

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

GERALD J. LONG,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0006830**

Division of Legal Services and Compliance Case No. 19 APP 002

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

Gerald J. Long
Shawano, WI 54166

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 Gerald J. Long (Birth Year 1956) is certified by the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 1204-9, first issued on November 6, 2000 and current through December 14, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Shawano, Wisconsin 54166.

2. On July 12, 2006, the Board, in lieu of a reprimand, ordered Respondent to complete Residential Report Writing and Case Studies and Residential Sales Comparison and Income Approach courses for violating the 2004-2005 Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rules (SR) 1-2(a), (b), (e), (h), and 1-4(a). (Order No. LS060726APP).

3. On June 20, 2017, the Board suspended Respondent for five (5) business days and ordered Respondent to complete sixty (60) hours of education for violating the 2014-2015 and 2016-2017 USPAP Competency Rule, Scope of Work Rule, Record Keeping Rule, and SR 1-1(b)(c), 1-2(e)(i), 1-4(b)(i), 2-1(a)(b), and 2-2(a)(x). (Order No. 0005348).

4. On or about December 18, 2018, Respondent signed submitted an appraisal of property located at 5035 Snapdragon Circle, Little Suamico, Wisconsin 54141 to his client, Respondent claims this appraisal was not complete at time of signature and submittal and was intended for the sole purpose of the client's review of identified comparable properties.

5. On or about February 21, 2019, the Department received a complaint alleging that the subject appraisal violated USPAP. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 APP 002 for investigation.

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

a. In the Cost Approach section, Respondent claimed to use public records, and/or sales comparison to determine site value; however, no site sales were summarized in the report nor was there a summary of public records in the report. Respondent admitted to DLSC that he utilized the Assessor's opinion of assessed value for his opinion of site value which is not an appropriate appraisal method. [SR 1-1(a), SR 1-4(b)(i), SR 2-1(a)(b), SR 2-2(a)(viii).]

b. In the Cost Approach section, Respondent reported the physical depreciation of the subject property to be \$20.00 which cannot be accurate given the property age and estimated economic life of the subject property. [SR 1-1(c), SR 2-1(a)(b).]

c. In the Cost Approach section, Respondent failed to retain the source of his cost figures utilized in his workfile. [Record Keeping Rule.]

d. In the Sales Comparison Approach section, Respondent included a photo for Comparable Sale #1 that does not match the photo of the property at the same address on the Multiple Listing Service. [SR 1-1(c), SR 2-1(a).]

e. In the Appraiser Certification, Respondent disclosed that a trainee provided significant assistance in preparation of the appraisal. However, Respondent did not provide a summary of the trainee's assistance on the appraisal such that the intended user could understand trainee's scope of work. [Scope of Work Rule, SR 2-2(a)(vii), SR 2-3.]

7. In response to the issues identified DLSC Case No. 19 APP 002, Respondent successfully completed nineteen (19) hours of corrective education between March 22, 2020 and April 22, 2020 as follows:

a. Land and Site Valuation (7 hours) provided by McKissock,

- b. Appraiser Self-Protection: Documentation and Record Keeping (4 hours) provided by the Appraisal Foundation,
- c. Residential Report Writing vs. Form Filling (4 hours) provided by the Appraisal Foundation,
- d. Report Certifications: What am I signing and why? (4 hours) provided by the Appraisal Foundation,
- e. Scope of Work: Appraisals and Inspections (4 hours) provided by the Appraisal Foundation, and
- f. The Cost Approach (7 hours) provided by Mckissock.

8. 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, Gerald J. Long violated the USPAP Scope of Work Rule – Disclosure Obligations by failing to include sufficient information in his report to allow intended users to understand the scope of work performed.
3. By the conduct described in the Findings of Fact, Gerald J. Long violated the USPAP Record Keeping Rule by failing to include in his workfile all other data, information, and documentation necessary to support his opinions and conclusions and to show compliance with USPAP, or references to the location of such other data, information, and documentation.
4. By the conduct described in the Findings of Fact, Gerald J. Long violated USPAP SR 1-1(a) and (c) by:
 - a. failing to be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal, and
 - b. rendering appraisal services in a careless or negligent manner.
5. By the conduct described in the Findings of Fact, Gerald J. Long violated USPAP SR 1-4(b)(i) by failing to develop an opinion of site value by an appropriate appraisal method or technique, when the cost approach was necessary for a credible assignment result.
6. By the conduct described in the Findings of Fact, Gerald J. Long violated USPAP SR 2-1(a) and (b) by:

a. failing to clearly and accurately set forth the appraisal in a manner that will not be misleading, and

b. failing to include in his appraisal report sufficient information to enable the intended users of the appraisal to understand the report properly.

7. By the conduct described in the Findings of Fact, Gerald J. Long violated USPAP SR 2-2(a)(vii) and (viii) by:

a. failing to summarize the scope of work used to develop the appraisal, and

b. failing to summarize the information analyzed, the appraisal methods and techniques employed, and the reasoning that supports the analyses, opinions, and conclusions; exclusion of the sales comparison approach, cost approach, or income approach must be explained.

8. By the conduct described in the Findings of Fact, Gerald J. Long violated USPAP SR 2-3 by failing to contain a signed certification that is similar in content to what is detailed in this rule.

9. As a result of the above violations, Gerald J. Long 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 Gerald J. Long's Certified Residential Appraiser certificate of licensure and certification (no. 1204-9) is hereby **SUSPENDED** for ten (10) days from the date of this Order.

3. The Certified Residential Appraiser certificate of licensure and certification issued to Gerald J. Long (no. 1204-9) is **LIMITED** as follows:

a. Within ninety (90) days of this Order, Respondent shall successfully complete 19 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:

- i. Essential Elements of Disclosures and Disclaimers (7 hours),
- ii. That's a Violation (4 hours),
- iii. Fannie Mae Appraisal Guidelines: Debunking the Myths (4 hours),
and
- iv. Manufactured Home Appraisal (4 hours).

b. The courses listed above may be taken in person in a classroom setting or online.

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. The Certified Residential Appraiser certificate of licensure and certification issued to Gerald J. Long (no. 1204-9) is FURTHER LIMITED as follows:

a. Respondent is permanently limited from supervising an appraiser trainee.

b. At 90-day intervals, for a period of one year from the date of this Order, Respondent shall submit to the Department Monitor, a log of all appraisals he completed in the previous 90 days. Each log entry must specify:

i. The specific location of each appraised property,

ii. The type and description of the appraised property,

iii. The name and contact information for the client of each appraised property,

iv. The approaches to value considered for each appraised property, and

v. The approaches to value completed for each appraised property.

c. The Board or its designee may select one appraisal at random from each log for review.

d. Within ten days after the Board or its designee informs Respondent of any appraisal selected for review, Respondent shall submit the appraisal report and the complete workfile for the selected appraisal.

e. Respondent shall promptly reply to any questions the Board or its designee may have concerning any of Respondent's submissions within ten days of the request by the Board or its designee.

f. The Board or its designee shall review the selected appraisals to determine if they are minimally competent as deemed satisfactory by the Board or its designee. If the appraisals initially selected are found not to be minimally competent by the Board or its designee, additional appraisals may be selected from each log for review.

g. This limitation shall be removed after Respondent has submitted one minimally competent report in each 90-day period, as determined by the Board or its designee. Whether to remove this limitation shall be at the discretion of the Board or its designee. The period of limitation may be continued on the terms set forth above for an additional 90-day period if the Board or its designee does not find four minimally competent reports. If, after the additional 90-day period, the Board or its designee has not found four minimally competent reports, this limitation shall end and Respondent may be referred to the Division for additional action.

5. Respondent shall be responsible for all costs of complying with the terms of the limitations on his credential.

6. Within ninety (90) days from the date of this Order, Gerald J. Long shall pay COSTS of this matter in the amount of \$1,651.

7. Proof of successful course completion, including passage of any examinations, submission of the logs of appraisals, submission of selected appraisals 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

You may also submit this information online via DSPS' Monitoring Case Management System

at: <https://app.wi.gov/DSPSMonitoring>

8. In the event Respondent violates any term of this Order, Respondent's certificate of licensure and certification (number 1204-9), or Respondent's right to renew his certificate of licensure and certification, may, in the discretion of the Board or its designee, be further 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.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Al. Rohmeyer, DSPS Chief, 6-9-2020
A Member of the Board Legal Counsel, Date
Delegatee

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

GERALD J. LONG,
RESPONDENT.

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STIPULATION

ORDER 0006830

Division of Legal Services and Compliance Case No. 19 APP 002

Respondent Gerald J. Long 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 Terry J. Gerbers of Gerbers Law, S.C.


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. And further, neither party shall be prejudiced if this Stipulation is not accepted by the Board.

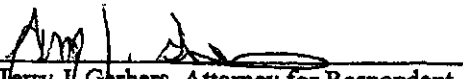
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


Gerald J. Long, Respondent
Shawano, WI 54166
Credential No. 1204-9

4/23/20
Date


Terry J. Gerbers, Attorney for Respondent
Gerbers Law, S.C.
2391 Holmgren Way, Suite A
Green Bay, WI 54304

4/23/2020
Date


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

4/23/2020
Date