

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 :
 :
LYDELL C. HUNTER, : FINAL DECISION AND ORDER
 : FOR REMEDIAL EDUCATION
LICENSEE. :
 :

0005312

Division of Legal Services and Compliance Case No. 16 APP 010

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

Lydell C. Hunter
8127 W. Brentwood Ave.
Milwaukee, WI 53223

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 Lydell C. Hunter (DOB February 20, 1974) is certified by the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 1201-9, first issued on October 18, 2000 and current through December 14, 2017. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 8127 West Brentwood Avenue, Milwaukee, Wisconsin 53223.

2. On December 1, 2015, Licensee performed an appraisal of property located at 122 North Honey Lake Road, Burlington, Wisconsin 53105.

3. On or about January 29, 2016, 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 16 APP 010 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 failed to disclose in his appraisal report that he had received professional assistance by having the interior inspection of the subject property completed by another individual. [Competency Rule, Scope of Work Rule, Standards Rule (SR) 1-1(c), SR 2-1(a,b), SR 2-2(a)(vii), SR 2-3.]
- b. In the Site section, Licensee incorrectly reported the subject property's site dimensions, and attached to the report a plat map for the wrong lot. Licensee incorrectly reported the subject property's Specific Zoning Classification and Zoning Description. [SR 1-1(c).]
- c. In the Site section, Licensee failed to summarize and support his rationale for his opinion of the subject property's highest and best use. [SR 2-1(b), SR 2-2(a)(x).]
- d. In the Site section, Licensee failed to disclose that a portion of the subject property was located in a flood hazard area. [Scope of Work Rule, SR 1-1(c), SR 2-1(a,b).]
- e. In the Improvement section, Licensee incorrectly reported that the subject property did not have a fireplace even though he correctly reported the fireplace in the Sales Comparison Approach section. Licensee failed to include the physical characteristics of the subject property's outbuilding. [SR 1-1(c), SR 1-2(e)(i), SR 2-1(b).]
- f. In the Sales Comparison Approach section, Licensee incorrectly reported that Comparable Sale #2 had a pole barn and that Comparable Sale #3 had a separate workshop. Licensee failed to report that Comparable Sale #3 had a walk-out basement. [Scope of Work Rule, SR 1-1(c), SR 1-4(a), SR 2-1(a,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.

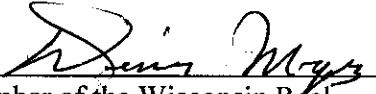
ORDER

1. The attached Stipulation is accepted.
2. Within 60 days of the date of this Order, Lydell C. Hunter shall, at his own expense, take and successfully complete 30 hours of education as follows:
 - a. USPAP (15 hours) (must be taken online), and
 - b. Residential Report Writing and Case Studies (15 hours) (may be taken online or in a classroom setting).
 - c. 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(s) offered for the course(s).
 - d. 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 \$1,120.
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: 
A Member of the Wisconsin Real
Estate Appraisers Board

5-23-17
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE CERTIFICATE OF :
 :
LYDELL C. HUNTER, : STIPULATION
 :
LICENSEE. :
 : 0005312

Division of Legal Services and Compliance Case No. 16 APP 010

Licensee Lydell C. Hunter 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.

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.

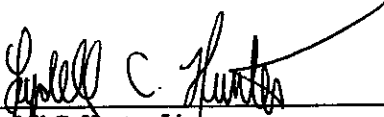
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In

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.



Lydell C. Hunter, Licensee
8127 W. Brentwood Avenue
Milwaukee, WI 53223
Certificate no. 1201-9

4/4/17
Date



Sarah E. Norberg, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

4.5.17
Date