

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	:	
	:	FINAL DECISION AND ORDER
MICHAEL J. BERMAN,	:	
RESPONDENT.	:	
	:	ORDER 0002676

Division of Legal Services and Compliance Case No. 13 RHI 127

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

Michael J. Berman
4552 Rutland-Dunn Town Line Rd
Oregon, WI 53575

Division of Legal Services and Compliance
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 Michael J. Berman (dob July 3, 1953) is registered in the State of Wisconsin as a Home Inspector, having license number 2226-106, first issued on July 21, 2008 and current through December 14, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4552 Rutland-Dunn Town Line Road, Oregon, Wisconsin 53575.

2. In 2013, Department commenced an audit of all registered home inspectors' continuing education requirements for the 2011-2012 biennium.

3. On Respondent's 2012 renewal application, Respondent certified that he had completed 20 hours per year for a total of 40 hours of continuing education within the last biennium.

4. Pursuant to the Department audit, Respondent was found to be non-compliant with the continuing education requirements for registered home inspectors. During the 2011-2012 biennium, Respondent completed 32 credits out of 40.

5. During July 2013, Respondent completed 8 credits to apply retroactively to the 2011-2012 biennium. This course was titled "Wood Destroying Organisms."

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. Admin Code § SPS 135.02(2) by failing to complete at least 20 hours of continuing education during each calendar year for the 2011-2012 biennium.

3. By the conduct described in the Findings of Fact, Respondent is subject to discipline pursuant to Wis. Stat. § 440.978(2)(a) by making a material misstatement in an application for a certificate or renewal of a certificate.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Michael J. Berman is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay COSTS of investigating and prosecuting this matter in the amount of \$70.

4. None of the education completed pursuant to Statement of Fact number 5 may be used to satisfy any continuing education requirements that have been or may be instituted by the Department for the 2013-2014 biennium.


5. Respondent shall submit payment (payable to the Department of Safety and Professional Services) required by or relevant to this Order 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

6. 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. 2226-106) may, in the discretion of the Department, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

7. 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

10/11/13
Date