

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

JOSEPH M. MAZUREK,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0007358

Division of Legal Services and Compliance Case No. 19 APP 023

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

Joseph M. Mazurek
Waterford, WI 53185

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. Respondent Joseph M. Mazurek (Birth Year 1976) is certified by the State of Wisconsin as a certified residential appraiser, having certificate of licensure and certification number 1628-9, first issued on December 7, 2007, 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 Waterford, Wisconsin 53185.

2. On February 27, 2008, the Board reprimanded Respondent for performing an appraisal that failed to comply with the Uniform Standards of Professional Appraisal Practice (USPAP) Rules and Standard Rules (SR) and ordered Respondent to complete a course to address conduct found in Case Number 07 APP 044 (Final Decision and Order #LS0802275APP).

3. On September 17, 2019, the Department received a complaint alleging that Respondent performed an inadequate appraisal of Complainant's property. The Division of Legal

Services and Compliance (DLSC) subsequently opened Case Number 19 APP 023 for investigation.

4. On September 10, 2019, Respondent performed an appraisal of a property located at 4622 – 4624 W. Carter Place, Milwaukee, Wisconsin 53216.

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

a. In the Contract section, Respondent failed to retain a complete copy of the entire real estate transaction contract in his workfile after he reviewed the documents for this assignment. [Record Keeping Rule]

b. In the Neighborhood section, Respondent provided conflicting information for the intended user(s) to understand his opinion of the neighborhood and market value trends. [SR 1-4; SR 2-1(a)(b)]

c. In the Site section, Respondent reported the site dimensions were attached on a plat map. The attached plat map did not include site dimensions. Respondent reported site area but not site dimensions. [Scope of Work Rule; SR 1-1(c)]

f. In the Cost Approach section, Respondent failed to comply with assignment conditions in providing a summary of the appraisal method or technique used and his data to support his opinion of site value. Respondent failed to develop his own opinion of site value using a recognized appraisal method or technique. [Scope of Work Rule; SR 1-1(a); SR 1-4(b)(i); SR 2-1(a)(b)]

6. 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, Respondent 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.

3. By the conduct described in the Findings of Fact, Respondent violated the USPAP Scope of Work Rule by failing to identify the problem to be solved, determine and perform the scope of work necessary to develop a credible assignment result, and disclose the scope of work in the report.

4. By the conduct described in the Findings of Fact, Respondent violated 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, Respondent violated SR 1-4 by failing to collect, verify and analyze all information necessary for credible assignment results in developing a real property appraisal.

6. By the conduct described in the Findings of Fact, Respondent violated SR 1-4 (b)(i), (c)(i), and (g) by:

- a. failing to develop an opinion of site value by an appropriate appraisal method or technique,
- b. failing to analyze such comparable rental data as are available and/or the potential earnings capacity of the property to estimate the gross income potential of the property, and

7. By the conduct described in the Findings of Fact, Respondent violated 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.

8. As a result of the above violations, Respondent has violated Wis. Admin. Code § SPS 86.01(1) and (2) and is therefore subject to discipline pursuant to Wis. Stat. § 458.26(3)(c) and (i).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Joseph M. Mazurek is REPRIMANDED.

3. Respondent Joseph M. Mazurek's certified residential appraiser certificate of licensure and certification (no. 1628-9) is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete twenty-six (26) 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. National USPAP course (15 hours) (must be taken online),
 - ii. Appraising two to four-unit multi-family Properties (7 hours), and
 - iii. Appraiser Self Protection: Documentation and Record Keeping (4 hours).
 - b. With the exception of the National USPAP Course which must be taken online, 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.
 - d. The education completed pursuant to this Order may not be used to satisfy any other continuing education requirements with the Board.
4. Within one hundred twenty (120) days from the date of this Order, Respondent Joseph M. Mazurek shall pay the COSTS of this matter in the amount of \$889.
5. Requests for pre-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 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://dpsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's certificate of licensure and certification (number 1628-9), or Respondent's right to renew his 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: Carl N. Chur
A Member of the Board

4 May 2021
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOSEPH M. MAZUREK,
RESPONDENT.

STIPULATION

ORDER 0007358

Division of Legal Services and Compliance Case No. 19 APP 023

Respondent Joseph M. Mazurek 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.

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.


Joseph M. Mazurek, Respondent
Waterford, WI 53185
Credential No. 1628-9

4/27/21
Date


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

4/28/2021
Date