

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
DALE W. MUSTAS, :
RESPONDENT. : LS07091212APP

Division of Enforcement Case No. 06 APP 006

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

Dale W. Mustas
670 Florence Drive
Elm Grove, WI 53122

Wisconsin Real Estate Appraisers Board
P.O. Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

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 and Conclusions of Law and Order:

FINDINGS OF FACT

1. **Dale W. Mustas** (DOB 02/09/58) is a duly licensed appraiser in the state of Wisconsin having license # 4-114, which was first granted on 06/09/1992.
2. Mr. Mustas's most recent address on file with the Wisconsin Department of Regulation and Licensing is 670 Florence Drive, Elm Grove, WI 53122.
3. On or about December 5, 2005, Mr. Mustas accepted an assignment to complete an appraisal for Moneyline Mortgage for property located at 5241 State Road 167, Richfield, WI 53033 ("the subject property").
4. On or about December 8, 2005, Mr. Mustas went to the subject property to do an inspection of the property for purposes of the appraisal.
5. On or about December 14, 2005, the loan officer from Moneyline Mortgage contacted Mr. Mustas to find out the status of the appraisal since the closing on the sale of the subject property was scheduled for December 20, 2005. Mr. Mustas indicated that he was working on the appraisal.

6. The closing on the sale of the subject property was changed to December 30, 2005, because the appraisal was not yet complete.

7. Between December 14, 2005 and December 30, 2005, numerous attempts to contact Mr. Mustas about the status of the appraisal were made by Moneyline Mortgage as well as by the sellers and buyers of the subject property, but Mr. Mustas failed to respond.

8. When no response of any kind was received from Mr. Mustas in the final week before the December 30, 2005 scheduled closing, Moneyline Mortgage faxed a notice of cancellation of the appraisal request to Mr. Mustas on or about December 30, 2005.

9. Mr. Mustas never completed nor delivered an appraisal of the subject property to Moneyline Mortgage, and no compensation was paid to Mr. Mustas by Moneyline Mortgage.

10. By Mr. Mustas failing to complete the appraisal by December 30, 2005, and/or by failing to notify Moneyline Mortgage that he was unable to complete the assignment in a timely fashion, the sellers of the subject property had to postpone the closing on the home they were buying with the proceeds of the sale of the subject property by thirty days. As a result, the sellers of the subject property faced a breach of contract claim from the sellers of the home they were purchasing for the additional expenses incurred by the failure to close that transaction on time.

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. The conduct described above in paragraphs 3-10 constitutes a violation of Wis. Stat. § 458.26(3)(c) by Mr. Mustas engaging in conduct while practicing as an appraiser which evidences a lack of knowledge or ability to apply professional principles or skills.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The appraiser license of Respondent **Dale W. Mustas**, license # 4-114, is hereby **LIMITED** as follows: Mr. Mustas shall, within one year of the date of this Order and at his own expense, successfully complete, including any testing component offered for the course, the "Business Practices and Ethics" Course offered by the Appraisal Institute.

2. Mr. Mustas shall submit proof of the same in the form of verification from the institution providing the education to the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

3. Respondent **Dale W. Mustas** shall, within 60 days of the date of this Order, pay **COSTS** of this matter in the amount of \$ 975.00.

4. Proof of successful class completion and payment of costs (made payable to the Wisconsin Department of Regulation and Licensing) shall be mailed, faxed or delivered to the Department Monitor at this address:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit any payment of the costs as set forth above or fails to complete the education as ordered, or is otherwise in violation of this order, Mr. Mustas's license (# 4-114) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Marla Britton
A Member of the Board

9/12/07
Date