

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
JAMES A. MARTH,	:	LS0811912APP
RESPONDENT	:	

Division of Enforcement Case File # 08 APP 011

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

James A. Marth
9999 W. North Ave., Apt. 318
Milwaukee, WI 53226

Wisconsin 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 disposition of this matter, subject to the approval of the Wisconsin Real Estate Appraisers Board (“Board”). The Board has reviewed this Stipulation and considers it acceptable. Accordingly, the Board adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. James A. Marth is licensed in the State of Wisconsin as a Certified Residential Appraiser, with license number 9-524. This license was first granted to him on December 8, 1992.
2. Mr. Marth’s most recent address on file with the Department of Regulation and Licensing (“Department”) is 9999 W. North Ave., Apt. 318, Milwaukee, WI 53226.
3. In September 2007, Mr. Marth performed an appraisal on an eight unit apartment building at 5001 W. Oklahoma, Milwaukee with a value of over \$250,000.
4. At the time of the appraisal, Mr. Marth was certified as a certified residential appraiser.
5. Under Wis. Stat. § 458.01 (13) and Wis. Admin. Code § RL 81.05 (2), a certified residential appraiser may perform appraisals of commercial property having a transaction value of no more than \$250,000.
6. On the report, Mr. Marth provided his title as “Wisconsin Certified/Licensed Appraiser”. Mr. Marth did not clearly disclose his status as a certified residential appraiser, and his credential could have been misunderstood as a Certified General

Appraiser.

7. Under Wis. Stat. § 458.055, a person holding an appraisal credential in Wisconsin must clearly indicate the level of credential when signing as an appraiser.

CONCLUSIONS OF LAW

1. The Real Estate Appraisers Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By appraising commercial property with a transaction value greater than \$250,000, Mr. Marth violated Wis. Stat. § 458.01 (13) and Wis. Admin. Code § RL 81.05 (2).

3. By failing to clearly indicate the level of his licensure or certification, Mr. Marth violated Wis. Stat. § 458.055.

4. Respondent James A. Marth is subject to discipline under Wis. Stat. § 458.26 (3) for his violations of Wis. Stat. § 458.01 (13) and § 458.055, and Wis. Admin. Code § RL 81.05 (2).

ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED that James A. Marth is hereby REPRIMANDED.

IT IS FURTHER ORDERED, that the Respondent, James A. Marth, shall pay the costs of \$390.00 within 60 days of the date of this Order.

Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to:

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

In the event that the Respondent fails to timely submit payment of the costs as set forth above, his Real Estate Appraisers license **SHALL BE SUSPENDED**, without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of the costs has been paid to the Department of Regulation and Licensing.

IT IS FURTHER ORDERED that file 08 APP 011 be closed.

Dated this 19th day of November, 2008.

WISCONSIN REAL ESTATE APPRAISERS BOARD

By: Marla Britton
A member of the Board