

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
JAMES B. BROWN, :
RESPONDENT. :

ORDER 0001053

Division of Enforcement Case No. 10 APP 057

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

James B. Brown
180 Golf Course Dr.
Wrightstown, WI 54180

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

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 Real Estate Appraisers Board (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, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent James B. Brown (dob 12/06/1949) is licensed in the State of Wisconsin as a Licensed Appraiser, having license number 04-1259, first issued on 12/02/1999 and current through 12/14/2011. Mr. Brown's most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) is 180 Golf Course Drive, Wrightstown, Wisconsin 54180.

2. On July 31, 2009, Mr. Brown performed an appraisal of a property at N5871 Rockland Beach Road in Stockbridge, Wisconsin.

3. Mr. Brown's appraisal was reviewed by the Division of Enforcement in furtherance of its investigation of Case No. 10 APP 057. It was determined that the appraisal and appraisal report violated the Uniform Standards of Professional Appraisal Practice (USPAP) Rules and Standards Rules (SR) as follows:

- a. In his appraisal report, Mr. Brown utilized a Uniform Residential Appraisal Report form, intended exclusively for mortgage lending, although the appraisal was intended for a non-lending use. (SR1-1(a), SR2-1(a), Ethics Rule, Competency Rule.)
- b. In his appraisal report, Mr. Brown identified more than one intended use and intended user and failed to develop a scope of work appropriate to the correct intended use and users. (Scope of Work Rule, SR1-2(a-b).)
- c. In his appraisal report, Mr. Brown failed to support comparable sale site adjustments (or lack thereof) in the sales grid. (SR1-1(a), SR2-1(b), Competency Rule.)
- d. In his appraisal report, Mr. Brown failed to make adjustments for differences between the subject and comparable sales' lake front location, view and site size. (SR1-1(a), SR2-1(b), Competency Rule.)
- e. In his appraisal report, Mr. Brown failed to provide market sales to support his estimate of the site value. (SR1-4(b)(i).)

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers 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 Findings of Fact 3.a. and 3.c.-d., Mr. Brown violated USPAP SR1-1(a) by failing to be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal.

3. By the conduct described in Finding of Fact 3.a., Mr. Brown violated USPAP SR2-1(a) by failing to clearly and accurately set forth his appraisal in a manner that will not be misleading.

4. By the conduct described in Findings of Fact 3.c.-d., Mr. Brown violated USPAP SR2-1(b) by failing to include sufficient information in his report to enable the intended users to understand the report properly.

5. By the conduct described in Finding of Fact 3.a., Mr. Brown violated the USPAP Ethics Rule by communicating assignment results in a misleading manner.

6. By the conduct described in Findings of Fact 3.a. and c.-d., Mr. Brown violated the USPAP Competency Rule by failing to have the knowledge and experience to complete the assignment competently.

7. By the conduct described in Finding of Fact 3.b., Mr. Brown violated the USPAP Scope of Work Rule by failing to determine the appropriate scope of work.

8. By the conduct described in Finding of Fact 3.b., Mr. Brown violated USPAP SR1-2(a-b) by failing to correctly identify the intended users and intended use.

9. By the conduct described in Finding of Fact 3.e., Mr. Brown violated USPAP SR1-4(b)(i) by failing to develop an opinion of site value by an appropriate appraisal method or technique.

10. As a result of the above violations, Mr. Brown has violated Wis. Admin. Code §§ RL 86.01(1) and (2), thereby subjecting himself to discipline pursuant to Wis. Stat. §§ 458.26(3)(b), (c) and (i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

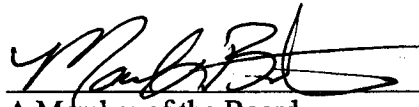
1. The attached Stipulation is hereby accepted.
2. Respondent James B. Brown shall immediately cease performing appraisals in the State of Wisconsin, and he shall not perform any appraisals in the State of Wisconsin during the remaining tenure of his licensure, which expires on 12/15/2011. Mr. Brown shall return all indicia of licensure to the Department upon his execution and return of the Stipulation attached hereto.
3. Mr. Brown shall allow his license to expire on 12/15/2011, and shall not re-apply for licensure for a period of two (2) years following the expiration of his license on 12/15/2011.
4. Mr. Brown shall not perform appraisals in the State of Wisconsin without being licensed in Wisconsin.
5. In the event Mr. Brown seeks to renew or reinstate his license, he shall submit a new application for licensure and meet all then-existing requirements for licensure or certification. The Department may determine whether and under what terms and conditions such renewal or reinstatement may be granted.
6. In the event Mr. Brown seeks to renew or reinstate his license or apply for any other credential regulated by the Department, he shall then pay the Department's costs of this matter in the amount of \$950.00 before any such renewal, reinstatement or application may be considered.
7. 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 Mr.

Brown'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.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:



A Member of the Board

8/24/2011

Date