WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

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/wscca

•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

STATE OF WISCONSIN BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST

NOTICE OF FORFEITURE AND RIGHT TO REQUEST

MICHAEL ELKINS,

REVIEW

RESPONDENT.

Case # 22 UNL 69

ORDER 0 0 0 8 3 5 9

TO: MICHAEL ELKINS

W303 N8753 WOODLAND DR

HARTLAND WI 53209

Re: UNLICENSED ELECTRICAL WORK

You are hereby notified that you are subject to a forfeiture of \$10,000.00 in accordance with Wis. Stat. § 101.88(3) because you engaged in electrical work without possessing the necessary credential in violation of Wis. Stat. § 101.862(2) and held yourself out as a journeyman electrician falsely assuming responsibility and supervision for electrical projects as an employee for Sun Badger Solar. This forfeiture must be paid within 30 days of the date of mailing of this Notice or enforcement action may be taken against you. In addition, you shall not be able to obtain any credentials with the Department until this forfeiture is paid.

The forfeiture of \$10,000.00 shall be made out to the "Wisconsin Department of Safety and Professional Services." Include in the memo line "22 UNL 69" and send to the following address:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You are receiving this forfeiture because a Department investigation found by a preponderance of the evidence that you engaged in electrical work and improperly provided supervision of electrical projects when you did not possess any electrical credential with the State of Wisconsin. The investigation found that you fraudulently held yourself out as a journeyman electrician to obtain employment with Sun Badger Solar. After being hired by Sun Badger Solar you provided supervision and/or performed electrical work on over 100 projects through your role as supervising electrician for their Waukesha Branch during your employment from March 7, 2022,

¹ Wisconsin Administrative Code SPS § 305.40 lays out the supervision required for electrical jobs.

to July 22, 2022. The work performed at these sites would require a licensed electrician to perform the work and for supervision to be done by a licensed master or journeyman electrician.² None of the electrical work done was exempted under Wis. Stat. § 101.862(4). Every project performed as an agent of Sun Badger Solar is a violation of Wis. Stat. § 101.862(2) and subject to forfeitures as allowed by Wis. Stat. § 101.88(3).

Further, the investigation found that you performed electrical work at 1216 East Roberta Avenue, Waukesha. You held yourself out as an electrician, only performed some of the work you were hired to perform, and failed to finish the job without providing any refund. The Department received a copy of a check made out to you for \$2,700. This is a violation of Wis. Stat. § 101.862(2) and you are subject to forfeitures as allowed by Wis. Stat. § 101.88(3).

The Department afforded you an opportunity to respond. The Department reviewed your response and found that you admitted to providing supervision to the employees doing the installations for Sun Badger Solar and admitted to installing wiring on at least two occasions.

The Department has considered all of the evidence gathered and finds by a preponderance of evidence that you violated Wis. Stat. § 101.862.

The Department has the authority to enter a forfeiture of no less than \$25 nor greater than \$500 for each violation of Wisconsin statute or code. See Wis. Stat § 101.88(3). The Department finds approximately 100 instances of violations of Wis. Stat. § 101.862. A forfeiture of \$10,000 is approximately \$100 per violation and thus an appropriate forfeiture as set forth by statute.

You have the right to request a hearing on this matter 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. Any review will be held in accordance with the requirements set forth in Wis. Stat. § 101.02(6). Such request for review shall set out specifically and in full detail every reason why this order is unreasonable, and every issue to be considered by the Department in the review.

Dated at Madison, Wisconsin on January 13, 2023.

Aloysius Rohmeyer

General Counsel

Department of Safety and Professional Services

P.O. Box 8368

Madison, WI 53708-8368

² See Wis. Admin. Code § SPS 305.40