

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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>

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DIVISION OF INDUSTRY SERVICES
4822 MADISON YARDS WAY
MADISON WI 53705
Contact Through Relay
<http://dsps.wi.gov/programs/Default.aspx>
www.wisconsin.gov



Scott Walker, Governor
Laura Gutiérrez, Secretary

NOTICE OF VIOLATIONS AND ORDERS

January 2, 2019

CUST ID No.: 1466531 TRANSACTION No.: 3185573
Phone: 715-538-1588

GILBERTO HERNANDEZ
GUERRERO 2 MEXICAN RESTAURANT
PO BOX 44
WHITEHALL, WI 54773

Site ID No.: 788312 Guerrero 2 Mexican Restaurant
SITE ADDRESS: 36348 Main Street
Trempealeau County, City of Whitehall
Site Contact: Gilberto Hernandez
Contact Phone: 715-538-1588

0806005

Regulated Objects:

Nature of Complaint Summary: Building needs plan approval for change of use
Object Type: Complaint Regulated Object ID No.: 1804741 (18 COM 47)
Last Inspection Date: November 05, 2018

INVESTIGATION NOTES:

This DEPARTMENT ORDER is issued as a result of an inspection on the above referenced site.

The following violations were revealed:

Violation: No plans submitted with the change of use. Building went from a business/mercantile use to an assembly use on the ground floor and from a mercantile/storage use to residential on the second floor.

Wis. Admin. Code § SPS 361.03(11): Except as provided in sub. (12), no change may be made in the use or occupancy of any building or structure, or any space within a building or structure, that would place the building, structure or space either in a different division of the same group of occupancies or in a different group of occupancies.

Wis. Admin. Code § SPS 361.30(1)(a) Plan review and approval: Except as provided in par. (b), Table 361.30-1, and sub. (4), the construction of, the alteration of, or the addition to a public building or a place of employment may not commence unless plans for the project have been submitted to and approved by the department or its authorized representative in accordance with s. SPS 361.31.

Suggested Action: Hire professional and submit plans to the State for review. Inspections will be made to verify compliance.

You are hereby ordered to have the installation corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. This installation shall be corrected by the compliance date noted, and upon correction of violations I must be notified. If you fail to comply, this order is enforceable in circuit court pursuant to Wis. Stat. § 101.02(13), Stats., with forfeitures ranging from \$10 to \$100 per day for each violation

If you have any questions regarding this matter, please feel free to contact me at the number listed below.

Wis. Admin. Code § SPS 303.03 Permits any person affected by a rule of the department to petition for a variance of the rule. The petition needs to establish equivalency to the rule, be provided on the form from the department and be submitted with accompanying fee and municipal recommendation.

Wis. Stat. § 101.02(6) Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the department in the manner provided in this subchapter. All requests must be received within 30 days of the date of this Order and shall set out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable, and every issue to be considered by the department on the hearing. The petitioner 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.

INSPECTOR NAME: Matthew McCasland		INVESTIGATION DATE: 11/05/2018
PHONE/WORK HOURS: (608)266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:	DATE:	INVESTIGATION SOURCE: Other
	1/2/19	COMPLIANCE DATE: 02/28/19
		Fee Required: (Invoice will be send Separately)
		PTO Expires:

cc: Bret J Radke, State Building Inspector, (608) 386-1301, Mon-fri, 7:00 A.M. - 3:30 P.M.