

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF THE CERTIFICATE OF :  
: FINAL DECISION AND ORDER  
ROBERT C. LEWIS, :  
: FOR REMEDIAL EDUCATION  
LICENSEE. :  
**ORDER 0006916**

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Division of Legal Services and Compliance Case No. 19 APP 015

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

Robert C. Lewis  
Madison, WI 53711-3708

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 Robert C. Lewis (Birth Year 1979) is certified by the State of Wisconsin as a certified residential appraiser, having certificate of licensure and certification number 1620-9, first issued on November 30, 2007 and current through December 14, 2021. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Madison, Wisconsin 53711-3708.

2. On July 8, 2019, the Department received a complaint alleging that Licensee performed an appraisal incorrectly. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 APP 015 for investigation.

3. On June 23, 2019, Licensee performed an appraisal of a property located at N3344 Koepp Road, Merrimac, Wisconsin 53561.

4. Licensee's appraisal was reviewed by the DLSC and was found to be deficient in the following ways:

- a. In the Site section, Licensee failed to report the site dimensions, stating only that they were “Irregular (see attached plat map).” The attached plat map did not contain the site dimensions. [Scope of Work Rule, Standard Rule (SR) 2-1(a).]
- b. In the Site section, Licensee failed to report that the subject falls under Shoreland Zoning. [Scope of Work Rule, SR 1-2(e)(i).]
- c. In the Sales Comparison Approach section, Licensee erred in reporting the subject actually owns the waterfrontage and lacks information about the frontage rights. Licensee provided conflicting statements when it listed the subject property as having “207’ Lake Wisc.” In the Addendum, Licensee reported, “The subject featured 207’ of waterfront on Lake Wisconsin with excellent wooded bluff views. Frontage owned by Alliant Energy with the insured lake access rights to lake frontage.” Licensee’s workfile shows conflicting data for the subject property that needed to be further researched. [Scope of Work Rule, SR 1-2(e)(i), SR 2-1(a)(b).]
- d. In the Sales Comparison Approach section, Licensee compared the subject property to properties that have actual waterfrontage, and failed to compare the subject property to any sales that show market acceptance of the type of access/frontage belonging to the subject property. Licensee also made conflicting comments regarding waterfront adjustments which would leave the intended user unable to understand the appraisal report. [SR 2-1(b).]
- e. In the Sales Comparison Approach section, Licensee did not adjust for comparable sales used on other lakes. Licensee commented that he did a paired sales analysis between a sale on Lake Wisconsin and a sale on Green Lake, but this paired sales analysis did not appear in Licensee’s workfile. When asked for the paired sales analysis, Licensee indicated that he did not do a complete analysis. [Scope of Work Rule, SR 1-4(a), SR 2-1(b).]
- f. In the Improvement section, Licensee failed to provide sufficient information for the intended user to understand why the subject is not an over-improvement. The subject property is not typical for the neighborhood, and has features which make it an over-improvement, including an in-ground pool, an extra detached 2 car garage, and 4 fireplaces. These features do not appear in any of the comparables. [SR 2-1(b).]
- g. In the Final Reconciliation, Licensee erred when he stated, “The cost approach was not given any weight in this valuation due to its inaccuracy in valuing aged properties...” Licensee did not utilize the Cost Approach. [SR 2-1(b).]

- h. Licensee failed to use the Cost Approach which was needed given unsatisfactory results of the Sales Comparison Approach to achieve credible assignment results. [SR 1-1(a), SR 1-4(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 90 days of the date of this Order, Licensee Robert C. Lewis shall, at his own expense, take and successfully complete 26 hours of education as follows:
  - a. USPAP (15 hours) (must be taken online);
  - b. Complex Properties: The Odd Side of Appraisal (7 hours) (may be taken online or in a classroom setting); and
  - c. Scope of Work: Appraisals and Inspections (4 hours) (may be taken online or in a classroom setting);
  - d. 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);
  - e. 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. Requests for course approval and proof of successful course completion 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

You may also submit this information online via DSPS' Monitoring Case Management System  
at: <https://dpsmonitoring.wi.gov/>

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Carl Clementi, Jr.  
A Member of the Board

4 August 2020  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF THE CERTIFICATE OF :  
:   
ROBERT C. LEWIS, :  
LICENSEE. :

STIPULATION  
**ORDER 00069 16**

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Division of Legal Services and Compliance Case No. 19 APP 015

Licensee Robert C. Lewis 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 for Remedial Education 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 for Remedial Education.

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education 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 for Remedial Education.

Robert C. Lewis  
Robert C. Lewis, Licensee  
Madison, WI 53711-3708  
Credential No. 1620-9

6.19.2020  
Date

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

6/23/2020  
Date