

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services, 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 Safety and Professional Services 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/wsccl>.
- 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 DSPS 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 THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SEAN M. BROWN,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0001377
:

Division of Enforcement Case No. 09 APP 091

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

Sean M. Brown
2021 Columbus Avenue
Duluth, MN 55803

Wisconsin Real Estate Appraisers Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Enforcement
Department of Safety and Professional Services
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. Sean M. Brown (Respondent) (dob 11/21/1966) is licensed in the State of Wisconsin as a Certified Residential Appraiser and Licensed Appraiser, having license number 9-1402, first issued on 1/18/2005, and current through 12/14/2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2021 Columbus Avenue, Duluth, Minnesota 55803.

2. Respondent has no disciplinary history with the Board or the Department.

3. On or about 10/13/2006, Respondent completed an appraisal of property located at 1402 Catlin Avenue, Superior, Wisconsin (subject property).

4. Respondent's appraisal and appraisal report were reviewed by the Division of Enforcement, and it was determined that the appraisal and appraisal report violated the Uniform Standards of Professional Appraisal Practice (USPAP) Rules and/or Standards Rules (SR) as follows:

a. Respondent reported the subject property's zoning as "residential," as opposed to the specific zoning classification. [SR 1-2(e)(iv)]

b. The appraisal report incorrectly reported the physical characteristics of comparable sales 2 and 3:

- i. The Douglas County Assessor's website indicates that the gross living area of comparable sale 2 is 974 square feet, as opposed to the 1,492 square feet noted by the appraisal report.
- ii. Comparable sale 3's gross living area is 1,532 square feet, not 1,600 square feet, as stated in the appraisal report.
- iii. The appraisal report omitted a gas fireplace and gazebo in the sales grid analysis pertaining to comparable sale 3.
- iv. The Douglas County Assessor's website indicates that comparable sale 3 has a 26' x 28' detached garage and a 1-car attached garage. The appraisal report represents comparable sale 3's garage as a 3-car garage, although photos do not show any access to a second garage from the street. Respondent failed to list the two garages separately in the sales grid.

[SR 1-1(c); SR 1-2(e)(i); SR 2-2(abc)(iii)]

c. Respondent assessed \$100 annualized age adjustments to comparable sales 1 and 3, both of which are 12 years newer than subject property, though the appraisal report does not include an analysis of differences in effective age or condition. [SR 1-1(a,b,c); SR 1-4(a); SR 2-2(a,b,c)(viii)]

d. Respondent assessed a \$1,000 adjustment for differences in room counts between the subject property and each of the comparable sales, though the appraisal report does not include an analysis of the basis or support for the adjustment. [SR 1-1(a,b,c); SR 1-4(a); SR 2-2(a,b,c)(viii)]

e. The subject property was offered with more than \$4,000 in seller contribution to expenses. The appraisal report failed to analyze the impact on value of the concessions and did not include a statement that the terms were typical or otherwise. [SR 1-1(a,b,c); SR 1-4(a); SR 2-2(a,b,c)(viii)]

f. A reasonable exposure time linked to the value opinion was not reported by Respondent despite his certification that he developed an exposure time. [SR 1-2(c)]

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 paragraphs 4(c)-(e), Respondent violated SR 1-1(a,b,c) by:

a. failing to be aware of, understand or correctly employ recognized methods and techniques that are necessary to produce a credible appraisal;

b. committing a substantial error of omission or commission that significantly affects an appraisal; and

c. rendering appraisal services in a negligent manner.

3. By the conduct described in Findings of Fact paragraph 4(b), Respondent violated SR 1-1(c) by rendering appraisal services in a careless or negligent manner. Respondent made a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results.

4. By the conduct described in Findings of Fact paragraph 4(f), Respondent violated SR 1-2(c) by failing to develop an opinion of reasonable exposure time linked to the value opinion when developing his opinion of market value.

5. By the conduct described in Findings of Fact paragraph 4(b), Respondent violated SR 1-2(e)(i) by failing to identify the characteristics of the property that are relevant to the type and definition of value and intended use, including its physical attributes.

6. By the conduct described in Findings of Fact paragraph 4(a), Respondent violated SR 1-2(e)(iv) by failing to identify the characteristics of the property that are relevant to the type and definition of value and intended use, including any known restrictions, ordinances, or other items of a similar nature.

7. By the conduct described in Findings of Fact paragraphs 4(c)-(e), Respondent violated SR 1-4(a) by failing to analyze such comparable sales data as are available to indicate a value conclusion.

8. By the conduct described in Findings of Fact paragraph 4(b), Respondent violated SR 2-2(a,b,c)(iii) by failing to describe information sufficient to identify the physical property characteristics relevant to the assignment.

9. By the conduct described in Findings of Fact paragraphs 4(c)-(e), Respondent violated SR 2-2(a,b,c)(viii) by failing to describe the information analyzed, the appraisal methods and techniques employed, and the reasoning that supports the analyses, opinions, and conclusions.

10. As a result of the above violations, Respondent Sean M. Brown has violated Wis. Admin. Code §§ RL 86.01(1) and (2), and is therefore subject 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 Sean M. Brown is hereby REPRIMANDED.
3. The Certified Residential Appraiser and Licensed Appraiser license issued to Sean M. Brown (license number 9-1402) is hereby LIMITED as follows:
 - a. Respondent shall, within one year of the date of this Order, successfully complete thirty (30) hours of continuing education from among the following courses offered by the Appraisal Institute, or equivalent courses offered by a provider pre-approved by the Board's Monitoring Liaison, including taking and passing any exam offered for the courses:
 - i. Residential Market Analysis & Highest and Best Use (15 hours)
 - ii. Advanced Residential Applications & Case Studies, Part 1 (15 hours)
 - iii. Advanced Residential Report Writing, Part 2 (30 hours)
 - b. The courses listed above shall be taken in person in a classroom setting unless the Respondent requests, and the Board's Monitoring Liaison pre-approves at his or her discretion, an online alternative.
 - c. Respondent shall submit proof of completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board, Wisconsin Department of Safety and Professional Services or similar authority in any state, and also may not be used in future attempts to upgrade a credential in any state.
 - d. This limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.
4. Proof of successful course completion (made payable to the Wisconsin Department of Safety and Professional Services) shall be mailed, faxed or delivered by Respondent to the Department Monitor at the address below:

Department Monitor

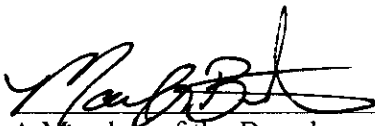
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

5. 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 comply with the ordered education as set forth above, Respondent's license (no. 9-1402) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with completion of the education.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:


A Member of the Board

2/22/2012
Date