

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/wscqa>

- 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

DALE BIERTZER,
RESPONDENT.

:
:
: NOTICE OF SUSPENSION
: AND NOTICE OF RIGHT
: TO REQUEST HEARING

:
:
: Case # 16 COM 221 **0005498**

TO: Dale Biertzer
1030 3rd Avenue, P.O. Box 31
Park Falls, WI 54552

You are hereby notified that your Dwelling Contractor Qualifier credential is suspended for thirty (30) days, beginning December 8, 2017.

The basis for this suspension is the work that you performed on Rick and Patricia Flora's cabin located at N16729 Lakeshore Drive, Butternut, Wis. 54515. You were hired to complete the reconstruction of the Flora's cabin. The Department of Safety and Professional Services (Department) conducted an investigation which revealed that you used products contrary to those listed in the contract, you did not install the blower fan in the fireplace, you did not install sufficient footings for the entryway pursuant to Wis. Admin. Code § SPS 321.16(1)(a), and you did not properly frame the backdoor to account for the live and dead loads pursuant to Wis. Admin. Code § SPS 321.02(1).

The above conduct constitutes negligence under Wis. Admin. Code § SPS 305.10(1)(a)3. This violation is a basis for discipline pursuant to Wis. Admin. Code ch. SPS 305.

After the thirty (30) day suspension, you may request, in writing, to have your credential reinstated. The reinstatement process is set forth in Wis. Admin. Code § SPS 305.10(1)(f). You have the right to request a hearing on the suspension by sending a request for hearing to the Department of Safety and Professional Services, Chief Legal Counsel, P.O. Box 8368, Madison, Wisconsin 53708-8368, which must be received by the Department no later than 30 days from the date of mailing of this Notice. The date of mailing of this Notice is November 8, 2017. 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 November 8, 2017.



Aloysius Rohmeyer
Chief Legal Counsel
Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : NOTICE OF SUSPENSION
: AND NOTICE OF RIGHT
: TO REQUEST HEARING
BIERTZER CONSTRUCTION LLC, :
RESPONDENT. : Case # 16 COM 221 **0005498**

TO: Biertzer Construction
1030 3rd Avenue, P.O. Box 31
Park Falls, WI 54552

You are hereby notified that Biertzer Construction's Dwelling Contractor credential is suspended for thirty (30) days, beginning December 8, 2017.

The basis for this suspension is the work that you performed on Rick and Patricia Flora's cabin located at N16729 Lakeshore Drive, Butternut, Wis. 54515. You were hired to complete the reconstruction of the Flora's cabin. The Department of Safety and Professional Services (Department) conducted an investigation which revealed that you used products contrary to those listed in the contract, you did not install the blower fan in the fireplace, you did not install sufficient footings for the entryway pursuant to Wis. Admin. Code § SPS 321.16(1)(a), and you did not properly frame the backdoor to account for the live and dead loads pursuant to Wis. Admin. Code § SPS 321.02(1).

The above conduct constitutes negligence under Wis. Admin. Code § SPS 305.10(1)(a)3. This violation is a basis for discipline pursuant to Wis. Admin. Code ch. SPS 305.

After the thirty (30) day suspension, you may request, in writing, to have your credential reinstated. The reinstatement process is set forth in Wis. Admin. Code § SPS 305.10(1)(f). You have the right to request a hearing on the suspension by sending a request for hearing to the Department of Safety and Professional Services, Chief Legal Counsel, P.O. Box 8368, Madison, Wisconsin 53708-8368, which must be received by the Department no later than 30 days from the date of mailing of this Notice. The date of mailing of this Notice is November 8, 2017. 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 November 8, 2017.



Aloysius Rohmeyer
Chief Legal Counsel
Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368