

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
CHRISTOPHER L. BUCHHOLTZ, :
RESPONDENT. :

0004528

Division of Legal Services and Compliance Case No. 14 APP 060

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

Christopher L. Buchholtz
N6892 Canter Court
Lake Mills, WI 53551

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 Christopher L. Buchholtz (DOB 05/27/1969) is certified in the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 812-9, first issued on 01/28/1994 and current through 12/14/2017. Christopher L. Buchholtz's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N6892 Canter Court, Lake Mills, Wisconsin 53551.

2. On 05/08/2013, Respondent was issued an Administrative Warning by the Board for an issue unrelated to the current matter.

3. On 01/22/2014 and 02/14/2014, Respondent signed appraisal reports as a supervisor appraiser for appraisals of properties located at W3149 Koschnick Road, Watertown, Wisconsin 53094 and 331 Grove Street, Fort Atkinson, Wisconsin 53538 respectively. The appraisal reports were prepared and also signed by a trainee appraiser who was under the supervision of Respondent.

4. On or about 04/14/2014 the trainee appraiser submitted the appraisal reports to the Board as part of an application for certification as a Certified Residential Appraiser.

5. On or about 10/27/2014, the Division of Professional Credential Processing referred the above noted appraisals to the Division of Legal Services and Compliance (DLSC) because it concluded that the appraisals violated the Uniform Standards of Professional Appraisal Practice (USPAP). DLSC Case Number 14 APP 060 was subsequently opened for investigation.

6. Respondent's appraisals were reviewed by the DLSC and it was determined that the appraisals and appraisal reports violated USPAP Rules and/or Standards Rules (SR) as follows:

W3149 Koschnick Road

a. Respondent incorrectly delineated the subject property's neighborhood boundaries and incorrectly reported the subject property's zoning description. [SR 1-1(c).]

b. Respondent failed to comment on the existence of a pond located on the subject property and its effect on the market value of the subject property. [Scope of Work Rule, SR 1-1(c), SR 1-2(e)(iv), SR 2-1(a,b).]

c. Respondent incorrectly reported the layout of the second floor and the gross living area, failed to provide adequate information regarding the proposed improvements and failed to provide adequate information regarding the outbuildings. [Scope of Work Rule, SR 1-1(b,c), SR 1-2(e)(i), SR 2-1(b).]

d. In the Sales Comparison Approach, Respondent incorrectly characterized the heating system of Comparable Sale #2, incorrectly utilized a paired sales comparison which was not reflective of the subject property's market segment, and failed to provide a reconciliation of the sales in developing his opinion of value for the subject property. [SR 1-1(c), SR 1-4(a), SR 1-6(a), SR 2-2(a)(viii).]

331 Grove Street

e. Respondent failed to report all present land use in his appraisal report. [Scope of Work Rule, SR 1-1(c).]

f. Respondent incorrectly reported the site dimensions of the subject property. [Scope of Work Rule, SR 1-1(b,c), SR 1-2(e)(iv), SR 2-1(a,b).]

g. Respondent incorrectly reported the above grade living area for the second floor of the subject property. [Scope of Work Rule, SR 1-1(b,c), SR 1-2(e)(i), SR 2-1(b).]

h. Respondent incorrectly reported the gross living area for Comparable Rental #1 and failed to provide support and analysis for the reported market rental range. [SR 1-1(c), SR 1-4(c)(i).]

i. In the Sales Comparison Approach, Respondent incorrectly reported the sale date and type of sale for Comparable Sale #1 and failed to analyze the sale to determine if it was at market value, incorrectly reported the square footage of Comparable Sale #3, and failed to provide analysis and adjustment for an extra lot included in Comparable Sale #3. [SR 1-1(c), SR 1-4(a).]

j. Respondent failed to identify the rental information for Comparable Sale #1 as estimated and failed to provide a reconciliation of sales data in developing his opinion of value of the subject property. [SR 1-1(c), SR 1-6(a), SR 2-2(a)(viii).]

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, Christopher L. Buchholtz violated the USPAP Scope of Work Rule by failing to gather and analyze information about those assignment elements that are necessary to properly identify the appraisal or appraisal review problem to be solved.

3. By the conduct described in the Findings of Fact, Christopher L. Buchholtz violated USPAP SR 1-1(b) and (c) by:

a. committing a substantial error of omission or commission that significantly affected an appraisal, and

b. 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, Christopher L. Buchholtz violated USPAP SR 1-2(e)(i) and (iv) 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:

a. its location and physical, legal, and economic attributes, and

b. any known easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances, or other items of a similar nature.

5. By the conduct described in the Findings of Fact, Christopher L. Buchholtz 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, Christopher L. Buchholtz violated USPAP SR 1-4(c)(i) by failing to analyze such comparable rental data as were available and/or the potential earnings capacity of the property to estimate the gross income potential of the property when an income approach was necessary for credible assignment results.

7. By the conduct described in the Findings of Fact, Christopher L. Buchholtz violated USPAP SR 1-6(a) by failing to reconcile the quality and quantity of data available and analyzed within the approaches used.

8. By the conduct described in the Findings of Fact, Christopher L. Buchholtz violated USPAP SR 2-1(a) and (b) by:

a. failing to clearly and accurately set forth the appraisal in a manner that will not be misleading, and

b. failing to include in the appraisal report sufficient information to enable the intended users of the appraisal to understand the report properly.

9. By the conduct described in the Findings of Fact, Christopher L. Buchholtz violated USPAP SR 2-2(a)(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. As a result of the above violations, Christopher L. Buchholtz 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 Christopher L. Buchholtz is REPRIMANDED.

3. The Certified Residential Appraiser certificate of licensure and certification issued to Christopher L. Buchholtz (number 812-9) is LIMITED as follows:

a. Within 90 days from the date of this Order, Respondent shall successfully complete 34 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. Comparative Analysis (7 hours),
- iii. Real Estate Appraisal Trainee/Supervisor (4 hours), and
- iv. All About ANSI & Measuring Square Footage Appraiser's Edition (8 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 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 and certification after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

e. Respondent is prohibited from supervising trainees until the above education and testing is completed and required documentation is submitted to the Department.

4. Within 90 days from the date of this Order, Christopher L. Buchholtz shall pay COSTS of this matter in the amount of \$1340.00.

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. 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 and certification (no. 812-9) or Respondent's right to renew

his certificate of licensure and certification 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 and passage of any examination.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Lawrence A. Nicholson
A Member of the Board

2/10/2016
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
CHRISTOPHER L. BUCHHOLTZ, :
RESPONDENT. : 0004528

Division of Legal Services and Compliance Case No. 14 APP 060

Respondent Christopher L. Buchholtz 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.

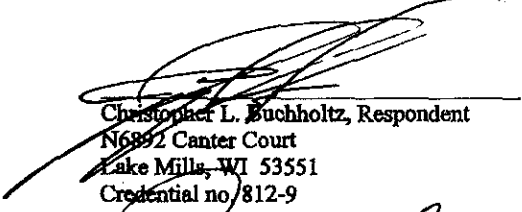
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

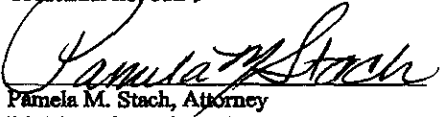
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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


Christopher L. Buchholtz, Respondent
N6892 Canter Court
Lake Mills, WI 53551
Credential no. 812-9

1-15-2016
Date


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

1-15-2016
Date