

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

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FINAL DECISION AND ORDER

RICHARD N. ATKINSON,
RESPONDENT.

0004167

Division of Legal Services and Compliance Case No. 13 APP 080

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

Richard N. Atkinson
W2345 Hwy D
Elkhorn, WI 53121-3320

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 Richard N. Atkinson (dob 2/11/1956) is certified in the State of Wisconsin as a Licensed Appraiser, having certificate of licensure number 1394-4, first issued on November 30, 2001, and current through December 14, 2015. Richard N. Atkinson's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W2345 Hwy D, Elkhorn, Wisconsin 53121-3320.

2. On October 11, 2012, Respondent performed an appraisal of property located at 2843 School Street, East Troy, Wisconsin 53120-1301.

3. On or about July 15, 2013, the Department received a complaint alleging that the subject appraisal violated the Uniform Standards of Professional Appraisal Practice (USPAP). Division of Legal Services and Compliance Case (Division) Number 13 APP 080 was subsequently opened for investigation.

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

a. Respondent incorrectly reported the census tract number and the client's name. [SR 1-1(c).]

b. Respondent failed to provide sufficient detail in his comments regarding the neighborhood and market conditions and reported the incorrect FEMA map number. [SR 2-1(a,b).]

c. 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).]

d. Respondent selected inappropriate comparables which were superior to the subject property, reported inaccurate data for the comparable sales, made inaccurate adjustments or failed to make adjustments and failed to provide commentary as to why adjustments were not made. [Competency Rule, SR 1-1(a,c), SR 1-4(a).]

e. In the Cost Approach, Respondent used assessed value which is not a recognized appraisal method for developing an opinion of site value, failed to provide a summary of comparable land sales, and failed to include data in support of his site value opinion in his work file. [Competency Rule, Record Keeping Rule, SR 1-1(a,b), SR 1-4(b)(i), SR 2-1(b).]

5. On October 1, 2012, Respondent performed an appraisal of property located at N6434 Longmeadow Drive, Elkhorn, WI 53121-3738.

6. On March 8, 2013, Respondent performed an appraisal of property located at N7790 Townline Road, East Troy, Wisconsin 53120-2501.

7. Respondent's appraisals of the Longmeadow Drive and Townline Road properties contain violations of USPAP which are similar in nature to those set forth in paragraph 4(a) through (e) above.

8. 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, Richard N. Atkinson the violated USPAP Record Keeping Rule by failing to include all other data, information, and documentation necessary to support the his opinions and conclusions and to show compliance with USPAP, or references to the location(s) of such other documentation.

3. By the conduct described in the Findings of Fact, Richard N. Atkinson the violated USPAP Competency Rule by failing to be competent to perform an assignment.

4. By the conduct described in the Findings of Fact, Richard N. Atkinson violated USPAP SR 1-1(a,b,c) by:

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

5. By the conduct described in the Findings of Fact, Richard N. Atkinson 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.

6. By the conduct described in the Findings of Fact, Richard N. Atkinson violated USPAP SR 1-4(b)(i) by failing to develop an opinion of site value by an appropriate appraisal method or technique when a cost approach was necessary for credible assignment results.

7. By the conduct described in the Findings of Fact, Richard N. Atkinson violated USPAP SR 2-1(a,b) by failing to:

- a. clearly and accurately set forth the appraisal in a manner that will not be misleading; and
- b. include in the appraisal report 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, Richard N. Atkinson violated USPAP SR 2-2(b)(ix) by failing to summarize the support and rationale for an opinion of highest and best use.

9. As a result of the above violations, Richard N. Atkinson 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

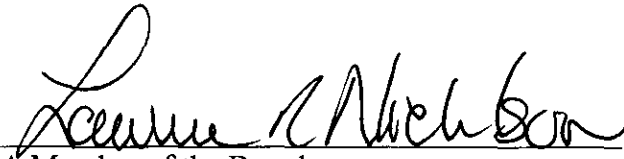
1. The attached Stipulation is accepted.
2. Respondent Richard N. Atkinson is REPRIMANDED.
3. The Licensed Appraiser certificate of licensure issued to Richard N. Atkinson (number 1394-4) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete 52 hours of education consisting of 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 Market Analysis and Highest and Best Use (15 hours),
 - iii. Residential Site Valuation and Cost Approach (15 hours), and
 - iv. Overview of Real Estate Appraisal Principles (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 ordered education and passage of any examination 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, and also may not be used in future attempts to upgrade a credential in Wisconsin.
 - 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 and passage of any examination.
4. Within ninety (90) days from the date of this Order, Richard N. Atkinson shall pay COSTS of this matter in the amount of \$870.00.
5. Proof of successful course completion, passage of any examination, 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 and passage of any examination as set forth above, Respondent's certificate of licensure (number 1394-4) 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, completion of the education and passage of any examination.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: 
A Member of the Board

9/3/2015
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RICHARD N. ATKINSON,
RESPONDENT.

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:
:

STIPULATION

0004167

Division of Legal Services and Compliance Case No. 13 APP 080

Respondent Richard N. Atkinson 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.

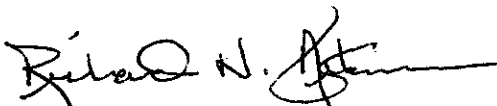
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

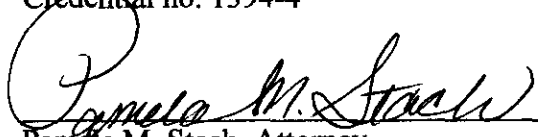
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Richard N. Atkinson, Respondent
W2345 Hwy D
Elkhorn, WI 53121-3320
Credential no. 1394-4

7/13/2015
Date



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

7/15/2015
Date