

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TRICIA A. HENDRICKSON,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0007207**

Division of Legal Services and Compliance Case No. 20 APP 002

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

Tricia A. Hendrickson
West Salem, WI 54669

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 Tricia A. Hendrickson (Birth Year 1971) is certified by the State of Wisconsin as a certified general appraiser, having certificate of licensure and certification number 1082-10, first issued on October 26, 2000 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 West Salem, Wisconsin 54669.

2. On April 8, 2015, the Board disciplined Respondent (Final Decision and Order #0003875) in Case Numbers 13 APP 017 and 14 APP 033 for performing appraisals that failed to comply with the Uniform Standards of Professional Appraisal Practice (USPAP) Competency Rule, the USPAP Scope of Work Rule, the USPAP Record Keeping Rule, Standard Rule (SR) 1-1(a), (b), and (c), SR 1-2(e)(i) and (iv), SR 1-2(g), SR 1-3(a) and (b), SR 1-4, SR 1-4(a), SR 1-4(c)(i), SR 1-4(c)(iv), SR 1-6(a), SR 2-1(c), SR 2-2, SR 2-2(b)(ix), and SR 2-3. The Board suspended Respondent's credential until Respondent submitted proof that she had successfully

taken and passed the AQB-Approved Uniform State Certified General Real Property Appraiser Examination.

3. On January 8, 2020, the Department received a complaint alleging that Respondent performed an inadequate appraisal. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 APP 002 for investigation.

4. On March 16, 2016, Respondent performed an appraisal of a property located at N20264 Schmickle Valley Road Trempealeau, Wisconsin 54861.

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

- a. Respondent utilized the Land Form which preprinted text demonstrates is intended for mortgage lending transactions, further Respondent added additional commentary regarding the appraisal conforming to Financial Institutions Reform, Recovery and Enforcement Act of 1989. The subject appraisal was not for a mortgage lending transaction and therefore the above statements and preprinted text are misleading. [SR 1-1(c), 2-1(a).]
- b. In the Improvement section, Respondent did not include adequate description and photos of the subject property for the intended user to understand the report. [Scope of Work Rule, SR 2-1(a).]
- c. In the Neighborhood section, Respondent delineated neighborhood boundaries that did not include the subject property. [SR 1-1(c), 2-1(a).]
- d. In the Site section, Respondent failed to report all the correct zoning for the six parcels included in the subject property. Respondent failed to provide a summary of her reasoning, analysis and data utilized in developing her opinion of Highest and Best Use for the subject property. [SR 1-1(c), 1-2(e)(i), 2-1(a), 2-2(a)(x).]
- e. Respondent did not consider and/or develop the income approach for the subject property despite the fact the subject property could have reasonably been rented as a single- family home, agricultural fields, or managed forest lands. Respondent failed to include in her report why the income approach and cost approach were excluded. [SR 1-4(c)(i)(ii)(iii) and (iv), 2-2(a)(viii).]
- f. In the Sales Comparison Approach section, Respondent failed to apply qualitative or quantitative analysis of the comparable properties selected despite varying acre amounts, amenities, condition, and size of improvements. Respondent misreported the sale price for sale comparable no. 2 by \$145,200 and did not verify she had the correct acreage and number of tax parcels for the comparable selected. [SR 1-1(a)(c), 1-4(a).]

6. 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 USPAP¹ 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.

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

- a. failing to be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal, and
- b. rendering appraisal services in a careless or negligent manner.

4. By the conduct described in the Findings of Fact, Respondent violated SR 1-2(c)(i) 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 its location and physical, legal, and economic attributes.

5. By the conduct described in the Findings of Fact, Respondent violated SR 1-4(a) and (c)(i), (ii), (iii), and (iv) by:

- a. 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.
- b. Failing to analyze such comparable rental data as are available and/or the potential earnings capacity of the property to estimate the gross income potential of the property.
- c. Failing to analyze such comparable operating expense data as are available to estimate the operating expenses of the property.
- d. Failing to analyze such comparable data as are available to estimate rates of capitalization and/or rates of discount.
- e. Failing to base projections of future rent and/or income potential and expenses on reasonable clear and appropriate evidence.

6. By the conduct described in the Findings of Fact, Respondent violated SR 2-1(a) by failing to clearly and accurately set forth the appraisal in a manner that will not be misleading.

¹ All references to USPAP are to 2016-2017 version.

7. By the conduct described in the Findings of Fact, Respondent violated SR 2-2(a)(viii) and (a)(x) by:

- a. Failing to summarize the information analyzed, the appraisal methods and techniques employed, and the reasoning that supports the analyses, opinions, and conclusions.
- b. failing to summarize the support and rationale for the opinion of highest and best use.

8. 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 Tricia A. Hendrickson is REPRIMANDED.
3. Respondent Tricia A. Hendrickson's certified general appraiser certificate of licensure and certification (no. 1082-10) is LIMITED as follows:
 - a. Within sixty (60) days of the date of this Order, Respondent shall successfully complete fifty (50) 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 (28 hours).
 - iii. Complex Properties: The odd side of appraisal (7 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 Tricia A. Hendrickson shall pay the COSTS of this matter in the amount of \$2,852.

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 and certification (number 1082-10), or Respondent's right to renew her certificate of licensure and certification, 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. Chas-
A Member of the Board

2/9/2021
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TRICIA A. HENDRICKSON,
RESPONDENT.

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STIPULATION

ORDER 0007207

Division of Legal Services and Compliance Case No. 20 APP 002

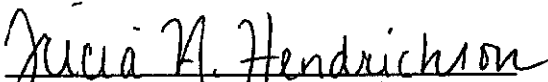
Respondent Tricia A. Hendrickson and the Division of Legal Services and Compliance,
Department of Safety and Professional Services stipulate as follows:

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.


Tricia A. Hendrickson, Respondent
West Salem, WI 54669
Credential No. 1082-10

1/22/21
Date


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

1/22/2021
Date