WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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- 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

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STATE OF WISCONSIN BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST

NOTICE OF FORFEITURE

& DISCIPLINE

SEAN KINDNESS

ORDER 0007593

RESPONDENT.

Case # 19 COM 146

TO: Sean Kindness

427 Pheasant Run

Kaukauna, WI 54130-1803

Re: UNLICENSED ELECTRICAL WORK AND FAILURE TO RESPOND TO

DEPARTMENT - 19 COM 146

You are hereby notified that you are subject to a forfeiture of \$300.00 in accordance with Wis. Stat. § 101.88(3) because you engaged in electrical work without possessing the necessary credentials in violation of Wis. Stat. § 101.862(2). This forfeiture must be paid within 30 days of the date of mailing of this Notice, or a 12% interest penalty will be assessed and/or enforcement action may be taken against you.

You are hereby notified that the Department finds that you failed to respond to an investigation to the satisfaction of the Department in violation of Wis. Stat. § 101.022 and Wis. Stat. 440.20(5)(a) and that any pending license before the Department is held and will not be issued until you provide a response to the allegations in the claim.

In addition, you shall not be able to obtain a credential from the Department of Safety and Professional Services until this forfeiture is paid.

The forfeiture of \$300.00 shall be made out to the "Department of Safety and Professional Services." Include in the memo line "19 COM 146" and send to the following address:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You are receiving this forfeiture because a Department investigation found you performed electrical work at 616 Meade Street Kaukauna, WI 54130 without possessing the proper

credentials. Credentials are required in the State of Wisconsin to perform most electrical work. The investigation found that you performed electrical work for Andy Reihl without possessing the proper credential.

The Department provided you an opportunity to respond and you failed to respond. The Department finds there is a preponderance of evidence that you engaged in unlicensed electrical work. For engaging in electrical work without the proper credential the Department enters a forfeiture of \$300.00 in accordance with Wis. Stat. § 101.88(3).

Hold on credentials for failure to respond to an investigation to the satisfaction of the Department in violation of Wis. Stat. § 101.022 and Wis. Stat. 440.20(5)(a)

The Department opened an investigation regarding this complaint and attempted to contact you. The Department did the following in its efforts to contact you:

- On January 21, 2021, the Department investigator sent an email and letter to you with a response deadline of February 4, 2021. (427 PHEASANT RUN) No response was received for the letter. The email to you was undeliverable.
- On February 8, 2021, the investigator sent the same letter to you that was sent on January 21, 2021. The letter was sent via certified mail and asked for a response by February 22, 2021. No response was received.
- On February 22, 2021, the investigator tried calling you using the phone number listed on his Lexis Nexis search result. There was no answer and the investigator left a voicemail.
- On February 22, 2021, the investigator resent the letter and asked for a response by March 8, 2021.
- On February 22, 2021, the investigator found another address (1424 E COOLIDGE AVE) and sent a letter asking for a response by March 8, 2021. No response was received.
- On February 25, 2021, DSPS received the certified mail receipt for the letter the investigator sent you on February 8, 2021. The letter was signed for by you.
- On March 9, 2021, the investigator tried calling you for a second time. No one answered and the investigator left a voicemail explaining the reason for the call and asked for a call back. No further response was received.

Wis. Stat. § 440.20(5)(a) (applicable to electricians through Wis. Stat. § 101.022) states that the department may deny, limit, suspend, or revoke a credential, if the credential holder fails to respond, to the satisfaction of the department, within 30 days to a request for information from the department, in connection with an investigation of alleged misconduct of the credential holder. Upon information and belief you previously held a journeyman electrician's license with

the Department and you currently have a pending master electrician's application with the Department. The Department's investigation shows that it attempted to contact you and you failed to respond to the allegations in the complaint in a reasonable amount of time. For these reasons, the Department has sufficient evidence to limit any potential credentials until this matter is addressed. Therefore, your application is being held until you address this allegation to the satisfaction of the Department and pay the forfeiture associated with the unlicensed electrical work.

You have the right to request a hearing on this matter 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 review will be held in accordance with the requirements set forth in Wis. Stat. § 101.02(6). Such request for review shall set out specifically and in full detail every reason why this order is unreasonable, and every issue to be considered by the Department in the review.

Dated at Madison, Wisconsin on September 10, 2021.

Aloysius Rohmeyer

General Counsel

Department of Safety and Professional Services

P.O. Box 8368

Madison, WI 53708-8368