

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

JOY A. NEWTON,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007357

Division of Legal Services and Compliance Case No. 19 APP 029

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

Joy A. Newton
Dousman, WI 53118

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 Joy A. Newton (Birth Year 1969) is certified by the State of Wisconsin as a certified residential appraiser, having certificate of licensure and certification number 1721-9, first issued on December 18, 2008 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 Dousman, Wisconsin 53118.
2. On October 18, 2006, the Board reprimanded Respondent (Final Decision and Order #LS06101822APP) in Case Number 06 APP 047 for failing to satisfy the continuing education requirements for the 2004-2005 biennium.
3. On November 13, 2018, the Board reprimanded Respondent (Final Decision and Order #0005953) in Case Number 15 APP 058 for performing an appraisal that failed to comply with the 2014-2015 Uniform Standards of Professional Appraisal Practice (USPAP) Rules Scope of Work Rule and Standard Rules (SR) 1-1(b), 1-2(e)(i), 1-4(b)(i),(ii), 1-5(b), and 2-1(b).

4. On November 14, 2019, the Department received a complaint alleging that Respondent performed an inadequate appraisal. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 APP 029 for investigation.

5. On July 23, 2018, Respondent performed an appraisal of a property located at 770 Fredrick Court, Green Bay, Wisconsin 54313.

6. 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 Neighborhood section, Respondent erred in reporting the neighborhood characteristics, as the built-up calculation does not follow the present land use delineations. [SR 2-1(a).]
- b. In the Site section, Respondent reported the subject site's size as 6 acres but also attached the plat map which indicated the site size to be 7.391 acres, she did not provide an explanation for the discrepancy. For this property, the village assessor had incorrect information as to the subject's size. Respondent failed to sufficiently analyze and report the Highest and Best Use for all three parcels included in the subject property. Respondent noted in the Supplemental Addendum that all parcels are zoned R-5 which indicates the parcels are buildable lots. [SR 1-3(a)(b), SR 2-1(b) and SR 2-2(a)(x).]
- c. In the Improvement section, Respondent failed to provide any statements regarding personal property (refrigerator, washer and dryer) included in the sale and its effect on the opinion of value. [SR 1-4(g), SR 2-1(b)]
- d. In the Sales Comparison Approach section, Respondent failed to include in her workfile data or references to where the data was located that supported her opinion and conclusions regarding the building cost for outbuildings. Respondent did not collect and analyze all of the information necessary to develop creditable results. [Record Keeping Rule, SR 1-4(a).]

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 USPAP¹ Record Keeping Rule by failing to include in her workfile all other data, information, and documentation necessary to support her opinions and conclusions and to show compliance with USPAP, or references to the locations of such other data, information, and documentation.

¹ All references to USPAP are to the 2018-2019 edition.

3. By the conduct described in the Findings of Fact, Respondent violated SR 1-3 (a) and (b) by:
- failing to identify and analyze the effect on use and value of existing land use regulations, reasonably probable modifications of such land use regulations, economic supply and demand, the physical adaptability of the real estate, and market area trends, and
 - failing to develop an opinion of the highest and best use of the real estate.
4. By the conduct described in the Findings of Fact, Respondent violated SR 1-4 (a) and (g) by:
- failing to analyze such comparable sales data as are available to indicate a value conclusion, and
 - failing to analyze the effect on value of non-real property items when personal property, trade fixtures, or intangible items are included in the appraisal.
5. By the conduct described in the Findings of Fact, Respondent violated SR 2-1 (a) and (b) by:
- failing to clearly and accurately set forth the appraisal in a manner that will not be misleading, and
 - failing to include in her appraisal report sufficient information to enable the intended users of the appraisal to understand the report properly.
6. 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.
7. 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)(b), (c) and (i).

ORDER

- The attached Stipulation is accepted.
- Respondent Joy A. Newton's certified residential appraiser certificate of licensure and certification (no. 1721-9) is hereby **SUSPENDED** for ten (10) business days. This suspension is hereby **STAYED**.
- Respondent Joy A. Newton's certified residential appraiser certificate of licensure and certification (no. 1721-9) is **LIMITED** as follows:

- a. At 45-day intervals, for a period of six months from the date of this Order, Respondent shall submit to the Department Monitor a log of all appraisals she completed in the previous 45 days. Each log entry must specify:
 - i. The specific location of each appraised property,
 - ii. The type and description of the appraised property,
 - iii. The name and contact information for the client of each appraised property,
 - iv. The approaches to value considered for each appraised property, and
 - v. The approaches to value completed for each appraised property.
 - b. The Board or its designee may select one appraisal at random from each log for review.
 - c. Within ten days after the Board or its designee informs Respondent of any appraisal selected for review, Respondent shall submit the appraisal report and the complete workfile for the selected appraisal.
 - d. Respondent shall promptly reply to any questions the Board or its designee may have concerning any of Respondent's submissions within ten days of the request by the Board or its designee.
 - e. The Board or its designee shall review the selected appraisals to determine if they are minimally competent as deemed satisfactory by the Board or its designee. If the appraisals initially selected are found not to be minimally competent by the Board or its designee, Respondent's STAY of SUSPENSION will immediately be lifted upon notification from the Board or its designee. The Board or its designee may refer Respondent to the Division for additional action.
 - f. Respondent may petition the Board for the removal of this limitation after Respondent has submitted one minimally competent report in each 45-day period, as determined by the Board or its designee. Whether to remove or modify this limitation shall be at the discretion of the Board or its designee.
4. Respondent shall be responsible for all costs of complying with the terms of the limitations on her credential.
 5. Within ninety (90) days from the date of this Order, Respondent Joy A. Newton shall pay the COSTS of this matter in the amount of \$3,048.

6. Submission of appraisal logs, selected appraisals, 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

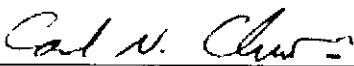
You may also submit this information online via DSPS' Monitoring Case Management System at: <https://dpsmonitoring.wi.gov/>

7. In the event Respondent violates any term of this Order, Respondent's certificate of licensure and certification (number 1721-9), 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.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:



A Member of the Board

4 May 2021

Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOY A. NEWTON,
RESPONDENT.

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STIPULATION

ORDER 0007357

Division of Legal Services and Compliance Case No. 19 APP 029

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

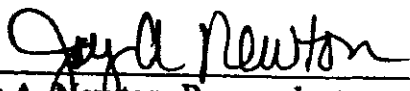
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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

...by the Board, the parties agree not to contend that the Board has been prejudiced or
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.



Joy A. Newton, Respondent
Dousman, WI 53118
Credential No. 1721-9

4-13-21

Date



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

04/13/2021

Date