

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT A. GREENWOOD,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0003953

Division of Legal Services and Compliance Case No. 13 APP 050

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

Robert A. Greenwood
406 Ash Street
Baraboo, WI 53913

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 Robert A. Greenwood (dob 3/26/1939) is licensed in the State of Wisconsin as a Certified General Appraiser, having certificate of licensure and certification number 373-10, first issued on February 11, 1993, and current through December 14, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 406 Ash Street, Baraboo, WI 53913.

2. On October 18, 2006, Respondent was disciplined by the Board for violations of the Uniform Standards of Professional Appraisal Practice (USPAP) while serving as a supervising appraiser and signing the appraisal report and certification statement for the property which was the subject of the Final Decision and Order. Respondent's certification was limited to

require completion of education in basic appraisal procedures, highest and best use and appraisal report writing. Respondent was further ordered to pay \$365.00 in costs.

3. On November 19, 2008, Respondent was again disciplined by the Board for violations of USPAP. Respondent was reprimanded and ordered to pay costs in the amount of \$280.20.

4. On May 31, 2012, Respondent performed an appraisal on a proposed construction of a single story commercial building located at 1670 South Blvd., Baraboo, WI 53959.

5. On or about July 31, 2013, the Department received a complaint alleging that the subject appraisal violated USPAP. Division of Legal Services and Compliance Case Number 13 APP 050 was subsequently opened for investigation.

6. Respondent's appraisal report for the Baraboo property 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. Respondent's work file for the subject property does not contain information sheets for the comparables, research for the comparables, cost detail or cost breakdown from the owners, details of the land sales or reference to where they could be found, detail of the 31 rental properties listed in the appraisal report, and a copy of Marshall and Swift cost printout or worksheet showing how cost figures were developed. [Record Keeping Rule.]
- b. Respondent failed to state the effective date of his opinion of value. [SR 1-2(d).]
- c. Respondent failed to state a hypothetical condition when the appraisal of the subject property was based on completion of the proposed construction of the improvements. [SR 1-2(g), SR 1-2(c), SR 2-2(b)(x).]
- d. Respondent failed to report the source of the definition of market value identified in the report. [SR 2-2(b)(v), SR 1-1(c).]
- e. Respondent failed to describe the support and rationale for his opinion of the highest and best use of the subject property. [SR 2-2(b)(ix).]
- f. Respondent failed to develop an opinion of reasonable exposure time linked to the value opinion, although it was part of the definition of market value stated in the appraisal report. [SR 1-2(c), SR 1-1(c).]
- g. Respondent failed to state in both the appraisal report and the certification of the report that no other services have been performed by the Respondent for the subject property in the prior three years. [SR 2-3.]

- h. Respondent failed to identify and analyze all contracts, marketing, and pending agreements for the subject property. [SR 1-5(a), SR 2-2(b)(viii)(Comment).]
- i. Respondent's opinion of rent and the opinion stated in the income approach are not supported. [SR 1-4(c)(i).]

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 the USPAP Record Keeping Rule by failing to include all data, information and documentation necessary to support the appraiser's opinions and conclusions and to show compliance with USPAP.
3. By the conduct described in the Findings of Fact, Respondent 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.
4. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-2(c) by failing to identify the type and definition of value.
5. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-2(d) by failing to identify the effective date of the appraiser's opinions and conclusions.
6. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-2(g) by failing to identify any hypothetical conditions necessary in the assignment.
7. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-4(c)(i) by failing to analyze such comparable rental data as are available and/or the potential earnings capacity of the property to estimate the gross income potential of the property when an income approach is necessary for credible assignment results.
8. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-5(a) by failing to analyze all agreements of sale, options and listings of the subject property current as of the effective date of the appraisal when the value opinion to be developed is market value and if such information is available to the appraiser in the normal course of business.
9. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 2-2(b)(v) by failing to cite the source of the definition of value in the appraisal report.

10. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 2-2(b)(viii) (Comment) by failing to provide sufficient information to enable the client and intended users to understand the rationale for the opinions and conclusions, including reconciliation of the data and approaches in accordance with Standards Rule 1-6 and failing to report a summary of the results of analyzing the subject sales, options, and listings in accordance with Standards Rule 1-5.

11. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 2-2(b)(ix) by failing to summarize the support and rationale for the appraiser's opinion of the highest and best use of the subject property.

12. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 2-2(b)(x) by failing to clearly and conspicuously state all extraordinary assumptions and hypothetical conditions and state that their use might have affected the assignment results.

13. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 2-3 by failing to include in the appraisal report a signed certification that Respondent has performed no (or the specified) services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding the acceptance of the assignment.

14. 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 certificate of licensure and certification issued to Robert A. Greenwood (number 373-10) is LIMITED as follows:
 - a. Respondent's practice shall be limited to only those services that a licensed appraiser may perform pursuant to Wis. Admin. Code § SPS 85.500. Respondent may perform appraisals of complex 1- to -4 family residential property having a transaction value of not more than \$250,000; non-complex 1-to-4 family residential property having a transaction value of not more than one million dollars; and commercial real estate having a transaction value of not more than \$250,000. No other appraisal work is permitted.
 - b. Respondent shall sign all appraisal work with his title as follows: "Wisconsin Certified General Appraiser, Limited".
 - c. Respondent shall petition the Board for removal of these limitations.
 - d. Respondent shall not petition for removal of these limitations or apply for another appraiser credential for a period of five (5) years from the date of this Order.

3. The Certified General Appraiser certificate of licensure and certification issued to Robert A. Greenwood (number 373-10) is further LIMITED as follows:

- a. Within thirty (30) days of the date of the Order, Respondent shall successfully complete the 15 hour USPAP course offered by the Appraisal Institute, or another provider pre-approved by the Board's monitoring liaison, including taking and passing any examination offered for the course. The course and examination may be taken online or in a classroom setting.
- b. Within sixty (60) days of the date of the Order, Respondent shall take and pass the Wisconsin Online Test for Appraisers offered by the Department of Safety and Professional Services.
- c. All costs of the educational courses and testing shall be paid by Respondent.
- d. Respondent shall submit proof of successful completion of the ordered education and testing in the form of verification from the institution providing the education and testing 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.
- e. These limitations shall be removed from Respondent's license after Respondent satisfies the Board or its designee that he has successfully complied with these limitations.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS in this matter in the amount of \$1182.00.

5. Proof of successful testing and course completion, any petition for removal of limitations, 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:

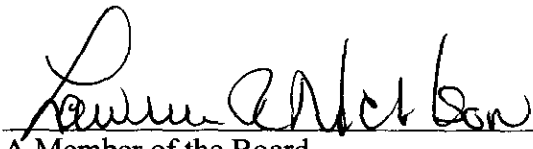
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 testing and education as set forth above, Respondent's certificate of licensure and certification (no. 373-10) 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 costs and successful completion of the education and testing.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: 
A Member of the Board

5/6/2015
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT A. GREENWOOD,
RESPONDENT.

STIPULATION

0003953

Division of Legal Services and Compliance Case No. 13 APP 050

Respondent Robert A. Greenwood 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 Attorney Clifford D. Bobholz, Boardman & Clark LLP.

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.

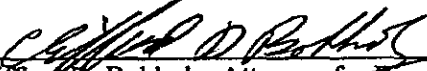
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Robert A. Greenwood, Respondent
406 Ash Street
P.O. Box 237
Baraboo, WI 53913
License no. 373-10

April 29, 2015

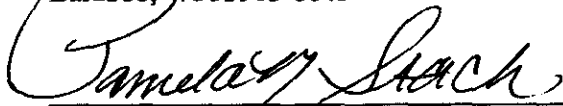
Date



Clifford D. Bobholz, Attorney for Respondent
Boardman & Clark LLP
619 Oak Street
P.O. Box 443
Baraboo, WI 53913-0043

4-29-2015

Date



Pamela M. Stach, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

4-29-2015

Date