

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

ROBERT HASSELKUS,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0002293**

Division of Legal Services and Compliance¹ Case No. 11 APP 057

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

Robert Hasselkus
3463 S. Kinnickinnic Ave.
Milwaukee, WI 53207

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 Wisconsin 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 Robert Hasselkus (dob July 10, 1966) is licensed in the State of Wisconsin as a Certified Residential Appraiser and Licensed Appraiser, having license number 9-1672, first issued on January 31, 2008, and current through December 14, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3463 S. Kinnickinnic Ave., Milwaukee, WI 53207.

2. Respondent 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. On August 8, 2011, Respondent signed an appraisal report for an appraisal of property located at 4701 Riverside Rd., Waterford, WI.

4. On or about December 15, 2011, the Department received a complaint alleging, in part, that Respondent did not perform the appraisal of the subject property, yet he signed the appraisal report as if he had completed the appraisal. Division of Legal Services and Compliance Case Number 11 APP 057 was subsequently opened for investigation.

5. The Department's investigation revealed that Respondent employed S.R. to inspect and photograph the subject property and under Respondent's supervision, S.R. prepared the initial draft of the appraisal report. Respondent finalized and submitted the appraisal report to the client.

6. Respondent's appraisal was reviewed by the Division of Legal Services and Compliance 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 failed to disclose significant real property assistance from another individual for the appraisal and falsely certified that he completed a visual inspection of the property, that he didn't knowingly withhold significant information from the appraisal report, that all statements and information in the appraisal report were true and accurate, and that if he had relied on assistance from another individual that it would be disclosed in the appraisal report. (SR 1-1(a,b,c), SR 2-1(a), SR 2-3, Conduct Section of Ethics Rule, Competency Rule.)
- b. failed to select and analyze comparable sales similar to the subject property. (SR 1-1(a,b,c), SR 1-4(a), Competency Rule, Scope of Work Rule.)
- c. misrepresented the physical and economic characteristics of the comparable sales. (SR 2-1(a).)
- d. failed to correctly adjust for value differences between the subject property and comparable sales. (SR 1-4(a), SR 2-1(b).)
- e. failed to adequately reconcile the adjusted values of the comparable sales to a single value conclusion. (SR 1-1(a,b,c), SR 1-6(a), Competency Rule.)
- f. failed to use market-accepted units of comparison for comparable sales site adjustments. (Competency Rule.)

7. In resolution of this matter, Respondent 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 the Findings of Fact, Respondent violated USPAP SR 1-1(a,b,c) by:

- a. failing to be aware of, understand, and correctly employ those 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 careless or negligent manner, such as by making 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.

3. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-4(a) by failing to analyze such comparable sales data as are available to indicate a value conclusion when a sales comparison approach is necessary for credible assignment results.

4. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-6(a) by failing to reconcile the quality and quantity of data available and analyzed within the approaches used.

5. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 2-1(a) by failing to clearly and accurately set forth the appraisal in a manner that will not be misleading.

6. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 2-1(b) by failing to include sufficient information in the appraisal report to enable the intended users of the appraisal to understand the report properly.

7. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 2-3 by making false certifications in the appraisal report.

8. By the conduct described in the Findings of Fact, Respondent violated the Conduct Section of the Ethics Rule by performing an assignment in a grossly negligent manner.

9. By the conduct described in the Findings of Fact, Respondent violated the Competency Rule by failing to competently complete an assignment.

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

11. As a result of the above violations, Respondent 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 Robert Hasselkus is REPRIMANDED.
3. The Certified Residential Appraiser and Licensed Appraiser license issued to Respondent Hasselkus (license number 9-1672) is LIMITED as follows:
 - a. Within one year of the date of this Order, Respondent shall successfully complete 45 hours of education from 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);
 - ii. Residential Sales Comparison & Income Approaches (30 hours);
and
 - iii. Residential Report Writing and Case Studies (15 hours);
 - iv. Residential Market Analysis & Highest and Best Use (15 hours).
 - b. The courses listed above may be taken in person in a classroom setting or online.
 - c. Respondent shall submit proof of successful 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 or the Department.
 - d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.
4. The Certified Residential Appraiser and Licensed Appraiser license issued to Respondent Hasselkus (license number 9-1672) is further LIMITED such that Respondent shall

not supervise or train any uncredentialed or credentialed appraiser for a period of one year from the date of his Order. This limitation shall be removed from Respondent's license immediately following one year from the date of this Order.

5. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$819.00.

6. 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

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 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 ordered education as set forth above, Respondent's license (no. 9-1672) 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 the education.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:


A Member of the Board

2/13/2013
Date