

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ANN A. KALCIK,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0002453**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 APP 042

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

Ann A. Kalcik  
116 7th Ave.  
Baraboo, WI 53913

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

Division of Legal Services and Compliance  
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 Wisconsin 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 Ann A. Kalcik (dob January 7, 1954) is licensed in the State of Wisconsin as a Certified General Appraiser and Licensed Appraiser, having license number 10-892, first issued on October 20, 1997 and current through December 14, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 116 7th Avenue, Baraboo, Wisconsin 53913.

2. Respondent was previously disciplined by the Board on November 19, 2008 for violating the Uniform Standards of Professional Appraisal Practice (USPAP). Respondent was

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

reprimanded and ordered to complete the following courses as remedial education: (a) one of the following - Residential Sales Comparison Approach (30 hours) or General Appraiser Income Approach Part I or Part II (30 hours); AND (b) one of the following – Income Valuation of Small, Mixed-Use Properties (16 hours) or Sales Comparison Valuation of Small, Mixed-Use Properties (16 hours). Respondent complied with the Order.

3. Respondent was again disciplined by the Board on August 12, 2009 for violating USPAP. Respondent's license was limited to prohibit her from conducting appraisals of vacant land in excess of two acres in size until she had completed no less than 30 hours of remedial education, consisting of one or more of the following topics: (a) Appraisal Procedures for Certified General Appraisers or (b) Appraising Vacant Land for Development Purposes. Respondent complied with the Order.

4. On January 4, 2012, Respondent performed an appraisal of property located at 1092 Tinkham Trail, Baraboo, Wisconsin. Respondent's appraisal report, dated January 9, 2012, provided a value of \$195,000 for the property.

5. On or about March 19, 2012, the Department received a complaint alleging that the subject appraisal violated USPAP. Division of Legal Services and Compliance Case Number 12 APP 042 was subsequently opened for investigation.

6. Respondent's appraisal was reviewed by the Division of Legal Services and Compliance and it was determined that the appraisal and appraisal report violated USPAP Rules and/or Standards Rules (SR) as follows:

- a. failed to recognize that the construction type of the subject property is manufactured. (SR 1-1(b), SR 1-2(e)(i), SR 2-1(a,b), Conduct Section of Ethics Rule, Competency Rule).
- b. Compared the subject property to site-built homes of superior quality when there were five nearby sales of similar quality homes with sales prices of approximately \$120,000 to \$150,000. (SR 1-1(a,b), SR 1-4, SR 1-4(a), SR 2-1(a), Conduct Section of Ethics Rule, Competency Rule, Scope of Work Rule).
- c. incorrectly identified the subject property's zoning classification as "Residential" which is not a valid zoning classification in the subject's municipality. (SR 1-3(a).)

7. In resolution of this matter, Respondent 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 the Findings of Fact, Respondent violated USPAP SR 1-1(a,b) by:

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

3. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-2(e)(i) by failing to identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal, including its physical, legal and economic attributes.

4. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-3(a) by failing to identify and analyze the effect on use and value of existing land use regulations.

5. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-4 by failing to collect, verify, and analyze all information necessary for credible assignment results.

6. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-4(a) by failing to analyze such comparable sales data as are available to indicate a value conclusion when a sales comparison approach is necessary for credible assignment results.

7. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 2-1(a,b) by:

- a. failing to clearly and accurately set forth the appraisal in a manner that will not be misleading; and
- b. failing to include sufficient information to enable the intended users of the appraisal to understand the report properly.

8. By the conduct described in the Findings of Fact, Respondent violated the Conduct Section of the Ethics Rule by performing an assignment in a grossly negligent manner.

9. By the conduct described in the Findings of Fact, Respondent violated the Competency Rule by failing to be competent to perform the assignment.

10. By the conduct described in the Findings of Fact, Respondent violated the Scope of Work Rule by failing to determine and perform the scope of work necessary to develop credible assignment results.

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

## ORDER

1. The attached Stipulation is accepted.
2. The Certified General Appraiser and Licensed Appraiser license of Ann A. Kalcik (license number 10-892) is hereby **SUSPENDED** for a period of 60 days beginning 15 days after the date of this Order.
3. The Certified General Appraiser and Licensed Appraiser license of Ann A. Kalcik (license number 10-892) is **LIMITED** as follows:
  - a. Within 90 days of the date of this Order, Respondent shall take and pass the AQB-approved Uniform State Certified General Real Property Appraiser examination offered by the Pearson VUE testing center, or an exam site pre-approved by the Board's monitoring liaison.
  - b. The exam listed above shall be taken in person in a classroom setting.
  - c. Respondent shall submit proof of successful exam completion in the form of verification from the institution providing the exam to the Department Monitor at the address stated below.
  - d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed the ordered exam.
4. Within 90 days from the date of this Order, Respondent shall pay **COSTS** of this matter in the amount of \$749.00.
5. Proof of successful exam completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DPSMonitoring@wisconsin.gov

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 submit payment of the costs as ordered or fails to comply with the ordered exam as set forth above, Respondent's license (no. 10-892) 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 and completion of the exam.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:   
A Member of the Board

5/23/2013  
Date