

## 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  
CARA E. BARTON, :  
RESPONDENT. :

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**ORDER 0007995**

Division of Legal Services and Compliance Case No. 20 APP 061

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

Cara E. Barton  
Freedom, WI 54130

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 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 Cara E. Barton (Birth Year 1965) is licensed by the State of Wisconsin as a licensed appraiser, having certificate of licensure number 1340-4, first issued on January 5, 2001 and current through December 14, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Freedom, Wisconsin 54130.

2. On February 23, 2011, the Board reprimanded Respondent (Final Decision and Order #0000688) in Case Number 09 APP 058 for violating Uniform Standards for Professional Appraisal Practice (USPAP) Competency Rule, Standards Rule (SR) SR 1-1(a,b,c), SR 1-2(b), SR 1-2(h), SR 2-1, SR 2-2, SR 2-2(b), and SR 2-2(b)(vii).<sup>1</sup> Respondent was ordered to complete 28 hours of remedial education.

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<sup>1</sup> All USPAP references in this Order are to the rules as they existed at the time when the violation(s) occurred.

3. On August 26, 2015, the Board suspended Respondent for 30 days (Final Decision and Order #0004214) in Case Number 13 APP 069 for violating the USPAP Record Keeping Rule, Competency Rule, Scope of Work Rule, SR 1-1(b,c), SR 1-4(b)(i,ii), SR 1-6(a,b), SR 2-1(a), and SR 2-2(b)(viii). Respondent was ordered to complete 67 hours of remedial education.

4. On June 19, 2018, the Board reprimanded Respondent (Final Decision and Order #0005791) in Case Number 18 APP 008 for violating Wis. Stat. § 458.13 and Wis. Admin. Code § SPS 85.900(1) (failing to complete continuing education).

5. On October 27, 2020, the Department received a complaint alleging that Respondent had performed an inadequate appraisal. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 APP 061 for investigation.

6. On June 15, 2020, Respondent performed an appraisal of a property located in Green Bay, Wisconsin 54313.

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

- a. In the Neighborhood section, Respondent failed to disclose the subject property's proximity to the airport and a landfill and whether or not there is any impact on the value of the subject property. [SR 1-1(b,c), SR 2-1(a).]
- b. In the Site section, Respondent failed to disclose the subject property falls within Shoreland Zoning and Respondent also failed to indicate that part of the subject property is in an Environmentally Sensitive Area (ESA), both of which could limit use of the property. [SR 1-1(b,c), SR 1-2(e)(i), SR 2-1(a).]
- c. In the Sales Comparison Approach section, Respondent failed to report the actual price range of comparable listings and comparable sales found in the subject neighborhood and instead reported a price range Respondent used to search for comparables. Respondent also failed to retain support for her opinions and conclusions found in her report. [Record Keeping Rule, SR 2-1(a).]
- d. In the Sales Comparison Approach section, Respondent failed to analyze Comparable Sale #1's location which is outside the subject's delineated neighborhood and make an appropriate adjustment. Respondent did not analyze all information about the subject's delineated neighborhood and failed to analyze comparable sale data when developing opinion of value [SR 1-4(a).]
- e. In the Sales Comparison Approach section, Respondent erred in reporting the exposure time for the subject property as 300 days which is not supported by data in Respondent's workfile or report. Respondent did not

provide support for her adjustment regarding price per square foot in her report or her workfile. [Record Keeping Rule, SR 1-1(b,c), SR 2-1(a).]

- f. In the Cost Approach section, Respondent failed to summarize the sales utilized and failed to provide her analysis of the sales in her report. [Scope of Work Rule, SR 2-2(a)(viii).]

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

#### CONCLUSIONS OF LAW

1. The 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 Record Keeping Rule by failing to include in Respondent's workfile all other data, information, and documentation necessary to support Respondent's opinions and conclusions and to show compliance with USPAP.

3. By the conduct described in the Findings of Fact, Respondent violated the 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.

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

- a. Committing a substantial error of omission or commission that significantly affected an appraisal.
- b. Rendering appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affected the credibility of those results.

5. By the conduct described in the Findings of Fact, Respondent violated SR 1-2(e)(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 characteristics.

6. 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.

7. 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.

8. By the conduct described in the Findings of Fact, Respondent violated SR 2-2(a)(viii) by failing to include content in an appraisal report that is consistent with the intended use of the appraisal and at a minimum summarize the information analyzed, the appraisal methods and techniques employed, and the reasoning that supports the analyses, opinions, and conclusions.

9. 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 Cara E. Barton's licensed appraiser certificate of licensure (no. 1340-4) is **SUSPENDED** beginning ten (10) calendar days from the date of this Order. Respondent shall be suspended as follows:

- a. This suspension shall be lifted upon submission of proof that Respondent has successfully taken and passed the National Uniform Licensing and Certification Examination (Examination). Respondent shall take the Examination at a proctored testing site.
- b. Respondent shall submit proof that she has successfully taken and passed the Examination in the form of verification from the institution offering the Examination to the Department Monitor at the address stated below.
- c. The duration of the suspension shall not be less than ninety (90) days.

3. Respondent Cara E. Barton's licensed appraiser certificate of licensure (no. 1340-4) is **LIMITED** as follows:

- a. Beginning 90 days after Respondent's suspension has been lifted, and every 90 days after that, Respondent shall submit to the Department Monitor a log of all appraisals completed during the previous 90 days. Each log 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 to review.
- c. Within 10 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 property to the Department Monitor.
- d. Respondent shall promptly reply to any questions the Board or its designee may have concerning any of Respondent's submissions within 10 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 and 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, additional appraisals may be selected from the log for review.
- f. This limitation shall be removed after Respondent has submitted four minimally competent reports. Whether to remove this limitation shall be at the discretion of the Board or its designee. The period of limitation may be continued on the terms set forth above for an additional 90 days if the Board or its designee does not find four minimally competent reports. If, after the additional 90-day period, the Board or its designee has not found four satisfactory reports, this limitation shall end, and Respondent may be referred back to the Division for additional action. The Board may determine that Respondent shall be suspended in the interim as detailed below.

4. Respondent shall be responsible for all costs of complying with the terms of the limitation on her credential.

5. Within ninety (90) days from the date of this Order, Respondent Cara E. Barton shall pay the COSTS of this matter in the amount of \$1,755.00.

6. All limitation submissions, proof of examination 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) 266-2112; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

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

7. In the event Respondent violates any term of this Order, Respondent's certificate of licensure (number 1340-4), or Respondent's right to renew her 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.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Carl N. Chas.  
A Member of the Board

6/8/2022  
Date

RECEIVED

MAY 16 2022

DIV LEGAL SERVICES & COMPLIANCE  
DEPT SAFETY & PROFESSIONAL SERVICES

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

CARA E. BARTON,  
RESPONDENT.

STIPULATION

**ORDER 0007995**

Division of Legal Services and Compliance Case No. 20 APP 061

Respondent Cara E. Barton 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 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Cara E. Barton  
Cara E. Barton, Respondent  
Freedom, WI 54130  
Credential No. 1340-4

5-11-22  
Date

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

5/16/2022  
Date