

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

VDB GENERAL CONTRACTING LLC

&

MICHAEL VANDENBOOM

RESPONDENTS.

NOTICE OF SUSPENSION

ORDER 0007158

Case # 20 COM 110

TO: MICHAEL VANDENBOOM
VDB General Contracting LLC
4660 108th Street
Franksville, WI 53126

You are hereby notified that your dwelling contractor and dwelling contractor qualifier certificates (DC-061000080, DCQ-061000022) are hereby suspended for **10 days**. The suspension shall begin on December 1, 2021 and expire on December 11, 2021.

Once the suspension has been served you may request for reinstatement. You may send your request to dspscredtrades@wisconsin.gov.

The basis for this suspension is as follows:

Wis. Admin. Code § SPS 305.10(1)(a)8. Suspension for violating a local ordinance related to your credential.

The Department received a complaint concerning a contract you entered to perform an alteration/remodel at 1000 Auburn Drive, Brookfield, WI. The Department reviewed the complaint and conducted an investigation to determine its merits.

The Department's investigation found by a preponderance of the evidence that you failed to follow a local City of Brookfield ordinance concerning pulling permits for any alteration job on a one or two family dwelling. The investigation found that the City of Brookfield requires that either a homeowner or the contractor responsible for an alteration job is required to obtain a permit with the city prior to performing work. The investigation found that the City of Brookfield requires that a contractor pulling a permit have a dwelling contractor certificate and a dwelling contractor qualifier certificate. The investigation found that work was done on this project prior to obtaining a permit. This led to work that was not inspected nor had proper

oversight from the City of Brookfield. Performing work without a proper permit is subject to discipline as allowed by Wis. Admin. Code § SPS 305.10(1)(a)8.

The Department offered you an opportunity to respond. You stated that the contract entered between the parties did not contemplate permits and that it was your belief the property owner would obtain the permit and that is why work was done without a permit.

The Department finds your argument unpersuasive. The contract entered between the parties was a bid/estimate. The terminology of the estimate stated that permit costs aren't included in the bid cost. The bid/estimate does not state that the permit was supposed to be procured by the homeowner. Even if the homeowner was to procure the permit, you failed to confirm that a permit was pulled and began performing work prior to the permit being issued. This is professional negligence.


Wis. Admin. Code § SPS 305.10(1)(a)8. Suspension for engaging in misconduct.

Second, the suspension is entered because you engaged in misconduct as defined by Wis. Admin. Code § SPS 305.003(43). The investigation found that you performed work, hired subcontractors to perform electrical and plumbing work, all without pulling the proper permits. These actions are ones that jeopardizes the interests of the public and is conduct which evidences a lack of trustworthiness. Citizens of Wisconsin should feel assured that when they hire a licensed contractor in this state that the contractor will follow the local rules and regulations. Putting the blame back on the homeowner to pull the permit is misconduct.

Based on the foregoing, a suspension of 10 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.



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