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

NOTICE OF SUSPENSION AND NOTICE OF RIGHT TO REQUEST HEARING

SAMUEL HENLY

&

CC ELECTRIC INC..

RESPONDENTS.

 $_{Order:}$ ORDER 0007337

Case # 19 COM 195

TO: SAMUEL HENLY
CC ELECTRIC INC.
4165 North 22nd Street
Milwaukee, WI 53209

You are hereby notified that your Registered Master Electrician registration (#1310926) and Electrical Contractor license (#1115465) are hereby suspended for **56 days**. The suspension shall begin on May 19, 2021 and expire on July 14, 2021. Upon completion of the suspension you may request reinstatement of your credentials. The credentials will remain suspended until you request reinstatement. You may send your request to dspscredtrades@wisconsin.gov.

The basis for this suspension is as follows:

Violations of Wis. Admin. Code § SPS 305.10(1)(a)5. Suspension for engaging in misconduct for obtaining a permit for an unlicensed individual and engaging in behavior that is in violation of your responsibilities and causes public distrust.

The Department received a complaint that a property owner entered into a contract with a Miguel Herrera on September 1, 2019. The contract listed your company CC Electric along with Mr. Herrera. The Department received a copy of the contract and a check for \$3,500 made out to Herrera.

The Department reviewed the electrical permit pulled by Samuel Henly on September 4, 2019 for the site listed on Herrera's invoice, El Taco 3126 W Pierce Street.

The Department's investigation found a small claims judgment against CC Electric and Miguel Herrera for the work associated with this project in the amount of \$3,603.

The Department provided you with an opportunity to respond and you stated that CC Electric was not in contract with Complainant. The Department finds this statement lacks merit as the invoice lists CC Electric and the permit was pulled by Samuel Henly.

The Department's investigation found that Mr. Herrera does not possess any electrical certificates, licenses, or registrations, and therefore would not be permitted to perform the work on the project or pull a permit.

The Department finds that as a Registered Master Electrician and an Electrical Contractor you have a responsibility to ensure that projects are done by licensed individuals. Upon information and belief, you pulled a permit for a project whereby Mr. Herrera would perform the electrical work. This is a violation of Wis. Admin. Code § SPS 305.437(3)(b) and § 305.41(4)(a).

The Department finds that you engaged in misconduct by pulling the permit for Herrera without providing any services to Complainant. This is a violation of Wis. Admin. Code § SPS 305.10(1)(a)5. Complainant entered into an agreement with Herrera that listed CC Electric for \$3,500. The permit was pulled by Samuel Henly. Therefore, Henly and CC Electric took on the risk of the project for Herrera. The small claims judgment against CC Electric confirms this financial misconduct.

Therefore, based on the foregoing, the Department finds that a total suspension of 56 days is appropriate and is entered pursuant to the terms laid out in this document.

You have the right to request a hearing on the suspension by sending a request for hearing to the Department of Safety and Professional Services, Chief Legal Counsel, P.O. Box 7190, Madison, Wisconsin 53707-7190, which must be received by the Department no later than 30 days from the date of mailing of this Notice. Any hearing on the suspension will be held in accordance with the requirements set forth in Wis. Stat. ch. 227.

Dated at Madison, Wisconsin on April 21

Al Rohmeyer

Chief Legal Counsel,

Department of Safety and Professional Services