

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TRI-STATE BASEMENT REPAIR

&

BRENT MONTRY

RESPONDENTS.

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NOTICE OF SUSPENSION

ORDER 0008077

Case # 21 COM 19

TO: TRI-STATE BASEMENT REPAIR
BRENT MONTRY
27188 US HIGHWAY 14
RICHLAND CENTER WI 53581

You are hereby notified that your dwelling contractor and dwelling contractor qualifier certificates (DC-051200015, DCQ-051200089) are hereby suspended for **21 days**. The suspension shall begin on September 19, 2022 and expire on October 10, 2022. Upon completion of the suspension you may request reinstatement of your credentials. The credentials will remain suspended until you make a request for reinstatement. You may send your request to dspscredtrades@wisconsin.gov.

The basis for this suspension is as follows:

Violation of Wis. Admin. Code § SPS 305.10(1)(a)3. Suspension for engaging in negligence and incompetence.

The Department received a complaint concerning work you did at 212 Bordner Drive, Madison, WI 53705 to waterproof a basement. The Department reviewed the complaint and conducted an investigation. The investigation found that you poured the concrete too thin in violation of Wis. Admin. Code § SPS 321.20. Concrete is supposed to be poured at least three inches thick and pictures reviewed by the Department found that the average range of thickness for the concrete was about 1 to 1.5 inches thick.

Based on the foregoing, the Department finds that you engaged in negligence and incompetence as you were unable to do code quality work.

Violation of Wis. Admin. Code § SPS 305.10(1)(a)5. Suspension for engaging in misconduct.

The Department's investigation found by a preponderance of the evidence that you engaged in misconduct as defined by Wis. Admin. Code § SPS 305.003(43). The Department found that you entered into a contract with the homeowners which included a provision ("Point 2") stating that the signee understands that "a subfloor drainage system will remedy the water problem in the areas installed." The contract states that your company is "not responsible for surface water that can get in through: floor grates, windows, or doors." This contract was for \$10,171 (including building permit).

The homeowners made full payment. You worked to waterproof the basement starting in June 2019. In February 2020 you were notified of issues with water infiltration. You repoured the concrete in March 2020. In May 2020 you were notified of continued water issues and conducted a second repour. In August 2020 you were notified of continued issues. In October 2020 you redid the entire system. In November 2020 you were notified of continued water infiltration issues. At that point, more than a year after entering into a contract with the homeowners, the homeowners requested a refund and you only offered to continue working on the issue.

In January 2021 the homeowners hired a third-party to fix your work. The third-party installed a drain tile, excavated the foundation, and wrapped the wall with filter fabric to prevent further water infiltration. The homeowners have not had any issues since this installation. The homeowners were charged over \$9,700 for the third-party's work.

The Department provided you an opportunity to respond. The Department received your response and considered all the factors concerning this matter. The Department finds that you were given multiple opportunities to correct your work and that over a year had passed since your initial installation and you were unable to fix the installation correctly and satisfy the contract. Your work did not "remedy the water problem in the areas installed" as promised and the infiltration did not occur through floor grates, windows or doors. The Department notes that the third-party was able to fix the issue on their first attempt. The Department finds that the homeowners had to pay roughly double the cost to get their basement in proper working order.

Based on the foregoing, the Department finds that you engaged in misconduct as this constitutes a misuse of the homeowner's funds and the failure to satisfy the contract is conduct which evidences a lack of trustworthiness. Further, there was a misrepresentation of experience and qualifications in your contract. This misconduct created public distrust.

A suspension of 21 days is appropriate and is entered pursuant to the terms laid out in this document.

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 August 5, 2022.

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

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