

## 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 :  
 :  
KENNETH D. JONES, : FINAL DECISION AND ORDER  
RESPONDENT. :  
 : **0004343**

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Division of Legal Services and Compliance Case No. 14 APP 005

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

Kenneth D. Jones  
101 West Merrimac Street  
Dodgeville, WI 53533

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 Kenneth D. Jones (dob December 25, 1957) is licensed in the State of Wisconsin as a Licensed Appraiser, having certificate of licensure number 1027-4, first issued on August 21, 1996 and current through December 14, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 101 West Merrimac Street, Dodgeville, WI 53533.

2. On April 29, 2013, Respondent performed an appraisal of property located at 409 West Olson Street, Blanchardville, WI 53516.

3. On or about January 22, 2014, the Department received a complaint alleging that the subject appraisal violated the Uniform Standards of Professional Appraisal Practice (USPAP). Division of Legal Services and Compliance Case Number 14 APP 005 was subsequently opened for investigation.

4. 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 Standards Rules (SR) as follows:

a. Respondent utilized an incorrect form in reporting his appraisal and incorrectly identified the intended use and intended users of the appraisal. [Scope of Work Rule, SR 1-1(c), SR 2-1(a,b), SR 2-2(b)(i,ii).]

b. Respondent incorrectly reported the subject property's site dimensions, lot area, and zoning classification and failed to provide complete information regarding the flood zone designation. [Scope of Work Rule, Competency Rule, SR 1-1(b,c), SR 1-2(e)(i), SR 2-1(a,b).]

c. Respondent incorrectly reported the subject property's effective age and failed to report condition ratings for the exterior and interior features. [Scope of Work Rule, Competency Rule, SR 1-1(a,c), SR 1-2(e)(i), SR 2-1(a,b).]

d. In the Cost Approach, Respondent used assessed value which is not an acceptable appraisal method for determining market value. [Competency Rule, Scope of Work Rule, SR 1-1(a,b), SR 2-1(b).]

e. In the Cost Approach, Respondent provided inconsistent estimates of the remaining economic life of the subject property's improvements. [SR 1-1(c).]

f. In the Cost Approach Respondent indicated he utilized cost data from the Marshall and Swift Handbook but his workfile does not include copies of cost work sheets or a printout of the online data program in his workfile. [Record Keeping Rule.]

g. Respondent's workfile does not include market information to support the depreciation estimates used in the Cost Approach. [Record Keeping Rule ]

5. 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 the USPAP Record Keeping Rule by failing to retain in his workfile all data, information and documentation necessary to support the appraiser's opinions and conclusions and to show compliance with USPAP, or references to the location(s) of such other documentation.

3. By the conduct described in the Findings of Fact, Respondent violated the USPAP Competency Rule by failing to be competent to perform the assignment.

4. By the conduct described in the Findings of Fact, Respondent violated the USPAP Scope of Work Rule by:

- a. failing to gather and analyze information about those assignment elements necessary to properly identify the appraisal problem to be solved, and
- b. failing to determine and perform the scope of work necessary to develop credible assignment results.

5. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-1(a through c) by:

- a. failing to be aware of, understand, and correctly employ those recognized methods and techniques that were necessary to produce a credible appraisal;
- b. committing a substantial error of omission or commission that significantly affected 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 affected the credibility of those results.

6. By the conduct described in the Findings of Fact, Respondent violated USPAP 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.

7. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 2-1(a and b) by failing to:

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

8. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 2-2(b)(i) and (ii) by failing to:

- a. state the identity of the intended users, by name or type in the content of the Summary Appraisal Report, and
- b. state the intended use of the appraisal in the content of the Summary Appraisal Report.

9. As a result of the above violations, Respondent Kenneth D. Jones 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. Respondent Kenneth D. Jones is REPRIMANDED.
3. The certificate of licensure issued to Respondent Kenneth D. Jones (number 1027-4) is LIMITED as follows:
  - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete forty-five (45) hours of education consisting of the following courses offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any examinations offered for the courses:
    - i. USPAP (15 hours),
    - ii. Residential Site Valuation and Cost Approach (15 hours), and
    - iii. Residential Market Analysis and Highest and Best Use (15 hours).
  - b. All courses may be taken in person or online.
  - c. Respondent shall submit proof of successful completion of the ordered education and passage of any examinations in the form of verification from the institution providing the education and examinations 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, and also may not be used in future attempts to upgrade a credential in Wisconsin.
  - d. Respondent shall not apply for or be granted an appraiser credential upgrade during the term of the credential limitation.
  - e. This limitation shall be removed from Respondent's credential after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education, including the passage of any examinations.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$831.00.

5. Proof of successful course completion, passage of examinations, 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](mailto: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 and certification. 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, including the passage of any examinations as set forth above, Respondent's certificate of licensure (no. 1027-4) 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, including the passage of any examinations.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:   
A Member of the Board

11/11/2015  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

KENNETH D. JONES,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**0004343**

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Division of Legal Services and Compliance Case No. 14 APP 005

Respondent Kenneth D. Jones 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.

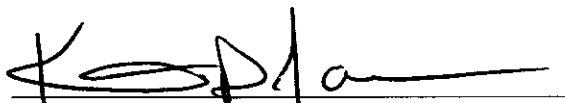
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

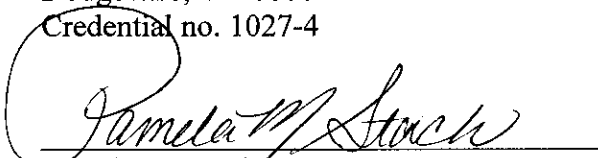
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

  
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Kenneth D. Jones, Respondent  
101 W. Merrimac St.  
Dodgeville, WI 53533  
Credential no. 1027-4

10/15/2015  
Date

  
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Pamela M. Stacy, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

10/19/15  
Date