

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD**

IN RE DISCIPLINARY PROCEEDINGS :
AGAINST :
 : **FINAL DECISION AND ORDER**
DEAN A. PARKIN :
 : **LS0607127APP**
 :
RESPONDENT. :

Division of Enforcement Case No. 05 APP 007

The parties to this action for the purposes of Wis. Stats. Sec. 227.53 are:

Dean A. Parkin
2900 South Carpenter Street
Appleton, WI 54915

Real Estate Appraisers Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708 8935

The parties in these matters agree to the terms and conditions of the attached Stipulation as the final decision of the matter(s), subject to the approval of the Real Estate Appraisers Board. The Board has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Dean A. Parkin ("Parkin"), whose last known address of record with the Department of Regulation and Licensing ("Department") is 2900 South Carpenter Street, Appleton, Wisconsin 54915, and whose date of birth is June 28, 1957, possesses a certificate of licensure and a certificate of certification to practice as a certified residential appraiser (#9-854). The license was first granted on May 18, 1994, and expired on December 31, 2005.
2. From January 1, 2006, through March 9, 2006, Mr. Parkin continued to practice as a certified residential appraiser, and continued to use that title, and his Wisconsin license number, on appraisals reports.
3. Per Wis. Stat. § 458.055, "...no person may do any of the following: (1) Use the title... 'Wisconsin certified residential appraiser' or any similar term unless the person holds an applicable appraiser certificate issued under s. 458.06."
4. On February 20, 2001, Mr. Parkin signed an appraisal of real estate located at 3808 River Court, Pine River, Wisconsin, 54965, as well as the certification statement for the appraisal.
5. Mr. Parkin failed to identify the characteristics of the property that are relevant to the purpose and intended use of the appraisal, including, but not limited to: (a) failing to identify the amount of river frontage, type, view or access; (b) while the rear view photograph of the subject property clearly shows living area beneath a sunroom on the main floor, the neither the sketch nor anything else in the report describes this living area; and (c) failing to describe the bedrooms and bathrooms located in the below-grade area on the sales comparison grid, or elsewhere in the report, other than the sketch.
6. Per the 2001 Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule 1-2, "In developing a real property appraisal, an appraiser must: (e) identify the characteristics of the property that are relevant to the purpose and intended use of the appraisal, including: (i) its location and physical, legal and economic attributes..."
7. Per Wis. Admin. Code § RL 86.01(1), "Certified and licensed appraisers shall comply with... the standards set forth in Appendix I. A violation of any provision of this chapter may result in disciplinary action under s. 458.26, Stats.

8. Per Wis. Admin. Code § RL 86.01(2), “All appraisals performed in conjunction with federally related transactions and non-federally related transactions shall conform to the uniform standards of professional appraisal practice set forth in Appendix I.”

9. Per Wis. Stat. § 458.26(3)(b), an appraiser is subject to discipline if he or she has, “Engaged in unprofessional or unethical conduct in violation of rules promulgated under s. 458.24.”

10. Mr. Parkin failed to adequately analyze and adjust comparable sales data, including, but not limited to, the following errors: (a) failure to adjust for differences in frontage feet between the subject and comparable sales; (b) failure to adjust for age difference between comparable #1 and the subject property; and (c) making an unexplained adjustment for the condition of comparable #2, when both the subject and comparable #2 were listed as being in “average” condition, and both were believed to be at least twenty (20) years old.

11. Mr. Parkin committed a series of errors that undermine the credibility of the appraisal, including, but not limited to, the following: (a) listing the subject property on the sales grid as having 1500 square feet of above-grade living space, when his own sketch indicates that the actual number was 1456 square feet, and when the assessor’s data states that the number is 1473 square feet; stating that he checked the Outagamie Register of Deeds for sales of the subject property and comparable properties, when all are located in Waushara County; and (c) dating the report February 20, 2001, to include the certification statement that he had personally inspected the property by that date, when the photographs of the subject property and all comparable properties show the date of February 23, 2001.

12. Per USPAP Standards Rule 1-1(a), “In developing a real property appraisal an appraiser must: (a) be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal; ... and (c) not render 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 affect the credibility of those results.”

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 458.26.

2. The Wisconsin Real Estate Appraisers Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

3. By continuing to use the title, “Wisconsin certified residential appraiser,” or any similar title, when his license and certification had expired, **Dean A. Parkin** has committed one or more violations Wis. Stat. § 458.055(1), thereby subjecting himself to discipline per Wis. Stat. § 458.26(3)(i).

4. By failing to adequately identify the physical characteristics of the property, as described above in paragraph 5 of the Findings of Fact, **Dean A. Parkin** has violated USPAP Standards Rule 1-2(e), which constitutes violations of Wis. Admin. Code §§ RL 86.01(1) and (2), thereby subjecting himself to discipline per Wis. Stat. § 458.26(3)(b).

5. By failing to adequately analyze and adjust comparable sales data, as described above in paragraph 10 of the Findings of Fact, **Dean A. Parkin** has committed one or more violations of USPAP Standards Rule 1-1(a) which constitutes a violation of Wis. Admin. Code §§ RL 86.01(1) and (2), thereby subjecting himself to discipline per Wis. Stat. § 458.26(3)(b).

6. By making a series of errors, as described above in paragraph 11 of the Findings of Fact, **Dean A. Parkin** has committed a violation of USPAP Standards Rule 1-1(c), which constitute violations of Wis. Admin. Code §§ RL 86.01(1) and (2), thereby subjecting himself to discipline per Wis. Stat. § 458.26(3)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license and certification of **Dean A. Parkin** is hereby **LIMITED**, as follows: (a) Respondent may not sign appraisal as a supervisory appraiser; (b) Respondent may not rely upon substantial appraisal work performed by another; and (c) Respondent may not perform any appraisals of property with waterfront or water access rights. The limitations may be removed sooner than one (1) year after the date of signing of this Order, and only if Respondent has complied with all terms and conditions of this Order.

IT IS FURTHER ORDERED that:

2. Respondent shall pay the costs of this investigation, in the amount of one thousand one hundred (\$1100.00) dollars, within one year of the date of signing of this Order.
3. Respondent shall take and successfully complete the following educational courses, to include the testing component, within one year of the date of signing of this Order: (a) a course, the topic of which will be appraisal of waterfront and/or v access properties or complex residential appraisals; and (b) Business Practices and Ethics, presented by the Appraisal Institute education required by this Order may not be counted towards Respondents continuing education obligations. Proof of completion shall be provided to the Department Monitor.
4. All payments and proof of completion of education required by this order to be submitted to the Department Monitor shall be mailed, faxed or delivered to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264
5. Case number 05 APP 007 is hereby closed.
6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondents' licenses and certifications. The Real Estate Appraisers Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event that Respondents fails to timely submit any payment of costs as set forth above, or fails to comply with the ordered education the Respondents' licenses and certifications (#4-1113 and #4-1575) SHALL BE SUSPENDED, without further notice or hearing, until Respondents have complied with the terms of this Order.
7. This Order is effective on the date of its signing.

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel
A Member of the Board

7/12/2006
Date

**STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD**

**IN RE DISCIPLINARY PROCEEDINGS
AGAINST**

DEAN A. PARKIN

RESPONDENT.

:
:
:
:
:
:

STIPULATION

LS _____

Division of Enforcement Case No. 05 APP 007

It is hereby stipulated and agreed, by and between Dean A. Parkin, Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation resolves a pending investigation of Respondent's licensure by the Division of Enforcement (05 APP 007). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided with the opportunity to obtain legal counsel prior to 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 Enforcement for further proceedings. In the event that this 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 Enforcement and any member of the Real Estate Appraisers Board ever assigned as an advisor in this investigation may appear before the Board, without the presence of Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any person may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board 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 Enforcement joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

DEAN A. PARKIN

Respondent
2900 South Carpenter Street
Appleton, WI 54915

Date

MARK A. HERMAN

Attorney, Division of Enforcement
1400 East Washington Avenue
Madison, WI 53708-8935

Date

[Case No. 05 APP 007: Limitation, Education and \$1100 Costs.]