

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

GARY T. GETCHEL,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0001915**
:

Division of Enforcement Case No. 11 RHI 001

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

Gary T. Getchel
8700 N. Clear Lake Rd.
Milton, WI 53563

Wisconsin Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

Division of Enforcement
Wisconsin Department of Safety and Professional Services
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 Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Gary T. Getchel is licensed in the State of Wisconsin as a Home Inspector, having license number 106-1235, first issued on 03/21/2003 and current through 12/14/2012. Mr. Getchel's most recent address on file with the Department is 8700 N. Clear Lake Rd., Milton, WI 53563.

2. On or about September 29, 2010, Respondent Getchel performed a home inspection for a property located at 2916 King St., Delavan, Wisconsin.

3. On or about March 23, 2011, the Department received a complaint alleging that there were multiple problems with the subject property that were not reported in Respondent Getchel's home inspection report. Division of Enforcement case number 11 RHI 001 was subsequently opened for investigation.

4. During the Department's investigation, the following omissions and deficiencies were identified in the home inspection report:

- a. Failure to report that the firewall in the garage had a hole in it;
- b. Failure to report many defects in the kitchen;
- c. Failure to report a supply valve on the water heater; and
- d. Failure to describe the type and condition of certain required items, including but not limited to, flooring systems in the kitchen and bathroom.

5. In resolution of this matter, Respondent Getchel consents to the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services 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 the Findings of Fact, Respondent violated Wis. Stat. § 440.975(2) and Wis. Admin. Code § RL (now SPS) 134.02(1) by failing to perform a reasonably competent and diligent inspection to detect observable conditions of an improvement to residential real property.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § RL (now SPS) 134.03 by failing to inspect, and report on, all of the required items that were present on the property at the time of inspection.

4. As a result of the violations noted in the Conclusions of Law, Respondent Getchel is subject to discipline pursuant to Wis. Stat. §§ 440.978(2)(b) and (m).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Gary T. Getchel is hereby REPRIMANDED.
2. The Home Inspector license of Gary T. Getchel (license number 106-1235) is hereby LIMITED as follows:

a. Respondent shall, within six months of the date of this Order, successfully complete a course on report writing for home inspectors, offered by a provider pre-approved by the Department Monitor, including taking and passing any exam offered for the course.

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 Department or similar authority in any state.

c. This 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 Respondent has successfully completed all of the ordered education.

3. Within 90 days of the date of this Order, Respondent Getchel shall pay COSTS of this matter in the amount of \$963.00.

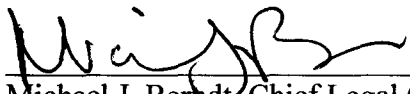
4. Proof of successful course completion and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
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 submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 106-1235) 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 costs and completion of the education.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, Chief Legal Counsel
On Behalf of the Department

7/11/12
Date