

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 :
 : FINAL DECISION AND ORDER
PAUL G. MARTIN, :
RESPONDENT. :

0005177

Division of Legal Services and Compliance Case No. 15 APP 057

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

Paul G. Martin
W2978 Rock Creek Road
Loyal, WI 54446

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 Paul G. Martin (DOB 07/04/1956) is licensed by the State of Wisconsin as a Licensed Appraiser, having certificate of licensure number 1922-4, first issued on September 26, 2005 and current through December 14, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W2978 Rock Creek Road, Loyal, Wisconsin 54446.

2. On June 29, 2015, Respondent performed an appraisal of property located at W5504 Bieneck Road, Neillsville, Wisconsin 54456.

3. On or about November 30, 2015, the Department received a complaint alleging that the subject appraisal violated the Uniform Standards of Professional Appraisal Practice (USPAP). The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 15 APP 057 for investigation.

4. Respondent's appraisal was reviewed by DLSC and it was determined that the appraisal and appraisal report violated USPAP Rules and/or Standards Rules (SR) as follows:

a. Respondent used Fannie Mae Form 1004 despite the fact that the assignment was not for a mortgage finance transaction. [SR 1-1(c), SR 1-2(b), SR 2-1(a,c).]

b. Respondent did not correctly report site dimensions. [SR 1-1(c).]

c. Respondent used a computer program that incorrectly stated property was not located in a flood hazard area but failed to verify this information by using local government sources. [SR 1-4.]

d. Respondent misreported the subject property's gross living area. [Competency Rule, Scope of Work Rule, SR 1-1(b,c).]

e. In the Sales Comparison Approach, Respondent did not select properties that were comparable to the subject property because none of the properties selected had any water frontage. [Competency Rule, Scope of Work Rule, SR 1-1(b,c), SR 1-2(e)(i), SR 1-4(a).]

f. In the Cost Approach, Respondent did not have adequate support for Respondent's opinion of value for the subject's site. [Record Keeping Rule, Scope of Work Rule, SR 1-1(c), SR 2-1(b).]

g. Respondent identified that he used Marshall and Swift and local cost data in the Cost Approach; however, there were no copies of any Marshall and Swift or local cost data in his workfile. Respondent's report did not describe how physical depreciation was calculated. [Competency Rule, Record Keeping Rule, Scope of Work Rule, SR 1-1(c), SR 2-1(b)].

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, Paul G. Martin violated the USPAP Competency Rule by failing to be competent to perform the assignment.

3. By the conduct described in the Findings of Fact, Paul G. Martin violated the USPAP Scope of Work Rule by failing to determine and perform the scope of work necessary to develop credible assignment results.

4. By the conduct described in the Findings of Fact, Paul G. Martin violated the USPAP Record Keeping Rule by failing to include in his workfile all other data, information, and documentation necessary to support his opinions and conclusions.

5. By the conduct described in the Findings of Fact, Paul G. Martin violated USPAP SR 1-1(b) and (c) by:

- a. committing a substantial error of omission or commission that significantly affected an appraisal; and
- b. 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.

6. By the conduct described in the Findings of Fact, Paul G. Martin violated USPAP SR 1-2(b) and (e)(i) by:

- a. failing to identify the intended use of the appraiser's opinion and conclusions; and
- b. 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, Paul G. Martin violated USPAP SR 1-4 by failing to collect, verify, and analyze all information necessary for a credible assignment result.

8. By the conduct described in the Findings of Fact, Paul G. Martin 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.

9. By the conduct described in the Findings of Fact, Paul G. Martin violated USPAP SR 2-1(a) through (c) by:

- a. failing to clearly and accurately set forth the appraisal in a manner that will not be misleading;
- b. failing to include in his appraisal report sufficient information to enable the intended users of the appraisal to understand the report properly; and
- c. failing to clearly and accurately disclose all assumptions, extraordinary assumptions, hypothetical conditions, and limiting conditions used in the assignment.

10. As a result of the above USPAP violations, Paul G. Martin violated Wis. Admin. Code § SPS 86.01(1) and (2).

11. As a result of the above violations and conduct, Respondent 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 Paul G. Martin is REPRIMANDED.
3. The Licensed Appraiser certificate of licensure issued to Paul G. Martin (number 1922-4) is LIMITED as follows:

a. Within sixty (60) days from the date of this Order, Respondent shall successfully complete fifty-six (56) 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(s) offered for the courses:

- i. USPAP (15 hours),
- ii. Advanced Residential Applications and Case Studies (15 hours),
- iii. Residential Market Analysis and Highest & Best Use (15 hours),
- iv. Workfile Documentation for Appraisers (4 hours), and
- v. All About ANSI and Measuring Square Footage Appraiser Edition (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.

4. Within ninety (90) days from the date of this Order, Paul G. Martin shall pay COSTS of this matter in the amount of \$1,077.

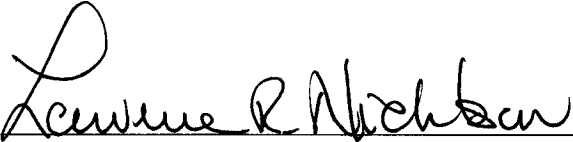
5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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 (number 1922-4), or Respondent's right to renew his certificate of licensure, 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

2/14/2017
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
PAUL G. MARTIN,	:	
RESPONDENT.	:	0005177

Division of Legal Services and Compliance Case No. 15 APP 057

Respondent Paul G. Martin and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

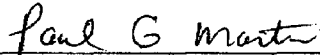
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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.

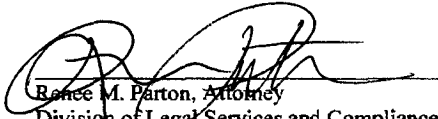
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Paul G. Martin, Respondent
W2978 Rock Creek Road
Loyal, WI 54446
Credential no. 1922-4

1-17-2017

Date



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

1/17/2017

Date