

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 :
 : FINAL DECISION AND ORDER
MARK A. TRALMER, :
RESPONDENT. :

ORDER 0008226

Division of Legal Services and Compliance Case No. 21 APP 007

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

Mark A. Tralmer
Tomah, WI 54660

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 Mark A. Tralmer (Birth Year 1957) is licensed by the State of Wisconsin as a Licensed Appraiser, having certificate of licensure number 1952-4, first issued on February 27, 2006 and current through December 14, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Tomah, Wisconsin 54660.

2. On August 25, 2010, the Board reprimanded Respondent and ordered him to complete 75 hours of remedial education and work under a supervising appraiser for a period of six months, (Final Decision and Order #0000360) in Case Number 09 APP 032 for violating the 2008 Uniform Standard of Professional Appraisal Practice (USPAP) Ethics or Competency Rule, and Standards Rules (SR) 1-2(c) and (e), SR 1-4(a) and (b), SR 2-1, and SR 2-2b(iii), (v) and (viii).

3. On February 5, 2021, 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 21 APP 007 for investigation.

4. On January 5, 2021, Respondent submitted an appraisal of a property located at Lot 13 Crystal Brook Dells Court, Black River Falls, Wisconsin 54615.

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

- a. In the Neighborhood section of the report, Respondent did not report the neighborhood boundaries, which was an assignment condition. [Scope of Work Rule, SR 2-1(b)].
- b. In the Site section of the report, Respondent reported the Highest and Best Use for the subject property was "Single Family," but Respondent did not provide a summary of the support and rationale that was used to develop this opinion. In Respondent's response to the complaint, he stated, "I did not have sufficient information to come to a conclusion as to what the highest and best use might be." [Competency Rule, SR 1-3(b), SR 2-2(a)(xii)].
- c. In the Site section of the report, Respondent left the utilities section blank. Respondent failed to note that there is public electric available to the site, that the type of water is private well, and that the type of sanitary sewer is private septic or mound systems. [Scope of Work Rule, SR 2-1(b)].
- d. In the Site section of the report, Respondent reported that the subject property is not in a flood plain, when part of the property is located in a flood plain. Respondent reported relying on information from FEMA for this determination, but a Department review of the same information from FEMA shows that the subject property is partially in a Zone A flood hazard area. [SR 1-1(c), SR 2-1(a)].
- e. In the Sales Comparison Approach section of the report, Respondent did not disclose the actual price ranges for reported comparable properties and comparable listings found in the neighborhood. [SR 1-1(c), SR 2-1(a)].
- f. In the Sales Comparison Approach section of the report, Respondent reported the date of sale for Comparable Sale #1 as two years later than the actual sale date. He also listed sale dates for Comparable Sales #2 and #3, when neither property had sold as of the effective date of the report and their listings had expired. Respondent also did not provide a clear explanation of his analysis for adjusting the comparable properties' values or why his opinion of value for the subject property is \$20,000 less than the adjusted value of the only actual comparable sale. Respondent failed to properly execute this approach to value. [Competency Rule, SR 1-1(a)].

- g. In the Sales Comparison Approach section of the report, Respondent adjusted the sale prices of comparables for site size with no explanation as to how the adjustments were developed, and he provided no support in his workfile. The adjustments did not account for using comparable listings and not sales, nor did the adjustments explain the wide range of price difference for relatively similar sizes of land. Respondent failed to show an understanding of appraisal methods and theory regarding site sizes in making his adjustments. [Competency Rule, SR 1-1(a)].
- h. Respondent incorrectly reported that there were no prior sales of the subject property in the previous 36 months when a sale occurred just prior to his appraisal assignment in September 2020. [Scope of Work Rule, SR 1-1(c), SR 1-5(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 Scope of Work Rule by failing to gather and analyze information about the assignment elements that are necessary to properly identify the appraisal problem to be solved.
- 3. By the conduct described in the Findings of Fact, Respondent violated the Competency Rule by failing to either be competent to perform the assignment, acquire the necessary competency to perform the assignment, or decline or withdraw from the assignment.
- 4. By the conduct described in the Findings of Fact, Respondent violated SR 1-1(a), (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. 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.
- 5. 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.
- 6. By the conduct described in the Findings of Fact, Respondent violated SR 1-5(b) by failing to analyze all sales of the subject property that occurred within the three (3) years prior to the effective date of the appraisal.

7. By the conduct described in the Findings of Fact, Respondent violated SR 2-1(a), (b) by:
- a. failing to clearly and accurately set forth the appraisal in a manner that will not be misleading.
 - b. 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 SR 2-2(a)(xii) by failing to state the opinion of highest and best use and to summarize the support and rationale for that opinion.
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 Mark A. Tralmer's Licensed Appraiser certificate of licensure (number 1952-4) is SUSPENDED for five (5) business days, to be served November 2, 2022 through November 9, 2022.
3. Respondent Mark A. Tralmer's Licensed Appraiser certificate of licensure (number 1952-4) is LIMITED as follows:
 - a. Within one-hundred eighty (180) 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. Residential Market Analysis and Highest & Best Use (15 hours).
 - iii. Land and Site Valuation (7 hours).
 - iv. 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 ninety (90) days from the date of this Order, Respondent Mark A. Tralmer shall pay the COSTS of this matter in the amount of \$1,667.
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

Respondent 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 1952-4), 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. Chute
A Member of the Board

10/24/2022
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARK A. TRALMER,
RESPONDENT.

STIPULATION

ORDER 0008226

Division of Legal Services and Compliance Case No. 21 APP 007

Respondent Mark A. Tralmer 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 Joseph Klein.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the 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 a 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.


Mark A. Tralmer, Respondent
Tomah, WI 54650
Credential No. 152-4

10/17/2022
Date


Joseph Klein, Attorney for Respondent
Klein Law Office
131 W. Wilson St. #904
Madison, WI 53703

10/17/2022
Date


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

10/11/2022
Date