

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JACOB T. HAMILTON,	:	
RESPONDENT.	:	

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**ORDER 0007073**

Division of Legal Services and Compliance Case No. 19 APP 022

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

Jacob T. Hamilton  
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. Respondent Jacob T. Hamilton (Birth Year 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, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Montfort, Wisconsin 53569.
2. On June 20, 2017, Respondent received a non-disciplinary Order (Final Decision and Order for Remedial Education #0005347) in Case Number 16 APP 038 for performing an appraisal that failed to comply with the Uniform Standards of Professional Appraisal Practice (USPAP) Rules and Standard Rules (SR).
3. On September 5, 2019, the Department received a complaint alleging that Respondent performed an inadequate appraisal of Complainant's property. The Division of Legal

Services and Compliance (DLSC) subsequently opened Case Number 19 APP 022 for investigation.

4. On July 25, 2019, Respondent performed an appraisal of a property located at S2156 Valley Avenue, La Farge, Wisconsin 54639.

5. DLSC reviewed Respondent's appraisal and it was determined that the appraisal and appraisal report violated the USPAP Rules and/or SR as follows:

- a. In the Site section, Respondent failed to report that the subject is located within Shoreland Zoning, has a shared driveway, and reported in error that the subject property was not in a flood zone. [Scope of Work Rule; SR 1-2 (e)(i) and (iv); SR 2-1(b)]
- b. In the Site section, Respondent failed to provide a summary of his support and rationale for his opinion of Highest and Best Use. [SR 2-2 (a)(x)]
- c. In the Sales Comparison Approach section, Respondent incorrectly reported all sales and active listings found within the subject's delineated neighborhood instead of the comparable active listings and sold properties for the delineated neighborhood. In the Market Research and Analysis section, Respondent again reported all sales and active listings found in the delineated neighborhood and not comparable properties as the form required. [Competency Rule; SR 2-1(a)]
- d. In the Sales Comparison Approach section, Respondent failed to research the marketplace to see if an adjustment is needed for the difference between the comparables with no basement and the subject with a basement. [Scope of Work Rule; SR 1-4(a)]
- e. In the Cost Approach section, Respondent failed to summarize vacant land sales in his report which was an assignment condition. [Scope of Work Rule; SR 1-1(c); SR 2-1(b)]
- f. Respondent's workfile lacked support for adjustments made to the comparable sales or reference to where support may be located. [Record Keeping Rule]

6. On April 29, 2020, Respondent became certified by the State of Wisconsin as a certified residential appraiser and was issued his certificate of licensure and certification number 2101-9. This license is current through December 14, 2021.

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

#### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 458.26, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated the USPAP Record Keeping Rule by failing to include in his workfile all other data, information, and documentation necessary to support his opinions and conclusions and to show compliance with USPAP, or references to the locations of such other data, information, and documentation.

3. By the conduct described in the Findings of Fact, Respondent violated the USPAP Competency Rule by failing to determine, prior to performing an assignment, that he or she can perform the assignment competently. Competency requires the ability to properly identify the problem to be addressed and the knowledge and experience to complete the assignment competently.

4. By the conduct described in the Findings of Fact, Respondent violated the USPAP Scope of Work Rule by failing to gather and analyze information about the assignment elements that are necessary to properly identify the appraisal problem to be solved.

5. By the conduct described in the Findings of Fact, Respondent violated SR 1-1(c) by rendering appraisal services in a careless or negligent manner in developing a real property appraisal.

6. By the conduct described in the Findings of Fact, Respondent violated SR 1-2(e)(i) and (iv) by failing to identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal, including:

- a. its location and physical, legal, and economic attributes, and
- b. any known easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances, or other items of similar nature.

7. By the conduct described in the Findings of Fact, Respondent violated SR 1-4(a) by failing to analyze such comparable sales data as are available to indicate a value conclusion when a sales comparison approach was necessary for credible assignment results.

8. By the conduct described in the Findings of Fact, Respondent violated SR 2-1(a) and (b) by:

- a. failing to clearly and accurately set forth the appraisal in a manner that will not be misleading, and
- b. failing to include in his appraisal report sufficient information to enable the intended users of the appraisal to understand the report properly.

9. By the conduct described in the Findings of Fact, Respondent violated SR 2-2(a)(x) by failing to summarize the support and rationale for the opinion of highest and best use.

10. As a result of the above violations, Respondent has violated Wis. Admin. Code § SPS 86.01(1) and (2), and is therefore subject to discipline pursuant to Wis. Stat. § 458.26(3)(c) and (i).

## ORDER

1. The attached Stipulation is accepted.
2. Respondent Jacob T. Hamilton is REPRIMANDED.
3. Respondent Jacob T. Hamilton's licensed appraiser certificate of licensure (no. 2130-4) is LIMITED as follows:
  - a. Within sixty (60) days of the date of this Order, Respondent shall successfully complete forty nine (49) hours of education consisting of the following courses offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses:
    - i. National USPAP course (15 hours) (must be taken online),
    - ii. Basic Appraisal Procedures (30 hours), and
    - iii. Appraiser Self Protection: Documentation and Record Keeping (4 hours).
  - b. With the exception of the National USPAP Course which must be taken online, the courses listed above may be taken in person in a classroom setting or online.
  - c. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
  - d. The education completed pursuant to this Order may not be used to satisfy any other continuing education requirements with the Board.
4. Within ninety (90) days from the date of this Order, Respondent Jacob T. Hamilton shall pay the COSTS of this matter in the amount of \$2,146.
5. Requests for pre-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 Respondent 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

You may also submit this information online via DSPS' Monitoring Case Management System at: <https://dspsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's certificate of licensure (number 2130-4), or Respondent's right to renew his certificate of licensure, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

7. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Carl N. Chum  
A Member of the Board

11/10/2020  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JACOB T. HAMILTON,  
RESPONDENT.

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:  
:  
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:

STIPULATION

ORDER 0007073

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Division of Legal Services and Compliance Case No. 19 APP 022

Respondent 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. 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.

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.



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Jacob T. Hamilton, Respondent  
Montfort, WI 53569  
Credential No. 2130-4

10/27/2020

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Date



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

10/27/20

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Date