

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

JEFFREY F. MOSER,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0006452

Division of Legal Services and Compliance Case No. 18 RHI 004

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

Jeffrey F. Moser
N39W27051 Glacier Road
Pewaukee, WI 53072

Division of Legal Services and Compliance
Wisconsin 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 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 Jeffrey F. Moser (DOB 3/27/1967) is registered in the State of Wisconsin as a Home Inspector, having license number 1227-106, first issued on February 17, 2003, and current through December 14, 2020. Respondent's most recent address on file with the Department is N39W27051 Glacier Road, Pewaukee, Wisconsin 53072.

2. On April 5, 2018, the Department received a complaint regarding a home inspection performed by Respondent. Division of Legal Services and Compliance (Division) Case Number 18 RHI 004 was subsequently opened for investigation.

3. Department records indicate that Respondent only submitted 24 of the required 40 hours of Continuing Education (C.E.) for the 2014-2016 biennium.

4. Beginning on May 14, 2018, the Division made several requests to Respondent asking that he provide proof of completion for the remaining 16 hours of C.E. for the 2014-2016 biennium.

5. On December 24, 2018, Respondent informed a Division Investigator that he could not provide any proof of completion for the remaining 16 hours of C.E. for the 2014-2016 biennium.

6. 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 131.41(1) by failing to complete 40 hours of C.E. during the 2014-2016 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)(m).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Jeffrey F. Moser is REPRIMANDED.

3. Respondent Jeffrey F. Moser's Home Inspector license (no. 1227-106) is LIMITED as follows:

a. Within ninety (90) days from the date of this Order, Respondent shall successfully complete sixteen (16) hours of C.E. offered by a provider pre-approved by the Department Monitor, including taking and passing any exam offered for the course.

b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.

c. This limitation shall be removed from Respondent's license after satisfying the Department that Respondent has successfully completed all of the ordered education.

d. The C.E. completed pursuant to this Order shall be retroactively applied to the 2014-2016 biennium. None of the education completed pursuant to this Order

may be used to satisfy any other continuing education requirements that have been or may be instituted by the Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

4. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$563.

5. Respondent shall submit payment of costs (payable to the Department of Safety and Professional Services) 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


You may also submit this information online via DSPS' Monitoring Case Management System at: <https://app.wi.gov/DSPSMonitoring>.

6. In the event Respondent violates any term of this Order, Respondent's credential (number 1227-106), or Respondent's right to renew his credential, 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.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

by:


Aloysius Rohmeyer, Chief Legal Counsel
On Behalf of the Department

9-20-19

Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JEFFREY F. MOSER,
RESPONDENT.

:
:
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:
:

STIPULATION

ORDER 0006452

Division of Legal Services and Compliance Case No. 18 RHI 004

Respondent Jeffrey F. Moser 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.



Jeffrey F. Moser, Respondent
N39W27051 Glacier Road
Pewaukee, WI 53072
License No. 1227-106

9-17-19

Date



Sarah E. Norberg, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

9.18.19

Date