

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DAVID E. HAACK,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0006686**

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Division of Legal Services and Compliance Case No. 17 RHI 019

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

David E. Haack  
Cross Plains, WI 53528

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 Wisconsin 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 David Haack (DOB xx/xx/1961) is licensed by the State of Wisconsin as a home inspector, having registration number 1612-106, first issued on January 5, 2005 and current through December 14, 2020. Respondent's most recent address on file with the Department is in Cross Plains, Wisconsin.

2. On December 8, 2017, the Division of Legal Services and Compliance (DLSC) received a complaint alleging that Respondent failed to discover and disclose a readily observable defect in a home that Respondent inspected. DLSC Case Number 17 RHI 019 was subsequently opened for investigation.

3. A review of Respondent's Inspection Agreement revealed limitations of liability.
4. A review of Respondent's Inspection Report revealed a failure to describe the condition of some required items (e.g., foundation, columns, roof drainage system, flashings, exteriors, plumbing systems, counters and sink base cabinets, air conditioning, insulation and ventilation).
5. Subsequent to the filing of the complaint in this case, Respondent removed the limitations of liability in his Inspection Agreement and updated his Inspection Report template to include an area in which he can report on the condition of all required items.
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. Stat. § 440.976 by including, as a term or condition in an agreement to conduct a home inspection, provisions that disclaimed the liability, or limited the amount of damages for liability, of the home inspector for his failure to comply with the standards of practice prescribed in the statutes and rules.
3. By the conduct described in the Finding of Fact, Respondent violated Wis. Admin. Code § SPS 131.33(1)(c) by failing to submit a written report to the client that describes the condition of any item identified in Wis. Admin. Code § 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 David E. Haack is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$986.
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

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

5. In the event Respondent violates any term of this Order, Respondent's license (1612-106), 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: A. Rohmeyer  
Aloysius Rohmeyer, Chief Legal Counsel  
On Behalf of the Department

2/21/2020  
Date

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DAVID E. HAACK,  
RESPONDENT.

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STIPULATION

**ORDER 0006686**

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Division of Legal Services and Compliance Case No. 17 RHI 019

Respondent David E. Haack 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. Respondent is represented by Attorney Michael J. Progar, Doherty & Progar LLC.

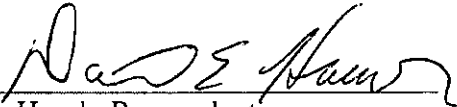
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Department of Safety and Professional Services (Department). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent 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.

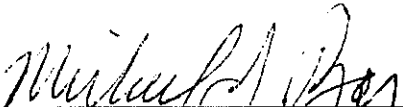
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have 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.

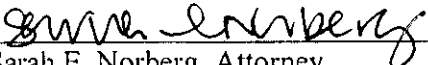
8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.

  
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David E. Haack, Respondent  
Cross Plains, WI 53528  
License No. 1612-106

1/30/2020  
\_\_\_\_\_  
Date

  
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Michael J. Progar, Attorney for Respondent  
Doherty & Progar LLC  
250 East Wisconsin Avenue, Suite 1800  
Milwaukee, WI 53202-4232

1/31/2020  
\_\_\_\_\_  
Date

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

1.31.2020  
\_\_\_\_\_  
Date