

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

JAMES G. BUCHTA,
RESPONDENT.

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:

FINAL DECISION AND ORDER

ORDER 0008959

Division of Legal Services and Compliance Case No. 21 APP 066

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

James G. Buchta
Fort Atkinson, WI 53538

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 James G. Buchta (Birth Year 1950) is certified by the State of Wisconsin as a certified general appraiser, having certificate of licensure and certification number 97-10, first issued on November 22, 1991 and expired as of December 14, 2023. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew his credential through December 14, 2028. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Fort Atkinson, Wisconsin 53538.
2. On December 13, 1996, Respondent was disciplined in Case Numbers 93 APP 002 and 95 APP 002 for violating Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule (SR) 1-1 (a)(c), 1-4 (a)(c), 2-1 (a)(c), and 2-2 (a)(i).
3. On November 10, 2004, Respondent was disciplined (Final Decision and Order # LS0404291APP) in Case Number 00 APP 007 for violating SR 1-1 (c) and SR 2-5.

4. On August 27, 2021, Respondent completed an appraisal report for a property located at 427 West Lake Street, Lake Mills, Wisconsin.

5. On December 7, 2021, the Department received a complaint alleging that Respondent's appraisal of the above referenced property was inadequate. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 21 APP 066 for investigation.

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

- a. The date of the report is stated as being over 10 months after the effective date of the report, indicating it was a retrospective report. No identification of a prior appraisal is noted, however, and there were no comments regarding the appraisal report being amended. This could make the report difficult for the intended user to understand. [Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule (SR) 2-2 (a)(vii)]
- b. Although Respondent summarized the terms of the subject's sales agreement, he did not provide an analysis of the agreement, which was important for the understanding of the user since the property was for sale by owner and there was no listing history available. [SR 2-2 (a)(x)(3)]
- c. The subject property is a historic Victorian style home. There is conflicting information available regarding the age of the subject property, therefore Respondent should have provided support for his reporting of the year built. [SR 2-2 (a)(x)(5)]
- d. Several violations were identified with Respondent's Sales Comparison Approach. While Respondent's Market Conditions Addendum stated that the local market was "stable," there were many trends suggesting that the market was changing, including changes in the number of comparable sales, average median comparable sale price, absorption rate, and total number of active listings. Additionally, each of Respondent's comparable sales were no more than 20 years old, which is inappropriate given that the subject property is a 110+ year old Victorian home, and that there were recent sales of other historic properties in the area that could have been used. Finally, Respondent's quality adjustments for bathroom utility and additional garage stall were not credible. [USPAP Competency Rule, SR 1-1 (a), 1-1 (c), 2-2 (a)(x)(5)]

7. Respondent disputes and has denied all of the above allegations. However, Respondent has retired from his appraisal practice and his certified general appraiser license expired on December 14, 2023. In order to avoid unnecessary effort and expense for Respondent, the Department, and the Board, Respondent has voluntarily agreed not to further contest said allegations in DLSC Case Number 21 APP 066, or seek renewal or reinstatement of his certified general appraiser license, and in effect, voluntarily surrender any future rights he

may have to renewal or reinstatement of said license. Accordingly, Respondent consents to the 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) and 440.19.

ORDER

1. The attached Stipulation is accepted.
2. The VOLUNTARY SURRENDER of Respondent James G. Buchta's right to renew or reinstate his certified general appraiser license (number 97-10) is ACCEPTED.
3. In the event Respondent James G. Buchta petitions the Board for reinstatement of his certified general appraiser license at any time in the future, or applies for any other credential issued by the Real Estate Appraisers Board under Wis. Stat. ch. 458, Respondent shall pay the COSTS of this matter in the amount of \$1,998 before any petition or application for a credential will be considered by the Real Estate Appraisers Board.
4. In the event Respondent James G. Buchta petitions the Board for reinstatement of his certified general appraiser license, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Board and such decision is not reviewable. As part of its review of such an application, the Board may consider the allegations in this matter in determining whether to grant any license.
5. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: 
A Member of the Board

1/30/2024
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES G. BUCHTA,
RESPONDENT.

STIPULATION

ORDER 0008959

Division of Legal Services and Compliance Case No. 21 APP 066

Respondent James G. Buchta and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into in order to resolve a pending investigation by the Division of Legal Services and Compliance as a result of Respondent's retirement from his appraisal business and non-renewal of Respondent's certified general appraiser license (97-10). 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 retained Attorney Michael Grubb of Olm & Associates to represent him in this matter.

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.

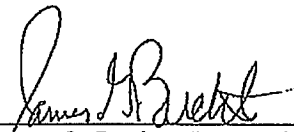
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In any such further proceeding, Respondent shall have all rights, defenses and arguments Respondent may have in response to the allegations made by the Department and its advisors associated therewith including, but not limited to, all rights listed in Paragraph 2 above and all Findings of Fact and Conclusions of Law set forth in the Final Decision and Order attached hereto. 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 Stipulation 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.


James G. Buchta, Respondent
Fort Atkinson, WI 53538
Credential No. 97-10

1/24/2024
Date


Michael Grubb, Attorney for Respondent
Olm & Associates
P.O. Box 37
Whitewater, WI 53190

1/24/2024
Date


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

1/24/2024
Date