

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
PETER J. DIDIER, :  
RESPONDENT. :

0004168

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Division of Legal Services and Compliance Case No. 13 APP 066

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

Peter J. Didier  
110 E. Grand Avenue  
Port Washington, WI 53074

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 Peter J. Didier (dob 3/5/1946) is licensed in the State of Wisconsin as a Licensed Appraiser, having certificate of licensure number 430-4, first issued on April 19, 1993 and current through December 14, 2015. Peter J. Didier's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 110 E. Grand Avenue, Port Washington, Wisconsin 53074.

2. On May 8, 2013, Respondent performed an appraisal of property located at 5126 Country Club Beach Road, Port Washington, Wisconsin 53074.

3. On or about August 16, 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 (Division) Case Number 13 APP 066 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's work file does not contain MLS Data sheets for Comparable Listings #1, #2, and #3, detailed field notes, the order form for the appraisal from the appraisal management company, the contract to purchase the subject property, and land sales in support of the opinion of site value. [Record Keeping Rule.]
- b. Respondent failed to describe his efforts to obtain relevant information regarding current and recent market activity. [SR 1-1(b), SR 1-5(a), SR 2-2(b)(viii).]
- 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 failed to use established home measuring standards when measuring and reporting exterior measurements for the subject property. [SR 1-1(b).]
- e. In the sales comparison approach, Respondent made errors in reporting data for the comparable sales, failed to report relevant features of the comparable sales, failed to make adjustments or made inaccurate and inconsistent adjustments. [Competency Rule, SR 1-4(a), SR 1-1(b,c).]
- f. In the cost approach, Respondent failed to summarize how his opinion of site value was determined. [Competency Rule, Scope of Work Rule, SR 1-1(b), SR 1-4(b)(i).]

5. 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, Peter J. Didier violated the USPAP Record Keeping Rule by failing to include all data, information, and documentation necessary to support 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, Peter J. Didier violated the USPAP Competency Rule by failing to be competent to perform an assignment.

4. By the conduct described in the Findings of Fact, Peter J. Didier violated the USPAP Scope of Work Rule by failing to determine and perform the scope of work necessary to develop credible assignment results for each appraisal.

5. By the conduct described in the Findings of Fact, Peter J. Didier violated USPAP SR 1-1(b,c) by:

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.

6. By the conduct described in the Findings of Fact, Peter J. Didier 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.

7. By the conduct described in the Findings of Fact, Peter J. Didier 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.

8. By the conduct described in the Findings of Fact, Peter J. Didier 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 was market value.

9. By the conduct described in the Findings of Fact, Peter J. Didier violated USPAP SR 2-2(b)(viii) by failing to summarize the information analyzed, the appraisal methods and techniques employed, and the reasoning that supports the analyses, opinions, and conclusions.

10. By the conduct described in the Findings of Fact, Peter J. Didier 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.

11. As a result of the above violations, Peter J. Didier 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 Peter J. Didier is REPRIMANDED.

3. The Licensed Appraiser certificate of licensure issued to Peter J. Didier (number 430-4) is LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall successfully complete 37 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 Site Valuation and Cost Approach (15 hours); and
- iii. 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 and passage of any examination of the ordered 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, 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 90 days from the date of this Order, Peter J. Didier shall pay COSTS of this matter in the amount of \$875.00.

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:

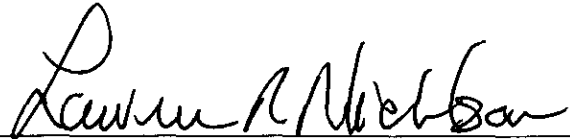
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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 (no. 430-4) 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

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : STIPULATION  
PETER J. DIDIER, :  
RESPONDENT. : 0004168

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Division of Legal Services and Compliance Case No. 13 APP 066

Respondent Peter J. Didier 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.

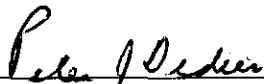
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

  
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Peter J. Didier, Respondent  
110 E. Grand Avenue  
Port Washington, WI 53074  
Credential no. 430-4

6-19-15  
Date

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

6-22-15  
Date