

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
 :  
 CARA BARTON, :  
 RESPONDENT. : ORDER 0000 688

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Division of Enforcement Case No. 09 APP 058

The parties to this action for the purposes of Wis. Stat. sec. 227.53 are:

Cara Barton  
N4286 Serenity Ridge Court  
Freedom, Wisconsin 54130

Real Estate Appraisers Board  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
Post Office Box 8935  
Madison, Wisconsin 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 Wisconsin Real Estate Appraisers ("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. Cara Barton (date of birth: November 7, 1965) ("Respondent") is licensed in the State of Wisconsin as a Licensed Appraiser (license number 4-1340). Said license was first granted on January 5, 2001, and is current through December 14, 2011. Respondent's most recent address on file with the Department of Regulation and Licensing ("Department") is N4286 Serenity Ridge Court, Freedom, Wisconsin 54130.

2. Respondent prepared an appraisal report for property located at 1527 Ridge Oaks Drive, De Pere, Wisconsin, 54115-8023, with an effective date of January 30, 2009.

3. In the appraisal and the report of the Ridge Oaks Drive property, Respondent violated the Uniform Standards of Professional Appraisal Practice ("USPAP") Standards Rules ("S.R.") as follows:

- a. Competency Rule and S.R. 2-2: Respondent failed to exhibit the knowledge and experience required to complete the assignment competently, as evidenced by use of comparable sales that are all located in a different county and in different municipalities and/or different school districts than the Ridge Oaks Drive property.
- b. S.R. 1-1(a)(b)(c) and S.R. 2-1: Respondent committed a substantial error of omission or commission, failed to understand and correctly employ recognized methods in developing the appraisal, and rendered appraisal services in a careless or negligent manner. A special assessment applicable to the Ridge Oaks property, while a minor issue, was not reported. The present land use in the neighborhood is inaccurately reported as 100% single family. The mapping location of comparable #3 is inaccurately reported. Distant comparable sales were utilized, while there were more proximate sales available. The Respondent's report incorrectly states the garage size (or fails to explain why the reported size varies from the appearance). The house style of comparable sale #1 is incorrectly reported. Dissimilar city properties (comparable sales #1 and #2) with municipal services and curb and gutter were used as comparables, while the Ridge Oaks property is rural, on acreage with well and septic.
- c. S.R. 1-2(b) and S.R. 2-2(b): The intended use was not identified in Respondent's report.
- d. 1-2(h) and S.R. 2-2(b)(vii): The Respondent failed to include the scope of work in Respondent's report.

4. In resolution of this matter, Cara Barton consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 458.26, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in paragraph 4 of the Findings of Fact, Respondent has violated the following USPAP rules:

- a. Competency Rule
- b. S.R. 1-1(a)(b)(c)
- c. S.R. 1-2(b)
- d. S.R. 1-2(h)
- e. S.R. 2-1
- f. S.R. 2-2
- g. S.R. 2-2(b)
- h. S.R. 2-2(b)(vii)

3. As a result of the above USPAP violations, Respondent is deemed to have also violated Wis. Admin. Code § RL 86.01(1) and (2), thereby subjecting herself to discipline pursuant to Wis. Admin. Code § RL 86.01(1) and Wis. Stat. § 458.26(3)(b) and (c)

### ORDER

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

IT IS FURTHER ORDERED that:

1. Cara Barton is hereby REPRIMANDED.
2. The Licensed Appraiser license issued to Cara Barton (license number 4-1340) is hereby LIMITED as follows:
  - a. Respondent shall, within one year of the date of this Order, successfully complete 28 hours of education offered by the Appraisal Institute, or a provider **pre-approved** by the Board's monitoring liaison, including taking and passing any exam offered for the courses. The education shall consist of **two or more** of the following pre-approved courses:
    - Basic Appraisal Procedures
    - Advanced Residential Applications and Case Studies/Part 1
    - Advanced Sales Comparison and Cost Approach
    - Quality Assurance in Residential Appraisals
    - Supporting Sales Comparison Grid Adjustments for Residential Appraisals
    - Valuation by Comparison: Residential Analysis and Logic
    - Residential Market Analysis and Highest and Best Use
  - b. Respondent shall submit proof of completion in the form of verification from the institution providing the education to the address stated below, at paragraph 4 of the Order. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board, Wisconsin Department of Regulation and Licensing

or similar authority in any state, and also may not be used in future attempts to upgrade her credential in any state.

- c. For a period of two (2) years from the effective date of this order, Respondent shall not train appraisers or prospective appraisers, nor supervise the appraisal work of others.

3. Two (2) years following the date of this Order, and following the Board's (or its designee's) receipt of verification that Respondent has successfully completed all ordered education and paid all costs assessed, below, the limitations identified at paragraph 1 of the Order shall be removed from Respondent's license, and Respondent will be granted a full and unrestricted license.

4. ~~Cara Barton shall, within one (1) year of the date of this Order, pay COSTS of this matter in the amount of ONE THOUSAND ONE HUNDRED DOLLARS (\$1,100.00).~~

5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Regulation and Licensing), and any petition for removal or modification of the limitations, shall be mailed, faxed or delivered by the Respondent to the Department Monitor at this address:

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

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The 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 Respondent fails to timely submit payment of the costs as ordered or fails to comply with the continuing education or additional limitations as ordered and as set forth above, Respondent's license (number 4-1340) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and completion of ordered education.

- 7. This Order is effective on the date of its signing.

REAL ESTATE APPRAISERS BOARD

By: Maria L. Britton 2/23/11  
On Behalf of the Board *MMH* Date