

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	:	
	:	FINAL DECISION AND ORDER
JAMES E. VAN VONDEREN,	:	
RESPONDENT.	:	0003870

Division of Legal Services and Compliance Case No. 13 APP 059

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

James E. Van Vonderen
P.O. Box 432
De Pere, WI 54115

Wisconsin Real Estate Appraisers Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 James E. Van Vonderen (dob July 8, 1955) is certified in the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 1768-9, first issued on October 20, 2009 and current through December 14, 2015. James E. Van Vonderen's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is P.O. Box 432, De Pere, WI 54115.

2. On August 28, 2012, Respondent signed a one-unit residential appraisal field review report for a review of an appraisal of property located at 2929 Bristol Mountain Trail, Green Bay, WI 54313. Respondent also provided his own opinion of value in the report.

3. On or about August 16, 2013, the Department received a complaint alleging Respondent's value opinion was unsupported and misleading. Division of Legal Services and Compliance Case Number 13 APP 059 was subsequently opened for investigation.

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

- a. Respondent did not adequately explain why he disagreed with the value conclusion in the appraisal report under review. [SR 3-3(a)(iii).]
- b. Respondent incorrectly categorized the subject property's view as "neutral" rather than "beneficial" in the sales comparison grid. [SR 1-2(e)(i), SR 1-4, SR 2-1(b).]
- c. Respondent stated in his report comments that he had adjusted two of the comparable sales for their location on busy roads. In fact, Respondent had not made this adjustment and the comparable sales were not located on busy roads. [SR 3-1(b,c).]
- d. Respondent utilized inadequate comparable sales and made inconsistent adjustments in the Sales Comparison Approach. [SR 1-1(a), SR 3-1(b).]
- e. Respondent improperly reported the prior sale of Comparable Sale #3. [SR 1-4(a), SR 1-1(c).]
- f. Respondent did not report a reasonable exposure time linked to his opinion of value. [SR 1-2(c) (*comment*).]
- g. Respondent did not provide a reasonable justification for using MLS photos rather than taking his own photos of the comparable sales utilized. [SR 3-1(c), Scope of Work Rule, Competency Rule.]

5. Respondent fully cooperated with the Department's investigation and immediately took responsibility for the issues noted above.

6. 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, James E. Van Vonderen violated the USPAP Competency Rule by failing to be competent to perform an assignment.

3. By the conduct described in the Findings of Fact, James E. Van Vonderen violated the USPAP Scope of Work Rule by failing to determine and perform the scope of work necessary to develop credible assignment results.

4. By the conduct described in the Findings of Fact, James E. Van Vonderen violated USPAP SR 1-1(a) by failing to be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal.

5. By the conduct described in the Findings of Fact, James E. Van Vonderen violated USPAP SR 1-1(c) by committing a substantial error of omission or commission that significantly affects an appraisal.

6. By the conduct described in the Findings of Fact, James E. Van Vonderen violated USPAP SR 1-2(c) by failing to identify the type and definition of value by failing to develop opinion of reasonable exposure time linked to the value opinion being developed.

7. By the conduct described in the Findings of Fact, James E. Van Vonderen 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 location and physical, legal and economic attributes.

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

9. By the conduct described in the Findings of Fact, James E. Van Vonderen violated USPAP SR 1-4(a) by failing to analyze such comparable sales data as were available to indicate a value conclusion when a Sales Comparison Approach was necessary for credible assignment results.

10. By the conduct described in the Findings of Fact, James E. Van Vonderen violated USPAP SR 2-1(b) by failing to include in the report sufficient information to enable the intended user of the appraisal to understand the report properly.

11. By the conduct described in the Findings of Fact, James E. Van Vonderen violated USPAP SR 3-1(b) by committing a substantial error of omission or commission that significantly affects an appraisal review.

12. By the conduct described in the Findings of Fact, James E. Van Vonderen violated USPAP SR 3-1(c) by rendering appraisal review services in a careless or negligent manner, such as making a series of errors that, although individually might not significantly affect the results of an appraisal review, in the aggregate affects the credibility of those results.

13. By the conduct described in the Findings of Fact, James E. Van Vonderen violated USPAP SR 3-3(a)(iii) by failing to develop the reasons for any disagreement when necessary for credible assignment results in the review of analyses, opinions and conclusions.

14. As a result of the above violations, James E. Van Vonderen 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. Respondent James E. Van Vonderen is REPRIMANDED.
3. The Certified Residential Appraiser certificate of licensure and certification issued to Respondent James E. Van Vonderen (number 1768-9) is LIMITED as follows:
 - a. Within 120 days of the date of this Order, Respondent shall successfully complete 52 hours of education in the following courses offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses:
 - i. USPAP (15 hours),
 - ii. Residential Sales Comparison and Income Approach (30 hours), and
 - iii. Reviewing Residential Appraisals and Using Fannie Mae Form 2000 (7 hours).
 - b. The courses listed above may be taken in person in a classroom setting or online.
 - c. Respondent shall submit proof of successful 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 requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or the Department.
 - d. This limitation shall be removed from Respondent's certificate of licensure and certification after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.
4. Within 90 days from the date of this Order, James E. Van Vonderen shall pay COSTS of this matter in the amount of \$500.
5. Proof of successful course 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@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 certificate of licensure and certification. 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 education as set forth above, Respondent's certificate of licensure and certification (no. 1768-9) 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 education.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:


A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES E. VAN VONDEREN,
RESPONDENT.

:
:
:
:
:

STIPULATION

0003870

Division of Legal Services and Compliance Case No. 13 APP 059

Respondent James E. Van Vonderen 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.

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.


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.

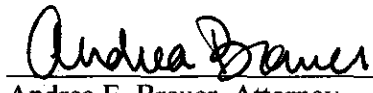
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


James E. Van Vonderen, Respondent
P.O. Box 432
De Pere, WI 54115
Credential no. 1768-9

2-26-2015
Date


Andrea E. Brauer, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

3-3-2015
Date