

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

BEATTA K. CHRISTOFFERSEN,
RESPONDENT.

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FINAL DECISION AND ORDER

0006152

Division of Legal Services and Compliance Case No. 17 APP 047

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

BeAtta K. Christoffersen
N237 Eastowne Lane
Appleton, WI 54915

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 BeAtta K. Christoffersen (DOB May 10, 1957) is certified by the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 1024-9, first issued on June 3, 1996 and current through December 14, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N237 Eastowne Lane, Appleton, Wisconsin 54915.

2. On May 20, 2009, the Board reprimanded Respondent, suspended Respondent for 40 days, and limited Respondent's certificate of licensure and certification to require completion of 24 hours of remedial education for violating Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rules (SR) 1-1(a,b,c) and 1-4(c)(i). (Order No. LS0905202APP).

3. On May 23, 2013, the Board suspended Respondent for 60 days and limited Respondent's certificate of licensure and certification to require completion of 60 hours of remedial education for violating the USPAP Scope of Work Rule and Competency Rule, and USPAP SR 1-1(a,b), 1-2(e)(i), 1-3(a,b), 1-4, 1-4(a), 1-4(b)(i,iii), 2-1(a,b) and 2-2(b)(vi,ix). (Order No. 0002454).

4. On April 5, 2017, Respondent performed an appraisal of property located at 2716 Finger Road, Green Bay, Wisconsin 54302.

5. On or about November 1, 2017, the Department received a complaint alleging that the subject appraisal violated USPAP. Division of Legal Services and Compliance (DLSC) Case Number 17 APP 047 was subsequently opened for investigation.

6. 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 Contract section, Respondent failed to analyze the sales contract and provide a summary of her analysis. [Scope of Work Rule, SR 1-5(a).]

b. In the Neighborhood section, Respondent incorrectly delineated the subject property's neighborhood. [Scope of Work Rule, SR 2-1(a).]

c. In the Site section, Respondent misreported the subject property as being a legal use as a three-family dwelling, and failed to adequately research the subject property and its zoning compliance and document any discrepancies in her report and her workfile. [Record Keeping Rule, SR 1-1(c), SR 1-2(e)(i,iv), SR 2-1(a).]

d. In the Site section, Respondent's report did not include a summary of current listings and sales of vacant land data used to develop her opinion of site value nor did her workfile support the opinion of site value. [Record Keeping Rule, Scope of Work Rule.]

e. In the Cost Approach section, Respondent incorrectly applied the calculation for estimating physical depreciation. [SR 1-1(c).]

f. In Respondent's certification, Respondent failed to include the required USPAP language. [SR 2-3.]

7. 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, BeAtta K. Christoffersen violated the USPAP Record Keeping Rule by failing to include in her workfile all data, information, and documentation necessary to support her opinions and conclusions and to show compliance with USPAP.

3. By the conduct described in the Findings of Fact, BeAtta K. Christoffersen violated the USPAP Scope of Work Rule by failing to gather and analyze information about those assignment elements that were necessary to properly identify the appraisal problem to be solved and by failing to include the research and analyses that were necessary to develop credible assignment results.

4. By the conduct described in the Findings of Fact, BeAtta K. Christoffersen 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, BeAtta K. Christoffersen violated USPAP SR 1-2(e)(i) and (iv) by failing to identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal, including:

- a. its location and physical, legal, and economic attributes, and
- b. any known easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances, or other items of a similar nature.

6. By the conduct described in the Findings of Fact, BeAtta K. Christoffersen violated USPAP SR 1-5(a) by failing to analyze all agreements of sale, options, and listings of the subject property current as of the effective date of the appraisal when the value opinion to be developed is market value.

7. By the conduct described in the Findings of Fact, BeAtta K. Christoffersen violated USPAP SR 2-1(a) by failing to clearly and accurately set forth the appraisal in a manner that would not be misleading.

8. By the conduct described in the Findings of Fact, BeAtta K. Christoffersen 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 not including the prior service statement on the signed certification or in a signed addendum identified as part of the certification.

9. As a result of the above violations, BeAtta K. Christoffersen 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 BeAtta K. Christoffersen is REPRIMANDED.
3. The Certified Residential Appraiser certificate of licensure and certification issued to BeAtta K. Christoffersen (number 1024-9) is LIMITED as follows:
 - a. Respondent is prohibited from performing any appraisals of 2-4 family residences until she:
 - i. takes and passes the National Uniform Licensing and Certification Examination for Certified Residential Appraisers (National Exam), and
 - ii. successfully completes 45 hours of education consisting of the following courses offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses:
 - 1) USPAP (15 hours) (must be taken online);
 - 2) Specialized Residential Appraisal Topics (20 hours) (may be taken in person in a classroom setting or online);
 - 3) Appraising Small Apartment Properties (6 hours) (may be taken in person in a classroom setting or online); and
 - 4) Workfile Documentation for Appraisers (4 hours) (may be taken in person in a classroom setting or online).
 - b. Respondent shall submit proof of successful completion of the ordered National Exam and education in the form of verification from the institution(s) providing the National Exam and 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.
 - c. 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 the National Exam and all of the ordered education.
4. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,936.00.
5. Proof of successful examination and course completion, requests for pre-approval 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 1024-9), or Respondent's right to renew her 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

5-7-19
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

BEATTA K. CHRISTOFFERSEN,
RESPONDENT.

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STIPULATION

0006152

Division of Legal Services and Compliance Case No. 17 APP 047

Respondent BeAtta K. Christoffersen 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 W. Thomas Terwilliger.

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.

Beatta K. Christoffersen
BeAtta K. Christoffersen, Respondent
N237 Eastowne Lane
Appleton, WI 54915
Credential no. 1024-9

2/19/2019
Date

Thomas Terwilliger
W. Thomas Terwilliger, Attorney for Respondent
Terwilliger, Wakeen, Piehler & Conway SC
P.O. Box 8063
Wausau, WI 54402-8063

2/19/19
Date

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

2.25.19
Date