

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF THE CERTIFICATE OF :  
: FINAL DECISION AND ORDER  
JOHN W. HAMM, :  
: FOR REMEDIAL EDUCATION  
LICENSEE. :  
: **0005390**

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Division of Legal Services and Compliance Case No. 17 APP 005

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

John W. Hamm  
234 East Hill Pkwy.  
Madison, WI 53718

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 John W. Hamm (DOB 01/12/1952) is certified by the State of Wisconsin as a certified residential appraiser, having certificate of licensure number 46-9, first issued on August 16, 1991 and current through December 14, 2017. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 234 East Hill Parkway, Madison, Wisconsin 53718.

2. On December 7, 2016, Licensee completed an appraisal of property located at 3521 Gregory Street, Madison, Wisconsin 53711.

3. On or about January 25, 2017, 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 17 APP 005 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 Neighborhood section, Licensee's delineated neighborhood did not include the subject property. [Standards Rule (SR) 2-1(b)].

b. In the Improvement section, Licensee failed to include his reasoning for including below grade living area in his gross living area. [Scope of Work Rule, SR 2-1(b)].

c. In the Improvement section, Licensee based his quality rating on the current condition of the subject property and not on the hypothetical condition that the repairs had been completed as was an assignment condition. [Scope of Work Rule, SR 2-1(b)].

d. In the Sales Comparison Approach section, Licensee selected and adjusted comparable sales for the current condition of the subject property and not for the hypothetical condition that the repairs had been made as was an assignment condition and no support for the adjustment was in Licensee's workfile. [Record Keeping Rule, SR 1-4(a), SR 2-1(a,b)].

e. Licensee reported the Assessor's site value as his opinion of site value for the subject property. [SR 1-1(a)].

f. Licensee failed to include in his report that the assignment results may be affected if the hypothetical conditions are not met. [SR 2-2(a)(xi)].

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 ninety (90) days of the date of this Order, John W. Hamm shall, at his own expense, take and successfully complete 30 hours of education as follows:

- a. USPAP (15 Hours), and
- b. Advanced Residential Applications & Case Studies (15 Hours).
- c. The USPAP (15 Hours) course shall be taken online; however, the other course listed above may be taken online or in person 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 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. Respondent shall pay COSTS of this matter in the amount of \$1,236 pursuant to the following schedule:

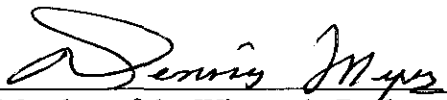
<u>Payment Date</u>	<u>Amount</u>
September 8, 2017	\$412
October 9, 2017	\$412
November 10, 2017	\$412

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

8-8-17  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF THE CERTIFICATE OF :  
 : STIPULATION  
JOHN W. HAMM, :  
LICENSEE. :  
 : 0005390

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Division of Legal Services and Compliance Case No. 17 APP 005

Licensee John W. Hamm 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.

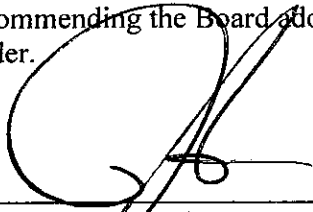
5. If the terms of this Stipulation are not acceptable to the Board, the parties  
shall not be bound by the contents of this Stipulation, and the matter shall then be  
returned to the Division of Legal Services and Compliance for further proceedings. In

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.

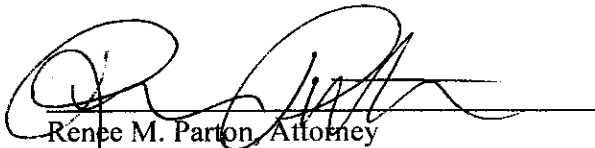
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



\_\_\_\_\_  
John W. Hamm, Licensee  
234 East Hill Parkway  
Madison, WI 53718  
Certificate No. 46-9

\_\_\_\_\_  
Date

7/28/2017



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

\_\_\_\_\_  
Date

7/28/2017