

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 | : | |
| | : | |
| DANIEL T. WILKINS, | : | FINAL DECISION AND ORDER |
| LICENSEE. | : | FOR REMEDIAL EDUCATION |
| | : | ORDER 0006543 |

Division of Legal Services and Compliance Case No. 18 APP 031

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

Daniel T. Wilkins
6373 N. Jean Nicolet Road
Suite 100
Glendale, WI 53217

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, Conclusion of Law and Order.

FINDINGS OF FACT

1. Licensee Daniel T. Wilkins (DOB 02/03/1982) is licensed by the State of Wisconsin as a Certified General Appraiser, having certificate of licensure and certification number 1552-10, first issued on June 2, 2008 and current through December 14, 2019. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 6373 N. Jean Nicolet Road, Suite 100, Glendale, Wisconsin 53217.
2. On December 14, 2017, Licensee performed an appraisal of property located at 922 E. Main Street, Waukesha, Wisconsin 53186.

3. On or about June 27, 2018, the Department received a complaint alleging that the subject appraisal violated the Uniform Standards of Professional Appraisal Practice. Division of Legal Services and Compliance Case Number 18 APP 031 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 analyze a pending sale agreement involving the subject property, and failed to report and analyze a sale of the subject property that occurred on August 31, 2015. [SR 1-5(a,b), SR 2-2(a)(viii).]

b. Licensee indicated that he relied on data from the city assessor's office for the site and building size of the subject property, but his reported square footage did not match what the assessor's office reported. There was no support in Licensee's appraisal report or workfile for his reported square footage for the subject property. [Scope of Work Rule, Record Keeping Rule, SR 1-1(a), SR 1-2(e)(i), SR 2-1(a,b), SR 2-2(a)(iii).]

c. In the Sales Comparison Approach, Licensee utilized properties that were newer in age, superior in size and had a superior market attribute of being side-by-side units than the subject property as comparable sales. [Scope of Work Rule, SR 1-1(b,c), SR 1-4(a), SR 2-1(a).]

d. In the Income Approach, Licensee failed to report the data sources for the comparable rentals. While Licensee's workfile contained Multiple Listing Service Data Sheets for some of the comparable rentals, it did not include all of them. Licensee indicated that he also utilized an office file of rental data and Craigslist as data sources, but this information was not included in his workfile. [SR 2-1(a), Record Keeping Rule.]

e. In the Income Approach, Licensee utilized properties that were superior in design, bathroom utility and square footage than the subject property as comparable rentals. Licensee also incorrectly reported rents, square footage, and number of bedrooms of the comparable rentals. Licensee failed to include support or data or reference to the location of his support or data in his workfile for some of the comparable rentals. [Scope of Work Rule, SR 1-4, SR 2-1(a).]

5. On April 19, 2017, Licensee performed an appraisal of property located at 617 Sylvan Terrace, Waukesha, Wisconsin 53210.

6. On May 10, 2018, Licensee performed an appraisal of property located at 1844-1846 N. 56th Street, Milwaukee, Wisconsin 53210.

7. Licensee's appraisals of the Sylvan Terrace and 56th Street properties were reviewed by the Division of Legal Services and Compliance and it was determined that the appraisals and appraisal reports contain deficiencies which are similar in nature to those set forth in paragraph 4(a) through (e) above.

8. In response to the issues identified in Division of Legal Services and Compliance Case Number 18 APP 031, Licensee voluntarily and successfully completed 44 hours of education between February 28, 2019 and November 6, 2019, as follows:

- a. USPAP (15 hours),
- b. Residential Report Writing and Case Studies (15 hours),
- c. Evaluations, Desktops, and Other Limited Scope Appraisals (4 hours),
- d. Appraiser Self Protection: Documentation and Record Keeping (4 hours),
and
- e. Appraising Small Apartment Properties (6 hours).

9. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

CONCLUSION OF LAW

1. The 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.

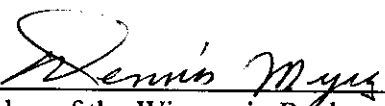
2. The Board recognizes the education set forth in Finding of Fact paragraph 8(a) through (e) above as the equivalent of the education the Board would have otherwise ordered. The courses set forth in Finding of Fact paragraph 8(a) through (e) above may not be used to satisfy any continuing education 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. This Order does not constitute discipline.

4. 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

11-15-19
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DANIEL T. WILKINS,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

ORDER 0006543

Division of Legal Services and Compliance Case No. 18 APP 031

Respondent Daniel T. Wilkins 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. Respondent is represented by Attorney Mario D. Mendoza.

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.

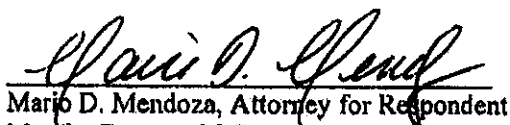
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Daniel T. Wilkins, Respondent
6373 North Jean Nicolet Road
Suite 100
Glendale, WI 53217
Credential no. 1552-10

11/6/2019
Date



Mario D. Mendoza, Attorney for Respondent
Murphy Desmond SC
33 East Main Street, Suite 500
PO Box 2038
Madison, WI 53701-2038

11/6/2019
Date



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

11.7.19
Date