

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/wscca>

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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ABITUA SEWER, WATER AND PLUMBING, INC.,
RESPONDENT.

:
:
: NOTICE OF FORFEITURE
: AND NOTICE OF RIGHT
: TO REQUEST REVIEW
:
: Case # 18 COM 22
: **ORDER 0006629**
: Order: _____

TO: Abitua Sewer, Water & Plumbing, Inc.
c/o Warren Fuller
Kelleher & Buckley, LLC
102 S. Wynstone Park Drive
North Barrington, IL 60010

You are hereby notified that you are subject to a forfeiture of **\$10,000.00** in accordance with Wis. Admin. Code § SPS 305.125 for engaging in the business of superintending plumbing installations without holding an appropriate master plumber license. This forfeiture must be paid within 30 days of the date of mailing of this Notice, or a 12% interest penalty will be assessed and/or enforcement action may be taken against you.

The forfeiture of **\$10,000.00** shall be made out to the "Department of Safety and Professional Services." Include in the memo line "18 COM 22" and send to the following address:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You have the right to request a review of the assessment of forfeiture by sending a request addressed to Division Administrator, Division of Industry Services, P.O. Box 7302, Madison, WI 53707-7302. Any review of the assessment of forfeiture will be held in accordance with the requirements set forth in Wis. Admin. Code § SPS 305.125. Such request for review shall set out specifically and in full detail every reason why this order is unreasonable, and every issue to be considered by the Department in the review.

You are receiving this forfeiture because you engaged in supervising plumbing installations without having the proper license. An investigation by the Department found that you were the supervising company for plumbing installations done at the Cliffs of Fontana from 2014-2017 and listed as such on all permits. The investigation found that the work done at the site was not supervised by a Wisconsin master plumber as required by code and furthermore the company utilized plumbers who were not properly licensed to perform plumbing in the state of Wisconsin. The Department has determined by a preponderance of evidence that 18 sites lacked the proper supervision. These sites are: 116, 117, 120, 121, 122, 124, 125, and 145 Lake Vista Court and 114, 115, 129, 133, 137, 138, 148, 150, 153, and 162 Lake Vista Circle all in the Village of Fontana Wisconsin. Each site that lacked proper supervision subjects you to a forfeiture.

You claim that Christopher Eckelberg, a Wisconsin Master Plumber, oversaw the installations; however, Mr. Eckelberg disputes that contention and you failed to provide any additional evidence that Eckelberg oversaw the installations. You admitted that Mr. Eckelberg was terminated from your company in 2014 and Eckelberg confirmed that he was no longer your employee in approximately September 2014.

According to Wis. Admin. Code § SPS 305.125(1)(g), the first violation subjects you to a forfeiture of \$1,000, the second a forfeiture of \$1,500, and the third and any subsequent violation a forfeiture of \$2,000. This means you are subject to \$34,500.00 in forfeitures. Invoking prosecutorial discretion, the Department is reducing the forfeiture amount to \$10,000.00. The Department reserves the right to pursue the full \$34,500 should this case be heard before an Administrative Law Judge.

For these reasons a forfeiture of \$10,000.00 is assessed in accordance with Wis. Admin. Code § SPS 305.125.

Dated at Madison, Wisconsin on January 24th, 2020.



Aloysius Rohmeyer
Chief Legal Counsel
Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368