

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
EVERARD L. OSMAN,	:	LS9508311REB
RESPONDENT.	:	

The State of Wisconsin, Real Estate Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Real Estate Board.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs, and mail a copy thereof to respondent or his or her representative, within 15 days of this decision.

Respondent or his or her representative shall mail any objections to the affidavit of costs filed pursuant to the foregoing paragraph within 30 days of this decision, and mail a copy thereof to the Division of Enforcement and Administrative Law Judge.

The rights of a party aggrieved by this Decision to petition the board for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 25th day of July 1996.

Beechie Brooks
DCC

signed for the delivery of the Notice of Hearing and Complaint and therefore had actual notice of the allegations of the complaint and the date and time set for hearing.

3. Everard L. Osman failed to file an answer to the complaint as required by sec. RL 2.09 (4), Wis. Adm. Code, nor any other response to the Complaint. As noted above, the Respondent also failed to appear in person or by attorney at the scheduled hearing.

4. On January 31, 1992, Respondent was convicted upon a plea of no contest of the Class B misdemeanor criminal offense of disorderly conduct in violation of sec. 947.01, Wis. Stats. The conviction was based on an original charge of unlawfully causing bodily harm to another.

5. Respondent failed to provide the Department of Regulation and Licensing with information of or a copy of the criminal conviction described in paragraph 4 above as required by sec. RL 24.17(1), Wis. Adm. Code.

6. On October 10, 1994, pursuant to a plea agreement, Respondent was convicted upon a plea of no contest of the Class D felony criminal offense of intentional physical abuse of a child causing bodily harm in violation of sec. 948.03(2)(b) and (5), Wis. Stats.

7. On October 10, 1994, pursuant to a plea agreement, Respondent was convicted upon an Alford Plea of no contest of the Class A misdemeanor criminal offense of fourth degree sexual assault in violation of sec. 940.225(3m), Wis. Stats.

8. The convictions described in paragraphs 6 and 7 were based upon the original charges dated October 7, 1994, of 10 counts of second degree sexual assault of a child in violation of sec. 948.02(2), Stats., one count of intentionally causing bodily harm to a child in violation of sec. 948.03(2)(b) and (5), Stats., and one count of having sexual contact without consent in violation of sec. 940.225(3m), Stats.

9. Respondent failed to provide the Department of Regulation and Licensing with information of or a copy of the criminal convictions described in paragraphs 6 and 7 above as required by sec. RL 24.17(1), Wis. Adm. Code.

10. On February 23, 1995, Respondent was convicted upon a plea of guilty of the Class E felony criminal offense felon in possession of a firearm in violation of sec. 941.29(2), Stats.

11. Respondent failed to provide the Department of Regulation and Licensing with information of or a copy of the criminal conviction described in paragraph 10 above as required by sec. RL 24.17(1), Wis. Adm. Code.

12. Prior to his licensing as a real estate broker in 1989, Respondent was subject of the following convictions:

- a. November 3, 1975 conviction of 2 counts of non-criminal ordinance violation of disorderly conduct.
- b. December 22, 1975 conviction of 1 count of non-criminal ordinance violation of disorderly conduct.
- c. May 3, 1976 conviction of 1 count of non-criminal ordinance violation of disorderly conduct.
- d. December 6, 1976 conviction of 1 count of non-criminal ordinance violation of vandalism.
- e. October 24, 1980 conviction of 1 count of felony arson of property in violation of sec. 943.03, Stats.

CONCLUSIONS OF LAW

1. The Real Estate Board has jurisdiction in this matter pursuant to sec. 452.14(3), Wis. Stats.
2. Respondent having failed to file an answer to the complaint in this matter is in default pursuant to the terms of sec. RL 2.14, Wis. Adm. Code.
3. Respondent's January 31, 1992 conviction of the Class B misdemeanor criminal offense of disorderly conduct in violation of sec. 947.01, Wis. Stats., for unlawfully causing bodily harm to another is a crime the circumstances of which substantially relate to the circumstances of the practice of a real estate broker, and Respondent is therefore subject to discipline pursuant to sec. 452.14(3)(i), Wis. Stats., and sec. RL 24.17(2), Wis. Adm. Code.
4. Respondent's failure to provide the Department of Regulation and Licensing with information of or a copy of the January 31, 1992 criminal conviction described in paragraph 4 of the Findings of Fact above violated sec. RL 24.17(1), Wis. Adm. Code, and Respondent is therefore subject to discipline pursuant to sec. 452.14(3)(i), Wis. Stats., and sec. RL 24.17(2), Wis. Adm. Code.
5. Respondent's October 10, 1994 conviction of the Class D felony criminal offense of intentional physical abuse of a child causing bodily harm in violation of sec. 948.03(2)(b) and (5), Wis. Stats., is a crime the circumstances of which substantially relate to the circumstances of the practice of a real estate broker, and Respondent is therefore subject to discipline pursuant to sec. 452.14(3)(i), Wis. Stats., and sec. RL 24.17(2), Wis. Adm. Code.

6. Respondent's failure to provide the Department of Regulation and Licensing with information of or a copy of the October 10, 1994 criminal conviction described in paragraph 6 of the Findings of Fact above violated sec. RL 24.17(1), Wis. Adm. Code, and Respondent is therefore subject to discipline pursuant to sec. 452.14(3)(I), Wis. Stats., and sec. RL 24.17(2), Wis. Adm. Code.

7. Respondent's October 10, 1994, conviction of the Class A misdemeanor criminal offense of fourth degree sexual assault in violation of sec. 940.225(3m), Wis. Stats., is a crime the circumstances of which substantially relate to the circumstances of the practice of a real estate broker, and Respondent is therefore subject to discipline pursuant to sec. 452.14(3)(i), Wis. Stats., and sec. RL 24.17(2), Wis. Adm. Code.

8. Respondent's failure to provide the Department of Regulation and Licensing with information of or a copy of the October 10, 1994 criminal conviction described in paragraph 7 of the Findings of Fact above violated sec. RL 24.17(1), Wis. Adm. Code, and Respondent is therefore subject to discipline pursuant to sec. 452.14(3)(I), Wis. Stats., and sec. RL 24.17(2), Wis. Adm. Code.

9. Respondent's February 23, 1995, conviction of the Class E felony criminal offense felon in possession of a firearm in violation of sec. 941.29(2), Stats., is a crime the circumstances of which substantially relate to the circumstances of the practice of a real estate broker, and Respondent is therefore subject to discipline pursuant to sec. 452.14(3)(i), Wis. Stats., and sec. RL 24.17(2), Wis. Adm. Code.

10. Respondent's failure to provide the Department of Regulation and Licensing with information of or a copy of the February 23, 1995 criminal conviction described in paragraph 10 of the Findings of Fact above violated sec. RL 24.17(1), Wis. Adm. Code, and Respondent is therefore subject to discipline pursuant to sec. 452.14(3)(I), Wis. Stats., and sec. RL 24.17(2), Wis. Adm. Code.

ORDER

NOW THEREFORE, IT IS ORDERED that effective on the date of this order, the license to practice as a real estate broker of Everard Osman is hereby **REVOKED**.

IT IS FURTHER ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding shall be assessed against Respondent, and shall be payable by him to the Department of Regulation and Licensing, not later than 30 days following the date of this order.

OPINION

A preliminary issue in this matter is the disposition of the motion by the Division of Enforcement for default on the part of Mr. Osman. As noted in the Findings of Fact, Respondent was served pursuant to RL 2.08(1), Wis. Adm. Code, with a copy of the Notice of Hearing and Complaint by certified mail. (Exhibit 2 indicates that the certified mail receipt was signed for by Mr. Osman.). However, Mr. Osman failed to file an answer or any other response to the complaint with the Administrative Law Judge or the Division of Enforcement, as required by sec. RL 2.09(4), Wis. Adm. Code. Also, Respondent did not appear at the hearing. Accordingly, the hearing was held on a motion for default. Under sec. RL 2.14, Wis. Adm. Code, failure to file an answer to the complaint, or failure to appear for the hearing, are independent and sufficient grounds for a finding of default. Having failed to deny any of the allegations of the complaint by an answer as required in RL 2.09, Wis. Adm. Code, the allegations are deemed admitted pursuant to RL 2.09(3). At the hearing the Division presented additional testimony supporting the allegations of the complaint, and the motion for a finding of default was granted.

Since the time of his licensure on July 8, 1989 as a real estate broker, Mr. Osman was convicted of the following offenses: 1) on January 31, 1992 was convicted of the Class B misdemeanor offense of disorderly conduct for causing bodily harm to another; 2) on October 10, 1994 was convicted of the Class D felony offense of intentional abuse of a child, and the Class A misdemeanor offense of fourth degree sexual assault of a child; and 3) on April 6, 1995 was convicted of the Class E felony offense of felon in possession of a firearm. The complaint alleges that each of these convictions are for crimes the circumstances of which substantially relate to the circumstances of the practice of a real estate broker. As noted above, by failing to answer the complaint and deny these allegations, the allegations are deemed admitted and taken as true. While that is the case, there is also no difficulty in concluding that the aforesaid crimes individually and taken together as a pattern of conduct are criminal offenses the circumstances of which substantially relate to the circumstances of the practice of a real estate broker under sec. RL 24.17(2), Wis. Adm. Code, and demonstrate incompetency to practice as a real estate broker under sec. 452.14 (3)(i), Stats.

In County of Milwaukee v. LIRC, 139 Wis. 2d 805 (1987), the Wisconsin Supreme Court defined the criteria for establishing substantial relationship of the circumstances of criminal conduct to the circumstances of employment or a licensed occupation or profession. The Court stated:

Assessing whether the tendencies and inclination to behave in a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed, is the purpose of the test. What is important in this assessment is not the factual details It is the circumstances which foster criminal activity that are important, e.g. the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person. (139 Wis. 2d at 824)

Persons engaged in real estate transactions with real estate brokers and salespersons have the right to expect those licensees to deal with them civilly, honestly, ethically, with respect for the client's security in their business and property interests and for their personal physical security, and to expect licensees to conduct themselves in a manner so as to elicit the client's trust in and reliance upon the licensee's integrity, reliability, and stability as a person. Moreover, the practice of real estate involves the limited practice of law, and one holding a broker or salesperson license must therefore demonstrate a respect for the law.

Mr. Osman's convictions are for conduct that was physically abusive, violent, morally deprave, sexually deviant, and in disregard for the law. It appears from the exhibits attached to the Complaint that Mr. Osman's disorderly conduct conviction for causing bodily harm to another was for assault against his wife. The convictions for physical abuse of a child-intentionally causing bodily harm, and for sexual assault, were for assaults against his 14 year old daughter. And finally, the conviction for felon in possession of a firearm occurred while Mr. Osman was only 13 months into a ten year probation for the earlier offenses. Mr. Osman has demonstrated by this record of conduct character traits of abusiveness, violence, predation upon the trusting and vulnerable, and utter disregard for the welfare and bodily security of those persons civilized society would expect one to most honor, respect and protect. Mr. Osman has also similarly exhibited a lack of respect and regard for the law.

There is no question that these character traits exhibited by Mr. Osman substantially relate to the circumstances of, and the personal and professional qualities expected in, the practice of a real estate broker. As noted above the public, and potential clients, have the legitimate expectation that a licensed professional such as a real estate broker, whose practice can be characterized as the limited practice of law, is one of personal and moral integrity, and respectful and protective of the interests of those the broker may deal with in legal and business transactions. A real estate broker must represent and protect the property and business interests of, and act as a fiduciary for, his or her clients. These responsibilities and duties of a broker rest in turn on the moral, personal and legal integrity of the professional.

Here, Mr. Osman has demonstrated personal qualities and character traits of just the opposite of what the public and potential clients must expect and rely on in a real estate broker. Instead of personal and moral integrity, Mr. Osman has demonstrated a pattern of moral turpitude and depravity. Instead of trustworthiness and security, Mr. Osman has demonstrated abuse, violence and predation on the weak and vulnerable. Instead of honor and respect for the law, Mr. Osman has demonstrated a lack of it.

In addition to his record of criminal conduct, Mr. Osman has also directly violated rules of the Real Estate Examining Board and department by failing to send to the department within 30 days of conviction a copy of the criminal complaint or other information describing the nature of the crime or judgment of conviction as required by RL 24.17(1), Wis. Adm. Code. Mr. Osman violated this rule with respect to each of his 4 convictions since 1992. By such failure, he has directly flouted the authority of the Board and the department, and further obstructed the Board and department from carrying out its responsibility of protection of the public from the misconduct of their licensees.

The next issue is the appropriate discipline to be imposed against Mr. Osman. The purposes for imposing discipline are a) to promote the rehabilitation of the licensee; b) to protect the public; and c) to deter other licensees from engaging in similar misconduct. *State v. Aldrich*, 71 Wis. 2d 206, 209 (1976). Punishment is not an appropriate consideration or purpose for discipline. *State v. MacIntyre*, 41 Wis. 2d 481, 485 (1969).

Solely for the purpose of consideration of appropriate discipline, the findings of fact include a record of five additional law violations by Mr. Osman which occurred prior to the date of his licensure. The Wisconsin Supreme Court, in an attorney disciplinary case, has held that consideration of pre-bar admission criminal conduct is appropriate for purposes of assessing the proper discipline to be imposed, even though such charges were reviewed at the time of application for bar admission and found not to preclude licensing as an attorney. *Disciplinary Proceedings Against Rabideau*, 102 Wis. 2d 16, 30-32, (1981). In this case, four of the violations against Mr. Osman are non-criminal ordinance violations involving disorderly conduct and vandalism. Because they are non-criminal ordinance violations, and occurred when Mr. Osman was 18-19 years old, a young adult, the disorderly conduct and vandalism violations are deemed insignificant and not considered for purposes of discipline.

However, one of the five pre-licensure convictions occurred when Mr. Osman was 23 years old and involved felony arson of property. Arson is a serious criminal offense of intentional destruction of property, potentially dangerous to human life and safety, and should be weighed in the assessment of the appropriate discipline to be imposed against Mr. Osman.

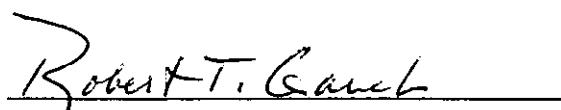
It is the opinion of the undersigned that Mr. Osman's license to practice as a real estate broker should be revoked, as also recommended by the attorney representing the Division of Enforcement. The revocation should be considered permanent. Protection of the public is of paramount importance in determining the appropriate discipline in this case. As noted above, Mr. Osman has demonstrated a proclivity for violence, abusiveness, predation, moral turpitude, disregard for the law, repeated direct violation of a rule governing his licensure as a real estate broker and criminal destruction of property. The public should not be exposed to the risk that these inclinations on the part of Mr. Osman may surface in his practice as a real estate broker. Nothing less than revocation of Mr. Osman's license will assure the public of that protection. Revocation will also deter other licensees from engaging in any similar conduct. Furthermore, revocation will operate to serve the interests of rehabilitation. By such measure, should Mr. Osman ever seek to become licensed again, he would be required to demonstrate fitness and competency to practice. Moreover, should the department determine that it would be consistent with the interests of the public to ever relicense Mr. Osman, in conjunction with any such application, the department should at a minimum require Mr. Osman to show rehabilitation by a record of successful completion of all aspects of his sentence and probation and avoidance of any further criminal offenses, among other conditions specifically appropriate to the nature and extent of his record of criminal conduct.

Finally, the Division of Enforcement requests that costs of this proceeding be assessed against Mr. Osman pursuant to sec. 440.22, Wis. Stats. Under the terms of sec. 440.22, the Board may

assess costs in any disciplinary proceeding in which discipline is imposed. The decision is discretionary with the Board whether to impose all or part of the costs of this proceeding. Based upon the record in this matter, assessment of the entire costs of this proceeding against Mr. Osman is clearly appropriate. The costs of this disciplinary action should be borne by Mr. Osman as the offending licensee, rather than by the profession as a whole through license fees.

Based upon the record herein, the Administrative Law Judge recommends that the Real Estate Examining Board adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin, this 6th day of June, 1996.


Robert T. Ganch
Administrative Law Judge

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

State of Wisconsin Real Estate Board

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

July 29, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor

August 12, 1996

EVERARD L. OSMAN
316 OAK RIDGE COURT
DARIEN, WI 53114

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P.O. BOX 8935-8935
MADISON, WISCONSIN 53708
608 266-2112

RE: In The Matter of Disciplinary Proceedings Against Everard L. Osman,
Respondent, LS9508311REB, Assessment of Costs

Dear Mr. Osman:

On July 25, 1996, the Real Estate Board issued an order involving your license to practice real estate. The order requires payment of the costs of the proceedings.

Enclosed please find the Affidavits of Costs of the Office of Board Legal Services and the Division of Enforcement in the above captioned matter. The total amount of the costs of the proceedings is \$1,036.24.

Under sec. RL 2.18, Wis. Adm. Code, objections to the affidavits of costs shall be filed in writing. Your objections must be received at the office of the Real Estate Board, Room 281, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, on or before August 24, 1996. After reviewing the objections, if any, the Real Estate Board will issue an Order Fixing Costs. Unless the board orders otherwise, payment of costs is due on September 23, 1996. Under sec. 440.23, Wis. Stats., the board may not restore or renew a credential until the holder has made payment to the department in the full amount assessed.

Thank you.

Sincerely,

Pamela A. Haack
Administrative Assistant
Office of Board Legal Services

Enclosures

cc: Real Estate Board
Department Monitor

Regulatory Boards

Accounting; Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors, and Veterinary

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST:

EVERARD L. OSMAN,
RESPONDENT.

[Case No. LS 9508311 REB]

AFFIDAVIT OF COSTS
OFFICE OF BOARD LEGAL SERVICES
(SEC. 440.22, STATS.)

STATE OF WISCONSIN)
)ss.
COUNTY OF DANE)

Robert T. Ganch, being first duly sworn on oath, deposes and states as follows:

1. Your affiant is an attorney licensed to practice law in the State of Wisconsin, and is employed by the Wisconsin Department of Regulation & Licensing, Office of Board Legal Services.

2. In the course of his employment, your affiant was assigned as administrative law judge in the above-captioned matter.

3. Set out below are the time and actual costs of the proceeding for the Office of Board Legal Services in this matter.

ADMINISTRATIVE LAW JUDGE EXPENSE

Robert T. Ganch

DATE &
TIME SPENT

ACTIVITY

9/03/95
10 minutes

Review ALJ hearing file, complaint

11/2/95
30 minutes

Review Complaint
Conduct Default Hearing

6/5/96
3 hours, 45 minutes

Review Tape of Hearing and
Exhibits
Prepare Proposed Decision

6/6/96
4 hours, 30 minutes

Prepare Proposed Decision

Total Time Spent.....8 hours 55 minutes

Total administrative law judge expense for Robert T. Ganch:
5 hours, 20 minutes @ \$36.44, salary and benefits:.....\$324.32

REPORTER EXPENSE

-0-

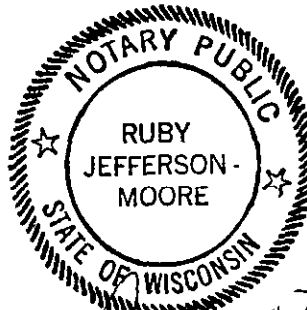
DATE &
TIME SPENT

ACTIVITY

-0-

TOTAL ASSESSABLE COSTS FOR OFFICE OF BOARD LEGAL SERVICES: \$324.32

Robert T. Ganch
Robert T. Ganch
Administrative Law Judge



Sworn to and subscribed before me this 9th day of August, 1996.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

EVERARD L. OSMAN,
RESPONDENT

DIVISION'S AFFIDAVIT
OF COSTS

LS-9508311-REB

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

John R. Zwieg, being duly sworn, deposes and states as follows.

1. That I am an attorney licensed in the state of Wisconsin and is employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement.
2. That in the course of those duties I was assigned as a prosecutor in the above captioned matter.
3. That set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above captioned matter.

PROSECUTING ATTORNEY EXPENSE

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
3/17/95	Initial review of file	30 min
3/22/95	Discussion w/ investigator and tele conv w/ Doug Geske, probation officer	30 min
5/15/96	Review of materials sent by atty. Thorpe on behalf of Lakes area Realtors Assoc.	1 hr 30 min
5/23/95	Review of Geske response and discuss w/ investigator	15 min
6/14/95	Research of law and ltr to Judge Gibbs re: presentence investigation	1 hr
6/26/95	Review of Judge Gibb's reply and discuss w/ investigator	15 min

8/04/95	Review of law and file including extensive Crime Information Bureau material and provide direction for investigation	1 hr 30 min
8/29/95	Draft complaint	2 hr
8/31/96	Obtain ALJ and hearing date and draft notice of hearing	30 min
10/05/95	Review of Respondent's failure to Answer	30 min
11/01/95	Preparation and hearing	3 hr
2/20/96	Tele conv w/ Eileen Vahe of Lakes Area Realtors Assoc.	30 min
7/29/96	Ltr to Eileen Vahe of Lakes Area Realtors Assoc.	30 min
6/07/96	Review of proposed decision	45 min
6/21/96	Review of Respondent's objections	30 min
6/28/96	Draft response to Respondent's objections	45 min
7/9/96	Ltr to Eileen Vahe of Lakes Area Realtors Assoc.	30 min
7/30/96	Review Final Decision	15 min

TOTAL HOURS

15 Hours 15 Min.

Total attorney expense for 15 hours 15 minutes at
\$41 00 per hour (based upon average salary and benefits
for Division of Enforcement attorneys) equals:

\$625.25

INVESTIGATOR EXPENSE

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
3/22/95	Initial review of file, discuss w/ atty. Zwieg, obtain application and send for CIB information	30 min
4/18/95	Ltr to Walworth Co Circuit Ct.	30 min
5/10/95	Ltr to probation officer Geske	20 min
5/23/95	Discuss Geske response w/ atty. Zwieg	10 min

6/26/95	Discuss Judge Gibbs' response w/ atty. Zwieg	5 min
6/27/96	Prepare Primary Investigation Complete Summary	30 min
6/27/95	Discuss w/ Board advisor	15 min
8/08/95	Ltr to Delavan Police Dept.	30 min
8/10/95	Review of information from Walworth Co. Sheriff's Dept	30 min
8/14/95	Review of information from Delavan Police Dept.	30 min
8/24/95	Tele conv w/ clerk of Delavan Municipal Ct.	15 min
8/28/95	Tele conv w/ clerk of Delavan Municipal Ct.	15 min

TOTAL HOURS

4 Hours 20 Min.

Total investigator expense for 4 hours and 20 minutes at \$20.00 per hour (based upon average salary and benefits for Division of Enforcement investigators) equals:

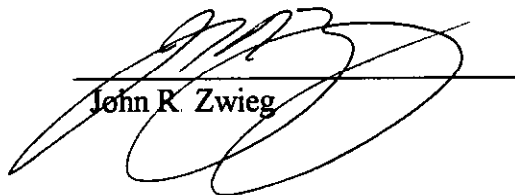
\$86 67

OTHER EXPENSES

None

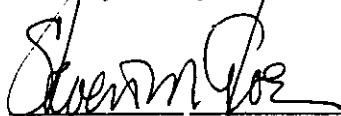
TOTAL ASSESSABLE COSTS

\$711.92



John R. Zwieg

Subscribed and sworn to before me this 31st day of July, 1996.



Notary Public

My Commission is permanent

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BEFORE THE STATE OF WISCONSIN
REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

EVERARD L. OSMAN,
RESPONDENT.

AFFIDAVIT OF SERVICE

Pamela A. Haack, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on September 27, 1996, she served the following upon the respondent:

Order Fixing Costs dated September 26, 1996, LS9508311REB

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail, with a return receipt requested in an envelope properly addressed to the above-named respondent at:

316 Oak Ridge Court
Darien, WI 53114
Certified P 213 148 675

an address which appears in the files and records of the Real Estate Board as the respondent's last known address.

Pamela A. Haack

Pamela A. Haack
Department of Regulation and Licensing

Subscribed and sworn to before me

this 27th day of September, 1996.

Donna R. Riehl

Notary Public
Dane County, Wisconsin
My Commission is Permanent

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Everard Osman P.O. Box
316 Oak Ridge Ct
Darren WI 53114

4a. Article Number

P 213 148 675

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

10-01-96

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

[Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 213 148 675

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	Everard Osman
Street & Number	316 Oak Ridge Ct
Post Office, State, & ZIP Code	Darren WI 53114
Postage	\$ 5.21
Certified Fee	1.10
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 7.41
Postmark or Date	9/27/96 Ordering costs LS950831RFB

PS Form 3800, April 1995

Rec'd 1400 E WASH

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	ORDER FIXING COSTS
	:	Case # LS9508311REB
EVERARD L. OSMAN,	:	
RESPONDENT.	:	

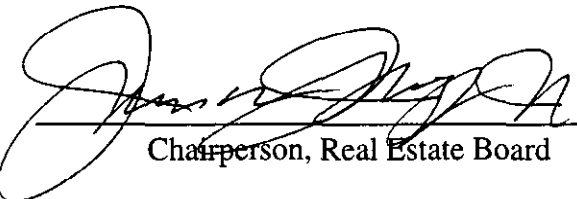
On July 25, 1996, the Real Estate Board filed its Final Decision and Order in the above-captioned matter by which the board ordered that pursuant to sec. 440.22, Wis. Stats., 100% of the costs of this proceeding be assessed against respondent. Pursuant to sec. RL 2.18 (4), Wis. Adm. Code, on July 31, 1996, the board received the *Affidavit of Costs* in the amount of \$711.92, filed by Attorney John R. Zwieg. On August 9, 1996, the board received the *Affidavit of Costs of Office of Board Legal Services* in the amount of \$324.32, filed by Administrative Law Judge Robert T. Ganch. The board considered the affidavits on September 26, 1996, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding in the amount of \$1,036.24, which is 100% of the costs set forth in the affidavits of costs, which are attached hereto and made a part hereof, are hereby assessed against Everard L. Osman, and shall be payable by him to the Department of Regulation and Licensing. **Failure of respondent to make payment on or before October 26, 1996, shall constitute a violation of the Order unless respondent petitions for and the board grants a different deadline.** Under sec. 440.22 (3), Wis. Stats., the department or board may not restore, renew or otherwise issue any credential to the respondent until respondent has made payment to the department in the full amount assessed.

To ensure that payments for assessed costs are correctly receipted, the attached "*Guidelines for Payment of Costs and/or Forfeitures*" should be enclosed with the payment.

Dated this 26th day of September, 1996



Chairperson, Real Estate Board

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST:

EVERARD L. OSMAN,
RESPONDENT.

[Case No. LS 9508311 REB]

AFFIDAVIT OF COSTS
OFFICE OF BOARD LEGAL SERVICES
(SEC. 440.22, STATS.)

STATE OF WISCONSIN)
)ss.
COUNTY OF DANE)

Robert T. Ganch, being first duly sworn on oath, deposes and states as follows:

1. Your affiant is an attorney licensed to practice law in the State of Wisconsin, and is employed by the Wisconsin Department of Regulation & Licensing, Office of Board Legal Services.

2. In the course of his employment, your affiant was assigned as administrative law judge in the above-captioned matter.

3. Set out below are the time and actual costs of the proceeding for the Office of Board Legal Services in this matter.

ADMINISTRATIVE LAW JUDGE EXPENSE

Robert T. Ganch

DATE &
TIME SPENT

ACTIVITY

9/03/95
10 minutes

Review ALJ hearing file, complaint

11/2/95
30 minutes

Review Complaint
Conduct Default Hearing

6/5/96
3 hours, 45 minutes

Review Tape of Hearing and
Exhibits
Prepare Proposed Decision

6/6/96
4 hours, 30 minutes

Prepare Proposed Decision

Total Time Spent.....8 hours 55 minutes

Total administrative law judge expense for Robert T. Ganch:
5 hours, 20 minutes @ \$36.44, salary and benefits:.....\$324.32

REPORTER EXPENSE

-0-

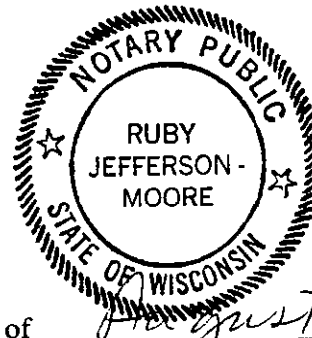
DATE &
TIME SPENT

ACTIVITY

-0-

TOTAL ASSESSABLE COSTS FOR OFFICE OF BOARD LEGAL SERVICES: \$324.32

Robert T. Ganch
Robert T. Ganch
Administrative Law Judge



Sworn to and subscribed before me this 9th day of August, 1996.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

EVERARD L. OSMAN,
RESPONDENT

DIVISION'S AFFIDAVIT
OF COSTS

LS-9508311-REB

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

John R. Zwieg, being duly sworn, deposes and states as follows:

1. That I am an attorney licensed in the state of Wisconsin and is employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement.
2. That in the course of those duties I was assigned as a prosecutor in the above captioned matter.
3. That set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above captioned matter.

PROSECUTING ATTORNEY EXPENSE

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
3/17/95	Initial review of file	30 min
3/22/95	Discussion w/ investigator and tele conv w/ Doug Geske, probation officer	30 min
5/15/96	Review of materials sent by atty. Thorpe on behalf of Lakes area Realtors Assoc.	1 hr 30 min
5/23/95	Review of Geske response and discuss w/ investigator	15 min
6/14/95	Research of law and ltr to Judge Gibbs re. presentence investigation	1 hr
6/26/95	Review of Judge Gibb's reply and discuss w/ investigator	15 min

8/04/95	Review of law and file including extensive Crime Information Bureau material and provide direction for investigation	1 hr 30 min
8/29/95	Draft complaint	2 hr
8/31/96	Obtain ALJ and hearing date and draft notice of hearing	30 min
10/05/95	Review of Respondent's failure to Answer	30 min
11/01/95	Preparation and hearing	3 hr
2/20/96	Tele conv w/ Eileen Vahe of Lakes Area Realtors Assoc.	30 min
7/29/96	Ltr to Eileen Vahe of Lakes Area Realtors Assoc	30 min
6/07/96	Review of proposed decision	45 min
6/21/96	Review of Respondent's objections	30 min
6/28/96	Draft response to Respondent's objections	45 min
7/9/96	Ltr to Eileen Vahe of Lakes Area Realtors Assoc.	30 min
7/30/96	Review Final Decision	15 min

TOTAL HOURS

15 Hours 15 Min.

Total attorney expense for 15 hours 15 minutes at \$41.00 per hour (based upon average salary and benefits for Division of Enforcement attorneys) equals:

\$625.25

INVESTIGATOR EXPENSE

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
3/22/95	Initial review of file, discuss w/ atty. Zwieg, obtain application and send for CIB information	30 min
4/18/95	Ltr to Walworth Co. Circuit Ct.	30 min
5/10/95	Ltr to probation officer Geske	20 min
5/23/95	Discuss Geske response w/ atty. Zwieg	10 min

6/26/95	Discuss Judge Gibbs' response w/ atty. Zwieg	5 min
6/27/96	Prepare Primary Investigation Complete Summary	30 min
6/27/95	Discuss w/ Board advisor	15 min
8/08/95	Ltr to Delavan Police Dept.	30 min
8/10/95	Review of information from Walworth Co. Sheriff's Dept	30 min
8/14/95	Review of information from Delavan Police Dept.	30 min
8/24/95	Tele conv w/ clerk of Delavan Municipal Ct.	15 min
8/28/95	Tele conv w/ clerk of Delavan Municipal Ct.	15 min

TOTAL HOURS

4 Hours 20 Min.

Total investigator expense for 4 hours and 20 minutes at \$20.00 per hour (based upon average salary and benefits for Division of Enforcement investigators) equals:

\$86.67

OTHER EXPENSES

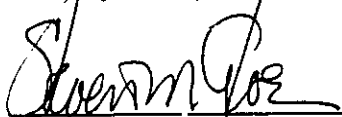
None

TOTAL ASSESSABLE COSTS

\$711.92


John R. Zwieg

Subscribed and sworn to before me this
31st day of July, 1996



Notary Public

My Commission is permanent

I:\legal\osmanc.doc

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529 impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On July 25, 1996, the Real Estate Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$1,036.24 Case #: LS9508311REB

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 1,036.24

The costs and/or forfeitures are due: October 26, 1996

NAME: Everard L. Osman LICENSE NUMBER: 43544

STREET ADDRESS: 316 Oak Ridge Court

CITY: Darien STATE: WI ZIP CODE: 53114

Check whether the payment is for costs or for a forfeiture or both:

X COSTS _____ FORFEITURE

Check whether the payment is for an individual license or an establishment license:

X INDIVIDUAL _____ ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

For Receipting Use Only

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935**

#2145 (Rev. 9/96)
Ch. 440.22, Stats.
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Committed to Equal Opportunity in Employment and Licensing+