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 RIGHT TO REVIEW

JAMES PRICE

ORDER 0007549

RESPONDENT.

Case # 18 COM 180

TO: JAMES PRICE

528 24 ½ Avenue

Cumberland, WI 54829-9296

You are hereby notified that your UDC Inspection Credentials: UDC Construction Inspector UDC-030000008, UDC Electrical Inspector UDC-100000004, UDC HVAC Inspector UDC-040000031, UDC Plumbing Inspector UDC-070000022, UDC Inspection Agency UDC-100100012 are hereby suspended for 12 weeks as allowed by Wis. Admin. Code § SPS 305.10(1)(a) for engaging in misconduct and for violating Wis. Admin. Code § SPS 320.09. The suspension shall begin on September 21, 2021 and expire on December 14, 2021.

Once the suspension has run you may make a request for reinstatement. You may send your request to dspscredtrades@wisconsin.gov.

BACKGROUND

The Department of Safety and Professional Services received a complaint alleging that you engaged in misconduct for the project at W5807 O'Brien Road, Trego, Wisconsin, by failing to provide a homeowner with a written inspection report and that you failed to accurately determine UDC building code violations. The Department assigned an investigator to this complaint to determine any and all code violations from this incident.

The basis for this suspension is as follows:

Violations of Wis. Admin. Code § SPS 305.10(1)(a)8. Suspension for violating state regulations.

Wisconsin Administrative Code § SPS 320.09(4) requires that building plans be submitted whenever a UDC building permit is submitted. § 320.09(8) requires that the plans be approved and stamped by the UDC inspection agency.

The investigation found a preponderance of evidence that sufficient plans were never submitted for this project yet a building permit was issued by you. The investigation failed to find any evidence of stamped plans of any kind (including an apparent one line drawing plan).

For this violation the Department finds it appropriate to suspend your credentials for four (4) weeks as allowed by Wis. Admin. Code § SPS 305.10(1)(a)8. This project was not a "cookie cutter" project and the requirement of plan submittal and approval is to protect the public to ensure that a project will be built to code.

Violations of Wis. Admin. Code § SPS 305.10(1)(a)8. Suspension for violating state regulations.

Wis. Admin. Code § SPS 305.63(5) lays out the responsibilities of UDC inspectors. It specifically requires that a person who inspects one- and 2-family dwellings as a certified UDC-construction inspector, certified UDC-electrical inspector, certified UDC-HVAC inspector, certified UDC-plumbing inspector, or certified soil erosion inspector shall: 1. Maintain a record of the inspections made including the dates and the findings of the inspections. 2. Document any compliance deficiencies in the inspection report, and include the specific code reference or citation relative to the deficiency. 3. Provide a copy of the inspection report to the property owner or his or her agent. 4. Make inspection records available to the department upon request.

The Department's investigation found that the homeowner (Reedy), the builder (Foss), and you attended an inspection on August 20, 2018. The investigation found that you did not document the deficiencies found. A September 23, 2018, email from you to Reedy reviewed by the Department shows you stating to Reedy that "THERE ARE NO WRITTEN INSPECTION REPORTS!" This is a violation of your responsibilities.

In your response to the Department's investigation, you state that no written report was done because the permit applicant wasn't present for the inspection but rather it was the homeowner and therefore you had no obligation to produce a report. The record shows that this is false and that all parties were present at the August inspection.

For this violation the Department finds it appropriate to suspend your credentials for four (4) weeks as allowed by Wis. Admin. Code § SPS 305.10(1)(a)8.

Violations of Wis. Admin. Code § SPS 305.10(1)(a)5. Suspension for engaging in misconduct.

The Department's investigation found by a preponderance of evidence that you engaged in "misconduct" as defined by Wis. Admin. Code § SPS 305.003(43). Your conduct throughout this project and the investigation has shown a lack of trustworthiness, and a failure to perform the functions of your job. The investigation found that both parties (Foss and Reedy) have requested additional inspections for the site and you have refused those requests. You also have refused to write up an inspection report on this site. This behavior has made it impossible for Mr. Reedy to move forward with his project. As the Authority Having Jurisdiction over this project you have made the project more difficult for both Mr. Reedy and Builder Foss. This behavior is inexcusable.

For this violation the Department finds it appropriate to suspend your credentials for four (4) weeks as allowed by Wis. Admin. Code § SPS 305.10(1)(a)(5).

Based on the foregoing, a suspension of 12 weeks is appropriate and is entered pursuant to the terms laid out in this Order.

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. The request for a hearing on the suspension shall set out specifically and in full detail every reason why this order is unreasonable, and every issue to be considered by the department at the hearing. Anything not addressed in the request shall be deemed waived. 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 18 August

Al Rohmeyer

Chief Legal Counsel,

Department of Safety and Professional Services