## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

## Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- 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/wscca

•Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

## 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

JODY ESKER

ORDER 0007350

Case # 20 UNL 091

RESPONDENT.

TO: JODY ESKER PO Box 113 Hatley, WI 54440

You are hereby notified that your Dwelling Contractor and Dwelling Contractor Qualifier certificates (#DC-081900746, DCQ-090700132) are hereby suspended for 60 days. The suspension shall begin on June 1, 2021 and expire on July 31, 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:

Suspension for engaging in misconduct and incompetence in violation of Wis. Admin. Code § SPS 305.10(1)(a)3&5.

The Department received a complaint that you were hired to repair a roof at 500 East Walnut Street, Wittenberg, WI. The complaint alleged incompetence and misconduct on the project. The Department opened an investigation regarding this complaint. The Department's investigation found that the complaint had merit. Specifically, the investigation found that the work done was not satisfactory and that the Complainant received a small claims judgment against your company. This judgment has not been satisfied. Marathon County Circuit Court Case No. 2020SC001164.

The Department also found that the project started in October 2018, you repeatedly went back to the project for over 1 year and you failed to complete the project. This delay is unreasonable for completing a roofing project. This inability to complete the project is evidence of misconduct and incompetence.

As the applicant and credential holder for DC-081900746 the Department has the authority to suspend this credential based on conduct performed by you, the credential holder. It is immaterial that the credential was issued after the improper behavior was engaged in. Engaging in incompetence and misconduct is a violation of Wisconsin Code. Pursuant to Wis. Admin. Code § 305.10(1)(a)3&5 the Department may suspend credentials for credential holders who violate Wisconsin Code relating to the conduct of the activities under the certification.

Therefore, based on the foregoing, the Department finds that a total suspension of 60 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 23, 2021.

Al Rohmeyer

Chief Legal Counsel,

Department of Safety and Professional Services