

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

THOMAS E. HESS,

FINAL DECISION AND ORDER

RESPONDENT

LS0110312APP

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

Thomas E. Hess

1604 Hickory Lane, #15

New Holstein, WI 53061

Bureau of Business and Design Professions

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 State of Wisconsin Real Estate Appraisers Board, having considered the Stipulation agreement annexed-hereto of the parties, in resolution of the captioned-matters, makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to jurisdiction and authority granted to the Board, that the Stipulation agreement annexed-hereto, filed by Complainant's attorney, shall be and hereby is incorporated, made and ordered the Final Decision and Order of the State of Wisconsin, Real Estate Appraisers Board.

Let a copy of this order be served on Respondent by certified mail.

Dated this 31st day of October, 2001.

Paul Vozar, or Designee

Real Estate Appraisers Board

STATE OF WISCONSIN

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

THOMAS E. HESS,

STIPULATION

RESPONDENT

01 APP 016

Respondent Thomas E. Hess (Hess), and Complainant's attorney, Henry E. Sanders, Division of Enforcement, having reached agreement for disposition of the captioned-matter, stipulate and agree as follows:

1. Respondent Hess, whose last address of record with the Department is W1810 Thede Road, New Holstein, Wisconsin, but whose present address is 1604 Hickory Lane, Apt. #15, New Holstein, Wisconsin 53061, was at all time material to the complaint, certified as a Certified General & Licensed Appraiser, and had been initially certified as a Certified General Appraiser on January 22, 1999.

2. This Stipulation shall be submitted to the Real Estate Appraisers Board (Board) for approval and disposition of the matters. If the terms of the Stipulation are not acceptable to the Board, then the parties shall not be bound by any of the provisions of the stipulation.

a. This Stipulation is dispositive of investigative complaint #01 APP 016.

3. Respondent has been advised of his right to a public hearing on each and every allegation of the complaint, but hereby freely and voluntarily waives his right to a hearing in this matter on the condition that all provisions of the Stipulation be acceptable to and approved by the Board.

a. Respondent further agrees to waive any appeal of the Board's Final Decision and Order adopting the Stipulation agreement.

4. By Final Decision and Order by the Real Estate Appraisers Board dated October 18, 2000, Exhibit "A" attached hereto, and among other things, the Board ordered per paragraph 14 that:

14). Based upon the above and in settlement of these matters, Respondent Hess hereby consents, accepts and agrees to having his Certified General certification limited to only performing residential appraisals; to be reprimanded; to take and successfully complete a minimum of 15 hours of department approved appraisal courses in income producing properties, seven (7) hours of appraisal education in non-residential appraising featuring the direct sales comparison approach, and seven (7) hours of appraisal education in non-residential appraising of income capitalization, specifically focusing on extraction of capitalization rates from the market, all to be completed within six (6) months of the effective date of the Board's Final Decision and Order adopting the stipulation agreement, and:

a. Pay the amount of \$500.00 as part assessment of costs in resolving these matters, to be paid at the time of executing the stipulation agreement or within six (6) months of the effective date of the Board's order.

(THE EFFECTIVE DATE OF THE BOARD'S ORDER IS TEN DAYS AFTER EXECUTION BY THE BOARD CHAIRPERSON OR HIS DESIGNEE.)

5. The Order also ordered that Respondent Hess' Certified General Appraisers' certification was limited to only performing residential appraisals. See also Exhibit "A", paragraph 18.

6. As of October 3, 2001, Respondent Hess has failed to take and successfully complete the Board ordered twenty-nine (29) hours of department-approved appraiser courses, and is therefore in violation of the Board's order.

7. Accordingly, based upon the above and in settlement of this matter, Respondent Hess hereby consents, accepts and agrees to voluntarily surrender all real estate appraisers permits, licenses, and/or certificates previously issued to him.

8. Within ten (10) days of the receipt of the Board's order adopting the Stipulation agreement, Respondent shall submit all original permits, licenses, and/or real estate appraisal certificates previously issued to him to the attention of the Department's monitor:

Marlene Meyer

Monitor

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

9. Respondent agrees that this Stipulation agreement may be incorporated into the Board's Final Decision and Order adopting the Stipulation agreement.

10. Respondent further agrees that Complainant's Attorney Sanders, the case advisor assigned to the complaint, and the Department's monitor, may appear at any deliberative meeting of the Board with respect to the Stipulation, but those appearances shall be limited solely to clarification, justification, and to statements in support of the stipulation and for no other purpose.

Thomas E. Hess

10-5-01

Respondent

Date

Henry E. Sanders

10-15-01

Complainant's Attorney

Date