

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE CERTIFICATE OF	:	
	:	FINAL DECISION AND ORDER
NICHOLAS KOZIC,	:	FOR REMEDIAL EDUCATION
LICENSEE.	:	ORDER 0007075

Division of Legal Services and Compliance Case No. 19 APP 020

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

Nicholas Kozic
Racine, WI 53404

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 Nicholas Kozic (DOB XX/XX/1965) is licensed by the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 1173-9, first issued on January 14, 2000 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 Racine, Wisconsin 53404.
2. On January 29, 2019, Licensee performed an appraisal of a property located at 119 E. Bolivar Avenue, Milwaukee, Wisconsin 53207.
3. On or about August 30, 2019, the Department received a complaint alleging that the subject appraisal was performed incorrectly and had several errors. Division of Legal Services and Compliance Case Number 19 APP 020 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 Subject section, Licensee incorrectly reported the number of prior listings for the subject property in the last twelve months and failed to provide an analysis as to why his opinion of market value was greater than an expired list price for the subject property one month prior. [Uniform Standards of Professional Appraisal Practice (USPAP) Scope of Work Rule.]

b. In the Neighborhood section, Licensee failed to disclose General Mitchell International Airport's location and describe the influence on the subject property's neighborhood and marketing area. [Standards Rule (SR) 2-1(a)(b).]

c. In the Neighborhood section, Licensee failed to provide support and rationale for his opinion of the subject property's Highest and Best Use. [SR 2-2(a)(x).]

d. In the Sales Comparison Approach section, Licensee reported a market increase but then provided inconsistent adjustments to the comparable sales utilized in his report and provided no explanation or support for these adjustments. [SR 2-1(b).]

e. In the Sales Comparison Approach section, Licensee incorrectly reported the number of prior sales of the subject property in the last twelve months and provided no analysis in the difference in sales price and use between the two transactions. [Scope of Work Rule, SR 1-5(b).]

f. In the Cost Approach section, Licensee failed to summarize vacant land sales in his report or provide the sales dates utilized in developing his opinion of site value. Licensee failed to include any vacant land sales or references thereto in his Workfile. [Scope of Work Rule, SR 1-1(c), SR 2-1(b).]

g. In the Cost Approach section, Licensee failed to indicate how he developed the depreciation amount for the subject property and reported two different numbers for Estimated Remaining Economic Life. Licensee failed to include in his Workfile data or support to show his analysis of comparable sales data to estimate the depreciation amount reported. [Record Keeping Rule, Scope of Work Rule, SR 1-4(b)(iii), SR 2-1(b).]

h. In the Cost Approach section, Licensee failed to provide sufficient information to replicate cost figures and did not provide enough information for the intended users to understand how the calculations were done. Licensee failed to identify and retain cost data sources in his Workfile. [Scope of Work Rule, SR 2-1(b).]

i. In the Supplemental Addendum section, Licensee did not include the necessary similar certification with a signature, "I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of

this report within the three-year period immediately preceding acceptance of this assignment.” [SR 2-3.]

j. In the Single Family Comparable Rent form, Licensee identified three rental properties; however, each rental was located outside the subject property’s neighborhood and Licensee failed to provide any comments on whether the neighborhood was a competing neighborhood to the subject’s, or if it was a part of the marketing area. Licensee reported an opinion of market rent that was less than the current reported rent from the owner without adequate explanation. Additionally, Licensee’s Workfile did not include support to show Licensee collected and analyzed comparable rental data. [Record Keeping Rule, 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 90 days of the date of this Order, Licensee shall, at his own expense, take and successfully complete 30 hours of education as follows:
 - a. USPAP (15 hours) (must be taken online);
 - b. The Cost Approach (7 hours) (may be taken online or in a classroom setting);
 - c. Appraiser Self Protection: Documentation and Record Keeping (4 hours) (may be taken online or in a classroom setting); and
 - d. Scope of Work: Appraisals and Inspections (4 hours) (may be taken online or in a classroom setting).
 - e. 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).

f. 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.

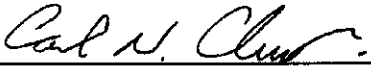
3. Requests for course approval and proof of successful course completion shall be sent by Licensee to the Department Monitor at the address below:

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
DPSMonitoring@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: 
A Member of the Wisconsin Real
Estate Appraisers Board

11/10/2020
Date

RECEIVED

AUG 25 2020

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

DIV LEGAL SERVICES & COMPLIANCE
DEPT SAFETY & PROFESSIONAL SERVICES

IN THE MATTER OF THE CERTIFICATE OF :
:
NICHOLAS KOZIC, :
:
LICENSEE. :

STIPULATION

ORDER 0007075

Division of Legal Services and Compliance Case No. 19 APP 020

Licensee Nicholas Kozic and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

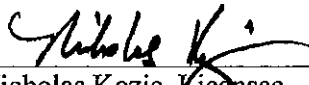
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Licensee consents to the resolution of this investigation by Stipulation.
2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the 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.



Nicholas Kozic, Licensee
Racine, WI 53404
Credential No. 1173-9

8/24/20

Date



Zachary Hetfield, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

08/25/20

Date