

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF A PETITION :
FOR AN ADMINISTRATIVE :
INJUNCTION INVOLVING : FINAL DECISION AND SPECIAL
 : ORDER OF INJUNCTION
JEFF A. BERGEMANN, : WIS. STAT. SEC. 440.21
 : LS#0505092UNL
RESPONDENT. :

Division of Enforcement File: 03 UNL 111

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

Jeff A. Bergemann
7838 Sacred Place
Eagle River, WI 54521

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

Wisconsin 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 decision of this matter, subject to the approval of the 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

1. Jeff A. Bergemann, Respondent, has never been registered as a home inspector in the State of Wisconsin pursuant to Subchapter X of Chapter 440 of the Wisconsin Statutes. Respondent has created brochures and business cards, and has advertised in the yellow pages, on the internet and on the side of a vehicle owned by him in a manner that represented himself to be a home inspector; and has made verbal statements to another person that a reasonable person would interpret as representing that Respondent is a registered home inspector.

2. Wis. Stat. § 440.9712(1), prohibits any person from acting as a home inspector, using the title “home inspector,” using any title or description that implies that a person is a home inspector, or representing himself or herself to be a home inspector in the State of Wisconsin unless the person is registered with the Department of Regulation and Licensing, pursuant to Subchapter X of Chapter 440 of the Wisconsin Statutes.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter pursuant to Wis. Stat. § 440.21(1) and (2).
2. The Wisconsin Department of Regulation and Licensing is authorized to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).
3. Respondent, Jeff A. Bergemann, has engaged in activities that constitute using the title home inspector, a title or description that implies that he is a home inspector, and represented himself to be a home inspector in the State of Wisconsin in violation of Wis. Stat. § 440.9712, as set forth in paragraph 1 of the Findings of Fact, above.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent, Jeff A. Bergemann, is enjoined and prohibited from acting as a home inspector, using the title “home inspector,” using any title or description that implies that he is a home inspector, and representing himself to be a home inspector in the State of Wisconsin, unless and until he is registered as a home inspector pursuant to Subchapter X of Chapter 440 of the Wisconsin Statutes.

IT IS FURTHER ORDERED that Respondent, Jeff A. Bergemann, be, and hereby is, notified that any person who violates a special order such as this, after it is issued under Wis. Stat. § 440.21, may be required to forfeit not more than \$10,000.00 for each offense, and that each day of continued violation constitutes a separate offense.

Dated at Madison, Wisconsin this 8th day of July, 2005.

Celia M. Jackson
Secretary
Department of Regulation and Licensing