

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
JAMES R. BONEHAM, :
RESPONDENT. :

0004697

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:

James R. Boneham
P.O. Box 486
Marinette, WI 54143

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 James R. Boneham (DOB March 23, 1947) is certified by the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 1045-9, first issued on January 6, 1997 and current through December 14, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Post Office Box 486, Marinette, Wisconsin 54143.

2. On June 28, 2000, the Board disciplined Respondent for violating the Uniform Standards of Professional Appraisal Practice (USPAP) for an appraisal performed on May 21, 1998. The USPAP Rules and/or Standards Rules (SR) violated included, but were not limited to, SR 1-1(a) through (c), SR 1-4(a) through (b)(iii), SR 2-1, SR 2-2(a)(ii)(iii) through (iv), SR 2-3,

and SR 2-5. Respondent also violated Wis. Admin. Code § RL 86.01(1),(2), and (2a) as it was determined during the investigation that Respondent performed the appraisal but that the document was signed by his father, a certified residential appraiser. Respondent's certification was suspended for one month and he was required to complete fifteen (15) hours of education. Respondent was further ordered to pay costs in the amount of \$500. Respondent complied with the requirements of the Order.

3. On December 16, 2014, Respondent signed an appraisal report for an appraisal of property located at N4701 State Highway 180, Marinette, Wisconsin 54143.

4. The inspection of the N4701 State Highway 180 property and completion of the appraisal and appraisal report were performed by A.B., a Wisconsin Licensed Appraiser (license number 2153-4).

5. Respondent provided input to A.B. on the appraisal and appraisal report and took responsibility for the report.

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

7. The December 16, 2014, appraisal report of the N4701 State Highway 180 property, signed by Respondent, 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 disclose in his appraisal report that he had received professional assistance by having the inspection of the subject property, the appraisal and the appraisal report completed by another individual. [Ethics Rule, Scope of Work Rule, SR 2-1(a), SR 2-2(a)(vii), SR 2-3.]
- b. Respondent falsely certified in paragraph 19 of the certification of his appraisal report that if he had relied on significant real property appraisal assistance from any individual in the performance of this appraisal, he named such individual and disclosed the specific tasks performed in the appraisal report. [Ethics Rule, SR 2-3.]
- c. 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).]
- d. Respondent's appraisal report did not describe the support and rationale for his opinion of the subject property's highest and best use. [SR 2-2(a)(x).]
- e. Respondent failed to identify that access to the subject property is through an easement. [SR 1-1(c), SR 2-2(a)(iii).]

f. In the Cost Approach, Respondent failed to provide a summary of the comparable land sales used to develop his opinion of site value. [Scope of Work Rule, SR 1-1(c).]

g. Respondent's report did not disclose what method was utilized to calculate the physical depreciation of the subject property's improvements. [SR 1-1(a), SR 2-1(a).]

6. 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, James R. Boneham 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, James R. Boneham violated the USPAP Ethics Rule by communicating a report that is known by him to be misleading or fraudulent.

4. By the conduct described in the Findings of Fact, James R. Boneham 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.

5. By the conduct described in the Findings of Fact, James R. Boneham 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.

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

7. By the conduct described in the Findings of Fact, James R. Boneham 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.

8. By the conduct described in the Findings of Fact, James R. Boneham violated USPAP SR 2-2(a)(vii) by failing to summarize the scope of work used to develop the appraisal.

9. By the conduct described in the Findings of Fact, James R. Boneham violated USPAP SR 2-2(a)(x) by failing to summarize the support and rationale for his opinion of highest and best use.

10. By the conduct described in the Findings of Fact, James R. Boneham violated USPAP SR 2-3 by failing to include in the appraisal report a signed certificate that is similar in content to the form provided in USPAP, specifically by failing to name the individual providing significant real property appraisal assistance.

11. As a result of the above violations, Respondent James R. Boneham 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 James R. Boneham is REPRIMANDED.
3. The Certified Residential Appraiser certificate of licensure and certification issued to Respondent James R. Boneham (number 1045-9) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete twenty-six (26) 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),
 - ii. Appraisal Institute-FHA Appraisal for Valuation Professionals (7 hours) or Hondros-Property Valuation Analysis for FHA (7 hours), and
 - iii. 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 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 and passage of 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 \$702.00.

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 and certification (number 1045-9) 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, 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 *LN*

5/5/2016
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES R. BONEHAM,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

0004697

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

Respondent James R. Boneham 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.

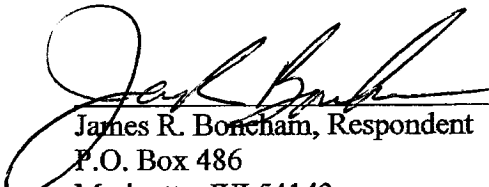
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.


James R. Boncham, Respondent
P.O. Box 486
Marinette, WI 54143
Credential no. 1045-9

03/31/2016
Date


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

04/15/2016
Date