

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

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

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE
CERTIFICATE OF

THOMAS P. PHILLIPS,
LICENSEE

:
:
:
:
:
:

FINAL DECISION AND ORDER
FOR REMEDIAL EDUCATION

0005837

Division of Legal Services and Compliance Case No. 17 APP 030

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

Thomas P. Phillips
1475 Phillips Lane
South Wayne, WI 53587

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 Thomas P. Phillips (DOB 12/26/1956) is certified by the State of Wisconsin as a Certified General Appraiser, having certificate of licensure and certification number 1855-10, first issued on May 24, 2012, and current through December 14, 2019. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1475 Phillips Lane, South Wayne, Wisconsin 53587.
2. On February 8, 2017, Licensee completed an appraisal of property located at 103 Berkley Boulevard, Baraboo, Wisconsin 53913.

3. On or about June 7, 2017, the Department received a complaint alleging the appraisal was not reliable and violated the Uniform Standards of Professional Appraisal Practice (USPAP). The Division of Legal Services and Compliance subsequently opened Case Number 17 APP 030 for investigation.

4. The Division of Legal Services and Compliance reviewed Licensee's appraisal and found it to be deficient in the following ways:

a. In the Neighborhood section, Licensee reported that almost the entire city of Baraboo, all of the Village of West Baraboo, and part of the surrounding town to the north as his neighborhood for the subject property, and indicated the neighborhood had 100% build up even though approximately 17% of the total neighborhood area is either agricultural or vacant land. [Standards Rule (SR) 2-1(a).]

b. In the Site section, Licensee misreported the site area as the site dimensions, when the site dimensions were not available or could have been approximated. [Scope of Work Rule.]

c. Licensee failed to identify in his report if there was any agreement with the other property owners regarding the shared driveway. [SR 1-2(e)(iv), SR 1-4.]

d. Licensee failed to support and summarize his rationale for his opinion on Highest and Best Use. [SR 2-2(a)(x).]

e. In the Improvement section, Licensee failed to indicate that the kitchen had built-in appliances. [SR 2-1(a)(b).]

f. In the Sales Comparison Approach section, Licensee utilized the Fannie Mae form 1025 to report comparable properties with more than 4-units. Licensee subsequently misreported the monthly income, gross rent multiplier, price per unit, price per room, and price per bedroom by basing the calculations on 2 or 4-unit properties. [Competency Rule, SR 1-4(a), SR 2-1(a).]

g. In the Sales Comparison Approach section, Licensee failed to analyze the data to support his adjustment on comparable sales #1, #2, and #4. Licensee misreported the gross monthly rent from MLS on the comparable sales. Licensee failed to analyze older 4-unit sales in his delineated neighborhood. [SR 1-1(a), SR 1-4(a).]

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.

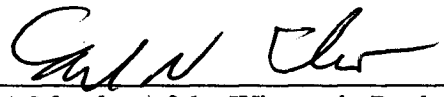
ORDER

1. The attached Stipulation is accepted.
2. Within ninety (90) days of the date of this Order, Thomas P. Phillips shall, at his own expense, take and successfully complete 22 hours of education as follows:
 - a. USPAP (15 hours) and
 - b. Complex Properties: The Odd Side Appraisal (7 hours).
 - c. The USPAP (15 hours) course shall be taken online; however, all other courses 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. Within ninety (90) days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$1,635.
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

8/7/2018
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE
CERTIFICATE OF

THOMAS P. PHILLIPS,
LICENSEE.

:
:
:
:
:

STIPULATION

0005837

Division of Legal Services and Compliance Case No. 17 APP 030

Licensee Thomas P. Phillips 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 appellate rights afforded to Licensee under any law and provision 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.

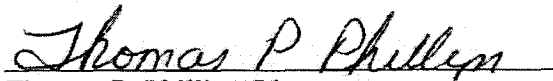
5. If the terms of this Stipulation are not acceptable to the Board, the parties
shall not be bound by the contents of this Stipulation, and the matter shall then be
returned to the Division of Legal Services and Compliance for further proceedings. In

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.

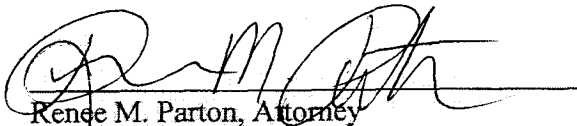
7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Thomas P. Phillips, Licensee
1475 Phillips Lane
South Wayne, WI 53587
Credential No. 1855-10

07/19/2018
Date



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

07/19/2018
Date