

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

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

IN RE DISCIPLINARY PROCEEDINGS :
AGAINST :
 : **FINAL DECISION AND ORDER**
DONALD J. HOOKER, :
 : **LS0709129APP**
 :
RESPONDENT. :

Division of Enforcement Case No. 07 APP 004

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

Donald J. Hooker
419 Fox Croft Drive
De Pere, WI 54115

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 Donald J. Hooker (“Hooker”), whose last known address of record with the Department of Regulation and Licensing (“Department”) is 419 Fox Croft Drive, De Pere, WI 54115, and whose date of birth is March 8, 1948, possesses a certificate of licensure and a certificate of certification as a certified general appraiser (#10-12). The license was first granted on August 1, 1991, and will expire on December 14, 2007.

2. On February 2, 2005, Mr. Smith signed an appraisal report with an effective date of December 31, 2004, regarding real property located at W269 S5550 River Road, Waukesha, Wisconsin (“subject property”).

3. A review of the appraisal report shows violations of the 2005 Uniform Standards of Professional Appraisal Practice (USPAP) including, but not limited to, the following:

- a. USPAP Standards Rule 1-1 (a), which requires an appraiser to, “be aware of, understand, and correctly employ those recognized methods necessary to produce a credible appraisal,” by failure to use, properly exclude and properly utilize the cost, income and sales comparison approaches to value.
- b. USPAP Standards Rules 1-2 (a) and 2-2 (b) (i), which require an appraiser to identify the client and other intended users by failing to do so.
- c. USPAP Standards Rules 1-2 (e) and 2-2 (b) (iii), which require an appraiser to identify the physical attributes of a property by failing to adequately do so.
- d. USPAP Standards Rule 1-2 (f), which requires an appraiser to address specified issues in the scope of work,

by utilizing an incomplete scope of work statement.

e. USPAP Standards Rule 1-3 (a), which requires an appraiser to, “identify and analyze the effect on use and value of existing land use regulations” by failing to do so.

f. USPAP Standards Rule 1-3 (b), which requires an appraiser to develop an opinion of the highest and best use of the subject property, by failing to do so.

4. 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.

5. 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 an appraisal and rendering an appraisal report that does not conform to the Uniform Standards of Professional Appraisal Practice, as set forth more fully above in paragraph 3 of the Findings of Fact, **Donald J. Hooker** has committed four 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. **Donald J. Hooker** hereby is required to successfully complete at least sixty hours of remedial education within year of the date of signing of this Order in lieu of a reprimand, from the following course list: (a) 15-Hour USPAP Update Course Separating Real and Personal Property from Tangible Business Assets, offered by the Appraisal Institute; (c) General Appraisal Income Approach, Part I and/or Part II, offered by the Appraisal Institute; (d) Analyzing Commercial Lease Clauses; (e) Case Studies in Commercial Highest and Best Use; (f) Overview of Real Estate Principles; (g) Real Estate Finance, Value and Investment Performance, or (h) Valuation of Detrimental Conditions in Real Estate. Successful completion of 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 Monitoring Liaison. No portion of any educational course taken in conformance with this paragraph may be counted towards Mr. Hooker’s continuing education requirements

IT IS FURTHER ORDERED that:

2. **Donald J. Hooker** shall pay costs of these investigations in the amount of NINE HUNDRED AND FIFTY DOLLARS (\$950.00) 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 07 APP 004 is hereby closed.

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 continuing education requirements, the Respondent's license and certification (#10-12) SHALL BE SUSPENDED, without further notice or hearing, until 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**

DONALD J. HOOKER,

RESPONDENT.

:
:
:
:
:
:
:

STIPULATION

LS _____

Division of Enforcement Case No. 07 APP 004

It is hereby stipulated and agreed, by and between Donald J. Hooker, 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 (07 APP 004). 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.

DONALD J. HOOKER

Respondent
419 Fox Croft Drive
De Pere, WI 54115

Date

MARK A. HERMAN

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

Date