

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

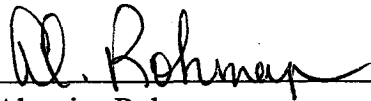
The basis for this suspension stems from the work you performed at 704 6th Avenue, Eau Claire, Wisconsin. You were hired to fix a broken boiler system and you attempted to fix the problem by installing a hot water heater. The hot water heater did not function properly, and the installation was incorrect. The system was wired wrong and piped incorrectly. The water heater venting was back-pitched, the fill pipe was not removed and capped and you failed to pull a permit for the work performed.

Specifically, the back-pitch was a violation of Wis. Admin. Code § SPS 323.15(2)(c) and the fill pipe was installed incorrectly in violation of Wis. Admin. Code § SPS 323.04.

The above conduct constitutes negligence or incompetence under Wis. Admin. Code § SPS 305.10(1)(a)3.

Upon completion of the suspension and PowerPoint presentation you may apply to have the registrations reissued with the Department. The request shall be in writing. Wis. Admin. Code § SPS 305.10(1)(f)1.b. You can email your request to dspscredtrades@wisconsin.gov.

Dated at Madison, Wisconsin on 16 January, 2019.

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

Aloysius Rohmeyer
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DAVID ELBERT,

AND

ALL SET HEATING & COOLING,

RESPONDENTS.

:
:
:
:
:
:
:
:
:
:
:

STIPULATION

0005921

Division of Legal Services and Compliance Case No. 17 COM 78

Respondents David Elbert and All Set Heating & Cooling 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 concerning negligent HVAC work done at 704 6th Avenue, Eau Claire, Wisconsin in violation of Wis. Admin. Code § SPS 305.10(1)(a)3. 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. 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.



David Elbert
314 Scholl St.
Amery, WI 54001
Tel. (608) 977-2091
allsetheating@gmail.com

1-14-19

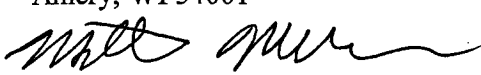
Date



David Elbert
o/b/o All Set Heating & Cooling
314 Scholl St.
Amery, WI 54001

1-14-19

Date



Matthew McCasland, Attorney
State Bar Number 1087268
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-9814
matthew.mccasland@wisconsin.gov

1/16/19

Date