

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/wscga>

- 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 :
 : FINAL DECISION AND ORDER
AMY J. BATTLE, :
RESPONDENT. :

0004695

Division of Legal Services and Compliance Case No. 15 APP 021

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

Amy J. Battle
13240 Hillside Drive
Suring, WI 54174

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 Amy J. Battle (DOB March 31, 1969) is licensed by the State of Wisconsin as a Licensed Appraiser, having certificate of licensure number 2153-4, first issued on May 7, 2014 and current through December 14, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 13240 Hillside Drive, Suring, Wisconsin 54174.

2. In December 2014, Respondent performed an appraisal and completed an appraisal report of property located at N4701 State Highway 180, Marinette, Wisconsin 54143.

3. The appraisal report for the N4701 State Highway 180 property was signed by JB, a Wisconsin Certified Residential Appraiser (number 1045-9) on December 16, 2014.

4. On or about April 13, 2015, the Department received a complaint alleging that the signed appraisal report did not disclose that the inspection of the N4701 State Highway 180 property and the appraisal report were completed by Respondent. Division of Legal Services and Compliance Case Number 15 APP 021 was subsequently opened for investigation.

5. On August 31, 2015, in her response to an inquiry from the Department, Respondent admitted that she completed the inspection and the appraisal report for the subject property.

6. Respondent's appraisal of the N4701 State Highway 180 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 failed to correctly identify the site dimensions of the subject property. [Scope of Work Rule, SR 1-1(c), SR 2-2(a)(iii).]
- b. Respondent failed to describe the support and rationale for her opinion of the subject property's highest and best use. [SR 2-2(a)(x).]
- c. Respondent failed to identify that access to the subject property is through an easement. [SR 1-1(c), SR 2-2(a)(iii).]
- d. In the Cost Approach, Respondent failed to provide a summary of the comparable land sales used to develop her opinion of site value. [Scope of Work Rule, SR 1-1(c).]
- e. Respondent failed to disclose what method was utilized to calculate the physical depreciation of the subject property's improvements. [SR 1-1(a), SR 2-1(a).]

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, Amy J. Battle 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, Amy J. Battle violated USPAP SR 1-1(a) by failing to be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal.

4. By the conduct described in the Findings of Fact, Amy J. Battle 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.

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

6. By the conduct described in the Findings of Fact, Amy J. Battle violated USPAP SR 2-2(a)(iii) by failing to summarize information sufficient to identify the real estate involved in the appraisal, including the physical, legal, and economic property characteristics relevant to the assignment.

7. By the conduct described in the Findings of Fact, Amy J. Battle violated USPAP SR 2-2(a)(x) by failing to summarize the support and rationale for her opinion of highest and best use.

8. As a result of the above violations, Respondent Amy J. Battle 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 Amy J. Battle is REPRIMANDED.
3. The Licensed Appraiser certificate of licensure issued to Respondent Amy J. Battle (number 2153-4) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete nineteen (19) hours of education consisting of the following courses offered by a provider preapproved by the Board's monitoring liaison, including taking and passing any examination(s) offered for the courses:
 - i. USPAP (15 hours), and
 - ii. Real Estate Appraiser Trainee/Supervisor (4 hours).
 - b. The courses listed above may be taken online or in person in a classroom setting.

c. Respondent shall submit proof of successful completion of the ordered education and passage of any examination(s) in the form of verification from the institution providing the education and examination(s) 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 successfully passed any examination(s).

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$350.00.

5. Proof of successful course completion, passage of any examination(s), 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 examination(s) as set forth above, Respondent's certificate of licensure (number 2153-4) or Respondent's right to renew her certificate of licensure, 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 the examination(s).

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Larry Nicholson
A Member of the Board

5/5/2016
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AMY J. BATTLE,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004695

Division of Legal Services and Compliance Case No. 15 APP 021

Respondent Amy J. Battle 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.

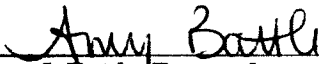
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

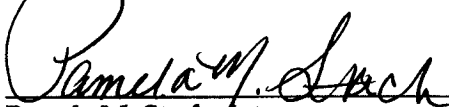
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Amy J. Battle, Respondent
13240 Hillside Dr.
Suring, WI 54174
Credential no. 2153-4

3/30/16

Date



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

4/15/16

Date