

## 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:**

- 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/wscga>

- 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](mailto:DSPS@wisconsin.gov)

You are receiving this suspension because the Department received a complaint that you delivered the incorrect furnace to 134 Barwig, Mayville, WI and failed to install the correct unit. The Department opened an investigation regarding this complaint. The Department's investigation found that the Department of Agriculture, Trade and Consumer Protection (DATCP) also had received complaints against you alleging that you had entered into contracts with individuals but failed to perform the agreed upon services after accepting payments.

The Department contacted you on or about November 18, 2020, and discussed the complaint with you. The Department had further inquiries and made the following efforts to contact you and you failed to respond to the Department's satisfaction:

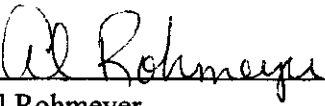
- The Department's investigator sent you a letter on December 21, 2021 for more information concerning the DATCP investigation. The letter indicated that failure to respond could subject you to additional discipline. No response was received.
- On January 27, 2022, the Department sent you another letter and an email asking for the same information. No response was received.
- On March 8, 2022, the Department sent the attorney associated with your case, 21SC1182, a letter requesting additional information. No response was received.
- The Department, in its communications, put you on notice of your duty to respond as required by Wis. Stat. § 440.20(5)(a).

Wis. Stat. § 440.20(5)(a) (applicable to HVAC Registrations through Wis. Stat. § 101.022) states that the department may suspend 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. The Department's investigation shows that it attempted to contact you and you failed to respond to the allegations in the complaint even after being put on notice that your registration may be suspended for your failure to respond. For these reasons, the Department has sufficient evidence to suspend your credentials. Therefore, your HVAC Registration is suspended.

Further, the Department finds by a preponderance of evidence that you engaged in misconduct as evidenced by the numerous small claims and civil judgments entered against you. The Department obtained this information from the DATCP investigation and the public records found on the Wisconsin Court System Page (informally known as "CCAP" <https://www.wicourts.gov/casesearch.htm>). This is financial misconduct and subject to suspension as allowed by Wis. Admin. Code § SPS 305.10(1)(a)5. *See also* Wis. Admin. Code § SPS 305.003(43) for the definition of "misconduct."

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. Your request for hearing must set out specifically and in full detail every reason why such order is unreasonable, and every issue to be considered by the department on the hearing. You shall be deemed to have finally waived all objections to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition. 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 August 3, 2022.

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