17/1977) is licensed in the State of Wisconsin as a Certified Residential Appraiser and Licensed Appraiser, having license number 9-1617, first issued on 11/20/2007 and current through 12/14/2013. Ms. Konczal's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3213 Great Oak Drive, Caledonia, Wisconsin 53402.

2. In July 2011, Respondent Konczal performed an appraisal for property located at Saratoga Place, Caledonia, Wisconsin. Respondent Konczal's appraisal report, signed July 15, 2011, provided a value of \$216,000 for the property.

3. On or about September 12, 2011, the Department received a complaint alleging that Respondent Konczal failed to make site/view adjustments and failed to include a highest and best use analysis resulting in a non-credible appraisal report. Division of Enforcement Case Number 11 APP 039 was subsequently opened for investigation.

4. Respondent Konczal's appraisal was reviewed by the Division of Enforcement and it was determined that the appraisal and appraisal report violated the Uniform Standards of Professional Appraisal Practice (USPAP) and/or Standards Rules (SR) as follows:

- a. Respondent failed to complete the appropriate analyses of the subject and the comparable sales and selected and utilized an inappropriate comparable sale (Sale 2). (SR 1-1(a).)
- b. Respondent failed to identify and/or analyze the subject property's site dimensions, land use regulations, supply and demand, highest and best use of the subject property and availability of utility services to the subject property. (SR 1-1(b), SR 1-2(e), SR 1-3(a,b).)
- c. Respondent failed to supplement the appraisal form utilized so that it complied with USPAP. (SR 1-1(b).)
- d. Respondent completed the appraisal in a careless manner by including inconsistent dates and text from a previous appraisal assignment. (SR 1-1(c).)
- e. Respondent failed to identify the intended user. (SR 1-2(a), SR 2-2(b)(i).)
- f. Respondent improperly identified the intended use as "REO appraisal to estimate market value." (SR 1-2(b), SR 2-2(b)(ii).)
- g. Respondent failed to develop an estimated exposure time related to the definition of liquidation value. (SR 1-2(c).)
- h. Respondent failed to provide sufficient information to enable the intended users to understand the scope of work performed. (SR 2-1(b), Scope of Work Rule.)
- i. Respondent failed to define "liquidation" value. (SR 2-2(b)(v).)
- j. Respondent failed to have the education and experience necessary to value large parcels of vacant land. (Conduct Section of Ethics Rule.)
- k. Respondent failed to include research and analyses that are necessary to develop credible assignment results. (Scope of Work Rule.)

5. In resolution of this matter, Respondent Konczal consents to the entry of the following Conclusions of Law and Order.

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. By the conduct described in Findings of Fact 4.a.-d., Respondent Konczal violated SR 1-1(a,b,c) by:

- a. failing to be aware of, understand or correctly employ recognized methods and techniques that are necessary to produce a credible appraisal;
- b. committing a substantial error of omission or commission that significantly affects an appraisal; and
- c. rendering appraisal services in a negligent manner.

3. By the conduct described in Findings of Fact 4.b. and 4.e.-g., Respondent Konczal violated SR 1-2(a,b,c,e) by:

- a. failing to identify the intended user;
- b. improperly identifying the intended use;
- c. failing to develop an opinion of reasonable exposure time linked to a value opinion; and
- d. failing to identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal.

4. By the conduct described in Finding of Fact 4.b., Respondent Konczal violated SR 1-3(a,b) by:

- a. failing to identify and analyze the effect on use and value of existing land use regulations and economic supply and demand; and
- b. failing to develop an opinion of the highest and best use of the real estate.

5. By the conduct described in Finding of Fact 4.h., Respondent Konczal violated SR 2-1(b) by failing to include sufficient information in her report to enable the intended users to understand the report properly.

6. By the conduct described in Findings of Fact 4.e.-f. and 4.i., Respondent Konczal violated SR 2-2(b)(i,ii,v) by:

- a. failing to identify the intended user;
- b. improperly identifying the intended use; and

c. failing to state the definition of a value.

7. By the conduct described in Finding of Fact 4.j., Respondent Konczal violated the Conduct Section of the Ethics Rule by performing an assignment in a grossly negligent manner.

8. By the conduct described in Findings of Fact 4.h. and 4.k., Respondent Konczal violated the Scope of Work Rule by failing to include research and analyses in the scope of work that are necessary to develop credible assignment results.

9. As a result of the above violations, Respondent Konczal has violated Wis. Admin. Code §§ RL (now SPS) 86.01(1) and (2), and is therefore subject to discipline pursuant to Wis. Stat. §§ 458.26(3)(b), (c) and (i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. Respondent April L. Konczal is hereby REPRIMANDED.
3. The Certified Residential Appraiser and Licensed Appraiser license of April L. Konczal (license number 9-1617) is hereby LIMITED as follows:
 - a. Respondent shall, within 6 months of the date of this Order, successfully complete 30 hours of continuing education courses offered by the Appraisal Institute, or equivalent courses offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses, as follows:
 - i. USPAP (15 Hours including Exam) and
 - ii. Residential Market Analysis and Highest and Best Use (15 Hours including Exam) or
 - iii. Residential Report Writing and Case Studies (15 Hours including Exam).
 - b. Respondent shall submit proof of completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this limitation may be used to satisfy any continuing education requirements that have been or may be instituted by the Board, the Department or similar authority in any state, and also may not be used in future attempts to upgrade a credential in any state.
4. Within 90 days of the date of this Order, Respondent Konczal shall pay COSTS of this matter in the amount of \$630.00.

5. Proof of successful course completion and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

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

6. 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 complete the education as ordered above or submit payment of the costs as ordered, Respondent's license (no. 9-1617) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with completion of the education and payment of costs.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: 
A Member of the Board

5/9/2012
Date