

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**
JEFFREY D. LA POINTE, :
 : **LS07091211APP**
 :
RESPONDENT. :

Division of Enforcement Case No. 06 APP 125

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

Jeffrey D. La Pointe
P.O. Box 58
Endeavor, WI 53930

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

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of the matter, 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 Jeffrey D. La Pointe (“La Pointe”), whose last known address of record with the Department of Regulation and Licensing (“Department”) is P.O. Box 58, Endeavor, WI 53930, and whose date of birth is April 5, 1942, possesses a certificate of licensure and a certificate of certification as a certified residential appraiser (#9-591). The license was first granted on January 21, 1993, and will expire on December 14, 2007.

2. On December 11, 2006, Ms. Josette Thompson was sent a Notice of Intent to Deny her application for licensure as a licensed appraiser. Ms. Thompson’s application was denied because the Real Estate Appraiser Application Advisory Committee (Committee) had concluded that, “The work samples submitted in conjunction with (her) application failed to be in compliance with the uniform standards of professional appraisal practice...” Mr. La Pointe was Ms. Thompson’s supervisor, and signed each appraisal report reviewed by the Committee.

3. A review of the three appraisal reports received by the Committee in support of Ms. Thompson’s application shows violations of the Uniform Standards of Professional Appraisal Practice (USPAP) in one or more the appraisal reports reviewed, including, but not limited to, the following:

a. USPAP Standards Rule 1-1(c), “by rendering an appraisal in a careless or negligent manner... by making a series of errors that, although individually might not significantly affect the results of the appraisal, in the aggregate affect(ed) the credibility of those results,” including, but not limited to, by inconsistently reporting the above and below-grade square footage of a subject property, and by making inconsistent adjustments based upon the dates of sales for comparable properties.

b. USPAP Standards Rule 1-2(e)(i), by failing to “identify... characteristics of the property... including... its...

physical... attributes..." including, but not limited to, inconsistently reporting the size a subject property.

c. USPAP Standards Rule 2-2(b)(viii), by producing a Summary Appraisal Reports that failed to "summarize... the reasoning that supports the analyses, opinions and conclusions (of the appraiser)" and failed to explain, "exclusion of the sales comparison approach, cost approach or income approach."

d. USPAP Standards Rule 2-3, by failing to provide the name of a person providing significant assistance in developing an appraisal report.

4. Mr. La Pointe signed each appraisal report and the associated certification statements reviewed by the Committee.

5. Per USPAP Standards Rule 2-3, "(A)ny appraiser who signs a certification accepts full responsibility for all elements of the certification, the assignment results, and for the contents of the appraisal report... When a signing appraiser(s) has relied on work done by others who do not sign the certification, the signing appraiser is responsible for the decision to rely on their work."

6. Per Wis. Stat. § 458.26(3), "... the board may limit, suspend or revoke any certificate under this chapter... if the... board finds that the... holder of the certificate has done any of the following: (b) Engaged in unprofessional... conduct in violation of rules promulgated under s. 458.24.

7. 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."

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 performing appraisals and rendering appraisal reports that do not conform to the Uniform Standards of Professional Appraisal Practice, as set forth more fully above in paragraphs 3 and 4 of the Findings of Fact, **Jeffrey D. La Pointe** has committed five or more violations of Wis. Admin. Code § RL 86.01(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 **Jeffrey D. La Pointe** (# 9-591) shall be, and hereby is, **LIMITED** as follows: La Pointe may not act as a supervisory appraiser for any person, or otherwise provide training or supervision to any person, whether licensed or unlicensed, until and unless Mr. La Pointe successfully complete the following as remedial education: Residential Demonstration Appraisal Report Writing, conducted by the Appraisal Institute. Successful completion of one or more these courses will include successful completion of any testing component, if offered. Alternative courses shall only be accepted if approved in advance by the Board's Monitoring Liaison. Education required by this paragraph must be completed by no later than December 2007, and may not be counted towards his continuing education requirements.

IT IS FURTHER ORDERED that:

2. **Jeffrey D. La Pointe** shall pay costs of these investigations in the amount of \$300 within sixty (60) days of the date of signing of this Order.

3. Proof of completion of coursework and payment of costs shall be mailed, faxed, delivered or otherwise transmitted

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

4. Case number 06 APP 125 is hereby closed. Case number 07 APP 078 is hereby closed under prosecutorial discretion code P7.

5. 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, or fails to complete the required continuing education the Respondent's license and certification (#9-591) SHALL BE SUSPENDED, without further notice or hearing, until such time as Respondent has complied with the terms of this Order.

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

REAL ESTATE APPRAISERS BOARD

By: Marla Britton
A Member of the Board

9/12/07
Date

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

IN RE DISCIPLINARY PROCEEDINGS :
AGAINST :
 : **STIPULATION**
JEFFREY D. LA POINTE, :
 : **LS** _____
 :
RESPONDENT. :

Division of Enforcement Case No. 06 APP 125

It is hereby stipulated and agreed, by and between Jeffrey D. La Pointe, Respondent; Robert J. Kasieta, attorney for 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 against Respondent's licensure and certification by the Division of Enforcement (06 APP 125). 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 obtained 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.

JEFFREY D. LA POINTE

Respondent

P.O. Box 58

Endeavor, WI 53930

Date

ROBERT J. KASIETA

Kasieta Legal Group, LLC

Attorneys for Respondent

6417 Normandy Lane, #200

Madison, WI 53719-1184

Date

MARK A. HERMAN

Attorney, Division of Enforcement

1400 East Washington Avenue

Madison, WI 53708-8935

Date