

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

RUSSELL K. BERG, :
RESPONDENT. :

FINAL DECISION AND ORDER
LS0411071RHI

Division of Enforcement Case

No. 02 RHI 014

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

Russell K. Berg
PO Box 14666
West Allis, WI 53214

Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708

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 disposition of this matter, subject to the approval of the Secretary for the Department of Regulation and Licensing (“Department”). The Secretary has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department has adopted the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Russell K. Berg (“Respondent”), date of birth 06/27/40, is licensed in the State of Wisconsin as a Home Inspector having license #106-215. This license was first granted to him on 10/20/98. Respondent’s last reported address on file with the Department of Regulation and Licensing is PO Box 14666, West Allis, WI 53214.

2. On or about June 19, 2002, Respondent performed a home inspection for Mr. and Mrs. Meekings for property located at S69 W24600 W. Longview Ct., Waukesha, WI. There is no contract made between the parties for any services provided.

3. Mr. Berg provided a narrative report of the inspection he made of the property. The narrative report does not address the following items required under Wis. Admin. Code §RL 134.03:

1. Description of the type and condition of the foundation.
2. Description of the type and condition of columns.
3. Description of the type and condition of flooring systems.
4. Description of the type of roof covering.
5. Description of the methods used to observe the roof.
6. Location of the main and distribution panels.
7. Description of service type as overhead or underground.
8. Description of branch circuit conductors, their over current devices, and the compatibility of their ampacities and voltages, including any aluminum branch circuit wiring.
9. Description of the polarity and grounding of all receptacles within 6 feet of interior plumbing

- fixtures, in the garage or carport, and on the exterior of inspected structures.
10. Description of the operation of ground fault circuit interrupters.
 11. The functionality of the power sources for smoke detectors.
 12. Description of interior walls, ceilings and floors.
 13. Description of interior steps, stairways, balconies and railings.
 14. Description of interior counters and all sink base cabinets.
 15. Description of interior separation walls, ceilings, and doors between a dwelling unit and an attached garage or another dwelling unit.
 16. Description of heating distribution system.
 17. Description of energy source.
 18. Description of cooling and air handling energy source.
 19. Description of cooling and air handling normal operating controls.
 20. Description of bathroom venting system.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stats. §440.978.

2. The Wisconsin Department of Regulation and Licensing is authorized to enter into the attached Stipulation pursuant to Wis. Stats. §227.44(5).

3. Respondent has violated Wis. Stats. §440.975(3)(a) and Wis. Admin. Code §§RL 134.03 and 134.04(1)(a) and (b) by failing to include the items listed in paragraph 3 of the Findings of Fact in his home inspection report.

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED:

1. That Respondent Russell K. Berg, license #106-215, be, and hereby is, REPRIMANDED.
2. That Respondent pay PARTIAL COSTS in this matter in the amount of \$500.00 within 60 days of the date of this Order.
3. That Respondent shall submit to the Department of Regulation and Licensing an inspection form that complies with the requirements of the law within 30 days of the date of this Order.
4. That Respondent shall submit to the Department of Regulation and Licensing copies of the first five inspections he conducts using his revised form for review.
5. That any and all petitions, requests, reports and payments required by this Order shall be mailed, faxed or delivered to:

Department Monitor

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

6. That violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license to practice as a home inspector in Wisconsin. Should the Department determine that there is probable cause to believe that Respondent has violated the terms of this Order, the Department may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

7. That file 02 RHI 014 be, and hereby is, closed.

Date: 11-07-04

Sandra Rowe
Deputy Secretary