

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

MARK S. SNODA,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0002750

Division of Enforcement Case No. 09 APP 102

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

Mark S. Snoda
5208 Teaberry Lane
Fitchburg, WI 53711

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

Division of Enforcement
Wisconsin 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 Mark S. Snoda (dob April 30, 1957) was licensed in the State of Wisconsin as a Certified General Appraiser and Licensed Appraiser, having license number 647-10, first granted on October 12, 1994, and current through December 14, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5208 Teaberry Lane, Fitchburg, Wisconsin 53711.

2. Respondent provided real estate appraisal services in Wisconsin through Midwest Valuation Services, Inc.

3. On or about January 10, 2007, Midwest Valuation Services, Inc. submitted an appraisal report by Respondent for the Lands' End distribution facility located at 1501 Lands' End Drive, Dodgeville, Wisconsin 53533 to the attorney for the City of Dodgeville.

4. On or about December 3, 2009, the Department received a complaint from Karl Dahlen of Lands' End regarding the appraisal of the Lands' End distribution facility. Division of Enforcement (DOE) Case No. 09 APP 102 was subsequently opened for investigation.

5. The appraisal report for the Lands' End distribution facility was reviewed by DOE, and it concluded that the appraisal and appraisal report violated the Uniform Standards of Professional Appraisal Practice (USPAP).

6. Respondent does not admit to any of the violations alleged in DOE Case No. 09 APP 102, but he agrees that the Board may reasonably conclude that he did commit violations of USPAP.

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. As a result of the USPAP violations referenced above, Mr. Snoda is 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 Mark S. Snoda's Certified General Appraiser and Licensed Appraiser license (number 647-10) is hereby SUSPENDED for a period of TWO YEARS from the date of this Order.

3. Respondent shall not apply for any real estate appraiser license or practice real estate appraising during the period of this suspension.

4. Respondent shall successfully complete the required continuing education for the biennium ending December 14, 2013, and the biennium ending December 14, 2015, pursuant to Wis. Admin. Code § SPS 85.01.

5. The suspension shall only be lifted upon a successful petition to the Board for removal. Such petition need only demonstrate (i) the expiration of 2 years; (ii) the completion of the required continuing education in the form of verification from the institution providing the education and (iii) a statement as to whether or not Respondent has had any other complaints filed in any other state in which he is credentialed from the date of this Order. The Board will not automatically reinstate Respondent's license if any other complaints have been filed in any

jurisdiction. Upon knowledge of other complaints, a Board vote would be required for reinstatement.

6. Within 90 days from the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$1,000.00 and COSTS of this matter in the amount of \$2000.00.

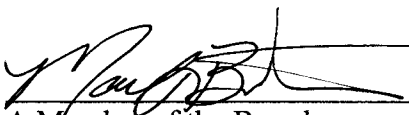
7. Proof of successful course completion and payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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
DSPSMonitoring@wisconsin.gov

8. 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 forfeiture and costs as ordered or fails to comply with the ordered education as set forth above, Respondent's license (no. 647-10) 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 forfeiture and costs and completion of the education.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: 
A Member of the Board

11/13/2013
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARK S. SNODA,
RESPONDENT.

:
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STIPULATION
ORDER 0002750

Division of Legal Services and Compliance¹ Case No. 09 APP 102

Respondent Mark S. Snoda and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Jeffrey J. Bartz.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin 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.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

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 Legal Services and Compliance for further proceedings. In the event that the 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 Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such 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 Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Mark S. Snoda

Mark S. Snoda, Respondent
5208 Teaberry Lane
Fitchburg, WI 53711-7662
License no. 647-10

08/26/2013

Date

Jeffrey J. Bartzen

Jeffrey J. Bartzen, Attorney for Respondent
Neider & Boucher, S.C.
401 Charmany Drive
P.O. Box 5510
Madison, WI 53705-0510

8/27/13

Date

Laura M. Varriale

Laura M. Varriale, Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

8/29/13

Date