

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 R. HORENBERGER,	:	
RESPONDENT.	:	ORDER 0002690

Division of Legal Services and Compliance Case No. 13 RHI 199

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

Michael R. Horenberger
2931 S. 126th St.
New Berlin, WI 53151

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 R. Horenberger (dob July 20, 1953) is registered in the State of Wisconsin as a Home Inspector, having license number 32-106, first issued on September 11, 1998, and current through December 14, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2931 South 126th Street, New Berlin, Wisconsin 53151.

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 he did not complete any hours of continuing education, during the 2011-12 biennium.

5. 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. 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. The VOLUNTARY SURRENDER of Respondent Michael R. Horenberger's Home Inspector License (number 32-106) is hereby ACCEPTED.

3. Respondent shall not perform home inspections in the State of Wisconsin without being licensed to do so by the Department.

4. Respondent's right to re-apply for a home inspector license with the Department is limited as follows:

a. Respondent shall not re-apply for a home inspector license with the Department for a period of 2 years from the date of this Order.

b. Respondent shall pay COSTS of this matter in the amount of \$32.17, before any such application may be considered.

c. Respondent shall successfully complete, during the biennial period immediately preceding the application, the continuing education requirements specified in Wis. Admin. Code § SPS 135.02. The education completed pursuant to this limitation may not be used to satisfy any other registered home inspector continuing education requirements with the Department.

d. Respondent shall submit a new application for licensure and meet all requirements for licensure or certification existing at the time of the request.

e. The Department may determine whether and under what terms and conditions such licensure may be granted.

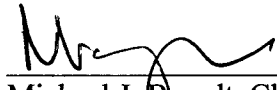
5. Respondent shall submit proof of successful completion of the continuing education requirements and payment of costs (payable to the Wisconsin Department of Safety and Professional Services) with any application.

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 revocation of Respondent's right to re-apply for licensure. 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.

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

10/23/13
Date

RECEIVED
OCT 21 2013
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DIVISION OF PROFESSIONAL SERVICES