

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 LICENSE OF :

DANIEL E. SCHLEY,
LICENSEE. :

FINAL DECISION AND ORDER
FOR REMEDIAL EDUCATION

0005836

Division of Legal Services and Compliance Case No. 17 APP 042

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

Daniel E. Schley
5700 W. Vliet St.
Milwaukee, WI 53208

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 Daniel E. Schley (DOB August 18, 1958) is certified by the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 245-9, first issued on December 4, 1991 and current through December 14, 2019. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5700 West Vliet Street, Milwaukee, Wisconsin 53208.
2. On May 30, 2017, Licensee performed an appraisal of property located at 810 South 89th Street, West Allis, Wisconsin 53214.
3. On or about September 11, 2017, 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 17 APP 042 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. In the Neighborhood section, Licensee failed to adequately report whether the subject property is an over-improvement for the neighborhood and failed to correctly report the present land uses found within the subject property's neighborhood. [Standards Rule (SR) 2-1(b).]

b. In the Site section, Licensee failed to summarize and support his rationale for his opinion of the subject property's highest and best use. [SR 2-2(a)(x).]

c. In the Improvement section, Licensee incorrectly marked the "yes" box indicating that the subject property generally conforms to the neighborhood while his comments indicated the subject property has features that are greater than typical in the area. [SR 2-1(b).]

d. In the Sales Comparison Approach section, Licensee provided no data or analysis to support his use of six comparable sales located outside of the subject property's delineated neighborhood in his report and workfile. [Record Keeping Rule.]

e. In the Sales Comparison Approach section, Licensee failed to provide an analysis of two comparable sales properties' prior sales. [Scope of Work Rule, SR 2-1(b).]

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 60 days of the date of this Order, Daniel E. Schley shall, at his own expense, take and successfully complete 30 hours of education as follows:

- a. USPAP (15 hours) (must be taken online), and
- b. Residential Market Analysis and Highest and Best Use (15 hours) (may be taken online or in a classroom setting).
- c. 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(s) offered for the course(s).
- d. 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 90 days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$1,049.00.

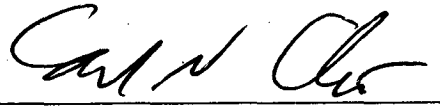
4. Requests for course approval, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Licensee to the Department Monitor at the address below:

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

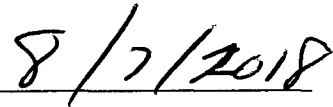
5. This Order does not constitute discipline.
6. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:


A Member of the Wisconsin Real
Estate Appraisers Board

Date



STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE LICENSE OF

DANIEL E. SCHLEY,
LICENSEE.

:
:
:
:

STIPULATION

0005836

Division of Legal Services and Compliance Case No. 17 APP 042

Licensee Daniel E. Schley 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.

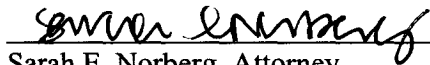
7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Daniel E. Schley, Licensee
5700 W. Vliet St.
Milwaukee, WI 53208
Credential No. 245-9

7-29-18
Date



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

8.2.18
Date