

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- 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/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LUIS R. GONZALEZ,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

0005734

Division of Legal Services and Compliance Case No. 17 RHI 013

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

Luis R. Gonzalez
3514 Weston Dr.
Racine, WI 53406

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Luis R. Gonzalez (DOB 11/13/1955) is licensed by the State of Wisconsin as a home inspector, having license number 330-106, first issued on November 4, 1998 and current through December 14, 2018. Respondent's most recent address on file with the Department is 3514 Weston Drive, Racine, Wisconsin 53406.

2. On May 20, 2016, Respondent inspected and prepared a report for a property located at 6841 N. 41st Street, Milwaukee, Wisconsin 53209.

3. On or about August 25, 2017, the Department received a complaint alleging several items were missed during the home inspection. The Division of Legal Services and Compliance (Division) subsequently opened Case No. 17 RHI 013 for investigation.

4. Respondent's inspection report was reviewed by the Division and it was determined that the report was deficient as follows:

- a. Respondent did not describe the type and condition of the foundation. [Wis. Admin. Code § SPS 131.32(1).]
- b. Respondent did not describe the condition of all roof coverings, including the type. [Wis. Admin. Code § SPS 131.32(4)(a)1.]
- c. Respondent did not describe the condition of the operation of a representative number of installed lighting fixtures, switches and receptacles located inside the house, garage, and any exterior walls. [Wis. Admin. Code § SPS 131.32(7)(a)6.]
- d. Respondent did not describe the condition of the polarity and grounding of all receptacles within 6 feet of interior plumbing fixtures, in the garage or carport, and on the exterior of inspected structures. [Wis. Admin. Code § SPS 131.32(7)(a)7.]
- e. Respondent did not describe the condition of the operation of ground fault circuit interrupters. [Wis. Admin. Code § SPS 131.32(7)(a)8.]
- f. Respondent did not describe the condition of the functionality of the power sources for smoke detectors. [Wis. Admin. Code § SPS 131.32(7)(a)9.]
- g. Respondent did not describe the condition of the counters and all sink base cabinets for the bathrooms. [Wis. Admin. Code § SPS 131.32(8)(a)3.]
- h. Respondent did not describe the condition of all permanently installed heating equipment and distribution systems. [Wis. Admin. Code § SPS 131.32(9)(a)1.]
- i. Respondent did not describe the condition of the presence of an installed heat source in each room. [Wis. Admin. Code § SPS 131.32(9)(a)6.]
- j. Respondent did not describe the condition of the cooling and air handling equipment, including type and energy source. [Wis. Admin. Code § SPS 131.32(10)(a)1.]
- k. Respondent did not describe the condition of the normal operating controls for the cooling system. [Wis. Admin. Code § SPS 131.32(10)(a)2.]

1. Respondent did not describe the condition of the presence of an installed cooling source in each room. [Wis. Admin. Code § SPS 131.32(10)(a)3.]

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(2), 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. Stat. § 440.975(2) and Wis. Admin. Code § SPS 131.31(1) by failing to perform a reasonably competent and diligent home inspection of the readily accessible installed systems and components required under § SPS 131.32.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § SPS 131.33(1)(c) by failing to have a home inspection report that describes the condition of any item identified in § SPS 131.32.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 440.978(2)(m).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Luis R. Gonzalez is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$542.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

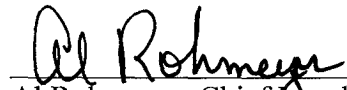
5. In the event Respondent violates any term of this Order, Respondent's license (no. 330-106), or Respondent's right to renew his license, may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Department 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.

6. This Order is effective on the date of its signing.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

by:



Al Rohmeyer, Chief Legal Counsel
On Behalf of the Department

4-26-18

Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LUIS R. GONZALEZ,
RESPONDENT.

:
:
:
:
:

STIPULATION

0005734

Division of Legal Services and Compliance Case No. 17 RHI 013

Respondent Luis R. Gonzalez 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 a pending 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.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Department of Safety and Professional Services (Department). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Order, if adopted in the form as attached.

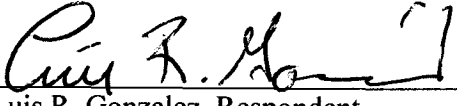
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

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.

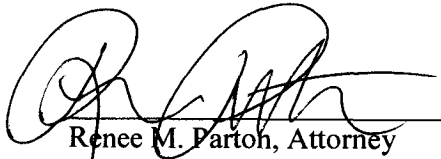
7. Respondent is informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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



Luis R. Gonzalez, Respondent
3514 Weston Drive
Racine, WI 53406
License no. 330-106

4-20-18
Date



Renee M. Parton, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

4/23/2018
Date