## 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 FLAG/

SUSPENSION AND NOTICE OF RIGHT TO

REQUEST HEARING

ZACHARY MICOLICZYK,

:

&

MICS CONST LLC

:

ord RDER 00087 15

Case # 21 COM 160

RESPONDENTS.

TO: Zachary Micoliczyk Mics Const LLC

212 Cty J

Little Suamico, WI 54141

Pursuant to Wis. Stat. § 440.20(5) and Wis. Stat. § 101.022 you are notified that your expired Dwelling Contractor Certificate (DC-092101007) is hereby flagged (and may not be renewed) and your Dwelling Contractor Qualifier Certificate (DCQ-092101022) is hereby suspended due to your failure to respond to an investigation to the satisfaction of the Department concerning allegations of misconduct, negligence, and/or incompetence by you and your company.

The flag/suspension will remain in place until you respond to the Department. The Department requires an explanation as to whether you presented yourself to the buyer as a contractor based on you holding a DC/DCQ with the Department. Upon receipt of your response the Department will review to determine if it is appropriate for you to have your credential(s) reinstated. If the Department finds your response unsatisfactory, the Department will continue to deny your credentials as allowed by Wisconsin law.

You are receiving this flag/suspension because the Department received a complaint that you received monies to build a deck/patio at 802 S Military Avenue, Green Bay, WI 54304. The complaint alleged that you received funds, demolished the patio, failed to properly pull a permit, and then failed to complete the work. The investigation found that a civil judgment was entered against you that has not been satisfied.

The Department attempted to contact you for a response to the complaint and provided you notice that failure to respond could lead to discipline against your credentials. The Department sent a letter dated September 1, 2022, to your address of record. No response was received. The Department sent a certified letter dated March 7, 2023, demanding a response to the complaint by April 5, 2023. The Department received a certified receipt with your signature, printed name, and date of delivery as March 16. No response was received.

Due to the failure to respond, the Department finds that a flag/suspension is warranted as allowed by Wis. Stat. § 440.20(5)(a) (via Wis. Stat. § 101.022) as you have failed to respond to the Department's requests for information.

You have the right to request a hearing on the suspension of your credential 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 21 Augus | st, 2023. |
|---|-----------|
| Aloysius Rohmeyer                       |           |
| Aloysius Rohmeyer Chief Legal Counsel,  | _         |

Department of Safety and Professional Services