

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

November 7, 1996

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 96-0637

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

**HIGH TECH HEATING AND AIR
CONDITIONING, INC.**

Plaintiff-Respondent,

v.

**MICHAEL A. O'CONNELL, Deceased, by
SPECIAL ADMINISTRATOR NANCY L. O'CONNELL,
and NANCY L. O'CONNELL,**

Defendants-Appellants.

APPEAL from an order of the circuit court for Dane County:
PATRICK J. FIEDLER, Judge. *Reversed and cause remanded.*

Before Dykman, P.J., Roggensack and Deininger, JJ.

PER CURIAM. Nancy O'Connell, on behalf of herself and the estate of Michael O'Connell, appeals from an order dismissing one of her counterclaims against High Tech Heating and Air Conditioning, Inc. The parties have filed claims against each other involving furnace repair services

provided by High Tech. The counterclaim in question sought double damages, costs and fees under § 100.20(5), STATS., for High Tech's alleged violation of WIS. ADM. CODE ch. ATCP 110, which regulates certain home improvement trade practices. The trial court concluded on summary judgment, however, that § 100.20(5) does not allow recovery for administrative rule violations. We granted O'Connell's petition for leave to appeal that nonfinal ruling. We disagree with the trial court; and therefore reverse.

Section 100.20(5), STATS., provides that "[a]ny person suffering pecuniary loss because of a violation by any other person of any order issued under this section may sue ... and shall recover twice the amount of such pecuniary loss, together with costs, including a reasonable attorney's fee." Section 100.20(2), STATS., provides that the Department of Agriculture, Trade and Consumer Protection "may issue general orders forbidding methods of competition in business or trade practices in business which are determined by the department to be unfair." The department used its authority under that section to create WIS. ADM. CODE ch. ATCP 110. *See* Note to ch. ATCP 110. The dispositive issue in this appeal, therefore, is whether "any order issued under this section" includes "general orders" such as ch. ATCP 110.

We conclude that "any order" includes all orders without regard to type, and therefore, necessarily includes "general orders." The statute is unambiguous. If the statute's meaning is plain and unambiguous from its language, we must give it effect and look no further in construing it. *State v. Williams*, 198 Wis.2d 516, 525, 544 N.W.2d 406, 410 (1996). As a result, O'Connell may pursue a claim under § 100.20(5), STATS., for the alleged violation of ch. ATCP 110.

By the Court.—Order reversed and cause remanded.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.