

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

RONALD J. TALLINGER,
RESPONDENT.

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FINAL DECISION AND ORDER

0005632

Division of Legal Services and Compliance Case No. 16 APP 054

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

Ronald J. Tallinger
W253 S5246 Periwinkle Court
Waukesha, WI 53189

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 Ronald J. Tallinger (DOB 09/21/1961) is certified by the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 466-9, first issued on August 20, 1992 and current through December 14, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W253 S5246 Periwinkle Court, Waukesha, Wisconsin 53189.

2. On September 12, 2007, the Board reprimanded Respondent for violating the Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule (SR) 1-5. (Order No. LS07091217APP).

3. On October 8, 2016, Respondent completed an appraisal of property located at W239 S5525 Chestnut Trail, Waukesha, Wisconsin 53189.

4. On or about October 14, 2016, the Department received a complaint alleging that the subject appraisal violated USPAP. Division of Legal Services and Compliance Case Number 16 APP 054 was subsequently opened for investigation.

5. Respondent's appraisal 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 SR as follows:

- a. In the Subject section, Respondent listed the incorrect name for the owner of record at the time of the appraisal. [Scope of Work Rule, SR 2-1(b)].
- b. In the Neighborhood section, Respondent failed to disclose that the subject property abuts State Highway 164 and failed to provide his analysis for his opinion that there was no external influence on the subject property because of its location near a state highway. [SR 2-1(b)].
- c. In the Improvements section, Respondent failed to include approximately 250 square feet in the gross living area total. This area was a proposed master closet addition to the subject property that is fully finished with a heat source. [Scope of Work Rule, SR 1-1(b,c), SR 2-1(b)].
- d. In the Improvements section, Respondent failed to report that the subject property had two outbuildings. [SR 2-1(b)].
- e. In the Reconciliation section, Respondent failed to include his analysis for how he arrived at his opinion of value for the subject property. [SR 2-1(b)].

6. In resolution of this matter, Respondent neither admits nor denies the Findings of Fact but, in the interest of resolving this matter, 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, Ronald J. Tallinger violated the USPAP Scope of Work rule by failing to gather and analyze information about the assignment elements that are necessary to properly identify the appraisal problem to be solved.

3. By the conduct described in the Findings of Fact, Ronald J. Tallinger violated USPAP SR 1-1(b) and (c) by:

- a. committing a substantial error of omission or commission that significantly affects 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, Ronald J. Tallinger 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.

5. As a result of the above violations, Ronald J. Tallinger 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 Ronald J. Tallinger is REPRIMANDED.
3. The Certified Residential Appraiser certificate of licensure and certification issued to Ronald J. Tallinger (no. 466-9) is LIMITED as follows:
 - a. Within ninety (90) days from the date of this Order, Respondent shall successfully complete fifteen (15) hours of education consisting of the following course offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the course:
 - i. USPAP (15 Hours).
 - b. The course listed above may be taken online or in person.
 - 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.
4. Within ninety (90) days from the date of this Order, Ronald J. Tallinger shall pay COSTS of this matter in the amount of \$1,648.
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 (no. 466-9), 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

RONALD J. TALLINGER,
RESPONDENT.

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STIPULATION

000563.2

Division of Legal Services and Compliance Case No. 16 APP 054

Respondent Ronald J. Tallinger 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. Respondent is represented by Attorney Mario D. Mendoza.
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.

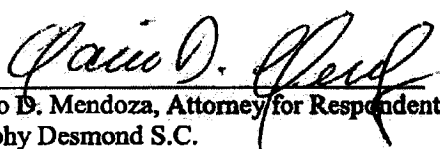
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



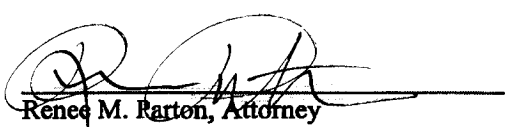
Ronald J. Tallinger, Respondent
W253 S5246 Periwinkle Court
Waukesha, WI 53189
Credential no. 466-9

1/19/2018
Date



Mario D. Mendoza, Attorney for Respondent
Murphy Desmond S.C.
33 E. Main St., Ste. 500
P.O. Box 2038
Madison, WI 53701-2038

1-18-2018
Date



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

1/19/2018
Date