

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services, 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 Safety and Professional Services 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 DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

EUGENE A. BIALOZOR,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 000779 1

Division of Legal Services and Compliance Case No. 20 RHI 015

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

Eugene A. Bialozor
Sun Prairie, WI 53590

Wisconsin Department of Safety and Professional Services
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Eugene A. Bialozor (Birth Year 1965) is registered by the State of Wisconsin as a home inspector, having registration number 3034-106, first issued on April 4, 2017 and current through December 14, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Sun Prairie, Wisconsin 53590.

2. On December 9, 2020, the Department received a complaint alleging that Respondent failed to disclose on a home inspection report that there were three non-functional exterior GFCI electrical outlets, which Complainant had to pay an electrician to fix. The complaint alleged that Respondent failed to properly cure the issues. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 RHI 015 for investigation.

3. In April 2020, Complainant hired Respondent to perform a home inspection on a property located in Sun Prairie, Wisconsin that Complainant had made an offer to purchase.

4. On April 14, 2020, Respondent performed the inspection. Respondent subsequently prepared a home inspection report for Complainant.

5. On May 15, 2020, Complainant closed on the property.

6. On May 26, 2020, Complainant attempted to use three exterior GFCI electrical outlets and found them to be non-functional.

7. On May 27, 2020, Complainant contacted Respondent about the issue, and Respondent fixed one of the three outlets, but was unable to fix the other two. Respondent promised to return to fix the remaining outlets, but he did not return.

8. On June 25, 2020, Complainant paid an electrician to fix the outlets.

9. On February 1, 2021, Respondent sent the Department a copy of the home inspection report and stated that he would reimburse Complainant for the money Complainant paid to fix the outlets.

10. A review of the home inspection report found that it did not adequately address the electrical and exterior inspection requirements as required by Wis. Admin. Code § SPS 131.32(7).

11. On June 3, 2021, Respondent emailed the Department an updated sample home inspection report which had been corrected to address all statutory and code requirements.

12. On July 11, 2021, the Complainant told the Department that Respondent had not reimbursed him.

13. On August 10, 2021, the Department emailed Respondent to remind him that he had not reimbursed Complainant.

14. On September 2, 2021, Respondent informed the Department that he had reimbursed Complainant. The Department confirmed with Complainant that payment had been received.

15. 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 violated Wis. Admin. Code § SPS 131.32(7)(a)8. by failing to properly observe and describe the condition of the ground fault circuit interrupters.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.978(2)(b) by engaging in conduct that evidences a lack of ability to apply professional principles.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 440.978(2)(b) and (m).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Eugene A. Bialozor is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent Eugene A. Bialozor shall pay the COSTS of this matter in the amount of \$948.

4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be 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 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

This information may also be submitted online via DSPS' Monitoring Case Management System at: <https://dspsmonitoring.wi.gov/>

5. In the event Respondent violates any term of this Order, Respondent's registration (number 3034-106), or Respondent's right to renew his registration, may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Department may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

by: Al Rohmeyer
A Member of the Department

1/28/2022
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

EUGENE A. BIALOZOR,
RESPONDENT.

STIPULATION

ORDER 0007791

Division of Legal Services and Compliance Case No. 20 RHI 015

Respondent Eugene A. Bialozor and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

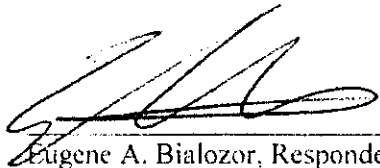
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:
 - the right to a hearing on the allegations against Respondent, 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 Respondent;
 - the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
 - the right to testify on Respondent's own behalf;
 - 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Department of Safety and Professional Services (Department). 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. Respondent waives all rights to any appeal of the Department's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the

Stipulation is not accepted by the Department, the parties agree not to contend that the Department 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 Legal Services and Compliance and any member of the Department ever assigned as an advisor in this investigation may appear before the Department in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Department may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Department should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.



Eugene A. Bialozor, Respondent
Sun Prairie, WI 53590
Credential No. 3034-106

12-21-21
Date

Matthew McCasland, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

Date

Stipulation is not accepted by the Department, the parties agree not to contend that the Department 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 Legal Services and Compliance and any member of the Department ever assigned as an advisor in this investigation may appear before the Department in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Department may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Department should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.

Eugene A. Bialozor, Respondent
Sun Prairie, WI 53590
Credential No. 3034-106

Date



Matthew McCasland, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

1-4-22

Date