

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
DAVID KOLESARI,	:	
RESPONDENT.	:	ORDER 0002585

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Division of Legal Services and Compliance Case No. 13 RHI 071

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

David Kolesari  
5760 S. 108<sup>th</sup> St., Apt. 216  
Hales Corners, WI 53130

Wisconsin Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Legal Services and Compliance  
Wisconsin Department of Safety and Professional Services  
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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent David Kolesari (dob August 18, 1969) is licensed in the State of Wisconsin as a Home Inspector, having license number 86-106, first issued on September 21, 1998, and current through December 14, 2014. Respondent's most recent address on file with the Department is 5760 South 108<sup>th</sup> Street, Apartment 216, Hales Corners, Wisconsin 53130.

2. In order to renew his home inspector registration, Respondent needed to take 20 hours of continuing education in each calendar year.

3. On or about December 16, 2012, Respondent submitted an online renewal application certifying he had taken 23 credits of continuing education in 2011 and 20 in 2012.

4. Respondent reported that he had taken an 8 credit Asbestos Inspector Refresher Course in 2012. That class was actually 4 credits.

5. Because of that misrepresentation, Respondent did not have 20 credits in 2012 or 40 credits for the biennium.

6. Respondent did take a 8 credit Lead Risk Assessor Refresher Course on January 7, 2013.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.978, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Kolesari has made a material misstatement in an application for renewal of a certificate pursuant to Wis. Stat. § 440.978(2)(a).

3. By the conduct described in the Findings of Fact, Respondent Kolesari violated Wis. Admin. Code § SPS 135.02(2) by failing to complete at least 20 hours of continuing education during each calendar year.

4. As a result of the violations noted in the Conclusions of Law, Respondent Kolesari is subject to discipline pursuant to Wis. Stat. § 440.978(2)(a) and (m).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent David Kolesari is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$85.00.

4. Respondent may not use the credits earned on January 7, 2013, in the Lead Risk Assessor Refresher Course for continuing education credits during the 2013-2014 biennium.

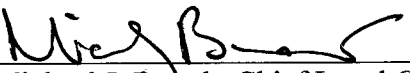
5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

6. 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 Department 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 payment of the costs as ordered and as set forth above, Respondent's license (no. 86-106) may, in the discretion of the Department, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By:   
Michael J. Berndt, Chief Legal Counsel  
On Behalf of the Department

9/10/13  
Date