

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 LICENSE OF :
: FINAL DECISION AND ORDER
JACOB T. HAMILTON, :
: FOR REMEDIAL EDUCATION
LICENSEE. :
: **0005347**

Division of Legal Services and Compliance Case No. 16 APP 038

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

Jacob T. Hamilton
403 S. Madison St.
Montfort, WI 53569

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 Jacob T. Hamilton (DOB August 24, 1985) is licensed by the State of Wisconsin as a Licensed Appraiser, having certificate of licensure number 2130-4, first issued on February 15, 2013 and current through December 14, 2017. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 403 South Madison Street, Montfort, Wisconsin 53569.

2. On April 25, 2016, Licensee performed an appraisal of property located at 353 West Hill Street, Spring Green, Wisconsin 53588.

3. On or about July 5, 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 038 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. In the Subject section, Licensee failed to disclose that the subject property was also listed as a commercial property in the MLS. [Scope of Work Rule, Standards Rule (SR) 1-1(c).]

b. In the Contract section, Licensee failed to analyze the sales contract, which included furnishings/personal property, and failed to provide a summary of his analysis. [SR 1-1(c), SR 1-5(a), SR 2-1(b), SR 2-2(a)(viii).]

c. In the Neighborhood section, Licensee was not able to retrieve the data from his noted sources for his opinion on market trends and failed to clearly identify the subject property's neighborhood boundaries. [Record Keeping Rule, Scope of Work Rule, SR 1-1(c).]

d. In the Site section, Licensee incorrectly reported the subject property's site dimensions. [SR 1-1(c).]

e. In the Site section, Licensee failed to summarize and support his rationale for his opinion that the subject property's highest and best use was as a single family, when the subject property was recently used and was marketed at the time of the appraisal as a bed and breakfast. Licensee failed to maintain in his workfile the data and analysis of his opinion regarding other possible uses for the subject property. [Competency Rule, SR 1-1(c), SR 2-1(b), SR 2-2(a)(x).]

f. In the Improvement section, Licensee failed to gather and analyze information about the subject property and failed to disclose that the subject property was recently used and was marketed at the time of the appraisal as a bed and breakfast. [Scope of Work Rule, SR 1-1(c).]

g. In the Cost Approach section, Licensee failed to provide a summary of the comparable land data used to develop his opinion of site value and did not have in his workfile the data or analysis to support his opinion of value. [Record Keeping Rule, 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.

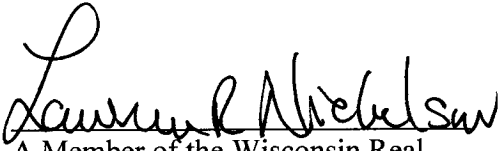
ORDER

1. The attached Stipulation is accepted.
2. Within 60 days of the date of this Order, Jacob T. Hamilton shall, at his own expense, take and successfully complete 45 hours of education as follows:
 - a. USPAP (15 hours) (must be taken online),
 - b. Advanced Residential Applications and Case Studies (15 hours) (may be taken online or in a classroom setting), and
 - c. Residential Market Analysis and Highest and Best Use (15 hours) (may be taken online or in a classroom setting).
 - d. 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).
 - e. 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 \$1,566.
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

6/20/2017
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE LICENSE OF :
 :
 JACOB T. HAMILTON, : STIPULATION
 LICENSEE. : **0005347**

Division of Legal Services and Compliance Case No. 16 APP 038

Licensee Jacob T. Hamilton 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.

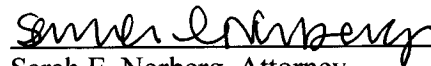
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Jacob T. Hamilton, Licensee
403 S. Madison St.
Montfort, WI 53569
Credential no. 2130-4

5/25/2017

Date



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

5.31.17

Date