

## 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 THE CERTIFICATE OF :  
KENNETH L. MARTIN, : FINAL DECISION AND ORDER  
LICENSEE. : FOR REMEDIAL EDUCATION  
:  
**ORDER 0007076**

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Division of Legal Services and Compliance Case No. 19 APP 028

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

Kenneth L. Martin  
Stoughton, WI 53589

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 Kenneth L. Martin (Birth Year 1962) is licensed by the State of Wisconsin as a Licensed Appraiser, having certificate of licensure number 2105-4, first issued on March 18, 2010 and current through December 14, 2021. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Stoughton, Wisconsin 53589.

2. On July 1, 2019, Licensee performed an appraisal of a property located at 505 Wynnwood Way, Madison, Wisconsin 53719.

3. On November 5, 2019, the Department received a complaint alleging that the subject appraisal violated the Uniform Standards of Professional Appraisal Practice (USPAP). The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 APP 028 for investigation.

4. Licensee's appraisal was reviewed by DLSC and was found to be deficient in the following ways:

- a. In the Neighborhood section, Licensee erred in reporting the neighborhood characteristics by labeling the neighborhood as Suburban but reporting 100% build up for the subject neighborhood. [Standard Rule (SR) 1-2(e)(i), SR 2-1(a).]
- b. In the Site section, Licensee failed to report the subject's site dimensions, only reporting the dimensions as "Rectangular." [SR 2-1(b).]
- c. In the Improvement section, Licensee failed to analyze the effect on value for the personal property fixtures, a Refrigerator, Range/Oven, and Washer/Dryer, he included in the report. [SR 1-4(g), SR 2-1(b).]
- d. In the Sales Comparison Approach section, Licensee erred in reporting that the subject property had no prior sales or transfers for the three years prior to the effective date of the appraisal. According to the Multiple Listing Service the subject property was sold 2.6 years prior to the effective date of Licensee's appraisal. [Scope of Work Rule, SR 1-5(b), SR 2-1(a).]
- e. In the Cost Approach section, Licensee reported he utilized the assessor's opinion of site value to derive his own opinion of site value which is not an appropriate appraisal method. However, when asked to explain Licensee informed the Department that his opinion was developed using the sales comparison method on vacant land sales that were not included in his workfile or summarized in his report. It is unclear from his workfile and his explanations to the Department how his opinion of site value was calculated, and no summary was provided in his report. [Scope of Work Rule, SR 1-1(a), SR 1-4(b)(i), SR 2-1(a)(b), 2-2 (a)(viii).]
- f. In the Cost Approach section, Licensee failed to retain the source of cost figures utilized in his workfile. In the Sales Comparison Approach, Licensee adjusted the comparable sales for differences in site, quality of construction, gross living area, basement finish area and room utility, heating/cooling, garage/carport, patio/deck and garage space, but Licensee failed to include support for these adjustments in the report or in the workfile. Licensee also completed the 1004MC market condition addendum form but failed to include supporting data in his workfile. [Record Keeping Rule.]

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 90 days of the date of this Order, Licensee shall, at his own expense, take and successfully complete 26 hours of education as follows:
  - a. USPAP (15 hours) (must be taken online);
  - b. Land and Site Valuation (7 hours) (may be taken online or in a classroom setting); and
  - c. Appraiser Self Protection: Documentation and Record Keeping (4 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 of 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. Requests for course approval and proof of successful course completion shall be sent by Licensee to the Department Monitor at the address below:

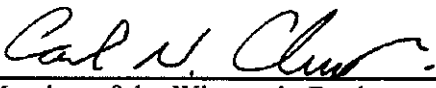
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

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

4. This Order does not constitute discipline.

5. 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

11/10/2020  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF THE CERTIFICATE OF :  
: STIPULATION  
KENNETH L. MARTIN, :  
LICENSEE. :

**ORDER 0007076**

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Division of Legal Services and Compliance Case No. 19 APP 028

Licensee Kenneth L. Martin 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 for Remedial Education 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.

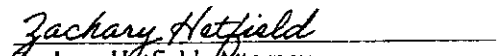
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes 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 for Remedial Education.

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education 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 for Remedial Education.

  
Kenneth L. Martin, Licensee  
Stoughton, WI 53589  
Credential No. 2105-4

11/05/2020  
Date

  
Zachary Hatfield, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

11/6/2020  
Date