

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

GREGORY A. SCHULTZ,
RESPONDENT.

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FINAL DECISION AND ORDER
ORDER 0007439

Division of Legal Services and Compliance Case No. 19 RHI 004

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

Gregory A. Schultz
Abrams, WI 54101

Wisconsin Department of Safety and Professional Services
P.O. Box 8366
Madison, WI 53708-8366

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 Gregory A. Schultz (Birth Year 1971) is registered by the State of Wisconsin as a home inspector, having registration number 3042-106, first issued on April 7, 2017 and expired as of December 15, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Abrams, Wisconsin 54101.

2. On February 24, 2019, the Department received a complaint alleging that Respondent failed to discover and report several issues in a home inspection report. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 RHI 004 for investigation.

3. On or about August 28, 2018, Respondent performed a home inspection of Complainant's home. Respondent completed a home inspection report to describe his findings.

4. Respondent's home inspection report was reviewed by the Department and it was determined that the report was deficient as follows:

- a. Respondent failed to observe and describe the type and condition of the foundation. [Wis. Admin. Code § SPS 131.32(1)]
- b. Respondent failed to observe and describe the type and condition of the columns. [Wis. Admin. Code § SPS 131.32(2)]
- c. Respondent failed to observe and describe the type and condition of the sump pump. [Wis. Admin. Code § SPS 131.32(6)(a)5.]
- d. Respondent failed to observe and describe the type and condition of amperage and voltage ratings of the electrical service, including whether electrical service type is overhead or underground. [Wis. Admin. Code § SPS 131.32(7)(a)4.]
- e. Respondent failed to observe and describe the presence of an installed heat source in each room. [Wis. Admin. Code § SPS 131.32(9)(a)6.]

5. On August 12, 2019, the Department sent a letter to Respondent that detailed the deficiencies described above; and requested that Respondent review his home inspection report for compliance with Wis. Admin. Code § SPS 131.32.

6. On August 13, 2019, the Department received a response from Respondent that addressed each of the deficiencies described above. Respondent stated that he had updated and improved his home inspection reports to bring them into compliance with Wis. Admin. Code § SPS 131.32.

7. 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. § 440.975(3)(a) and Wis. Admin. Code § SPS 131.32(1) by failing to observe and describe the type and condition of the foundation.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.975(3)(a) and Wis. Admin. Code § SPS 131.32(2) by failing to observe and describe the type and condition of columns.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.975(3)(a) and Wis. Admin. Code § SPS 131.32(6)(a)5. by failing to observe and describe the type and condition of sump pumps.

5. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.975(3)(a) and Wis. Admin. Code § SPS 131.32(7)(a)4. by failing to observe and describe the type and condition of amperage and voltage ratings of the service, including whether service type is overhead or underground.

6. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.975(3)(a) and Wis. Admin. Code § SPS 131.32(9)(a)6. by failing to observe and describe the presence of an installed heat source in each room.

7. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § SPS 131.33(1)(c) by failing to describe the condition of any time identified in s. SPS 131.32.

8. 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 Gregory A. Schultz is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent Gregory A. Schultz shall pay the COSTS of this matter in the amount of \$989.00.
4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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://dpsmonitoring.wi.gov/>

5. In the event Respondent violates any term of this Order, Respondent's registration (number 3042-106), or Respondent's right to renew his registration, 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: Al Rohmeyer
Al Rohmeyer, Chief Legal Counsel
On Behalf of the Department

6-15-21
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

GREGORY A. SCHULTZ,
RESPONDENT.

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STIPULATION

ORDER 0007439

Division of Legal Services and Compliance Case No. 19 RHI 004

Respondent Gregory A. Schultz 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.

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.

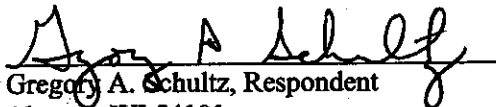
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the

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.

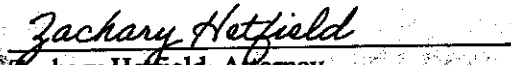
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Department ever assigned as an advisor in this investigation may appear before the Department in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Department may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Department should accept this Stipulation and issue the attached Final Decision and Order.

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 the Department adopt this Stipulation and issue the attached Final Decision and Order.


Gregory A. Schultz, Respondent
Abrams, WI 54101
Credential No. 3042-106

5/3/2021
Date


Zachary Hetfield, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

05/10/21
Date