

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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/wscca>

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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MONTOUR-ENGEL LLC

RESPONDENT.

NOTICE OF SUSPENSION

ORDER 0007552

Case # 21 COM 47

TO: Montour-Engel LLC
137 South Washington Street
Shawano, WI 54166

You are hereby notified that your HVAC Contractor Registration (ID#: 914667) is hereby suspended for **42 days** as allowed by Wis. Admin. Code § SPS 305.10(1)(a)3&5. The suspension shall begin on December 1, 2021 and expire on January 12, 2022. Once the suspension has been completed you may request for reinstatement. You may send your request to dpscredtrades@wisconsin.gov.

The basis for this suspension is as follows:

Violations of Wis. Admin. Code § SPS 305.10(1)(a)3&5. Suspension for engaging in incompetence, negligence, and misconduct which led to the public being put at risk.

The Department received a complaint concerning HVAC work performed for Don Peterson, N6998 Lynwood Drive, Shawano, WI 54166-4819. The Department reviewed the complaint and conducted an investigation to determine its merits.

The investigation found that your employees failed to install a gas furnace to manufacturer's directions when they failed to close the pilot door. This caused heat to escape the combustion chamber, resulting in damage to the insulation of the cover and melting of the foil heat shield. It also led to CO2 gas entering Peterson's home, causing all members of the Peterson household to suffer headaches and put them at risk for injury or death.

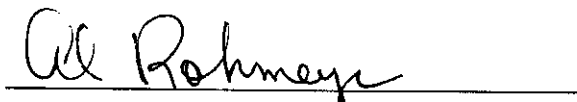
Further, a DSPS Electrical Inspector inspected the site and found that your employees engaged in unlicensed electrical work. The inspection found that your employees installed new electrical wiring and a new 120-volt duplex receptacle and box. The investigation found that 240-volt 30 ampere wiring was abandoned behind the new gas furnace in the living room. The electrical breaker for the wiring was turned off but the wires were still connected to the breaker, which is negligent and/or incompetent practice because if the breaker is turned on, the wiring could short circuit or start a fire.

The investigation found a preponderance of evidence that your employees engaged in negligent and incompetent behavior. As the employer and holder of the HVAC credential you are ultimately responsible for the behavior, training, and actions of your employees. Your inability to properly train/oversee your employees led to public distrust and put the public in danger of injury or death and the Department has the authority under Wis. Admin. Code § SPS 305.10(1)(a)5 to suspend your license if misconduct is found.

Based on the foregoing, a suspension of 42 days 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 on 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 October 29, 2021.

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

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