

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE CERTIFICATE OF :
ASHLEY M. HINKENS, : FINAL DECISION AND ORDER
LICENSEE. : FOR REMEDIAL EDUCATION
: **ORDER 0008840**

Division of Legal Services and Compliance Case No. 21 APP 065 and 22 APP 062

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

Ashley M. Hinkens
Appleton, WI 54913

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. Licensee Ashley M. Hinkens (Birth Year 1986) is licensed by the State of Wisconsin as a licensed appraiser, having certificate of licensure number 2159-4, first issued on June 27, 2014 and current through December 14, 2023. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Appleton, Wisconsin 54913.

21 APP 065

2. On December 7, 2021, the Department received a complaint alleging that Licensee performed an inadequate appraisal. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 21 APP 065 for investigation.

3. On September 10, 2020, Licensee delivered to the client an appraisal of a property located at 439 West National Avenue in Brillion, Wisconsin.

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

- a. In the Sales Comparison Approach Section of the report, Licensee used properties that were much newer than the subject. Licensee later told the Department that she selected the three comparable properties she did because the subject property had a recent addition, making the newer homes more comparable. However, this reasoning was not in the report. [Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule (SR) 2-2 (a)(x)(5)]
- b. In the Sales Comparison Approach Section of the report, Licensee made adjustments that lacked credibility and showed a lack of competency. Licensee failed to make appropriate adjustments for market conditions when the comparable sales used were contracted between 6 and 13 months prior and Licensee reported an increasing market. Additionally, Licensee made unsupported adjustments for the age of the properties and differences in garages. [USPAP Competency Rule, SR 1-4 (a), SR 2-2 (a)(x)(5)]

22 APP 062

5. On December 21, 2022, the Department received a complaint alleging that Licensee performed an inadequate appraisal. DLSC subsequently opened Case Number 22 APP 062 for investigation.

6. On December 9, 2021, Licensee delivered to the client an appraisal of a property located at 1021 Washington Avenue in Oshkosh, Wisconsin.

7. Licensee'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, Licensee incorrectly reported the zoning classification for the subject property as R-1 and the zoning description as Residential. Licensee also incorrectly reported the zoning in the addendum to the report, reporting it as SR-5 and Single Family Residential. According to the property data sheet in Licensee's workfile, as well as the City of Oshkosh GIS mapping program, the correct zoning classification is SR-9 and correct zoning description is Single Family Residential-9 Zoning District. [SR 1-1 (c), SR 2-1 (a)]
- b. In the Sales Comparison Approach Section of the report, Licensee made unsupported adjustments for location, above grade living area, and number of bedrooms, and did not provide an analysis or reasoning for the adjustments in the report or in her workfile. [Record Keeping Rule, SR 1-1 (a), SR 1-4(a)]

- c. In the Sales Comparison Approach Section of the Report, Licensee failed to analyze the market to identify appropriate comparable properties. Licensee used a property that was outside of the subject's historic district and that is currently used as a bed and breakfast, so is therefore not comparable to a single-family home. [SR 1-4 (a)]
- d. In the Cost Approach Section of the report, Licensee reported that the site value was based on vacant land sales, but failed to provide a summary of comparable land sales. [Scope of Work Rule, SR 2-1 (b), SR 2-2 (a)(x)(1) and (5)]

8. 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 her fitness to practice as a real estate appraiser as set forth in Wis. Admin. Code § SPS 86.01(13).

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

CONCLUSIONS OF LAW

1. The 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 her own expense, take and successfully complete the following education courses:
 - a. National USPAP course (15 hours) (must be taken online).
 - b. Complex Properties: The Odd Side of Appraisal (7 hours).
 - c. Residential Appraisal Review and USPAP Compliance (7 hours).
 - d. The Sales Comparison Approach (7 hours).
 - e. That's a Violation (4 hours).
 - f. Appraiser Self Protection: Documentation and Record Keeping (4 hours).
 - g. 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 courses satisfactory to the Board or its designee and for obtaining the required approval of the courses from the Board or its designee. Licensee must take and pass any exams offered for the courses.

- h. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Submissions may also be made online at: <https://dspsmonitoring.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 Board

11/7/2023
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE CERTIFICATE OF	:	
	:	STIPULATION
ASHLEY M. HINKENS,	:	
LICENSEE.	:	ORDER 0008840

Division of Legal Services and Compliance Case No. 21 APP 065 and 22 APP 062

Licensee Ashley M. Hinkens and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

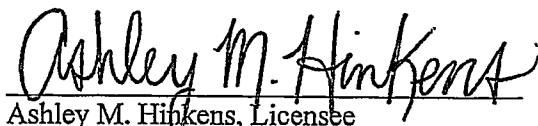
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Licensee consents to the resolution of this investigation by Stipulation.
2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the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


Ashley M. Hinkens, Licensee
Appleton, WI 54913
Credential No. 2159-4

08/04/2023
Date


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

08/04/2023
Date