

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

JAMES D. DHEIN,
RESPONDENT.

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FINAL DECISION AND ORDER

0005630

Division of Legal Services and Compliance Case No. 17 APP 008

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

James D. Dhein
513 Fremont Street
Kiel, WI 53042

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 D. Dhein (DOB April 16, 1962) is certified by the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 20-9, first issued on July 12, 1991 and current through December 14, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 513 Fremont Street, Kiel, Wisconsin 53042.

2. On February 13, 2013, the Board reprimanded Respondent, limited Respondent's certificate of licensure and certification to require completion of 30 hours of education and ordered Respondent to pay a forfeiture in the amount of \$100 for violating Uniform Standards of

Professional Appraisal Practice (USPAP) Standards Rules (SR) 1-1(b,c), 1-2(e)(v), 1-3(b), 1-4(a), 1-4(b)(i,ii), 1-5(b), 2-1(a,b,c), 2-2(b)(vii,viii,ix,x). (Order No. 0002298).

3. On September 6, 2016, Respondent performed an appraisal of property located at 411 Sherman Street, Fond du Lac, Wisconsin 54935.

4. On or about February 27, 2017, the Department received a complaint alleging that the subject appraisal violated USPAP. Division of Legal Services and Compliance (DLSC) Case Number 17 APP 008 was subsequently opened for investigation.

5. Respondent's appraisal was reviewed by DLSC and it was determined that the appraisal and appraisal report violated USPAP Rules and/or SR as follows:

a. In the Neighborhood section, Respondent failed to correctly report the present land uses found within the subject property's neighborhood. [SR 2-1(b).]

b. In the Site section, Respondent failed to report the subject property's site dimensions and failed to correctly report the subject property's specific zoning classification. [Scope of Work Rule, SR 2-1(b).]

c. In the Sales Comparison Approach section, Respondent failed to adequately analyze market data in the selection of comparables and incorrectly reported the estimated exposure time for the subject property. [Scope of Work Rule, SR 1-4(a), SR 2-1(b).]

d. In the Cost Approach section, Respondent failed to provide a summary of the data used to develop his opinion of site value in the report, did not have in his workfile the data or analysis to support his opinion of value, and incorrectly reported his data source. [Record Keeping Rule, Scope of Work Rule, SR 1-1(c), SR 2-1(b).]

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 D. Dhein 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 problem to be solved and by failing to include the research and analyses that are necessary to develop credible assignment results.

3. By the conduct described in the Findings of Fact, James D. Dhein violated the USPAP Record Keeping Rule by failing to include in his workfile all data, information, and

documentation necessary to support his opinions and conclusions and to show compliance with USPAP.

4. By the conduct described in the Findings of Fact, James D. Dhein 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, James D. Dhein violated USPAP SR 1-4(a) by failing to analyze available comparable sales data to indicate a value conclusion, when the sales comparison approach is necessary for a credible assignment result.

6. By the conduct described in the Findings of Fact, James D. Dhein violated USPAP SR 2-1(b) by failing to include in his appraisal report sufficient information to enable the intended users of the appraisal to understand the report properly.

7. As a result of the above violations, James D. Dhein 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 D. Dhein is REPRIMANDED.
3. The Certified Residential Appraiser certificate of licensure and certification issued to James D. Dhein (number 20-9) is LIMITED as follows:
 - a. Within 180 days from the date of this Order, Respondent shall successfully complete 45 hours of education from the following courses offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam(s) offered for the courses:
 - i. USPAP (15 hours) (must be taken online), and
 - ii. Residential Sales Comparison and Income Approach (30 hours) (may be taken in person in a classroom setting or online), or
 - iii. Basic Appraisal Principles (30 hours) (may be taken in person in a classroom setting or online), or
 - iv. Advanced Residential Applications and Case Studies (15 hours) (may be taken in person in a classroom setting or online), or
 - v. Residential Site Valuation and Cost Approach (15 hours) (may be taken in person in a classroom setting or online).

b. 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.

4. Within 180 days from the date of this Order, James D. Dhein shall pay COSTS of this matter in the amount of \$1,718.

5. Requests for pre-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 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 violates any term of this Order, Respondent's certificate of licensure and certification (number 20-9), 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 the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:


A Member of the Board

2/13/2018
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES D. DHEIN,
RESPONDENT.

:
:
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:
:

STIPULATION

0005630

Division of Legal Services and Compliance Case No. 17 APP 008

Respondent James D. Dhein 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 D. Dhein, Respondent
513 Fremont Street
Kiel, WI 53042
Credential no. 20-9

1-25-18
Date


Sarah E. Norberg, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

1-25-18
Date