

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

CARA E. BARTON,  
RESPONDENT.

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: FINAL DECISION AND ORDER  
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0004214

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Division of Legal Services and Compliance Case No. 13 APP 069

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

Cara E. Barton  
N4286 Serenity Ridge Ct.  
Freedom, WI 54130

Wisconsin Real Estate Appraisers Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

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 Cara E. Barton (dob November 7, 1965) is certified in the State of Wisconsin as a Licensed Appraiser, having certificate of licensure number 1340-4, first issued on January 5, 2001 and current through December 14, 2015. Cara E. Barton's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N4286 Serenity Ridge Ct., Freedom, Wisconsin 54130.

2. On February 23, 2011, the Board disciplined Respondent for committing multiple violations of the Uniform Standards of Professional Appraisal Practice (USPAP) and Standards Rules (SR) by failing to adjust for relevant features of comparable sales utilized, failing to properly develop the subject property's site value and failing to analyze and summarize an

agreement of sale. The Board ordered Respondent to complete 28 hours of education and limited Respondent's license to prohibit her from training or supervising appraisers for at least two (2) years.

3. On May 8, 2012, Respondent signed an appraisal report for an appraisal of property located at W7054 Rock Road, Hortonville, Wisconsin 54944.

4. On or about May 19, 2014, the Department received a complaint alleging that the subject appraisal violated USPAP. Division of Legal Services and Compliance Case Number 13 APP 069 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 Rules and/or SR as follows:

a. Respondent did not report a prior listing of the subject property which expired within 12 months prior to the effective date of the appraisal and did not include a copy of the contract for sale in the workfile. [SR 1-1(c), Scope of Work Rule, Record Keeping Rule.]

b. Respondent did not describe or adjust for the subject property's 3-car garage, which includes a heated work shop. [SR 1-1(c).]

c. In the Cost Approach, Respondent did not support the opinion of site value and made conflicting statements about her source of cost data. [SR 1-1(b,c), SR 1-4(b)(i,ii), SR 2-1(a), Record Keeping Rule, Scope of Work Rule.]

d. Respondent did not properly analyze the effective age of the subject property. [SR 1-1(c).]

e. Respondent did not properly reconcile the data analyzed within the Sales Comparison Approach and did not properly reconcile the approaches used in the appraisal. [SR 1-6(a,b), SR 2-2(b)(viii), Competency Rule.]

f. Contrary to the assignment conditions, Respondent utilized MLS photos rather than original photos of the comparable sales. [Scope of Work.]

6. Respondent misunderstood when the terms of this Order would go into effect and refrained from performing work as an appraiser from May 16, 2015 to June 16, 2015 because she believed her license was suspended during that period of time.

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, Cara E. Barton violated the USPAP Scope of Work Rule by failing to determine and perform the scope of work necessary to develop credible assignment results.
3. By the conduct described in the Findings of Fact, Cara E. Barton violated the USPAP Record Keeping Rule by failing to include in her workfile all data, information and documentation necessary to support her opinions and conclusions and to show compliance with USPAP, or references to the location(s) of such documentation.
4. By the conduct described in the Findings of Fact, Cara E. Barton violated the USPAP Competency Rule by failing to be competent to perform the assignment.
5. By the conduct described in the Findings of Fact, Cara E. Barton violated USPAP SR 1-1(b) and (c) by:
  - a. committing a substantial error of omission or commission that significantly affects an appraisal; and
  - b. 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.
6. By the conduct described in the Findings of Fact, Cara E. Barton violated USPAP SR 1-4(b)(i) and (ii) by, when a cost approach was necessary for credible assignment results, failing to:
  - a. develop an opinion of site value by an appropriate appraisal method or technique and
  - b. analyze such comparable cost data as were available to estimate the cost new of the improvements.
7. By the conduct described in the Findings of Fact, Cara E. Barton violated USPAP SR 1-6(a) and (b) by failing to:
  - a. reconcile the quality and quantity of data available and analyzed within the approaches used; and
  - b. reconcile the applicability and relevance of the approaches, methods and techniques used to arrive at the value conclusion(s).

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

9. By the conduct described in the Findings of Fact, Cara E. Barton violated USPAP SR 2-2(b)(viii) by failing to summarize 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, Cara E. Barton 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).

### ORDER

1. The attached Stipulation is accepted.

2. The Licensed Appraiser certificate of licensure issued to Respondent Cara E. Barton (number 1340-4) is SUSPENDED for 30 days. The Board hereby recognizes that Respondent Cara E. Barton served this suspension between May 16, 2015 and June 16, 2015 and concludes that no additional suspension is necessary.

3. The Licensed Appraiser certificate of licensure issued to Respondent Cara E. Barton (number 1340-4) is LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall successfully complete 67 hours of education from the following 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 Site Comparison and Cost Approach (15 hours),
- iii. Residential Market Analysis and Highest and Best Use (15 hours),
- iv. Overview of Real Estate Appraisal Principles (7 hours), and
- v. Advanced Residential Applications and Case Studies (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 certificate of licensure 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, Cara E. Barton shall pay COSTS of this matter in the amount of \$590.

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 7190, Madison, WI 53707-7190  
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 certificate of licensure. 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 certificate of licensure (no. 1340-4) 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.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:

  
A Member of the Board

8.26.2015  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

CARA E. BARTON,  
RESPONDENT.

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STIPULATION

0004214

Division of Legal Services and Compliance Case No. 13 APP 069

Respondent Cara E. Barton and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:
  - the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
  - the right to confront and cross-examine the witnesses against Respondent;
  - the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
  - the right to testify on Respondent's own behalf;
  - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
  - the right to petition for rehearing; and
  - all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Appraisers Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Cara E. Barton

Cara E. Barton, Respondent  
N4286 Serenity Ridge Ct.  
Freedom, WI 54130  
Certificate of licensure no. 1340-4

8.11.15

Date

Andrea E. Brauer

Andrea E. Brauer, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

8/12/15

Date