

## 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 DISCIPLINARY  
PROCEEDINGS AGAINST

RICHARD N. ATKINSON,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0007497**

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Division of Legal Services and Compliance Case No. 20 APP 008

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

Richard N. Atkinson  
Elkhorn, WI 53121-3320

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 Richard N. Atkinson (Birth Year 1956) is licensed by the State of Wisconsin as a licensed appraiser, having certificate of licensure number 1394-4, first issued on November 30, 2001 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 Elkhorn, Wisconsin 53121-3320.

2. On April 8, 2015, the Board reprimanded Respondent and ordered him to complete 52 hours of education (Final Decision and Order #0004167) in Case Number 13 APP 080 for violating Uniform Standards for Professional Appraisal Practice (USPAP) Rules and Standard Rule (SR) Competency Rule, Record Keeping Rules, SR 1-1(a),(b),(c), SR 1-4(a),(b)(i), SR 2-1(a),(b), SR 2-2(b)(ix).

3. On March 9, 2020, the Department received a complaint alleging that Respondent had performed an inadequate appraisal. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 APP 008 for investigation.

4. On December 31, 2018, Respondent performed an appraisal of a waterfront property located at W2159 Beulah Heights Road, Town of East Troy, Wisconsin 53120. The subject property is a two-story home that at the time of the appraisal was being used as a three-family residence and has two parcels that make up the subject property. Respondent's opinion of value for the subject property was \$475,000 as of November 12, 2018. Respondent previously appraised this property in 2011 with an opinion of value of \$670,000.

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

- a. In the Site section, Respondent failed to sufficiently analyze and report the Highest and Best Use for both parcels included in the subject property. Respondent failed to report the subject property has Shoreland Zoning. Respondent did not develop an opinion of value for the vacant parcel of land included in the subject property. [SR 1-1(a,b,c), SR 1-2(e)(i), SR 1-3(b)].
- b. In the Improvement section, Respondent did not report any remodeling or updating done to the subject property. [SR 1-2(e)(i)].
- c. Respondent failed to include reasonable exposure time linked to his value opinion. [SR 1-2(c)(vi)].
- d. In the Sales Comparison Approach section, Respondent failed to report his qualitative analysis or his reasoning for his ratings of superior or inferior in his qualitative analysis. [SR 1-1(a), SR 2-1(b)].
- e. Respondent did not retain his data source for the cost figures or references to the data in his workfile. [Record Keeping Rule].

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 Record Keeping Rule by failing to include in Respondent's workfile all other data, information, and documentation necessary to support Respondent's opinions and conclusions and to show compliance with USPAP.

3. By the conduct described in the Findings of Fact, Respondent violated SR 1-1(a), (b), 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;
- b. Committing a substantial error of omission or commission that significantly affects an appraisal; and
- c. 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.

4. By the conduct described in the Findings of Fact, Respondent violated SR 1-2(c)(iv) by failing to clearly identify the terms of the financing and the appraiser's opinion of their contributions to or negative influence on value by analyzing the relevant market data.

5. By the conduct described in the Findings of Fact, Respondent violated SR 1-2(e)(i) 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 its location and physical, legal, and economic attributes.

6. By the conduct described in the Findings of Fact, Respondent violated SR 1-3(b) by failing to develop an opinion of the highest and best use of the real estate.

7. By the conduct described in the Findings of Fact, Respondent violated SR 2-1(b) by failing to include in Respondent's appraisal report sufficient information to enable the intended users of the appraisal to understand the report properly.

8. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § SPS 85.500 by appraising a complex 1-4 family residential property having a transaction value more than \$250,000.

9. 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 Richard N. Atkinson's licensed appraiser certificate of licensure (no. 1394-4) is hereby **SUSPENDED** for five (5) business days, beginning ten (10) calendar days from the date of this Order.
3. Respondent Richard N. Atkinson's licensed appraiser certificate of licensure (no. 1394-4) is **LIMITED** as follows:
  - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete forty-one (41) 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. Appraiser Self Protection: Documentation and Record Keeping (4 hours).
  - iii. Complex Properties: The Odd Side of Appraisal (7 hours).
  - iv. Advanced Residential Applications and Case Studies (15 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 ninety (90) days from the date of this Order, Respondent Richard N. Atkinson shall pay the COSTS of this matter in the amount of \$1,893.

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](mailto:DSPSMonitoring@wisconsin.gov)

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

6. In the event Respondent violates any term of this Order, Respondent's certificate of licensure (number 1394-4), or Respondent's right to renew his certificate of licensure, 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. Christ  
A Member of the Board

08/03/2021  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

RICHARD N. ATKINSON,  
RESPONDENT.

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STIPULATION

**ORDER 0007497**

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Division of Legal Services and Compliance Case No. 20 APP 008

Respondent Richard N. Atkinson 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.

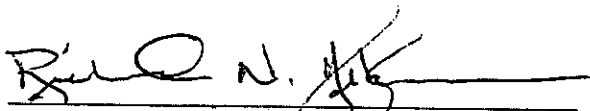
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not  
be bound by the contents of this Stipulation, and the matter shall then be returned to the Division  
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

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.

  
Richard N. Atkinson, Respondent  
Elkhorn, WI 53121-3320  
Credential No. 1394-4

05/02/2021  
Date

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

05/04/2021  
Date