

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

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

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- 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/wscga>

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



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, 2021.

A handwritten signature in cursive script, appearing to read "Al Rohmeyer", is written over a horizontal line.

Al Rohmeyer  
Chief Legal Counsel,  
Department of Safety and Professional Services