

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

BRANDON K. DITTBERNER,  
RESPONDENT.

:  
:  
: NOTICE OF SUSPENSION  
: AND NOTICE OF RIGHT  
: TO REQUEST HEARING

:  
: Case # 15 COM 028

ORDER # 0004274

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TO: Brandon K. Dittberner  
N6752 Hillside Rd.  
Portage, WI 53901

This order rescinds and replaces the October 8, 2015 order against you.

You are hereby notified that your Dwelling Contractor and Dwelling Contractor Qualifier credentials are suspended, effective October 8, 2015, until January 8, 2016.

After the suspension, you may request to have your credentials reinstated. This request shall be in writing. The Department is imposing the following conditions upon the reinstatement of the credentials. Reinstatement will only be granted upon receipt by the Department of continuing education certificates representing three credits in accounting, finance, and taxes, and three credits in communication and customer service. The reinstatement process is set forth in Wis. Admin. Code § SPS 305.10(1)(f), although Wis. Admin. Code § SPS 305.10(1)(f)(1)(c) shall not apply to Respondent's reinstatement. You will also submit a written withdrawal of your appeal of the October 8, 2015 order within fourteen days of the date of mailing of this order.


You have the right to request a hearing on the suspensions by sending a request for hearing to the Department, addressed to Department of Safety and Professional Services, Chief Legal Counsel, P.O. Box 8368, Madison, Wisconsin 53708-8368, which must be received by the Department no later than 30 days from the date of mailing of this Notice. The date of mailing of this Notice is December 14, 2015. Any hearing on the suspensions will be held following the requirements of Wis. Stat. Chapter 227.

The basis for these suspensions is activities you engaged in from approximately November through December 2013. During this time, you engaged in a construction project on a one-two family dwelling, including cement, framing, and electrical work. You had hired a sub-

contractor for the cement work, at the amount of \$21,000. After the completion of the work, you refused to pay the \$21,000 owed to the sub-contractor for the cement work. You were charged criminally in Columbia County Circuit Court (Case No. 14CF0357) on August 14, 2014 with Theft in a Business Setting over \$10,000. You were convicted of this felony charge on April 23, 2015.

The above conduct constitutes being convicted of a crime substantially related to the license, certification or registration contrary to Wis. Admin. Code § SPS 305.10(1)(a)6. This violation is a basis for discipline pursuant to Wis. Admin. Code ch. SPS 305.

Dated at Madison, Wisconsin on December 14, 2015.

A handwritten signature in black ink, appearing to read "Michael Berndt", is written over a horizontal line.

Michael Berndt

Department of Safety and Professional Services

P.O. Box 8368

Madison, WI 53708-8368

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 : STIPULATION  
BRANDON K. DITTBERNER, :  
RESPONDENT. :

Division of Legal Services and Compliance Case No. 15 COM 028

Respondent Brandon K. Dittberner and the Division of Legal Services and Compliance,  
Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of an investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Robert A. Mich, Jr.

4. The parties to the Stipulation consent to the entry of the attached Notice of Suspension without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Notice, if adopted in the form as attached.

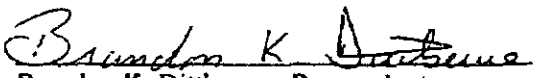
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation, the Department's Notice of Suspension is a public record and will be published in accordance with standard Department procedure.


8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Notice of Suspension.

  
Brandon K. Dittberner, Respondent  
N6752 Hillside Rd.  
Portage, WI 53901

12-9-15  
Date

  
Robert A. Mich, Jr., Attorney for Respondent  
Law Offices of Kay & Andersen, LLC  
One Point Place, Suite 201  
Madison, WI 53719

12/10/15  
Date

  
Zachary Hetfield, Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190  
Tel. (608) 266-9814  
[zachary.hetfield@wisconsin.gov](mailto:zachary.hetfield@wisconsin.gov)

12/10/15  
Date