

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

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- 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>

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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ERNEST SIMMONS,
RESPONDENT.

:
:
: NOTICE OF FORFEITURE
: AND NOTICE OF RIGHT
: TO REQUEST REVIEW

:
: Case # 19 COM 53

: **ORDER 0006992**
: Order: _____

TO: Ernest Simmons
advhandyman@gmail.com
12315 Velp Ave.
Green Bay, WI 54115

You are hereby notified that you are subject to a forfeiture of **\$1,100.00** in accordance with Wis. Admin. Code § SPS 305.125 and Wis. Stat. § 145.12 for engaging in plumbing installations without holding an appropriate master plumber license and engaging in advertising plumbing services without possessing a master plumber license or employing a master plumber. 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.

This forfeiture consists of a \$1,000.00 forfeiture as allowed by Wis. Admin. Code § SPS 305.125 for engaging in plumbing without a license in violation of Wis. Stat. § 145.06 and Wis. Admin. Code § SPS 305.90 and a \$100.00 forfeiture as allowed by Wis. Stat. § 145.12 for engaging in advertising plumbing services without possessing a master plumber license or employing a master plumber in violation of Wis. Stat. § 145.11.

The forfeiture of **\$1,100.00** shall be made out to the "Department of Safety and Professional Services." Include in the memo line "19 COM 53" 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 plumbing without a license. An investigation by the Department found that you engaged in plumbing at 430 S St. Bernard, De Pere, WI. The Department is in possession of an invoice from your company to the site owners listing plumbing services. Further, documents from the City of De Pere indicate that the property owner was displeased with the plumbing services you provided. This led to an inspection and a finding of plumbing code violations. According to Wis. Admin. Code § SPS 305.125(1)(b), the first violation of plumbing without a license subjects you to a forfeiture of \$1,000.

Second, a department investigation found that you advertised plumbing services on your website. Your website listed that you engaged in plumbing services. Wis. Stat. § 145.11 states that no unlicensed individual can advertise plumbing services in Wisconsin. Wis. Stat. § 145.12 allows for a forfeiture of no less than \$100.00 nor more than \$500.00.

For these reasons a forfeiture of \$1,100.00 is assessed in accordance with Wis. Admin. Code § SPS 305.125 and Wis. Stat. § 145.12.

Dated at Madison, Wisconsin on September 14, 2020.



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