

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

DANIEL R. HEFFRON, JR.,
RESPONDENT.

:
:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0002295**
:

Division of Legal Services and Compliance¹ Case No. 12 APP 001

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

Daniel R. Heffron, Jr.
2000 Prairie St., Ste. 220
Prairie Du Sac, WI 53578

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 Daniel R. Heffron, Jr. (dob October 23, 1967) is licensed in the State of Wisconsin as a Licensed Appraiser, having license number 4-332, first issued on January 13, 1993, expired on December 15, 2011, renewed on June 14, 2012, and current through December 14, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2000 Prairie St., Ste. 220, Prairie Du Sac, WI 53578.

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. In September 2011, I.S. performed an appraisal of property located at E8435 Witwen Rd., Sauk City, WI. Respondent signed the appraisal report as I.S.'s supervisor.

4. On or about January 4, 2012, the Department received a complaint alleging, in part, that the subject appraisal violated the Uniform Standards of Professional Appraisal Practice (USPAP). Division of Legal Services and Compliance Case Number 12 APP 001 was subsequently opened for investigation.

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

- a. the appraisal was reported on a form intended for mortgage lending although the appraisal was completed for a private party in a divorce action. (SR 2-2(b)(i,ii).)
- b. incorrectly reported the extent of Respondent's inspection of the property. (SR 2-2(b)(vii).)
- c. incorrectly completed the cost approach, omitted the cost of the basement and failed to analyze or document any analysis of land sales. (SR 1-4(b)(i,ii), Record Keeping Section of Ethics Rule.)
- d. failed to make adjustments to the comparable sales for site size or provide a narrative supporting lack of adjustments. (SR 2-2(b)(viii).)
- e. incorrectly stated the property address in more than four places throughout the appraisal report. (SR 1-1(c).)

6. Respondent performed two appraisals while his license was expired.

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 Finding of Fact 5.e., Respondent violated USPAP SR 1-1(c) by 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 Finding of Fact 5.c., Respondent violated USPAP SR 1-4(b)(i,ii) by:

- a. failing to develop an opinion of site value by an appropriate appraisal method or technique; and
- b. failing to analyze such comparable cost data as are available to estimate the cost new of the improvements, in the cost approach.

4. By the conduct described in Findings of Fact 5.a.-b. and d., Respondent violated USPAP SR 2-2(b)(i,ii,vii,viii) by:

- a. failing to state the identity of any intended users;
- b. failing to state the intended use of the appraisal;
- c. failing to summarize scope of work used to develop the appraisal; and
- d. failing to summarize the reasoning that supports the analyses, opinions, and conclusions.

5. By the conduct described in Finding of Fact 5.c., Respondent violated the Record Keeping Section of the Ethics Rule by failing to include in the workfile data, information and documentation necessary to support the opinions and conclusions in the appraisal report.

6. By the conduct described in Finding of Fact 6., Respondent violated Wis. Stat. § 458.055(3) by using a Wisconsin appraiser title while his license was expired.

7. As a result of the above violations, Respondent has violated Wis. Admin. Code §§ SPS 86.01(1) and (2), and is therefore subject to discipline pursuant to Wis. Stat. §§ 458.26(3)(b), (c) and (i) and 458.26(4).

ORDER

1. The attached Stipulation is accepted.
2. The Licensed Appraiser license of Respondent Daniel R. Heffron, Jr. (license number 4-332) is **SUSPENDED** for a period of 5 days beginning 15 days from the date of this Order.
3. The Licensed Appraiser license issued to Respondent Heffron (license number 4-332) is **LIMITED** as follows:
 - a. Within 6 months of the date of this Order, Respondent shall successfully complete a 15 hour USPAP course 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 course.
 - b. The course referenced above may be taken online or in person in a classroom setting.

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 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 shall pay a FORFEITURE in the amount of \$500.00 and COSTS of this matter in the amount of \$578.00.

5. Proof of successful course completion and payment of forfeiture and 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 the forfeiture and costs as ordered or fails to comply with the ordered education as set forth above, Respondent's license (no. 4-332) 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 forfeiture and 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

2/13/2013
Date