

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	:	
	:	FINAL DECISION AND ORDER
DOMINIC J. MICKELSON,	:	
RESPONDENT.	:	ORDER 0008667

Division of Legal Services and Compliance Case No. 21 APP 069

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

Dominic J. Mickelson
Portage, WI 53901

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 Dominic J. Mickelson (Birth Year 1969) is certified by the State of Wisconsin as a certified residential appraiser, having certificate of licensure and certification number 1657-9, first issued on January 16, 2008 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 Portage, Wisconsin 53901.

2. On November 15, 2019, Respondent received a Remedial Education Order (Final Decision and Order for Remedial Education #0006541) in Case Number 18 APP 037 for using an inappropriate appraisal form for a divorce proceeding, incorrectly reporting information about the subject property, and failing to properly disclose his scope of work in his search of comparable sales.

3. On June 21, 2021, 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 21 APP 069 for investigation.

4. On April 20, 2021, Respondent performed an appraisal of a property located at W2906 Grant, Village of Doylestown, WI 53960.

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

- a. In the Site Section of the report, Respondent incorrectly reported the site dimensions of the lot, thereby significantly underreporting the square footage [Uniform Standards of Professional Practice (USPAP) Standards Rule (SR) 1-1(b), SR 1-2(e)(i), and SR 2-1(a)].
- b. In the Improvement Section of the report, Respondent reported that the subject includes several large appliances which are considered personal property. Respondent did not analyze the effect that the inclusion of these articles of personal property would have on value [SR 1-4(g)].
- c. In the Improvement Section of the report, Respondent initially reported the floor as being made of dirt, but later revised the report to reflect that it is concrete upon discovering the concrete floor was covered in a layer of dirt. Respondent reported the basement as being partial with a crawl space, when it is a full basement [SR 1-1(b), SR 2-1(a)].
- d. In the Improvement Section of the Report, Respondent incorrectly reported the above grade living area by approximately 23 square feet when he included an open airing porch in his calculation. This miscalculation resulted in inadequate adjustments to comparable properties used in the Sales Comparison Approach [SR 1-1(b), SR 2-1(a)].
- e. In the Sales Comparison Approach, Respondent adjusted the comparable properties for having a superior lot size, however because the reported square footage of the subject property lot was incorrect, the adjustments applied to the comparable properties were incorrect. Further, while Respondent did identify that one of the comparable sales was a short sale, he does not analyze why he included a short sale as a comparable, nor does he make an adjustment to the comparable to account for this factor. Finally, incorrect adjustments were made to comparable properties with full basements due to Respondent incorrectly identifying the subject property as being a partial basement with a crawl space [SR 1-4(a)].
- f. Overall, the report contains a series of errors that in the aggregate affects the credibility of those results [SR 1-1(b) and (c)].

6. 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 Standards Rule (SR) 1-1(b), (c) by:

- a. Committing a substantial error of omission or commission that significantly affects 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 affects the credibility of those results.

3. 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.

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

- a. Failing to analyze such comparable sales data as are available to indicate a value conclusion.
- b. Failing to analyze the effect on value of non-real property assets.

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

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

6. 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 Dominic J. Mickelson is REPRIMANDED.

3. Respondent Dominic J. Mickelson's certified residential appraiser certificate of licensure and certification (no. 1657-9) is LIMITED as follows:

- a. Within sixty (60) days of the date of this Order, Respondent shall successfully complete the following remedial education courses from a provider pre-approved by the Board or its designee, including taking and passing any exam(s) offered for the course(s):
 - i. National USPAP course (15 hours) (must be taken online).
 - ii. Residential Appraisal Review and USPAP Compliance (7 Hours).
 - iii. Residential Property Inspection for Appraisers (7 Hours).
- b. 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.
- c. 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 Dominic J. Mickelson shall pay the COSTS of this matter in the amount of \$840.

5. All submissions, including 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Submissions may also be made online at: <https://dspsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's certificate of licensure and certification (number 1657-9), or Respondent's right to renew his 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: 
A Member of the Board

8/1/2023
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DOMINIC J. MICKELSON,
RESPONDENT.

:
:
:
:
:

STIPULATION
ORDER 0008667

Division of Legal Services and Compliance Case No. 21 APP 069

Respondent Dominic J. Mickelson 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.

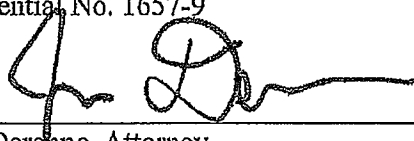
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Dominic J. Mickelson, Respondent
Portage, WI 53901
Credential No. 1657-9

6/2/2023

Date



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

6/5/2023

Date