

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

RICKY D. BURKMAN,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0002689

Division of Legal Services and Compliance Case No. 13 RHI 247

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

Ricky D. Burkman
525 Shadow Dr.
Washburn, WI 54891-9477

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 Ricky D. Burkman (dob July 1, 1959) is registered in the State of Wisconsin as a Home Inspector, having license number 1370-106, first issued on January 2, 2004, and current through December 14, 2014. Respondent's most recent address on file with the Department is 525 Shadow Drive, Washburn, Wisconsin 54891-9477.

2. In 2013, the Department commenced an audit of registered Home Inspector continuing education for the 2011-12 biennium.

3. On Respondent's 2012 renewal application, Respondent certified that he had completed 20 hours of continuing education per calendar year for a total of 40 hours of continuing education within the 2011-12 biennium.

4. Pursuant to the Department audit, Respondent was found to be noncompliant with the continuing education requirements for registered home inspectors in the 2011-12 biennium as Respondent has not provided proof of completion of any hours of continuing education.

5. From February to August 2013, Respondent completed 42 hours of continuing education, which were applied retroactively to satisfy Respondent's continuing education requirements for the 2011-12 biennium. These courses included the following: "How to Inspect the Exterior," "Attic, Insulation, Ventilation, and Interior," "Safe Practices for the Home Inspector," and "Appliance Inspection Course."

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 Ricky D. Burkman is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$80.00.

4. Any continuing education hours listed above in Finding of Fact, paragraph 5, that were completed and applied retroactively to satisfy Respondent's continuing education requirements for the 2011-12 biennium may not be used to satisfy any other registered home inspector continuing education requirements with the Department.

5. 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:

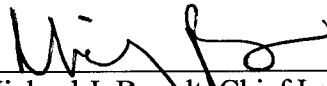
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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. 1370-106) 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

10/22/13

Date