

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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2. On or about October 23, 2012, Respondent performed a home inspection for a property located at N6016 Highway 180, Marinette, Wisconsin 54143.

3. On or about December 27, 2012, the Department received a complaint alleging that there were many problems with the subject property that were not reported in Respondent's home inspection report. Division of Legal Services and Compliance Case Number 12 RHI 012 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 uneven basement steps;
- b. Failure to report leaking combustion products at the furnace into the flue/exhaust; and
- c. Failure to observe or report signs of a bad foundation, including a bend in the foundation on the front of the house, the stoop separating from the foundation, multiple cracks/loose blocks, and a bulge in the basement paneling.

5. The Department's investigation further revealed that Respondent was using a home inspection contract form that contained a limitation of liability statement.

6. In resolution of this matter, Respondent consents to the entry of 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 § SPS 134.02(1) by failing to perform a reasonably competent and diligent inspection.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § 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 the home inspection.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.976 by including in an agreement to conduct a home inspection, a provision that limits his liability.

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

ORDER


1. The attached Stipulation is accepted.
2. Respondent Jeffrey S. Potter is REPRIMANDED.
3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$916.00.
4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 and as set forth above, Respondent's license (no. 1223-106) may, in the discretion of the Department, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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

6/25/13
Date