

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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/wscga>

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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF APPLICATION FOR	:	
RENEWAL OF DWELLING CONTRACTOR	:	
QUALIFIER CERTIFICATE FOR	:	ORDER GRANTING
	:	LIMITED LICENSE
TROY FULLERTON	:	
APPLICANT	:	0005191

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

TROY FULLERTON
P.O. BOX 373
WAUKESHA, WI 53187

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
1400 EAST WASHINGTON AVENUE
P.O. BOX 8935
MADISON WI 53708-8935

FINDINGS OF FACT

1. On or about August 31, 2015, the Department of Safety and Professional Services (Department) received a client complaint against Troy Fullerton (Applicant) and Meyer Construction and Remodeling. The Applicant is the owner of Meyer Construction and Remodeling.
2. The Applicant received \$33,000 from the client complainant to build an addition to a home and no work was done on the property.
3. Information received in the renewal application process reflects that the Applicant attempted to work on this project using the funds provided in the down payments. There were several set-backs that caused a delay and the Applicant requested more funds. Due to this delay and request for more money, the project was terminated.
4. On January 31, 2017, the Applicant agreed to repay a total of \$16,000 to the client complainant at a minimum of \$400 per month.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction over this matter, pursuant to Wis. Stat. § 101.02(1) and Wis. Admin. Code §§ SPS 305.10 and 305.315.

2. The Department has determined that a limited license of Applicant's credential is necessary to protect the public health, safety and welfare.
3. Applicant by his conduct is subject to action against his license pursuant to Wis. Admin. Code § SPS 305.07, 305.10, and 305.315.

ORDER

NOW, THEREFORE, IT IS ORDERED that TROY FULLERTON is GRANTED a DWELLING CONTRACTOR QUALIFIER CERTIFICATE subject to the following LIMITATIONS, TERMS AND CONDITIONS:

Practice Limitations

1. Applicant shall show a copy of this Order to his current and any future employer, if applicable. Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitoring within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.

Reporting Requirements

2. It is Applicant's responsibility to provide self-reports to the Department Monitor on a quarterly basis, beginning 90 days from the date of this Order. These reports shall indicate whether the Applicant is still actively engaged in work as a dwelling contractor qualifier, whether he is currently making payments on funds owed from prior licensure including the balance owed at the time of reporting, and verify that he is in compliance with the laws governing the practice of a dwelling contractor qualifier and the terms of this Order.
3. Applicant shall report to the Department any change of employment status, residence, address or telephone number within five (5) days of the date of a change. In addition, Applicant shall report any arrest or conviction within 48 hours of the arrest or entry of conviction.
4. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.

Department Monitor

5. The Department Monitor is the individual designated by the department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports or other information required by this Order shall be mailed, faxed or delivered to:

DEPARTMENT MONITOR
Department of Safety and Professional Services
Division of Legal Services & Compliance
1400 East Washington Ave., P.O. Box 7190
Madison, WI 53707-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817
dpsmonitoring@wi.gov

Petitions for Modification

6. Applicant may petition for modification of any terms of this order after two years of practice in compliance with all terms and conditions of this Order. Applicant's petition must include his history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling two years of practice. Any such petition shall be accompanied by a written recommendation from Applicant's current employer that includes, among other things, the dates of employment and scope of responsibility during such employment, and, if applicable, his treatment provider expressly supporting the specific modifications sought. A denial of such a petition for modification shall not be deemed a denial of license under Wis. Stats. §§ 227.01(3), or 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

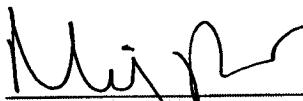
Costs

7. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

Suspension

8. In the event that Applicant violates any term of this Order, Applicant's license may, at the discretion of the Department, Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has complied with the terms of the Order. The Department, Board or its designee may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

Dated at Madison, Wisconsin this 23rd day of February, 2017



Michael Berndt, Chief Legal Counsel
On behalf of the Department of Safety and Professional Services

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF APPLICATION FOR :
RENEWAL OF DWELLING CONTRACTOR :
QUALIFIER CERTIFICATE FOR :

TROY FULLERTON
APPLICANT


STIPULATION

0005191

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Department of Safety and Professional Services as follows:

The Applicant has filed an application for renewal of his dwelling contractor qualifier certificate. Information received by the Department reflects a basis for denial of the application for renewal of the certificate. Based upon the information of record herein, the Department agrees to issue and the Applicant agrees to accept an Order Granting a Limited License as a dwelling contractor qualifier subject to the terms and conditions set forth in the attached Order.

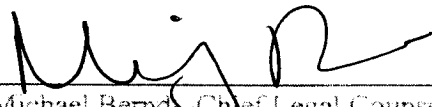
Dated this 16th day of February, 2017


Troy Fullerton, Applicant

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Dated this 23rd day of February, 2017

By:


Michael Berndt, Chief Legal Counsel
On behalf of the Department of Safety and Professional Services