

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

---

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
DAVID R. OSTERTAG,	:	LS0503028APP
RESPONDENT.	:	

---

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

David R. Osteratg  
3019 Walter Street  
Maplewood, MN 55109

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. David R. Ostertag (Date of Birth: September 21, 1961) possesses a certificate of licensure and a certificate of certification to practice in the state of Wisconsin as a Certified Residential Appraiser and a certificate of licensure to practice in the state of Wisconsin as a Licensed Appraiser in the state of Wisconsin (both using certificate number 9-658). These certificates were first granted on May 13, 1993, and are current through December 31, 2005.
2. Mr. Ostertag's most recent address known to the Department of Regulation and Licensing is 3019 Walter Street, Maplewood, MN 55109.
3. Each person possessing a certificate of licensure and a certificate of certification to practice as a Certified Residential Appraiser in the state of Wisconsin and a certificate of licensure to practice as a Licensed Appraiser in the state of Wisconsin must renew those certificates of licensure and certification biennially, by January 1 of each even-numbered year. [Wis. Stat. secs. 440.08 (2)(a)11 and 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. Ostertag a Real Estate Appraiser Renewal Application to execute and return with the required fee if Mr. Ostertag wished to renew his certificates of licensure and certification in the state of Wisconsin for the January 1, 2004, through December 31, 2005, biennium.

6. Mr. Ostertag elected to renew his certificates by utilizing the Department of Regulation's Online Renewal via the Internet.

The Online Renewal Real Estate Appraiser Renewal Application contains the following language:

"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."

7. Mr. Ostertag completed the Online 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 Online renewal form, dated November 24, 2003 is attached as Exhibit A and is incorporated herein by reference.
8. On February 9, 2004, as part of a random audit which the Real Estate Appraisers Board conducted of its licensees, Mr. Ostertag 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.
9. Mr. Ostertag submitted documentation that he had completed 23 hours of approved continuing education hours during the January 1, 2002 through December 31, 2003 biennium. He later completed 5 additional hours of approved continuing education hours shortly after December 31, 2003. Those 5 additional hours were applied to the January 1, 2002 through December 31, 2003 biennium.
10. Mr. Ostertag 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.
11. Mr. Ostertag 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 David R. Ostertag 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), Stats. 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. David R. Ostertag (certificate #9-658) is hereby **REPRIMANDED**.
2. **IT IS FURTHER ORDERED** that Mr. Ostertag 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 his designee).
3. 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  
Post Office Box 8935  
Madison, WI 53708-8935

4. If David R. Ostertag shall fail to pay the forfeiture and partial assessment of costs, or fails to obtain a written extension from the Board to complete same, then David R. Ostertag shall be considered to be in violation of the Board's Order and may be subjected to further discipline.
  - a. 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