

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

JAMES G. BARES,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0004338

Division of Legal Services and Compliance Case No. 14 APP 059

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

James G. Bares
P.O. Box 1521
Fond du Lac, WI 54936

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 James G. Bares (dob February 22, 1947) is certified in the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 149-9, first issued on October 30, 1991 and current through December 14, 2015. James G. Bares' most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is P.O. Box 1521, Fond du Lac, WI 54936.

2. On January 7, 2014, April 24, 2014, and May 2, 2014, Respondent signed appraisal reports for appraisals of properties located in Neenah, WI, Fond du Lac, WI, and Sheboygan, WI, respectively. Respondent signed the appraisal reports as a supervisor appraiser, and a trainee appraiser also signed the appraisal reports.

3. On or about June 30, 2014, the trainee appraiser submitted the above noted appraisals to the Board as part of an application for certification as a Certified Residential Appraiser.

4. On October 9, 2014, the Real Estate Appraiser's Application Advisory Committee denied the application because it concluded the above noted appraisals violated the Uniform Standards of Professional Appraisal Practice (USPAP) Rules and Standards Rules.

5. Division of Legal Services and Compliance Case Number 14 APP 059 was subsequently opened for investigation.

6. Respondent does not admit to any violations alleged in DLSC Case Number 14 APP 059, but he does not wish to contest them.

7. Respondent is retired and wishes to resolve DLSC Case Number 14 APP 059 pursuant to the voluntary surrender of his Certified Residential Appraiser certificate of licensure and certification.

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. As a result of the USPAP violations referenced above, James G. Bares is subject to discipline pursuant to Wis. Stat. § 458.26(3)(b), (c) and (i).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent James G. Bares' Certified Residential Appraiser certificate of licensure and certification (number 149-9) is hereby ACCEPTED.

3. This surrender constitutes Respondent's permanent relinquishment of his right to renew or reinstate his Certified Residential Appraiser certificate of licensure and certification. The Board will not, at any time in the future, process or otherwise consider an application for or attempt at renewal or reinstatement of a certificate of certification or licensure.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Lawrence R. Nicholson
A Member of the Board

11/11/2015
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES G. BARES,
RESPONDENT.

:
:
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:
:

STIPULATION

0004338

Division of Legal Services and Compliance Case No. 14 APP 059

Respondent James G. Bares 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.

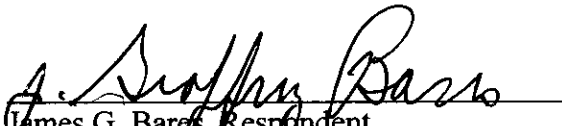
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

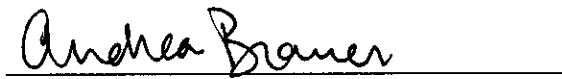
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


James G. Bares, Respondent
P.O. Box 1521
Fond du Lac, WI 54936
Credential no. 149-9

09-23-15
Date


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

9/28/15
Date