

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

DANIEL G. WILHELM,
RESPONDENT.

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:
:
:

FINAL DECISION AND ORDER

ORDER 0008958

Division of Legal Services and Compliance Case No. 21 APP 054

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

Daniel G. Wilhelm
La Crosse, WI 54603

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 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 Daniel G. Wilhelm (Birth Year 1954) is certified by the State of Wisconsin as a certified residential appraiser, having certificate of licensure and certification number 1737-9, first issued on March 13, 2009 and current through December 14, 2023. Respondent was previously a licensed appraiser (12-4), first issued on February 6, 1992 and active until December 14, 2009. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in La Crosse, Wisconsin 54603.

2. On February 28, 2007, Respondent was disciplined (Final Decision and Order # LS07022815APP) in Case Numbers 05 APP 063 and 06 APP 020 for violating the Uniform Standards of Professional Appraisal Practice (USPAP) Ethics Rule, and Standards Rules (SR) 1-1(b)(c), 1-2(a)(b)(e), 1-1(a)(b)(c), 1-2(e), and 1-4(b). Specifically, the facts of those cases indicate that Respondent failed to analyze prior sales of one of the properties, and used inappropriate comparable sales in the Sales Comparison Approach of his report.

3. On August 6, 2020, Respondent performed an appraisal and drafted an appraisal report for a property located at 720 Mississippi St., La Crosse, Wisconsin. Respondent signed his report "License or Certification #1737-9" without specifying his title, Certified Residential Appraiser.

4. On November 1, 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 054 for investigation.

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

- a. In the Site Section of the report, Respondent reported the specific zoning classification as R-1 and the zoning description as "Single Family Residential Use." However, the zoning classification is actually R-5 with a description as "Multiple Dwelling District." [Standards Rule (SR) 2-2(a)(iv)].
- b. Also in the Site Section of the report, Respondent reported that the Highest and Best Use of the subject property is its present use as a personal residence, however he did not provide a summary of the support for his opinion that the present use is in fact the Highest and Best Use. [SR 2-2(a)(xii)].
- c. Respondent failed to analyze in his report two prior sales/transfers of the subject property that occurred in 2020. [SR 2-2(a)(x)(3)].
- d. In the Market Analysis of the Neighborhood Section of the report, Respondent marked a box indicating that the pricing trend for one-unit housing was stable, however in the comments section he reported that sales data indicated increasing property values. [SR 2-1(b), and 2-2(a)(x)(5)].
- e. In the Sales Comparison Approach Section of the report, Respondent utilized comparable sales that were nearly one year old when there were other comparable sales nearby that were more recent. Further, Respondent did not make a market condition adjustment to account for the time that had elapsed. [SR 1-1(b) and 2-2(a)(x)(5)].
- f. In the Cost Approach Section of the report, Respondent provided an opinion of market value for the subject's site, but did not summarize the appraisal method or technique that he used to arrive at his opinion of value. [SR 2-2(a)(x)(5)].
- g. In the Income Approach Section of the report, Respondent did not provide support for his estimated market rent. [SR 2-2(a)(x)(5)].

- h. Respondent failed to disclose in his report whether he had provided prior appraisal services in the prior three years for the subject property. [SR 2-2(a)(xiv)].
- i. The report contained a series of errors as identified above, that in the aggregate impacted the credibility of the report. [SR 1-1(c)].

6. On October 10, 2023, Respondent informed the Department that he no longer intends to practice in Wisconsin, and wishes to resolve this case by voluntarily surrendering his credential. In the interest of resolving this matter, Respondent consents to entry of this Final Decision and Order.

CONCLUSIONS OF LAW

1. The 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).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent Daniel G. Wilhelm's certified residential appraiser credential (1737-9) is ACCEPTED.

3. In the event Respondent Daniel G. Wilhelm petitions the Board for reinstatement as a certified residential appraiser, or applies for any other credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the COSTS of this matter in the amount of \$2,031 before any petition or application for a credential will be considered by the applicable board or Department.

4. In the event Respondent Daniel G. Wilhelm petitions the Board for reinstatement of his credential, the Board may enter an order denying such application without further notice or hearing. Whether to grant a credential and whether to impose any limitations or restrictions on any credential granted shall be in the sole discretion of the Board and such decision is not reviewable. Further, the Board may re-open case number 21 APP 054 for further consideration.

5. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: 
A Member of the Board

01/30/2024

Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DANIEL G. WILHELM,
RESPONDENT.

STIPULATION

ORDER 0008958

Division of Legal Services and Compliance Case No. 21 APP 054

Respondent Daniel G. Wilhelm 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 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.

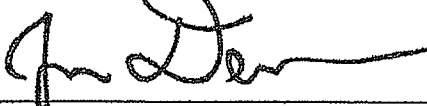
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Daniel G. Wilhelm, Respondent
La Crosse, WI 54603
Credential No. 1737-9

11/8/23
Date



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

11/9/23
Date