

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
	:	
JAY D. HELMUELLER,	:	
	:	LS0710245RHI
RESPONDENT.	:	

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Division of Enforcement Case No. 07 RHI 013

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

Jay D. Helmueller  
W7657 County Road J  
Beldenville, WI 54003

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

Real Estate Board  
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. Jay D. Helmueller (“Helmueller”), whose date of birth is October 9, 1968, is duly licensed as a Registered Home Inspector in the state of Wisconsin (106-1809). Mr. Helmueller’s most recent address of record on file with the Department of Regulation and Licensing (“Department”) is W7657 County Road J, Beldenville, WI 54003. The license was first granted on September 7, 2005, and is due to expire on December 14, 2008.
2. On December 8, 2006, Mr. Helmueller submitted an application to renew his license as a registered home inspector, and hand wrote in the following statement: “I was disabled from December 5, 2005 to October 1, 2006, and have not completed my continuing education.”

3. Relying on this statement, the Department's credentialing staff renewed Mr. Helmueller's license, and granted him until June 30, 2007, to complete the required continuing education for the 2004-2006 bi-ennium. To date, the Department has received no proof of completion of continuing education for the 2004-2006 bi-ennium.

4. Per Wis. Admin. Code § RL 135.02 (2), "A registered home inspector shall complete at least 20 hours of continuing education during each calendar year."

5. Per Wis. Admin. Code § RL 135.01 (1) chapter RL 135 is adopted pursuant to 440.974, Stats.

6. Per Wis. Stat. § 440.978 (2), "the department may reprimand a home inspector or deny, limit, suspend or revoke a certificate under this subchapter if the department finds that the... home inspector has done any of the following: ... (m) Violated this subchapter or any rule promulgated under this subchapter.

### CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction to act in these matters pursuant to Wis. Stat. § 440.978.

2. The Wisconsin Real Estate Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44 (5).

3. By failing to complete 20 hours of continuing education per year, as set forth more fully above in paragraphs 2-3 of the Findings of Fact, **Jay d. Helmueller** has committed one or more violations of Wis. Admin. Code § RL 135.02, thereby subjecting himself to discipline per Wis. Stat. § 440.978 (2) (m).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The offer of **Jay D. Helmueller** to VOLUNTARILY SURRENDER his license as a Registered Home Inspector (#106-1809) shall be, and hereby is, ACCEPTED. Respondent shall submit all indicia of licensure within thirty (30) days of the date of signing of this Order.
2. Respondent shall pay the costs of the Division of Enforcement in investigating this matter, in the amount of \$225.00 within ninety (90) days of the date of signing of this Order.
3. All payments and submissions required by this Order shall be mailed 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) 261-7904

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

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: Celia M. Jackson, Secretary

10/24/2007

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
JAY D. HELMUELLER,	:	
	:	
	:	LS# _____
RESPONDENT.	:	

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Division of Enforcement Case No. 07 RHI 013

It is hereby stipulated between Jay D. Helmueller, Respondent; and Mark A. Herman, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent’s licensure by the Division of Enforcement (Case No. 07 RHI 013). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided with the opportunity to obtain the advice of legal counsel prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Secretary of the Department of Regulation and Licensing. 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 Secretary’s order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Secretary, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Secretary, the parties agree not to contend that the Secretary has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement may appear before the Secretary in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that the Secretary may have in connection with her deliberations on the Stipulation.
7. Respondent is informed that should the Secretary adopt this Stipulation, the Secretary’s final decision and order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondents in recommending the Secretary adopt this Stipulation and issue the attached Final Decision and Order.

**Jay D. Helmueller**, Respondent  
W7657 County Road J  
Beldenville, WI 54003

Date

Mark A. Herman, Attorney  
Division of Enforcement

Date