

Classification Title / Working Title

Real Estate Specialist – Adv / Business Team Real Estate Appraisal Expert

Position Summary

The Division of Legal Services and Compliance provides inspection, audit, investigative, and legal services to the Department of Safety & Professional Services (DSPS) and the regulatory authorities attached to it. The primary responsibilities of the Business Team Real Estate Appraisal Expert are to perform comprehensive real estate work applying extensive and the highest level of knowledge and skill in the real estate field as it applies to appraisals. This includes appraisal reviews, research, evaluation, and analytical work regarding the review of complex commercial and residential evaluations. Duties also includes providing assistance with prosecution and litigation, including investigations of complaints against Wisconsin appraiser licensees of the Department and regulatory authorities and the analysis, interpretation, and accurate technical written representation of complex statutory and federally regulated policies.

Additionally, this position will assist with the drafting of stipulated resolutions of complaints and assist attorneys with the commencement of formal disciplinary action against licensees of the Department and regulatory authorities when stipulations are not possible. This position will serve as a technical resource to the Division's Business Legal Team and will assume a lead role in presenting information at public meetings where sensitive issues are involved, and play a significant role in the presentation of formal training in their area of expertise. These tasks are to be performed in a professional, fair and fiscally responsible manner, under the general supervision of the Legal Manager and subject to guidance and review by the team's Lead Attorney. This position description is designed to comply with Wis. Adm. Code ER 2.04 and Wis. Stat. § 111.81(15), and performs analytical functions requiring highly-specialized training, experience, and specialized knowledge to ensure Department compliance with federal and state guidelines and regulations related to appraisal licensure and practice in the State of Wisconsin.

(Rated PD

Only)

TR1 TR2 TIME% GOALS AND WORKER ACTIVITIES

- 60% A. Conduct expert review and evaluation of appraisals and supporting documents regarding complaints against licensees of the Department and regulatory authorities.
- A1. **Appraisal:** Develop expert opinions of property valuation in written form for property and interests in property utilizing the appropriate approaches to the valuation of residential, commercial, industrial, agricultural and special purpose properties, subject to the eminent domain laws of the State of Wisconsin, the Federal Uniform Relocation and Real Property Assistance Act, as amended, and the Uniform Standards of Professional Appraisal Practice (USPAP) as these analyses relate to appraisal complaints, including the costs, benefits, or consequences of alternative courses of action or decisions needed in order to identify the violation of a regulation or standard and formulate a discipline recommendation.
- A2. **Appraisal Reviews:** Conduct systematic examination and review of applicant and respondent appraisal and supporting documents for the purpose of appraisal regulation and discipline, determining its compliance, including the process of reviewing and approving appraisals and sales studies, ensuring use of sound judgment and adherence to established standards. This will typically require complex and involved discussions with prosecutors and multiple revisions to opinions and proposed orders. These reviews shall be done in compliance with USPAP Standards, Rule 3:
- Review of appraisals submitted to the Department as the result of a complaint.
 - Provide additional information and analysis to the Department when denial of an appraiser credential results in a request for a hearing.
 - Evaluate whether there is substantive evidence to support opening an investigation when a complaint is filed against a real estate appraiser

TR1 TR2 TIME% GOALS AND WORKER ACTIVITIES

- A3. **Investigations:** Establish the scope and direction of investigations, and ensure that the investigations are proceeding in a timely, efficient, and fiscally responsible manner. Work with attorneys, investigators and paralegals to prepare investigative inquiries, reviews and documents as needed. Answer appraisal questions from staff to assist with investigations.
- A4. **Project Development and Management:** Assist with the development of appropriate language in final decisions and orders, discipline guidelines. Develop tools and resources to assure uniform application of discipline in appraiser cases. Develop and present training for the Division and/or Department legal staff regarding emerging legal issues related to the appraiser profession and related issues. Conduct Quality Assurance Review by assisting with auditing and reviewing practices and activities, as they relate to specific appraiser regulation and enforcement functions, ensuring that practices and procedures are in conformance with Federal and State laws, rules, regulations and procedures, and recommending corrective actions.
- A5. **Negotiation Assistance:** Prepare, review and revise first drafts of stipulations and orders prepared by investigators and paralegals to ensure accuracy and sufficiency and participate in settlement conferences with both respondents and opposing counsel.
- A6. Serve as a liaison between the Wisconsin Real Estate Appraiser’s Board, the Real Estate Appraisers Application Advisory Committee and the Department.
- A7. Assist attorneys and case advisors with the determination of violations, assisting with the selection and preparation of witnesses and exhibits; analyzing strengths and weaknesses of cases; and assisting legal counsel in case preparation and conduct of trials.
- A8. Coordinate with Board Counsel as necessary to ensure the objectivity and evidentiary sufficiency of the proposed resolution.
- A9. Manage and process a high volume caseload in a timely manner to ensure consumer protection, quality legal service to the professional boards, and efficient and fair resolution of complaints against licensed professionals.
- A10. Assist with discovery including depositions, interrogatories, requests to admit, requests to produce and other discovery.
- A11. Assist with the preparation of lay and expert witnesses.
- A12. Assist with litigation strategies; write memoranda and correspondence related to litigation, in a fair, transparent, fiscally responsible, and courteous manner.
- 35% B. In consultation with the assigned attorney, lead attorney and paralegal, plan, initiate, coordinate and conduct investigations relating to alleged violations of law by licensed professionals.
 - B1. In consultation with the team leader, assigned attorney and paralegal, plan, organize and formulate an investigative strategy incorporating applicable legal theories, sources of information and appropriate investigative methodologies.
 - B2. Conduct investigations involving violations of statutes, administrative codes and standards of conduct of the professions regulated.
 - B3. Identify investigative leads and follow up on determining the underlying facts.

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TR1 TR2 TIME% GOALS AND WORKER ACTIVITIES

- B4. Coordinate and cooperate with other local, state and federal agencies and attorneys as necessary.
 - B5. Interview witnesses to obtain relevant evidence pertaining to allegations of violations and responsible parties.
 - B6. Prepare accurate, detailed and concise reports, statements or affidavits of interviews of respondents, witnesses and collateral contacts.
 - B7. Identify, collect, examine and preserve physical evidence and document to maintain an accurate chain of custody.
 - B8. Prepare questionnaires, subpoenas or search warrants, in collaboration with the assigned attorney and, where applicable, outside law enforcement personnel.
 - B9. Use legal covert/undercover methods to obtain information and evidence, as pre-approved by the Legal Manager.
 - B10. Work in collaboration with case advisor, attorneys and supervisors.
 - B11. Serve as staff resource person for local, state and federal authorities in areas of expertise, and participate in training investigative staff and other employees in those areas as needed.
 - B12. Serve civil process as necessary.
- 5% C. Other duties as assigned.

KR1 KR2 KNOWLEDGE AND SKILLS

1. Maintain current license in good standing of at minimum, a certified residential or general appraiser in Wisconsin.
2. **Appraisal Skills:** In addition to the specific minimum requirements stated above, skill and ability in appraiser licensure and practice and procedure before state and federal regulatory agencies.
3. **Appraiser Knowledge:** Knowledge and experience the Uniform Standards of Professional Appraisal Practice (USPAP), as well as knowledge and experience with supplemental appraisal standards, including the Wisconsin Real Estate Appraiser Regulations, Fannie Mae, Freddie Mac, VA, FHA, Small Business Administration, Rural Housing Development, Truth-in-Lending Act, Real Estate Settlement Procedures Act and inter-agency (FDIC, NCUA, OCC, FRB) Property and Appraisal Guidelines.
4. **Legal Knowledge:** General legal principles and their applications, including administrative law, rules of evidence, and Wisconsin state and federal case law, statutes, and regulations.
5. **Research and Writing:** Skill in legal research and writing, including the preparation and evaluation of briefs, opinions, and pleadings.
6. **Government Agency Knowledge:** Knowledge of agency's mission, goals and plans including a general understanding of state & federal governmental organizational structure and interagency relationships.
7. **Open Meetings and Records:** Knowledge of open meetings and public records law.
8. **Communication Skills:** Written and oral communication skills.
9. **Organizational Skills:** Ability to assemble, appraise and organize facts and to logically, clearly, and concisely present evidence and other materials in accepted oral and written legal forms.
10. **Rapport Skills:** Ability to establish and maintain effective working relationships with Department management, political officials, and regulatory authorities, including the ability to reach consensus on potential conflict issues.
11. **Prioritization Skills:** Ability to prioritize a high volume caseload.
12. **Computer Skills:** Skill in Westlaw, Lexis/Nexis, Word Office Suite, and legal databases.
13. **Demeanor:** Professional and courteous demeanor with supervisors, staff and stakeholders.
14. **Professionalism:** Ability to represent the agency in a positive and professional manner and to participate enthusiastically and consistently in the implementation and enforcement of division directives, policies and procedures.
15. **Professional and courteous demeanor** with supervisors, staff, opposing counsel, board members, other divisions, and stakeholders with a dedication to teamwork and professional collaboration to achieve team, division and agency objectives.