

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
THOMAS J. TEBO,	:	
	:	LS06101826APP
RESPONDENT.	:	

Division of Enforcement Case No. 05 APP 081

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

Thomas J. Tebo
1708 14th Avenue
Menominee, MI 49858

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 Thomas J. Tebo ("Respondent"), whose last known address of record with the Department of Regulation and Licensing ("Department") is 1708 14th Avenue, Menominee, MI 49858, and whose date of birth is July 7, 1972, possesses a certificate of licensure and a certificate of certification to practice as a certified residential appraiser and licensed appraiser (#9-1154). The certificate was first granted on July 2, 1999, and will expire on December 14, 2007.

2. On December 8, 2004, Respondent signed an appraisal of real property located at 1245 Ontario Street, Oshkosh, Wisconsin.

3. Respondent has violated 2004 Uniform Standards of Professional Appraisal Practice (USPAP) by:
- Have the knowledge of the local market and geographic area necessary to perform the appraisal assignment competently, or to take necessary steps to complete the assignment competently, as reflected by the selection of comparable properties from neighborhoods with character and amenities completely different from the subject property and without making appropriate adjustments for same, contrary to USPAP's Competency Rule;
 - Failing to be aware of, understand and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal, as evidenced by the issues noted in sub-paragraph a., above, and by incorrectly developing the cost approach to value, contrary to USPAP Standards Rule 1-1(a);
 - Committing a substantial error of omission or commission by failing to note that two comparable properties selected were located within an historic district, failing to note that the second comparable selected had lake views, and failing to generally note that the comparables were located close to amenities such as the lake-shore, parks and golf courses not found in the neighborhood of the subject property, contrary to USPAP Standards Rule 1-1(b);
 - Failing to note the correct zoning category, zoning compliance, and failing to correctly analyze the effect upon value, contrary to USPAP Standards Rule 1-1(b);

- e. Failing to correctly state the address and correctly map the second comparable property selected, contrary to USPAP Standards Rule 1-1(c); and
- f. Failing to retain true copies in the work file, contrary to USPAP's Record Keeping provision of the Ethics Rule, Wis. Admin. Code § RL 86.01(8), (10) and Wis. Stat. § 458.18(1), (3).

4. Per Wis. Admin. Code § RL 86.01(2), "All appraisals... shall conform to the uniform standards of professional appraisal practice..." Per Wis. Admin. Code § RL 86.01(1), "Certified and licensed appraisers shall comply with the standards of practice established by ch. 458, Stats., and chs. RL 80 to 86 and the standards set forth in Appendix I" (Appendix I contains the Uniform Standards of Professional Appraisal Practice).

5. Per Wis. Admin. Code § RL 86.01(8), "All certified and licensed appraisers shall maintain records as required in s. 458.18, Stats." Per Wis. Stat. § 458.18, "a certified appraiser or licensed appraiser shall retain for at least 5 years the originals or true copies of each appraisal report prepared by the appraiser and all other records that, in the opinion of the appraiser, are material to each appraisal report prepared by the appraiser."

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 failing to comply with the 2004 Uniform Standards of Professional Appraisal Practice, as set forth in paragraph 3 of the findings of fact, and failing to comply with Wis. Stat. § 458.18, as set forth in paragraph 5 of the findings of fact, Respondent has subjected himself to discipline per Wis. Stat. § 458.26(3)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license and certification of Respondent **Thomas J. Tebo** (#9-1154) shall be and hereby is **reprimanded**.

IT IS FURTHER ORDERED that:

2. The license and certification of Respondent **Thomas J. Tebo** is hereby **limited** as follows: (a) Respondent may not perform appraisals of real property located in counties other than Marinette, Oconto, Manitowoc, Door and Brown counties; and (b) Respondent may not provide training or supervision to any person as an appraiser, or rely upon any trainee, clerical staff and/or office assistant to provide assistance in the development or research of an appraisal report. Respondent may petition the Board for removal of these limitations no sooner than one full year after successful completion of coursework required under paragraph three of this order.
3. Respondent shall take and successfully complete the following as remedial education, which shall not count towards his continuing education requirements, within one year of the date of signing of this Order: (a) Basic Appraisal Principles conducted by the Appraisal Institute, to include the testing component, if available; (b) Basic Appraisal Procedures conducted by the Appraisal Institute, to include the testing component, if available; and (c) Business Practices and Ethics conducted by the Appraisal Institute, to include any available testing component if available.
4. Respondent shall pay costs of this investigation in the amount of eight hundred and ten (\$810.00) dollars within ninety (90) days of the signing of this Order.
5. All payments and proof of completion of education required by this order to be submitted to the Department M 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

6. Case number 05 APP 081 is hereby closed.

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and well-being and may result in a summary suspension of Respondent's license and certification. 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 Respondent fails to timely submit any payment of costs as set forth above, or fails to comply with the conditions of this Order, the Respondent's license and certification (#9-1154) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

8. This Order is effective on the date of its signing.

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel
A Member of the Board

10-18-2006
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN RE DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	
	:	STIPULATION
THOMAS J. TEBO,	:	
	:	LS _____
RESPONDENT.	:	

Division of Enforcement Case No. 05 APP 081

It is hereby stipulated and agreed, by and between Thomas J. Tebo, 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 081). 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 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 Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

THOMAS J. TEBO

Respondent
1708 14th Avenue
Menominee, MI 49858

Date

MARK A. HERMAN

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

Date