

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

QUINLAN D. THOMAS,
RESPONDENT.

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FINAL DECISION AND ORDER

0005006

Division of Legal Services and Compliance Case No. 15 APP 031

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

Quinlan D. Thomas
2623 3½ Avenue
Chetek, WI 54728

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 Quinlan D. Thomas (DOB 08/06/1964) is certified by the State of Wisconsin as a Certified General Appraiser, having certificate of licensure and certification number 1632-10, first issued on October 28, 2009 and current through December 14, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2623 3½ Avenue, Chetek, Wisconsin 54728.

2. On June 18, 2003, the Board executed Order No. LS0306182APP which Respondent neither admitted nor denied but agreed to, among other things, violations of USPAP SR 1-1(a) and (b) and SR 1-4(a).

3. On January 26, 2015, Respondent performed an appraisal of property located at N1131 Deerhead Point Road, Chetek, Wisconsin 54728.

4. On or about June 12, 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 031 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 Standards Rules (SR) as follows:

a. Respondent failed to adequately research the data and provide sufficient and appropriate data analysis. [Scope of Work Rule].

b. Respondent listed Comparable Sale #1 as having 1.25 acres, although the property was actually 7.1 acres and Respondent reported that the MLS number for Comparable Sale #3 was the same as the MLS number for Comparable Sale #1. [SR 1-1(c)].

c. Respondent made unsupported adjustments to Comparable Sales #1, #2, and #3. [SR 1-1(b,c), SR 1-4(a)].

d. Respondent failed to analyze or adjust for the improvements associated with Comparable Sale #3, and failed to apply market adjustment to comparable listings for list price to sale price ratio. [SR 1-1(a,b,c), SR 1-4(a)].

e. Respondent reported his appraisal on an outdated report form that did not include all of the required certifications. [SR 1-1(c), SR 2-3].

6. 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, Quinlan D. Thomas 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, Quinlan D. Thomas violated USPAP SR 1-1(a) through (c) by:

a. failing to be aware of, understand, and correctly employ those recognized 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 affects the credibility of those results.

4. By the conduct described in the Findings of Fact, Quinlan D. Thomas violated USPAP SR 1-4(a) by failing to analyze such comparable sales data as were available to indicate a value conclusion, when a Sales Comparison Approach was necessary for credible assignment results.

5. By the conduct described in the Findings of Fact, Quinlan D. Thomas violated USPAP SR 2-3 by failing to include in his appraisal report a signed certification that is similar in content to the form provided in USPAP.

6. As a result of the above violations, Quinlan D. Thomas 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 Quinlan D. Thomas is REPRIMANDED.
3. The Certified General Appraiser certificate of licensure and certification issued to Quinlan D. Thomas (number 1632-10) is LIMITED as follows:
 - a. Within ninety (90) days from the date of this Order, Respondent shall successfully complete twenty-two (22) 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 exam offered for the courses:
 - i. USPAP (15 hours), and
 - ii. Sales Comparison Approach (7 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 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. This limitation shall be removed from Respondent's certificate of licensure and certification 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, Quinlan D. Thomas shall pay COSTS of this matter in the amount of \$1,640.

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:

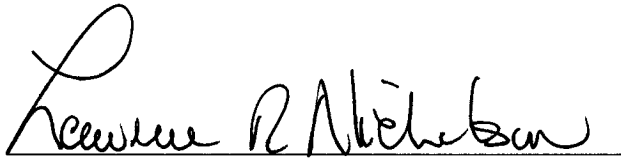
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. 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. 1632-10), 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 and completion of the education.

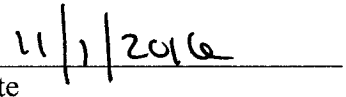
7. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:


A Member of the Board

Date



STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

QUINLAN D. THOMAS,
RESPONDENT.

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STIPULATION

0005006

Division of Legal Services and Compliance Case No. 15 APP 031

Respondent Quinlan D. Thomas 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.

Quinlan D Thomas

Quinlan D. Thomas, Respondent
2623 3½ Avenue
Chetek, WI 54728
Credential no. 1632-10

08/24/2016

Date



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

8/26/2016

Date