

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	LS0503026APP
DALE W. MUSTAS,	:	
RESPONDENT.	:	

The parties to this action for the purposes of Wis. Stat. sec. 227.53 are:

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

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

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 decision of this matter, subject to the approval of the 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

1. Dale W. Mustas (Date of Birth: February 9, 1958) possesses a certificate of licensure to practice in the state of Wisconsin as a Licensed Appraiser in the state of Wisconsin (certificate number 4-114). The certificate was first granted on June 9, 1992, and are current through December 31, 2005
2. Mr. Mustas's most recent address known to the Department of Regulation and Licensing is 670 Florence Drive, Elm Grove, WI 53122.
3. Each person possessing a certificate of licensure as a Licensed Appraiser in the state of Wisconsin must renew that certificate of licensure biennially, by January 1 of each even-numbered year. [Wis. Stat. sec. 440.08(2)(a)12]
4. To be eligible to renew the certificate of licensure for the next biennial registration period, the licensee must have completed at least 28 hours of Department approved continuing education in the previous biennial registration period. [Wis. Stat. sec. 458.13, and Wis. Admin. Code § RL 85.01(1)]
5. Prior to January 1, 2004, the Wisconsin Department of Regulation and Licensing sent Mr. Mustas a Real Estate Appraiser Renewal Application to execute and return with the required fee if Mr. Mustas wished to renew his certificate of licensure in the state of Wisconsin for the January 1, 2004, through December 31, 2005, biennium.

That Real Estate Appraiser Renewal Application contains the following language, immediately above the line which Mr. Mustas was to date and sign:

“I have completed 28 hours of Department-approved education credits, including at least 4 hours in the Uniform Standards of Professional Appraisal Practice (USPAP), between January 1, 2002 and December 31, 2003. I have evidence of this which I will furnish to the Department upon request.”

That Real Estate Appraiser Renewal Application contains the following language immediately below the line which Mr. Mustas was to date and sign:

“MAKING A FALSE STATEMENT IN CONNECTION WITH ANY APPLICATION FOR CREDENTIAL IS GROUNDS FOR REVOCATION OR DENIAL.”

6. Mr. Mustas signed and returned the Real Estate Appraiser Renewal Application certifying that he had completed the continuing education requirements of the Real Estate Appraisers Board during the January 1, 2002, through December 31, 2003, biennium. A copy of the renewal form, dated December 30, 2003, is attached as Exhibit A and is incorporated herein by reference.

7. On February 9, 2004, as part of a random audit which the Real Estate Appraisers Board conducted of its licensees, Mr. Mustas was sent a letter requesting that he send the Board verification that he had completed the 28 hours of approved continuing education, which he had claimed to have completed prior to renewing his license for the January 1, 2004, through December 31, 2005, biennium.

8. Mr. Mustas never submitted documentation that he had completed the 28 hours of approved continuing education hours during the January 1, 2002, through December 31, 2003, biennium.

9. Mr. Mustas did not complete the required 28 hours of approved continuing education during the January 1, 2002, through December 31, 2003, biennium, prior to renewing his license for the January 1, 2004, through December 31, 2005, biennium.

10. Mr. Mustas made a material misstatement on his December 21, 2003, renewal application when he attested that he had completed 28 hours of approved continuing education during the January 1, 2002, through December 31, 2003, biennium.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction over this matter, pursuant to Wis. Stat. sec. 458.26, and Wis. Admin. Code Ch. RL 85.

2. The Wisconsin Real Estate Appraisers Board is authorized to enter into the attached stipulation, pursuant to Wis. Stat. sec. 227.44(5).

3. By not completing the required 28 continuing education credits during the required time frame Dale W. Mustas has violated:

- a. Wis. Stat. sec. 458.13. Continuing Education Requirements.
- b. Wis. Stat. sec. 458.26(3)(a). Made a material misstatement in an application for the certificate or renewal of the certificate or in any other information furnished to the Board or Department.
- c. Wis. Stat. sec. 458.26(3)(b). Engaged in unprofessional conduct in violation of rules promulgated under Wis. Stat. sec. 458.24.
- d. Wis. Stat. sec. 458.26(3)(i). Violated this chapter or any rule promulgated under this chapter.
- e. Wis. Admin. Code Sec. RL 85.01. Continuing Education Requirements.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Dale W. Mustas (certificate #4-114) is hereby **REPRIMANDED**.
 2. Within **one hundred twenty (120) days** of the effective date of this Order, Mr. Mustas must provide proof sufficient to the Real Estate Appraisers Board that he has completed 28 hours of Board approved continuing education, which shall only be applied to the credit hours Mr. Mustas should have obtained during the January 1, 2002 through December 31, 2003 biennium.
 1. **IT IS FURTHER ORDERED** that Mr. Mustas shall pay a forfeiture in the amount of **five hundred dollars (\$500.00)**; and the **amount of two hundred dollars (\$200.00)** partial **assessment of costs** of this proceeding, all to be paid within **one hundred twenty (120) days** of the effective date of the Board's Order adopting the Stipulated Agreement (The effective date of the board's Order is the date of signing by the Board's chair or that person's designee).
 2. The assessed forfeiture and partial assessment of costs shall be payable by cashier's check or money order made payable to the Department Monitor (Place case number on the check or money order and the words "Forfeiture" and/or "Costs").
- Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P. O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264
5. If Dale W. Mustas shall fail to complete the continuing education, pay the forfeiture and partial assessment of costs, or fails to obtain a written extension from the Board to complete same, then Dale W. Mustas shall be considered to be in violation of the Board's Order and may be subjected to further discipline.
 6. The Department of Regulation and Licensing, pursuant to Wis. Stat. sec. 458.26(5), reserves the right to appeal the Board's Final Decision and Order.

REAL ESTATE APPRAISERS BOARD

By: La Marr Franklin
On Behalf of the Board

3-2-05
Date