## 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

MICHAEL ELKINS

ORDER 0007467

RESPONDENT.

Case # 20 COM 20/26

TO: Michael S. Elkins

W303 N. 8753 Woodland Dr.

Hartland, WI 53029

You are hereby notified that your Registered Electrician enrollment (#1335016) is hereby suspended for six (6) months. The suspension shall begin on September 2, 2021 and expire on March 2, 2022. Upon completion of the suspension you may request reinstatement of your credential. Your credential will not be reinstated until you provide the Department a name of a master electrician who will be directly supervising your work. The credential will remain suspended until you request reinstatement and the Department confirms that your work is being directly supervised by a master electrician. You shall cease and desist from advertising as an electrical contractor so long as you do not possess an electrical contractor credential. You may send your request to <a href="mailto:dspscredtrades@wisconsin.gov">dspscredtrades@wisconsin.gov</a>.

The basis for this suspension is as follows:

MICHAEL ELKINS' REGISTERED ELECTRICIAN ENROLLMENT is suspended for engaging in electrical work without the proper supervision in violation of Wis. Admin. Code § SPS 305.40(4)(d)1, for engaging in misconduct in violation of Wis. Admin. Code § SPS 305.10(1)(a)5, for engaging in incompetence in violation of Wis. Admin. Code § SPS 305.10(1)(a)3, for engaging in unlicensed electrical work in violation of Wis. Stat. § 101.862(2), for falsely representing as an electrical contractor in violation of Wis. Stat. § 101.862(1), and for violating state, federal, or local laws or regulations in violation of Wis. Admin. Code § SPS 305.10(1)(a)8.

Two separate complaints were filed against you. The first complaint alleged that you were hired to do electrical work at 1322 N. 64th Street, Wauwatosa, WI 53213. An investigation was opened and it was determined that you performed electrical work with an expired credential, you

did not have any master electrician directly supervise your work as required as a registered electrician, you performed work before a permit was obtained, and you held yourself out as a Master Electrician on the NextDoor Neighborhood website. As laid out above, these actions are violations of Wisconsin Statute and Code and can subject your credential to a suspension.

The second complaint alleged that you were hired to do electrical work at 8213 Aberdeen Court Wauwatosa, WI 53213. An investigation was opened and it was determined that you performed work with an expired license, did not have any master electrician directly supervise your work as required as a registered electrician, failed to obtain the necessary permit, and offered to have a friend, who was a Master Electrician, pull a permit for you after the work was already complete. In addition, upon inspection of the work, numerous violations were found. These actions are violations of Wisconsin Statute and Code and can subject your credential to a suspension.

The investigation also found that you distribute business cards titled "Michael's Electrical Services" which reflected your name and email address of record. Holding yourself out as an electrical contractor without possessing the proper credential is a violation of Wisconsin Statute and Code. The investigation also found that you requested and pulled permits using solely your registered electrician enrollment when a master electrician's credential was required.

The Department allowed you an opportunity to respond. After reviewing the evidence, including your response, the Department found that the complaints have merit and were proved by a preponderance of evidence.

Therefore, based on the foregoing, the Department finds that a total suspension of six months 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 July 12 , 2021.

Al Rohmeyer

Chief Legal Counsel,

Department of Safety and Professional Services