

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	:	
	:	FINAL DECISION & ORDER
RICHARD A. GOTZ,	:	LS0412011RHI
RESPONDENT.	:	

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

Richard A. Gotz
W817 Harmony Lane
East Troy, WI 53120

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Office of the Secretary
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Secretary of the Department of Regulation and Licensing. The Secretary has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Secretary in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Richard A. Gotz (“Respondent”), whose date of birth is April 10, 1944, holds a certificate as a registered home inspector in the state of Wisconsin (#106-99). Respondent was first issued the certificate on September 23, 1998, and the certificate is current until December 31, 2006.
2. Respondent’s last address reported to the Department of Regulation and Licensing (“Department”) is W817 Harmony Lane, East Troy, WI, 53120.
3. Respondent does business as “Home Inspections by Firm Footings, LLC.”
4. On or about June 20, 2002, Respondent was paid by J.R. to conduct an inspection of a home located at 3640 West Lakefield Drive, Milwaukee, Wisconsin, 53215.
5. Respondent estimated that the roof was twenty to twenty-five years old, that there were loose and missing shingles, that over 80% of the shingles were cracked, and that shingles were cupping and curling. Despite these observations, Respondent

wrote, "If not for the missing shingles life of roof should still be between 3-5 years."

6. Relying upon the inspection J.R. purchased the home.

7. Within three weeks after moving in J.R. observed water leaks from the roof. Respondent came to J.R.'s home with a roofing inspector of his choice, who concluded that the roof should be replaced.

8. Per Wis. Stat. § 440.978(2), the Department may reprimand a home inspector, or limit, suspend or revoke a certificate under this subchapter if the Department finds that the home inspector has done any of the following:

(b) Engaged in conduct while practicing as a home inspector that evidences a lack of knowledge or ability to apply professional principles or skills.

9. Respondent by stating that the roof had a remaining life of up to five years, overstated his opinion of the condition of the home, or rendered an opinion regarding the life expectancy of the home which he was not qualified by training, education and experience to give, either of which is a violation of accepted ethical standards for the home inspection industry.

MITIGATING FACTORS

1. Respondent has been truthful and not evasive in his dealings with the Department of Regulation and Licensing, Division of Enforcement, which has greatly reduced the burden of investigating and prosecuting this matter.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 440.78, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4-7, and 9, above, constitutes one or more violations of Wis. Stat. § 490.978(2), engaging in any practice that "evidences a lack of... ability to apply professional principles," namely, the ethical standards accepted by the profession of home inspectors.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The credential of RICHARD A. GOTZ to practice as a Registered Home Inspector in the State of Wisconsin is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent shall, within thirty (30) days from the date of this Order, pay partial costs of this proceeding in the amount of two hundred dollars (\$200.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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

3. 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 Secretary or his or her designee, in his or her

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 any payment of costs as set forth above, the Respondent's credential (#106-99) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

4. This Order is effective on the date of signing.

Secretary of the Department of Regulation and Licensing (or Designee)

By:	Sandra M. Row	3-3-05
	Secretary or Designee	Date