

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/wscga>

- 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



Tony Evers, Governor
Dawn B. Crim, Secretary

NOTICE OF VIOLATIONS AND ORDERS

December 26, 2019

CUST ID No.: 1261311 **TRANSACTION No.: 3287229**
Phone: 920-207-1767

JIM SCHULTZ COMMERCIAL, LLC
15327 COUNTY RD XX
KIEL, WI 53042

Site ID No.: 860915 Schultz Rustic Barn
SITE ADDRESS: 12901 County Highway M
Manitowoc County, Town of Meeme
Site Contact: Jim Schultz
Contact Phone: (920)207-1767

ORDER 0006594

Regulated Objects:

Nature of Complaint Summary: FAILED TO SUBMIT PLANS ON COMMERCIAL BUILDING
Object Type: Complaint Regulated Object ID No.: 1840244 (19 COM 154)
Last Inspection Date: October 29, 2019

INVESTIGATION NOTES: The Department of Safety and Professional Services performed an outside site inspection on October 29, 2019, and found a barn used for commercial purposes. A review of Department records found no plan submittal for this site. A review of social media found that the site is being used as a wedding/event barn.

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

The following violations were revealed:

Violation: Construction on a commercial building began before plans were submitted and approved by DSPS.

Wis. Admin. Code § 361.03(7): New buildings and structures. All buildings, structures and additions to buildings, structures, and components, to be constructed or erected shall be designed, constructed, and maintained in accordance with the rules of chs. SPS 361 to 366 as the rules exist on one of the following:

- (a) Pursuant to s. SPS 361.30, the date plans for the building, structure or addition are approved by the department or authorized representative.
- (b) The date the local building permit is issued, if plan submission and approval is not required under s. SPS 361.30.
- (c) The date construction is initiated, where pars. (a) and (b) do not apply.

Wis. Admin. Code § SPS 361.30(1) Plan review and approval. (a) 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: Submit plans to the Department concerning the construction of the new barn event venue.

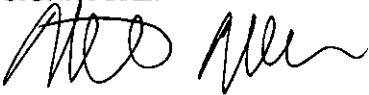
You are hereby ordered to have the installation corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. This installation shall be corrected by the compliance date noted, and upon correction of violations I must be notified. If you fail to comply, 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.

ATTORNEY NAME: Matthew McCasland	INVESTIGATION DATE: 10/29/2019
PHONE: (608)266-9814	
E-MAIL: matthew.mccasland@wisconsin.gov	INVESTIGATION TYPE: Requested
SIGNATURE:  DATE: 12/23/19	INVESTIGATION SOURCE: Other
	COMPLIANCE DATE: 04/12/20

cc: Brian Noe, Building Inspector, (920) 420-4796