

**STATE OF MINNESOTA
DEPARTMENT OF COMMERCE**

In the Matter of the Real Property Appraiser License of William John Buss.
License No. 20328977.

CONSENT ORDER

TO: William John Buss
Buss Appraisals, LLC
242 Adam Circle
Carver, MN 55315

Commissioner of Commerce Grace Arnold (Commissioner) has determined as follows:

1. The Commissioner has advised William John Buss (Respondent) that she is prepared to commence formal action pursuant to Minn. Stat. § 45.027 (2020), and other applicable law, based on the following allegations in an appraisal report completed in Waconia,

Minnesota:

- a. Respondent failed to provide credible appraisal reports because of numerous errors and omissions. Respondent cloned a template appraisal report. Respondent admitted that he failed to verify his data after cloning and inputting previously used data. Providing an appraisal report that lacks credibility because of errors and omissions is in violation of the Uniform Standards of Professional Appraisal Practice (USPAP) Standard Rule (SR) 1-1 (b)(c), 2-1 (a)(b), (2018) and Minn. Stat. § 82B.20 subd. 2 (6)(13) (2020).
- b. Respondent failed to provide his analysis of the subjects highest and best use in violation of USPAP SR 1-3 (b), 2-2 (a)(x) (2018) and Minn. Stat. § 82B.20 subd. 2 (7)(13) (2020).

- c. Respondent failed to provide a credible sales comparison approach to value because he failed to make adjustments to the comparables when they were obviously necessary, and he made adjustments that were misleading with subjective amounts not supported by referenced market data. Failing to create a credible sales comparison approach to value with adjusted values that fail to support the indicated value is in violation of USPAP SR 1-4 (a), 1-6 (b), 2-2 (a)(viii) (2018) and Minn. Stat. § 82B.195 subd. 3 (1)(vi)(viii) and Minn. Stat. § 82B.20 subd. 2 (13) (2020).
- d. Respondent failed to reconcile his opinion of value using market data in violation of USPAP SR 1-1 (a), 2-1 (a), 2-2 (a)(viii) (2018) and Minn. Stat. § 82B.195 subd. 3 (1)(viii) and Minn. Stat. § 82B.20 subd. 2 (7)(13) (2020).
- e. Respondent failed to provide a work file that supported his opinions and conclusions in violation of USPAP Record Keeping Rule (2018) and Minn. Stat. § 82B.071 subd. 2 (2020).

2. Respondent acknowledges that they have been advised of the right to a hearing in this matter, to present argument to the Commissioner, and to appeal from any adverse determination after a hearing. Respondent hereby expressly waives those rights. Respondent further acknowledges that they have been represented by legal counsel throughout these proceedings or has waived that right.

3. Respondent disputes the allegations but agrees to informal disposition of this matter without a hearing as provided under Minn. Stat. § 14.59 (2020) and Minn. R. 1400.5900 (2019).

4. For purposes of Minn. Stat. § 16D.17 (2020), Respondent expressly waives the right to any notice or opportunity for a hearing on any civil penalty imposed by the Commissioner. Further, Minn. Stat. § 16D.17 (2020) allows the Commissioner to file and enforce the civil penalty imposed by this Order as a judgment against Respondent in district court without further notice or additional proceedings.

5. The civil penalty and/or any resulting judgment arising from this Order will be non-dischargeable in any bankruptcy proceeding. See 11 U.S.C. 523 (a)(7) (2018) ("A discharge under section 727, 1141, 1228(a), 1228(b) or 1328(b) of this title does not discharge an individual debtor from any debt... to the extent such debt is for a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit, and is not compensation for actual pecuniary loss, other than a tax penalty...").

6. The following Order is in the public interest.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. Ch. 45 (2020) that:

- A. Respondent shall pay a civil penalty in the amount of \$1,000 to the State of Minnesota.
- B. Respondent to complete the following corrective education courses provided by the Appraisal Foundation. These courses must be completed within ninety days of the effective date of this order;
 - a. Sales Comparison Approach Reconciliation; and
 - b. Missing Explanations.

These courses cannot be used towards Respondents continuing education credits. Course completion certificates must be supplied to the Department within 30 days of completing and passing course requirements;

- C. Respondent shall not violate any laws, rules, or orders related to the duties and

responsibilities entrusted to the Commissioner under Minnesota Statute Chapters 45 and 82B;

and

D. Respondent shall pay all investigative costs in the amount of \$270.00 at the time the Consent to Entry of Order is signed pursuant to Minn. Stat. § 45.027, subd. 1(8) (2020).

This Order shall be effective upon signature by or on behalf of the Commissioner.

Date: 02/16/2022

GRACE ARNOLD
Commissioner



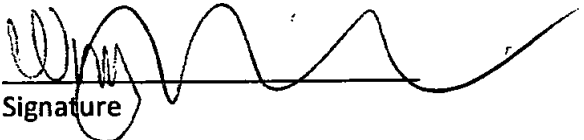
MATTHEW VATTER
Assistant Commissioner of Enforcement
Minnesota Department of Commerce
85 Seventh Place East, Suite 280
St. Paul, MN 55101
(651) 539-1600

CONSENT TO ENTRY OF ORDER

The undersigned states that they have read this Consent Order; that the undersigned knows and fully understands its contents and effect; that the undersigned has been advised of the right to a hearing in this matter, to present argument to the Commissioner, and to appeal from any adverse determination after a hearing and expressly waives those rights. Respondent further acknowledges that Respondent has been represented by legal counsel throughout these proceedings or has been advised of the right to be represented by legal counsel, which right Respondent hereby expressly waives; and that Respondent consents to entry of this Order by the Commissioner. It is further understood that this Consent Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either express or implied.

William John Buss

Date: 2-9-2022


By: 
Signature

STATE OF Minnesota

COUNTY OF Carver

Signed or attested before me on 2-9-2022 (Date).

(Notary stamp)


(Signature of Notary)

My Commission expires:

1-31-2023

