

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE CERTIFICATE OF	:	
	:	FINAL DECISION AND ORDER
	:	FOR REMEDIAL EDUCATION
CHARLES A. HARTUNG,	:	
LICENSEE	:	

0004851

Division of Legal Services and Compliance Case No. 15 APP 045

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

Charles A. Hartung
2719 Blackberry Trail
Menomonie, WI 54751

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 Wisconsin 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. Licensee Charles A. Hartung (DOB 05/26/1955) is certified by the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 199-9, first issued on November 20, 1991 and current through December 14, 2017. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2719 Blackberry Trail, Menomonie, Wisconsin 54751.

2. On August 3, 2015, Licensee performed an appraisal of property located at 4080 10th Avenue, Eau Claire, Wisconsin 54703.

3. On or about September 8, 2015, 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 Number 15 APP 045 was subsequently opened for investigation.

4. Licensee's appraisal was reviewed by the Division of Legal Services and Compliance and was found to be deficient in the following ways:

- a. Licensee did not report the listing date for the subject property, which is an assignment condition when completing an appraisal on Fannie Mae Form 1004. [Scope of Work Rule, SR 1-1(c).]
- b. Licensee did not sufficiently describe the location of a Redi-Mix plant located near the subject property. [SR 1-1(c), SR 2-1(b).]
- c. Licensee did not summarize the support and rationale for his opinion of the subject property's highest and best use. [SR 2-2(a)(x).]
- d. Licensee did not adequately support his comparable sales location adjustments in his appraisal report or workfile. [Record Keeping Rule, SR 1-1(a,b,c), SR 2-1(b).]
- e. Licensee did not summarize or provide analysis for comparable land sales used in the Cost Approach Section of his appraisal report. [Record Keeping Rule, SR 1-1(c), SR 2-1(b).]
- f. Licensee did not follow an assignment condition and did not provide comments on how he calculated the depreciation in the Cost Approach. [Scope of Work Rule, SR 1-1(c), SR 2-1(b).]
- g. Licensee did not utilize a recognized appraisal method or technique to extract and support his opinion of external depreciation used in the Cost Approach and Sales Comparison Approach. [SR 1-1(a,c).]
- h. Licensee did not provide his reconciliation of the Sales Comparison Approach and did not provide a final reconciliation of all the approaches utilized and not utilized in the appraisal report. [SR 1-6(a,b), SR 2-1(b), SR 2-2(a)(viii).]

5. Licensee agrees that failure to submit proof of successful completion of the ordered education as set forth below shall constitute conduct which reflects adversely on his fitness to practice as a real estate appraiser as set forth in Wis. Admin. Code § SPS 86.01(13).

6. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. §§ 227.44(5) and 458.26.

ORDER

1. The attached Stipulation is accepted.
2. Within one hundred eighty (180) days of the date of this Order, Charles A. Hartung shall, at his own expense, take and successfully complete 29 hours of education as follows:
 - a. USPAP (15 Hours),
 - b. The Sales Comparison Approach (7 Hours), and
 - c. Even Odder – More Oddball Appraisals (7 Hours).
 - d. Each course attended in satisfaction of this Order must be offered by a provider pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
 - e. Licensee shall submit proof of successful completion of the 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 Department and may not be used in any future attempt to upgrade a credential.
3. Within ninety (90) days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$990.
4. Requests for course approval, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Licensee 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

5. This Order does not constitute discipline.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: *Jerry Nicholson*
A Member of the Wisconsin Real Estate Appraisers Board

8/7/16
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE CERTIFICATE OF	:	
	:	STIPULATION
CHARLES A. HARTUNG,	:	
LICENSEE.	:	0004851

Division of Legal Services and Compliance Case No. 15 APP 045

Licensee Charles A. Hartung 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. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education 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. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

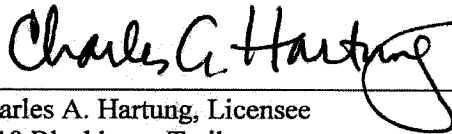
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In

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 Licensee, 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. Licensee 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.

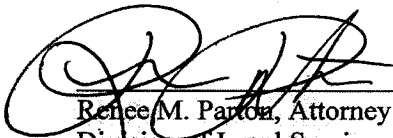
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Charles A. Hartung, Licensee
2719 Blackberry Trail
Menomonie, WI 54751
Certificate No. 199-9

6-30-16

Date



Renee M. Patton, Attorney
Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

6/30/16

Date