

# 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  
MICHAEL J. ORTNER, :  
RESPONDENT. : ORDER 0000 865

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Division of Enforcement Case No. 09 RHI 011

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

Michael J. Ortner  
P.O. Box 38  
Suamico, WI 54173

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

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 Wisconsin Department of Regulation and Licensing ("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 Michael J. Ortner (dob 05/05/1966) is registered in the State of Wisconsin as a Home Inspector, having license number 106-1983, first issued on 07/28/2006 and current through 12/14/2012. Respondent's most recent address on file with the Department is P.O. Box 38, Suamico, Wisconsin 54173.

2. On or about October 13, 2009, the Department received a complaint against Respondent alleging incompetent practice. Division of Enforcement Case Number 09 RHI 011 was subsequently opened for investigation.

3. On May 28, 2009, Respondent performed a home inspection for a property located at 1026 Pine Street, Green Bay, Wisconsin. Subsequent to the home inspection, Respondent provided the home inspection client with an inspection report.

4. The Department's investigation revealed that in his home inspection report, Respondent failed to:

- a. describe the condition of all inspected components; and
- b. list the components of an improvement to residential real property that the home inspector is required to inspect under the rules promulgated under s. 440.974(1)(b);

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing 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 Finding of Fact 4, Respondent violated:

- a. Wis. Admin. Code § RL 134.03 by failing to describe the condition of all inspected components; and
- b. Wis. Stat. § 440.975(3)(a) by failing to list the components of an improvement to residential real property that he was required to inspect under the rules promulgated under s. 440.974(1)(b).

3. As a result of the above violations, Respondent has violated Wis. Stat. § 440.975(2), thereby subjecting himself to discipline pursuant to Wis. Stat. §§ 440.978(2)(b) and (m).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. The Home Inspector license issued to Respondent Michael J. Ortner (license number 106-1983) is hereby LIMITED as follows:
  - a. Respondent shall, within six months of the date of this Order, successfully complete one course relating to Report Writing for Home Inspectors.
  - b. Respondent shall submit proof of completion in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used

to satisfy any continuing education requirements that have been or may be instituted by the Wisconsin Department of Regulation and Licensing or similar authority in any state.

c. The Limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Department or its designee that he has successfully completed the ordered education.

3. Respondent shall, within six months of the date of this Order, pay COSTS of this matter in the amount of Seven Hundred and Ninety Dollars (\$790).

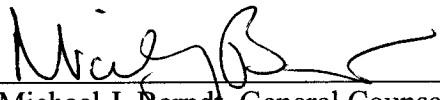
4. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Regulation and Licensing) shall be mailed, faxed or delivered by Respondent to the Department Monitor at the address below:

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

5. 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 Department in its 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 payment of the costs as ordered or fails to comply with the ordered education as set forth above, Respondent's license (106-1983) may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the forfeiture and costs and completion of the education.

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

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

by:   
Michael J. Berndt, General Counsel  
On behalf of the Department

5/19/11  
Date