

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE CERTIFICATE OF :
: FINAL DECISION AND ORDER
JOSHUA M. BRIGGS, : FOR REMEDIAL EDUCATION
LICENSEE. :
:

0004848

Division of Legal Services and Compliance Case No. 15 APP 052

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

Joshua M. Briggs
2143 Lehman Street
Eau Claire, WI 54701

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 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. Licensee Joshua M. Briggs (DOB 10/15/1976) is certified by the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 1284-9, first issued on March 27, 2003 and current through December 14, 2017. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2143 Lehman Street, Eau Claire, Wisconsin 54701.
2. On September 17, 2015, Licensee performed an appraisal of property located at 317 Quetico Court, Eau Claire, Wisconsin 54703.
3. On or about October 26, 2015, 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 15 APP 052 was subsequently opened for investigation.

4. Licensee's appraisal was reviewed by the Division of Legal Services and Compliance and was found to be deficient in the following ways:

- a. Licensee did not identify the appropriate neighborhood boundaries for the subject property, and did not identify one of the neighborhood's present land uses (as agricultural). [SR 1-1(c), SR 2-1(a).]
- b. Licensee did not report that the subject property was updated. [Scope of Work Rule, SR 1-1(b,c), SR 1-2(e)(i), SR 2-1(a,b).]
- c. Licensee's workfile and report did not support his adjustment for design. Licensee did not correctly employ the paired sales analysis technique. [Record Keeping Rule, Competency Rule, SR 1-1(a).]
- d. Licensee did not provide a summary of the land sales data used to develop his opinion of site value in his report. [Scope of Work Rule, SR 1-1(c), SR 2-1(b).]

5. Licensee agrees that failure to submit proof of successful completion of the ordered education as set forth below shall constitute conduct which reflects adversely on his fitness to practice as a real estate appraiser as set forth in Wis. Admin. Code § SPS 86.01(13).

6. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. §§ 227.44(5) and 458.26.

ORDER

1. The attached Stipulation is accepted.
2. Within 90 days of the date of this Order, Joshua M. Briggs shall, at his own expense, take and successfully complete 36 hours of education as follows:
 - a. USPAP (15 Hours),
 - b. The Sales Comparison Approach (7 Hours),
 - c. Comparative Analysis (7 Hours), and
 - d. Land and Site Valuation (7 Hours).

e. Each course attended in satisfaction of this Order must be offered by a provider pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Licensee must take and pass any exam offered for the course(s).

f. Licensee 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 Department and may not be used in any future attempt to upgrade a credential.

3. Within 90 days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$2,040.

4. Requests for course approval, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Licensee 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

5. This Order does not constitute discipline.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Larry Nielsen
A Member of the Wisconsin Real
Estate Appraisers Board

8/7/16
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE CERTIFICATE OF :
 : STIPULATION
JOSHUA M. BRIGGS, :
LICENSEE. : 00048 48

Division of Legal Services and Compliance Case No. 15 APP 052

Licensee Joshua M. Briggs 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. Licensee consents to the resolution of this
investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily
and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by
subpoena;
- the right to testify on Licensee'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 Licensee under the United States
Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin
Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has
been provided an opportunity to obtain legal counsel before signing this Stipulation.
Licensee is represented by Attorney Rick Pendergast.

4. Licensee agrees to the adoption of the attached Final Decision and Order
for Remedial Education 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. Licensee waives
all rights to any appeal of the Board's order, if adopted in the form as attached.

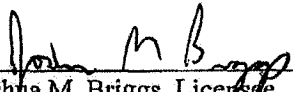
5. If the terms of this Stipulation are not acceptable to the Board, the parties
shall not be bound by the contents of this Stipulation, and the matter shall then be

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 Licensee, 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.

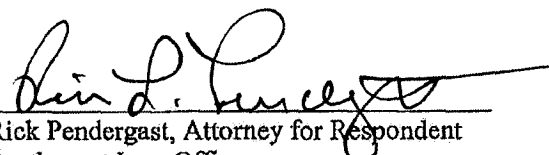
7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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




Joshua M. Briggs, Licensee
2143 Lehman St.
Eau Claire, WI 54701
Certificate No. 1284-9

7-21-16
Date



Rick Pendergast, Attorney for Respondent
Pendergast Law Office
130 S. Barstow St., Ste. 2C
Eau Claire, WI 54701

7-25-16
Date



Renee M. Parton, Attorney
Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

7/25/2016
Date