

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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A Department investigation found that the Complaint had merit and there was a preponderance of evidence that the allegations alleged were true. The Department confirmed that no permit was pulled for the project. The Department's investigation found that a civil judgment was entered

against you concerning this matter. **Milwaukee County Case No. 2021SC001334:** Judgment entered for \$5,258 against Johnson and JN Mechanical.

DLSC CASE # 21 COM 111

The Department received a complaint that JN Mechanical and/or Joseph Johnson had numerous convictions entered against them in connection with HVAC work performed under their registration.

The Department's investigation found the following:

Grant County Case No. 2021CF000167: On June 22, 2022, Johnson was found guilty of "Theft-Business Setting >\$10,000-\$100,000", a felony. The Court ordered restitution in the amount of \$50,000, with a total amount of \$26,249.94 remaining after prior payments. Johnson was sentenced to four years of probation with the following conditions: to pay court costs, to have assessment, treatment, programing, and counseling that DOC deems appropriate, to be employed full-time or to seek work by three applications a week.

The Department reviewed the criminal complaint which showed Johnson, d/b/a JN Mechanical, entered a contract with Gro-Alliance, a business located in Cuba City, for \$98,000 for the installation of four HVAC units. Gro-Alliance advanced Johnson \$76,000 on the contract. The four HVAC systems were purchased and delivered totaling \$51,460.78, but the remaining \$24,539.22 was kept by Johnson and never returned.

Milwaukee County Case No. 2021CF003963: On June 3, 2022, Johnson was found guilty of "Theft-Business Setting >\$10,000-\$100,000", a felony. Johnson was also found guilty of "Theft-False Representation <=\$2,500", a misdemeanor. Johnson failed to appear for his sentencing hearing and a bench warrant was issued on October 18, 2022.

The Department reviewed the criminal complaint for this conviction. Johnson was contracted by a general contractor, identified only as SM, to complete work at 8322 W. Lincoln Ave, West Allis, Wisconsin. SM agreed to pay Johnson, d/b/a JN Mechanical, \$58,480 for work at this location and made a \$15,000 payment to Johnson. Johnson then used the money for other purposes, keeping it personally, without the consent of SM. During the investigation of this crime, it was also found that a party operating on behalf of the Martin Luther King Economic Development Corporation (MLKEDC), identified only as NR, contracted with Johnson, d/b/a JN Mechanical, in April of 2019, but he did not do any of the work he was paid for. The contract was for the installation of a hood for which Johnson was paid a total of \$29,400. During a mirandized interview, Johnson admitted to using the money to pay back a creditor. Johnson also admitted to creating a fictitious business to get more money from SM.

Jefferson County Case No. 2022CM000069: On June 30, 2022, Johnson was found guilty of "Theft-Business Setting <=\$2,500", a misdemeanor. Johnson was placed on probation for one year and ordered to pay restitution in the amount of \$1,600.

The Department reviewed the criminal complaint for this conviction. The Palmyra Police Department met with a citizen regarding a theft by contractor complaint. This citizen hired Johnson to replace his furnace and AC unit at his home for a total of \$3,800. A check in this amount was paid to JN Mechanical and the agreement was for the furnace to be installed immediately and for the AC unit to be installed the following spring. The citizen reported that Johnson installed the furnace but never returned to install the AC unit. Johnson never provided a refund for the uncompleted work, which would total \$1,600.

The Department's investigation also discovered unsatisfied judgments against Johnson from various small claims and civil cases, including the following:

Walworth County Case No. 2022UC0000002: As of January 21, 2022, Johnson has a delinquent unemployment tax warrant in the amount of \$1,284 owed to the Wisconsin Department of Workforce Development. It has not been satisfied.

Milwaukee County Case No. 2020CV002727: MLKEDC was awarded a default judgment against Johnson on January 21, 2021. The amount was not specified.

Grant County Case No. 2019CV000443: On December 15, 2021, Gro-Alliance was awarded a \$101,726.99 judgment against Johnson. It has not been satisfied.

The Department reached out to you numerous times to afford you the opportunity to respond to these allegations. Letters were sent to the address on file with the Department and were returned to sender. On April 14, 2021, The Department spoke to you on the phone. The Department instructed you that you needed to provide a detailed response to the complaint as stated in the letters sent to you. You agreed to provide a written response. You admitted to not pulling a permit. On May 24, 2021, the Department spoke with you again on the phone instructing you that a response was needed. No response was ever received.

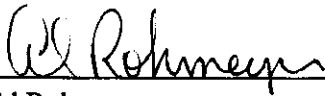
The Department finds that the above actions constitute misconduct as defined by Wis. Admin. Code § SPS 305.003(43). The Department finds that the facts leading to the convictions entered against you relate to conduct performed under your registration. The Department has the authority under Wis. Admin. Code § SPS 305.10(1)(a)5 to revoke a registration for misconduct. The Department has the authority under Wis. Admin. Code § SPS 305.10(1)(a)8 to revoke a registration if it has been found that an individual or business has violated state, federal, or local laws or regulations relating to the conduct of the activities under the registration.

The Department finds that a revocation is appropriate and is entered pursuant to the terms laid out in this document.

You have the right to request a hearing on the revocation 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 revocation 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 revocation will be held in accordance with the requirements set forth in Wis. Stat. ch. 227.

Dated at Madison, Wisconsin on November 11, 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