

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

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



Tony Evers, Governor
Dawn B. Crim, Secretary

NOTICE OF VIOLATIONS AND ORDERS

December 28, 2020

MARK R & PAULA M DEMBROSKI
13595 LOWER DAM RD
MOUNTAIN WI 54149-9407

Chute the Breeze Cafe
12550 Hwy 32, Suring, WI 54174
Phone: (920) 591-1870
Email: Chutethebreeze@gmail.com

ORDER 0007133

Regulated Objects:

Nature of Complaint Summary: Building Code Violation

Object Type: Complaint

Last Inspection Date: July 2020

INVESTIGATION NOTES:

NOTE: Due to the uncertainty caused by COVID-19 the Department will extend compliance dates so long as work is being made on gaining compliance with orders or if the site is not being used due to restrictions.

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

The following violations were revealed:

Violation: Stove does not have a required type I hood and no plan submittal for the hood.

Wis. Admin. Code § SPS 361.30 Plan Review and Approval

(3) Types Of Building Components.

(a) Except as provided in sub. (4), building component or system plans shall be submitted to and approved by the department or authorized representative prior to installation of the component or system, for each of the following type components or systems:

1. Pre-manufactured and pre-engineered structural components.
2. Heating, ventilating and air conditioning systems.
3. Fire protection systems.

(b) Component or systems plans shall be submitted in one of the following manners:

1. Included with the plans under sub. (1)(a).
2. Submitted as a separate plan for the component or system.

Wis. Admin. Code § SPS 361.05(3) Imc. The International Mechanical Code® – 2015, subject to the modifications specified in this chapter and ch. SPS 364 is incorporated by reference into chs. SPS 361 to 366.

IMC § 507.1 General. Commercial kitchen exhaust hoods shall comply with the requirements of this section. Hoods shall be Type I or II and shall be designed to capture and confine cooking vapors and residues. A Type I or Type II hood shall be installed at or above all *commercial cooking appliances* in accordance with Sections 507.2 and 507.3. Where any cooking *appliance* under a single hood requires a Type I hood, a Type I hood shall be installed. Where a Type II hood is required, a Type I or Type II hood shall be installed. Where a Type I hood is installed, the installation of the entire system, including the hood, ducts, exhaust equipment and makeup air system shall comply with the requirements of Sections 506, 507, 508 and 509.

Suggested Action: Install Type I hood above the equipment. The hood will require state plan review per Wis. Admin. Code § SPS 361.30(3).

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: 7/7/2020
PHONE/WORK HOURS: (608) 266-9814	
E-MAIL: matthew.mccasland@wisconsin.gov	INVESTIGATION TYPE: Requested
SIGNATURE:  DATE: 12/28/2020	INVESTIGATION SOURCE: Other
	COMPLIANCE DATE: 2/26/20

cc: Ryan Geiger