

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 :
 :
JONATHAN H. HORSFALL, : **FINAL DECISION AND ORDER**
 : **LS0505112APP**
RESPONDENT. :

Division of Enforcement Case File # 04 APP 005

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

Jonathan H. Horsfall
6785 Victory Circle
Windsor, WI 53598

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

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

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 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

1. **Jonathan H. Horsfall**, date of birth 04/16/71, is a licensed appraiser in the State of Wisconsin, license # 4 16 which was first granted on 01/05/04. Mr. Horsfall's most recent address on file with the Department of Regulation and Licensing is 6785 Victory Circle, Windsor, WI 53598.

2. In December of 2003, Mr. Horsfall contacted the mortgage lender of his property, Wells Fargo bank, and inquired about refinancing his property. Mr. Horsfall also requested that the bank remove the Private Mortgage Insurance (PMI) from the mortgage on his property.

3. In order to remove the PMI insurance, the bank would require an appraisal to be prepared on the property.

4. Mr. Horsfall completed an appraisal on his property and forwarded it to Wells Fargo Bank the first week in January 2003.

5. Mr. Horsfall never received written authorization from the bank to submit an appraisal of his own property as would be required by Wis. Admin. Code § RL 86.01 (7).

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraiser's Board has jurisdiction to act in this matter pursuant to Wis. Stat. sec. 458.26, and is authorized to enter in the attached Stipulation pursuant to Wis. Stat. sec. 227.44 (5).

2. The conduct described in paragraphs 3 and 4 above, constitutes a violation of Wis. Admin. Code § RL 86.01 and Wis. Stat. § 458.26 (3)(b) on the basis that preparing an appraisal on one's own home creates a conflict of interest.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Jonathan H. Horsfall**, license #4 1683 be, and hereby is, **Reprimanded**;
2. Respondent shall within 90 days of the date of this Order, pay costs of this proceeding in the amount of \$700.00.

Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

2. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license to practice as a licensed appraiser in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order; the Board may order that Respondent's license be summarily suspended pending investigation and hearing on the alleged violation.

3. This Order shall become effective upon the date of its signing.
4. File 04 APP 005 be, and hereby is, closed.

WISCONSIN REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel
A Member of the Board

May 11, 2005
Date