

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

JACOB D. HOAGLUND,
RESPONDENT.

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FINAL DECISION AND ORDER

0004530

Division of Legal Services and Compliance Case No. 14 APP 071

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

Jacob D. Hoaglund
4800 Longmeadow Lane
Racine, WI 53402

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 Jacob D. Hoaglund (DOB 07/21/1978) is certified in the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 1565-9, first issued on 6/22/2007, and current through 12/14/2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4800 Longmeadow Lane, Racine, WI 53402.

2. On May 23, 2013, the Board disciplined Respondent for violating the Uniform Standards of Professional Appraisal Practice (USPAP) while performing services as a review appraiser. The USPAP Rules and/or Standards Rules (SR) violated included, but were not limited to, the Scope of Work Rule, the Competency Rule, SR 3-2(d), and 3-2(e). Respondent

was reprimanded and required to complete twenty two (22) hours of education. Respondent complied with the requirements of the Order.

3. On May 6, 2015, the Board disciplined Respondent for violating USPAP as a result of two appraisals he performed in 2012. The USPAP Rules and/or Standards Rules (SR) violated included, but were not limited to the Ethics Rule, the Competency Rule, the Scope of Work Rule, the Record Keeping Rule, SR 1-1(a), SR 1-1(b), and SR 1-4. Respondent was reprimanded and required to complete one hundred four (104) hours of education. Respondent was further ordered to pay costs in the amount of \$2,414.00. Respondent complied with the requirements of the Order.

4. On August 23, 2012, Respondent performed an appraisal of property located at 6009 Star Grass Lane, Caledonia, WI 53406.

5. As part of the appraisal process, the inspection of the subject property was performed by a trainee rather than Respondent.

6. On or about December 12, 2014, the Department received a complaint alleging that the appraisal report signed by Respondent did not disclose that the inspection of the subject property was performed by a trainee rather than Respondent. Division of Legal Services and Compliance Case Number 14 APP 071 was subsequently opened for investigation.

7. Respondent's August 23, 2012, appraisal of the Star Grass Lane property 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 failed to disclose in his appraisal report that he had received professional assistance by having the interior inspection of the subject property performed by a trainee. [Ethics Rule.]

b. Respondent falsely certified in paragraph 2 of the certification of his appraisal report that he had performed a complete visual inspection of the interior of the subject property when he did not inspect the subject property and instead the interior inspection had been performed by a trainee. [Ethics Rule.]

c. Respondent falsely certified in paragraph 19 of the certification of his appraisal report that if he had relied on significant real property appraisal assistance from any individual in the performance of this appraisal, he named such individual and disclosed the specific tasks performed in the appraisal report. [Ethics Rule.]

8. In his response to the Department, Respondent admitted to the violations set forth in paragraph 7 above, stated the failure to disclose the professional assistance was an oversight, and indicated he will insure these violations will not occur in the future.

9. 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 Ethics Rule by communicating a report that is known by the appraiser to be misleading or fraudulent.
3. As a result of the above violations, Respondent Jacob D. Hoaglund 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), and (i).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Jacob D. Hoaglund is REPRIMANDED.
3. The Certified Residential Appraiser certificate of licensure and certification issued to Respondent Jacob D. Hoaglund (number 1565-9) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete the Kaplan Supervisor/Trainee Appraiser Course (6) hours or equivalent courses offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any examinations offered for the course(s).
 - b. The course(s) may be taken online or in person.
 - c. Respondent shall submit proof of successful completion of the ordered 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, 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 this 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.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$723.00.

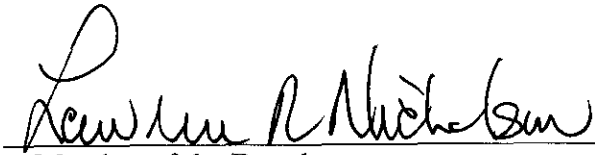
5. Proof of successful course completion, passage of any examination, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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. 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 and certification (no. 1565-9) or Respondent's right to renew his certificate of licensure and certification, 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, completion of the education and passage of the examination(s).

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: 
A Member of the Board

2/10/2016
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JACOB D. HOAGLUND,
RESPONDENT.

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STIPULATION

0004530

Division of Legal Services and Compliance Case No. 14 APP 071

Respondent Jacob D. Hoaglund 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.

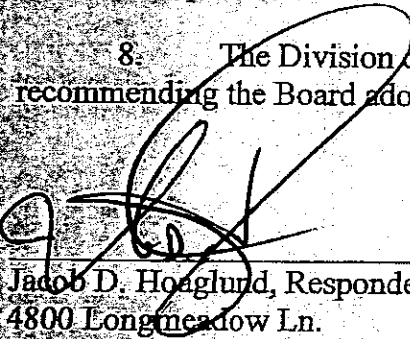
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Jacob D. Hoaglund, Respondent
4800 Longmeadow Ln.
Racine, WI 53402
Credential no. 1565-9

1-26-16

Date



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

1-27-16

Date