

**Draft**  
**DEPARTMENT OF COMMERCE**  
**SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 07-007		Hearing Location: Madison	
Rule Number: Chapters Comm 5 and 20		Hearing Date: February 27, 2007	
Relating to: Dwelling Contractor Certification			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
1	Randall Mattison Northwest Building Inspection Association, Madison	Believes that the proposed rules for contractor continuing education are a positive step forward although a small step. Contends that further improvements are necessary to best serve home owners. Believes that the contractor certification should promote public safety and not just generate increased revenue. Notes that under the law and rules the certification is not knowledge based and therefore the value is questionable. Believes that persons who install footing, foundations and continuing load path resisting elements should be tested. Believes that the certification revenue should be used to strengthen the department consultation services which are presently too thin for the UDC program. Suggests that the contractor licensing should be based upon the Minnesota model where knowledge-based testing is necessary to obtain and renew the credential.	The proposed rules implement the provisions of 2005 Wisconsin Act 200 which establishes the scope, application and nature of the requirements.
2	Timothy Semmann Wisconsin Builders Association, Madison	Commends the department for its work on the rule package that will elevate the professionalism of the home building industry and will help ensure that individuals on the job site are the ones who receive continuing education. Contends that the proposed rules need to include language addressing the possible suspension or revocation of inspectors who issued permits to uncertified contractors.	Support noted.  The potential suspension or revocation of an inspector's certification is addressed under the existing rules of s. Comm 5.10 (1) (a) 3. and 8.
3	Ross Kinzler Wisconsin Housing Alliance, Madison	Appreciates the broader language describing the course material to qualify for the certification.  Asks whether the rules need to address the possible suspension or revocation of the certification for nonpayment of child support or taxes.  Notes that the first renewal period will only allow 9 months to fulfill the necessary continuing education obligations and questions whether some transition allowance is necessary. Asks the department to review the language concerning who is eligible under the grandfathering provisions and whether it is effective. Recommends that the department suggest legislative changes to specifically cover the qualifier and extend the certification term to 2 years.	Support noted.  The potential suspension or revocation of a certification is addressed under the existing rules of s. Comm 5.10 (1), however, the dwelling contractor certification is one of the few omissions under ss. 101.02(20) and 101.02(21), Stats. The 9-month time period will be adjusted if statutory changes amending the credential term to two years are implemented. Request noted.  Recommendation noted.

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4	Franklin Madden MD Custom Homes, Mequon	<p>Contends that the requirement for continuing education for the dwelling contractor is a positive step forward.</p> <p>Contends that the proposed rules need to address the possible suspension or revocation of inspectors who issued permits to uncertified contractors.</p> <p>Notes that implementing the education program be timely and user friendly in the process.</p>	<p>Support noted.</p> <p>The potential suspension or revocation of an inspector's certification is addressed under the existing rules of s. Comm 5.10 (1) (a) 3. and 8.</p> <p>The department agrees with these processing objectives.</p>
5	Mark Etrheim Mastercraft Homes, Inc., Onalaska	<p>Concerned about:</p> <ul style="list-style-type: none"> <li>• The quality of continuing education courses and the availability across the state.</li> <li>• Accountability for attendance.</li> <li>• Accountability for learning, such as testing.</li> </ul>	<p>The proposed rules implement the provisions of 2005 Wisconsin Act 200 which establishes the scope, application and nature of the requirements. Renewal of the certification is contingent upon fulfilling continuing education obligations. It is expected that the market will weed out courses that do not provide quality.</p>
6	Patricia Galle Metropolitan Builders Association of Greater Milwaukee, Waukesha	<p>Indicates that the proposal establishes a structure that is workable and easy to understand.</p> <p>Contends that who is eligible under the grandfathering provisions needs to be clarified; notes that contact person by rule has to be the business owner, partner, chairman or chief executive officer.</p> <p>Contends that the proposed rules need to address the possible suspension or revocation of inspectors who issued permits to uncertified contractors.</p>	<p>Support noted.</p> <p>The recognition of both business contact people and business owners is more inclusive. The inclusion of the contact person reflects the data on file in the department regarding the issuance of the dwelling contractor financial responsibility credential. The eligible person still needs to apply for the certification and then would be obligated to fulfill the continuing education requirements to renew the credential.</p> <p>The potential suspension or revocation of an inspector's certification is addressed under the existing rules of s. Comm 5.10 (1) (a) 3. and 8.</p>
7	Kenneth Skowronski National Association of the Remodeling Industry, Milwaukee	<p>Raises several questions:</p> <p>Ask which course or courses are the rules requiring for certification; believing that there are a variety of organizations that have courses suitable for certification.</p>	<p>Any person or organization can request a course or courses to be approved for continuing educational credit under s. Comm 5.08. The department will not dictate specific courses.</p>

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	Skowronski continued	<ul style="list-style-type: none"> <li>Who are the members of the certification council and who do they represent.</li> <li>Do the rules limit the municipality from imposing additional certification fees.</li> </ul>	The council's makeup and representation is disclosed in the rule analysis accompanying the proposed rules. The limitation of local certification programs and fees can only occur by statutory provisions that in this case have not occurred.
8	Michael Heuser Milwaukee National Association of the Remodeling Industry, Wauwatosa	<p>Contends that there is no consistent enforcement from the building inspectors relative to certification.</p> <p>Requests that the department consider the certification/educational programs and courses of various building organizations for continuing education credit or certification credit.</p>	<p>Certified inspectors who do not follow laws and rules in the performance of their duties may be subject to possible suspension or revocation of their certifications under the current rules of s. Comm 5.10 (1) (a) 3. and 8.</p> <p>Any person or organization can request a course or courses to be approved for continuing educational credit under s. Comm 5.08. The department will not dictate specific courses.</p>
9	Craig Rakowski James Craig Builders, Inc., Wauwatosa	<p>Favors the proposed rules.</p> <p>Favors changing the law and the rules to a 2-year credential term and 12 hours of continuing education.</p> <p>Contends that clarification is needed of s. Comm 5.315 (2)(a) regarding the eligibility of a person to obtain the qualifier certification under the grandfathering provisions; suggests eliminating the reference to the "contact person" in light of the current language on the current application.</p> <p>Contends that the proposed rules need to include language addressing the possible suspension or revocation of inspectors who issued permits to uncertified contractors.</p>	<p>Support noted.</p> <p>Recommendation noted.</p> <p>The recognition of both business contact people and business owners is more inclusive. The inclusion of the contact person reflects the data on file in the department regarding the issuance of the dwelling contractor financial responsibility credential. The eligible person still needs to apply for the certification and then would be obligated to fulfill the continuing education requirements to renew the credential.</p> <p>The potential suspension or revocation of an inspector's certification is addressed under the existing rules of s. Comm 5.10 (1) (a) 3. and 8.</p>
10	Dan Schilling Residential Inspections, Madison	<p>Believes that holding accountable building inspectors is a critical component of the program.</p> <p>Believes that the contractor continuing educational hours should be more.</p>	<p>The potential suspension or revocation of an inspector's certification is addressed under the existing rules of s. Comm 5.10 (1) (a) 3. and 8.</p> <p>The proposed rules reflect the statutory provisions.</p>

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	Schilling continued.	Notes that the rules only require one individual to hold the certification for a business and allows other uncertified employees to be in charge of quality control in the construction. Contends that the state needs to defend the consumers. Contends that the credential program needs to hold the contractor accountable, including quality.	The proposed rules implement the provisions of 2005 Wisconsin Act 200 which establishes the scope, application and nature of the requirements.
11	Mike Lotto Lotto Homes LLC, Greenleaf	Believes that inspectors must be the first enforcer of compliance.	The potential suspension or revocation of an inspector's certification is addressed under the existing rules of s. Comm 5.10 (1) (a) 3. and 8.
12	Abe Degnan Degnan Design Builders	Contends that the person issuing a permit should be held accountable with respect to the dwelling contractor certification in order to protect professional building contractors and consumers.	The potential suspension or revocation of an inspector's certification is addressed under the existing rules of s. Comm 5.10 (1) (a) 3. and 8.
13	Bob Pfeiffer WECC, Madison	Advocates the inclusion of a building science fundamental course be required in any continuing education class.	The proposal does not dictate specific courses for continuing education purposes realizing that the courses need to fit the needs of a wide variety of individuals who may need to acquire building permits under local ordinances such as roofers.
14	Sharon Hanrahan Energy Center of Wisconsin, Madison	Advocates the inclusion of a building science fundamental course be required in any continuing education class.	The proposal does not dictate specific courses for continuing education purposes realizing that the courses need to fit the needs of a wide variety of individuals who may need to acquire building permits under local ordinances such as roofers.