

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
MICHELLE M. SKIPCHAK, :
RESPONDENT. : **0003871**

Division of Legal Services and Compliance Case No. 13 APP 035

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

Michelle M. Skipchak
P.O. Box 824
Wisconsin Dells, WI 53965

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 Michelle M. Skipchak (dob July 11, 1980) is licensed in the State of Wisconsin as an Appraiser, having certificate of licensure number 1837-4, first issued on August 16, 2004 and current through December 14, 2015. Michelle M. Skipchak's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is P.O. Box 824, Wisconsin Dells, WI 53965.

2. On April 15, 2013, Respondent signed an appraisal report for an appraisal of property located at 307 Raymond Street, Friendship, WI 53934.

3. On June 10, 2013, Respondent signed an appraisal report for an appraisal of property located at W1387 Jordan Lane, Wisconsin Dells, WI 53965.

4. On June 13, 2013, Respondent signed an appraisal report for an appraisal of property located at 202 W. 1st Street, Friendship, WI 53934.

5. In August 2013, pursuant to Respondent's request that the Board report her status to the National Registry as AQB-conforming, the Board reviewed the above listed appraisals.

6. The Board found the above listed appraisals contained multiple violations of the Uniform Standards of Professional Appraisal Practice (USPAP) and filed a complaint with the Division of Legal Services and Compliance (DLSC). DLSC Case Number 13 APP 035 was subsequently opened for investigation.

7. Respondent's appraisal of property located at 307 Raymond Street was reviewed by DLSC, and it was determined that the appraisal and appraisal report violated USPAP Rules and/or Standards Rules (SR) as follows:

a. Respondent did not recognize the subject property's neighborhood market was declining. [SR 1-1(b,c), SR 1-3(a), Competency Rule.]

b. Respondent rated the subject property's condition as C2, although the subject property was approximately 100 years old and the only recent improvement was a new roof. [1-1(c), SR 1-2(e)(i).]

c. In the Sales Comparison Approach, Respondent made inappropriate adjustments and based some adjustments on inaccurate information about the comparable sales. [SR 1-1(c), SR 1-4, SR 1-4(a), Competency Rule.]

d. Respondent included two listings in her weighted average analysis in the Sales Comparison Approach but did not adjust for the sale price to list price ratio. As a result, the opinion of value exceeded the value range of the sales used. [SR 1-1(c), SR 1-4, SR 1-4(a).]

e. Contrary to the assignment conditions, Respondent used MLS photos instead of taking her own photos of the comparable sales utilized. [SR 1-4, SR 2-1(a), Scope of Work Rule.]

8. Respondent's appraisal of property located at W1387 Jordan Lane was reviewed by DLSC, and it was determined that the appraisal and appraisal report violated the USPAP Rules and/or SR as follows:

a. Respondent did not correctly calculate the predominant price range for the subject property's neighborhood and did not properly identify the neighborhood boundaries. [SR 1-1(c), SR 1-3(a).]

- b. Respondent rated the subject property's condition as C2, although the subject property was 38 years old, the only recent improvement was a new roof and the assessor rated the property's condition as poor. [1-1(c), SR 1-2(e)(i).]
- c. In the Sales Comparison Approach, Respondent made inconsistent and unsupported adjustments and based some adjustments on inaccurate information about the comparable sales. [SR 1-1(c), SR 1-4, SR 1-4(a), Competency Rule.]
- d. Respondent included two listings in her weighted average analysis in the Sales Comparison Approach but did not adjust for the sale price to list price ratio. As a result, the opinion of value exceeded the value range of the sales used. [SR 1-1(c), SR 1-4, SR 1-4(a).]

9. Respondent's appraisal of property located at 202 W. 1st Street was reviewed by DLSC, and it was determined that the appraisal and appraisal report violated the USPAP Rules and/or SR as follows:

- a. Respondent did not properly identify the subject property's neighborhood boundaries, site dimensions or site area. [SR 1-1(b,c), SR 1-2(e)(i).]
- b. Respondent did not recognize the subject property's neighborhood market was declining. [SR 1-1(b,c), SR 1-3(a), Competency Rule.]
- c. Respondent did not adequately research the subject property and did not include sufficient information about the subject property in her work file to support her conclusions. [SR 1-1(b,c), SR 1-2(e)(i), Scope of Work, Record Keeping Rule.]
- d. In the Sales Comparison Approach, Respondent made inappropriate adjustments, did not adjust for the declining market and used inappropriate comparable sales. [SR 1-1(b,c), SR 1-4, SR 1-4(a).]
- e. Respondent did not report the contract dates of comparable sales utilized in the Sales Comparison Approach. [Competency Rule.]
- f. Respondent reported data that conflicted with the data sources she listed in her report. [SR 1-1(b,c), SR 1-4, Conduct Section of the Ethics Rule.]
- g. Respondent reported the wrong address for one of the comparable sales and also falsely reported the property had a railroad view, although the railroad was located blocks away. Respondent would not have made these errors if she had viewed the comparable sale, as she certified in her report. [Conduct Section of the Ethics Rule.]
- h. Contrary to the assignment conditions, Respondent used MLS photos instead of taking her own photos of the comparable sales utilized. [SR 1-4, SR 2-1(a), Scope of Work Rule.]

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, Michelle M. Skipchak violated the USPAP Competency Rule by failing to be competent to perform an assignment.
3. By the conduct described in the Findings of Fact, Michelle M. Skipchak violated the Conduct Section of the USPAP Ethics Rule by performing an assignment in a grossly negligent manner.
4. By the conduct described in the Findings of Fact, Michelle M. Skipchak violated the USPAP Scope of Work Rule by failing to determine and perform the scope of work necessary to develop credible assignment results.
5. By the conduct described in the Findings of Fact, Michelle M. Skipchak violated the USPAP Record Keeping Rule by failing to include in her workfile all data, information and documentation necessary to support her opinions and conclusions and to show compliance with USPAP, or references to the location(s) of such other documents.
6. By the conduct described in the Findings of Fact, Michelle M. Skipchak violated USPAP SR 1-1(b) by committing a substantial error of omission or commission that significantly affects an appraisal.
7. By the conduct described in the Findings of Fact, Michelle M. Skipchak violated USPAP SR 1-1(c) by rendering appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results.
8. By the conduct described in the Findings of Fact, Michelle M. Skipchak 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.
9. By the conduct described in the Findings of Fact, Michelle M. Skipchak violated USPAP SR 1-3(a) by failing to identify and analyze the effect on use and value of market area trends.
10. By the conduct described in the Findings of Fact, Michelle M. Skipchak violated USPAP SR 1-4 by failing to collect, verify and analyze all information necessary for credible assignment results.
11. By the conduct described in the Findings of Fact, Michelle M. Skipchak 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.

12. By the conduct described in the Findings of Fact, Michelle M. Skipchak violated USPAP SR 2-1(a) by failing to clearly and accurately set forth the appraisal in a manner that will not be misleading.

13. As a result of the above violations, Michelle M. Skipchak 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 Michelle M. Skipchak is REPRIMANDED.
3. The Appraiser certificate of licensure issued to Respondent Michelle M. Skipchak (number 1837-4) is LIMITED as follows:
 - a. Within 180 days of the date of this Order, Respondent shall successfully complete 90 hours of education from 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 Appraiser Report Writing and Case Studies (15 hours);
 - iii. Residential Appraiser Site Valuation and Cost Approach (15 hours);
 - iv. Advance Residential Applications and Case Studies (15 hours), and;
 - v. Basic Appraisal Principles (30 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 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, Michelle M. Skipchak shall pay COSTS of this matter in the amount of \$800.

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

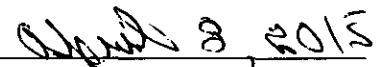
6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's certificate of licensure. The Board in its discretion may in the alternative impose additional conditions and limitations or other 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 (no. 1837-4) 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

MICHELLE M. SKIPCHAK,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

0003871

Division of Legal Services and Compliance Case No. 13 APP 035

Respondent Michelle M. Skipchak 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.

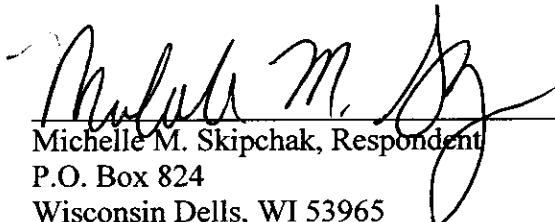
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.


Michelle M. Skipchak, Respondent
P.O. Box 824
Wisconsin Dells, WI 53965
Credential no. 1837-4

2/13/15
Date


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

2/20/15
Date