

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOEL M. FALLIN,
RESPONDENT.

:
:
:
: FINAL DECISION AND ORDER
: ORDER 0002168
:

Division of Legal Services and Compliance¹ Case No. 11 APP 046

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

Joel M. Fallin
2555 Coyote Run
Beloit, WI 53511

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

Division of Legal Services and Compliance
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. Respondent Joel M. Fallin (dob 10/26/1976) is licensed in the State of Wisconsin as a Certified Residential Appraiser and Licensed Appraiser, having license number 9-1722, first issued on December 18, 2008 and current through December 14, 2013. Respondent Fallin's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2555 Coyote Run, Beloit, WI 53511.

2. Respondent Fallin has not been previously disciplined by the Board.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

3. In July 2007, Respondent performed an appraisal of property located at W4404 State Road 82 E, Mauston, WI. Respondent's appraisal report was dated July 21, 2007.

4. On or about October 3, 2011, the Department received a complaint alleging that the subject appraisal violated Uniform Standards of Professional Appraisal Practice (USPAP). Division of Legal Services and Compliance Case Number 11 APP 046 was subsequently opened for investigation.

5. Respondent's appraisal was reviewed by the Division of Legal Services and Compliance and it was determined that the appraisal and appraisal report violated USPAP and/or Standards Rules (SR) as follows:

- a. There is no information in the appraisal report to indicate Respondent is geographically competent to complete this assignment and it does not appear Respondent had the resources to competently perform the assignment. (Competency Rule.)
- b. Respondent misrepresented the gross living area of the subject property by adding 504 additional square feet from the second level of the detached garage to the subject's gross living area. (SR 1-1(a), SR 2-1(a), Competency Rule.)
- c. Respondent failed to include an analysis of an expired listing or the listing history of the subject property. (SR 2-1(a), Scope of Work Rule.)
- d. Respondent failed to analyze or compare the subject property to the different locations, sizes and utility of the comparable sales. (SR 1-1(a),(b), SR 1-2(e)(i), SR 1-4, SR 2-1(b), Scope of Work Rule.)
- e. In the cost approach, Respondent failed to include support for his estimate of site value. (SR 1-1(a), SR 1-4(b)(i), Scope of Work Rule.)
- f. Respondent selected inappropriate comparable sales which resulted in an inflated value conclusion. (SR 1-1(a),(b).)

6. In resolution of this matter, Respondent Fallin consents to the entry of the following Conclusions of Law and Order.

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 5.b. and 5.d.-f., Respondent Fallin violated SR 1-1(a),(b) by:

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

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

3. By the conduct described in Finding of Fact 5.d., Respondent Fallin 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 of the appraisal, including its location and physical, legal, and economic attributes.

4. By the conduct described in Finding of Fact 5.d., Respondent Fallin violated SR 1-4 failing to collect, verify, and analyze all information necessary for credible assignment results.

5. By the conduct described in Finding of Fact 5.e., Respondent Fallin violated SR 1-4(b)(i) by failing to develop an opinion of site value by an appropriate appraisal method or technique when a cost approach is necessary for credible assignment results.

6. By the conduct described in Findings of Fact 5.b.-d., Respondent Fallin violated SR 2-1(a),(b) by:

- a. failing to clearly and accurately set forth the appraisal in a manner that will not be misleading; and
- b. failing to include in the appraisal report sufficient information to enable the intended users of the appraisal to understand the report properly.

7. By the conduct described in Findings of Fact 5.a.-b., Respondent Fallin violated the Competency Rule by accepting an assignment without having the knowledge and experience to complete the assignment competently.

8. By the conduct described in Findings of Fact 5.c.-e., Respondent Fallin violated the Scope of Work Rule by failing to include the research and analyses that are necessary to develop credible assignment results.

9. As a result of the above violations, Respondent Fallin has violated Wis. Admin. Code §§ RL (now SPS) 86.01(1) and (2), and is therefore subject to discipline pursuant to Wis. Stat. §§ 458.26(3)(b), (c) and (i).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Fallin is REPRIMANDED.
3. The Certified Residential Appraiser and Licensed Appraiser license issued to Respondent Fallin (license number 9-1722) is LIMITED as follows:
 - a. Within 6 months of the date of this Order, Respondent shall successfully complete 30 hours of education consisting of 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. USPAP (15 hours); and
 - ii. Residential Report Writing and Case Studies (15 hours); or
 - iii. Residential Site Valuation and Cost Approach (15 hours)
- b. The courses listed above may be taken in person in a classroom setting or online.
- c. Respondent shall submit proof of completion of 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 or the Department.
- 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. Within 90 days from the date of this Order, Respondent Fallin shall pay COSTS of this matter in the amount of \$781.00.

5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 costs as ordered or fails to comply with the ordered education as set forth above, Respondent's license (no. 9-1722) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and completion of the education.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

By: 
A Member of the Board

11/28/2012
Date