

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
LAWRENCE B. BROKASKE, : LS0610188APP  
RESPONDENT. :

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Division of Enforcement Case No. 06 APP 028

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

Lawrence B. Brokaske  
211 North Nine Mound Road  
Verona, Wisconsin 53593

Real Estate Appraisers Board  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
Post Office Box 8935  
Madison, Wisconsin 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. Lawrence B. Brokaske (Date of Birth: June 30, 1948) possesses a certificate of licensure and a certificate of certification to practice as a Certified General Appraiser and Licensed Appraiser in the state of Wisconsin (certificate number 10-96). These certificates were first granted on November 22, 1991, and are current through December 14, 2007.
2. Mr. Brokaske’s most recent address known to the Department of Regulation and Licensing is 211 North Nine Mound Road, Verona, Wisconsin 53593.
3. Each person possessing certificates of licensure and certification to practice as a Certified General Appraiser and 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. sec. 440.08(2)(a)11.]
4. To be eligible to renew the certificates of licensure and certification 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 December 31 , 2005, the Wisconsin Department of Regulation and Licensing sent Mr. Brokaske a Certified

General Appraiser and Licensed Appraiser Renewal Application to execute and return with the required fee if Mr. Brokaske wished to renew his certificates of licensure and certification in the state of Wisconsin for the January 1, 2006, through December 14, 2007, biennium. That Certified General Appraiser and Licensed Appraiser Renewal Application contains the following language, immediately above the line which Mr. Brokaske was to date and sign:

“I have completed 28 hours of Department-approved education credits, including at least 7 hours in the Uniform Standards of Professional Appraisal Practice (USPAP), between January 1, 2004 and December 31, 2005. I have evidence of this which I will furnish to the Department upon request.”

That Certified General Appraiser and Licensed Appraiser Renewal Application contains the following language immediately below the line which Mr. Brokaske was to date and sign:

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

6. On December 27, 2005, Mr. Brokaske completed and signed the Certified General Appraiser and Licensed Appraiser Renewal Application certifying that he had completed the continuing education requirements of the Real Estate Appraisers Board during the January 1, 2004, through December 31, 2005, biennium. A copy of the Certified General Appraiser and Licensed Appraiser Renewal Application, dated December 27, 2005, is attached as Exhibit A and is incorporated herein by reference.

7. As part of a random audit which the Real Estate Appraisers Board conducted of its licensees, Mr. Brokaske was sent a letter, dated January 27, 2006, 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 certificates of licensure and certification for the January 1, 2006, through December 14, 2007, biennium.

8. Mr. Brokaske submitted documentation that he had completed 30 hours of approved continuing education hours during the January 1, 2004, through December 31, 2005, biennium. One of the courses completed by Mr. Brokaske, however, was not approved by the Department of Regulation and Licensing. That course was not included in the total for the 28 hours of approved continuing

education needed and Mr. Brokaske, consequently, did not have the required approved continuing education hours need in the January 1, 2004, through December 31, 2005, biennium. Mr. Brokaske completed only 23 hours of approved continuing education during the January 1, 2004, through December 31, 2005, biennium.

9. Mr. Brokaske did not complete the required 28 hours of approved continuing education during the January 1, 2004, through December 31, 2005, biennium, prior to renewing his certificates for the January 1, 2006, through December 14, 2007, biennium.

10. Mr. Brokaske made a material misstatement on his December 27, 2005, Certified General Appraiser and Licensed Appraiser Renewal Application when he attested that he had completed 28 hours of approved continuing education during the January 1, 2004, through December 31, 2005, 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 hours during the required time frame Lawrence B. Brokaske 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 § RL 85.01. Continuing Education Requirements.

## **ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED that:**

1. Lawrence B. Brokaske (certificate 10-96) is hereby **REPRIMANDED**.
  2. Within **one hundred twenty (120) days** of the effective date of this Order, Mr. Brokaske must provide proof sufficient to the Board that he has completed 28 hours of approved continuing education, which shall only be applied to the credit hours Mr. Brokaske should have obtained during the January 1, 2004, through December 31, 2005, biennium.
  3. **IT IS FURTHER ORDERED** that Mr. Brokaske shall pay a **forfeiture** in the amount of **FIVE HUNDRED dollars (\$500.00)**, and the amount of **ONE HUNDRED FIFTEEN dollars (\$115.00)** for a **full 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.
  4. 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, Wisconsin 53708-8935
5. If Lawrence B. Brokaske fails to provide proof sufficient to the Board concerning the continuing education, fails to pay the forfeiture and full assessment of costs, or fails to obtain a written extension from the Board to complete same, then Lawrence B. Brokaske shall be considered to be in violation of the Board's Order and may be subjected to further discipline.
  6. The effective date of the board's Order is the date of signing by the Board's chair or designee.

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel  
On Behalf of the Board

10-18-2006  
Date

CREDENTIAL NO.  
0000096-010

GRANT DATE: 11/22/1991

PLEASE COMPLETE THE BACK OF THIS FORM IN ORDER TO RENEW

Payment by Credit Card: ☐ VISA ☐ MASTERCARD ☐ AMEX ☐ DISCOVER ☐ Signature CHICK Exp. Date 11/6/05 12/27/05 02.04

PLEASE PRINT NAME/ADDRESS  
CHANGES IN SPACE BELOW

LAWRENCE B BROKASKE  
211 N NINE MOUND RD  
VERONA WI 53593

State of Wisconsin

DEPARTMENT OF REGULATION AND LICENSING  
CERTIFIED GENERAL APPRAISER AND LICENSED APPRAISER  
STATUS  
ACTIVE

PIN: HFRWFA

12/31/2005

209.00  
If late, add \$25.00

Amt Pd. \$ 209.00

☐ PLEASE DO NOT DISCLOSE MY NAME/ADDRESS ON LISTS  
010-RENEWAL 159.00

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
PO BOX 2974  
MILWAUKEE WI 53201-2974

TOTAL 209.00

DO NOT WRITE BELOW THIS POINT

01000000960002090000234008

TO AVOID A LATE PENALTY FEE, YOUR RENEWAL APPLICATION AND FEE MUST ACTUALLY BE RECEIVED BY THE DEPARTMENT ON OR BEFORE THE DUE DATE.  
THE DATE OF MAILING, AS INDICATED BY A POSTMARK, IS NOT EVIDENCE OF RECEIPT.  
FULL PAYMENT INCLUDING ANY PENALTY FEES THAT MAY APPLY MUST BE RECEIVED BY THE DEPARTMENT BEFORE YOUR LICENSE WILL BE ISSUED. IF YOU  
DO NOT APPLY FOR RENEWAL BY THE RENEWAL DEADLINE, YOUR LICENSE WILL EXPIRE AND YOU MAY NOT USE CERTAIN TITLES, AS NOTED ABOVE.

PLEASE COMPLETE THE FOLLOWING INFORMATION WHICH IS REQUIRED IN ORDER TO RENEW YOUR LICENSE:

☒ I have completed 28 hours of Department-approved continuing education credits, including at least 7 hours in the Uniform Standards of Professional Appraisal Practice (USPAP), between January 1, 2004 and December 31, 2005. I have evidence of this which I will furnish to the Department upon request.

OR

☐ If initial credential was granted in 2005, I have completed 14 hours of Department-approved continuing education credits, including at least 7 hours in the Uniform Standards of Professional Appraisal Practice (USPAP), between January 1, 2004 and December 31, 2005. I have evidence of this which I will furnish to the Department upon request.

Date: 12-27-05

Signature: Lawrence B Brokaske

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

STATE'S  
EXHIBIT

A

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 : STIPULATION  
LAWRENCE B. BROKASKE, : LS# \_\_\_\_\_  
RESPONDENT. :

Division of Enforcement Case No. 06 APP 028

It is hereby stipulated between Lawrence B. Brokaske, Respondent, and John C. Temby, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Mr. Brokaske by the Division of Enforcement (06 APP 028). Mr. Brokaske consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Brokaske understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Mr. Brokaske is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this Stipulation.
4. Mr. Brokaske agrees to the adoption of the attached Final Decision and Order by the Real Estate Appraisers Board (hereinafter “Board”). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Mr. Brokaske 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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 Enforcement and the member of the Board assigned as advisor in this investigation may appear before the Board in open and closed session, without the presence of Mr. Brokaske or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board’s deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Mr. Brokaske is informed that should the Board adopt this Stipulation, the Final Decision and Order is a public record and will be published in accordance with standard Department procedures.
8. The Division of Enforcement joins Lawrence B. Brokaske in recommending the Board adopt this Stipulation and

issue the attached Final Decision and Order.

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**Lawrence B. Brokaske**

Respondent  
211 North Nine Mound Road  
Verona, Wisconsin 53593  
License number: 10-96

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Date

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**John C. Temby**

Attorney  
Division of Enforcement  
Department of Regulation and Licensing  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

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Date