

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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DIVISION OF INDUSTRY SERVICES

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<http://dsps.wi.gov/programs/industry-services>

[www.wisconsin.gov](http://www.wisconsin.gov)



**Tony Evers, Governor**

**Dawn B. Crim, Secretary**

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## NOTICE OF VIOLATIONS AND ORDERS

October 5, 2021

**LAWRENCE S TRAN**

**1108 BIRCH LN**

**DRESSER WI 54009**

**SITE:**

**MIRACLE EAR**

**135 S WASHINGTON ST**

**SAINT CROIX FALLS 54024**

**ORDER 0007614**

### Regulated Objects:

Nature of Complaint Summary: Failure to submit building plans for construction project

Object Type: Complaint (20 COM 111)

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**INVESTIGATION NOTES:** An investigation found that construction was done on this site without proper plan submittal. The easiest way to resolve these violations is to draft and submit building plans to the Department.

**Wis. Admin. Code § SPS 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.

**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.

**1. Building Plans – §SPS 361.30(1).** (1) TYPES OF BUILDINGS. (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.

**2. HVAC Plans— §SPS 361.30(3).** Failure to submit and obtain HVAC plan review approval from the department prior to commencing alterations to the HVAC system.

**3. Flush Controls – 2009 ICC A117.1 §604.6.** Failure to locate flush controls on the open side of the water closet.

**4. Water Closet Grab Bars – 2009 ICC A117.1 §604.5.** Failure to provide grab bars for the water closet in accordance with Sections 604.5.1 and 604.5.2.

**5. Lavatory Knee and Toe Clearance – 2009 ICC A117.1 §606.2.** Failure to provide the toilet room lavatory with knee and toe clearance complying with Section 306.

**6. Door Hardware – 2015 §IBC §1010.1.9.1.** Failure to provide door hardware operable parts on doors required to be accessible that does not require the tight grasping, tight pinching or twisting of the wrist to operate. [i.e., Lever handles but no twist only buttons]

**7. Tactile Exit Signage – 2015 IBC §1013.4.** Failure to provide a sign stating EXIT in visual characters, raised characters and braille and complying with ICC A117.1 adjacent to each exterior exit door.

**8. Combustible Construction – 2015 IBC §603.1.** Failure in a building of Type I construction to construct demising walls between tenant spaces of non-combustible materials.

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**Required Action:** Submit four sets of building plans (or one plan set and three additional index sheets), with one set of calculations and specifications, a completed SBD-118 form, a copy of orders as issued by a Dept. representative from the field to this Department for review and approval. If the building is over 50,000 cubic feet in total volume, all plans, calculations and specifications shall be properly stamped, signed and dated by a WI-registered architect or engineer.

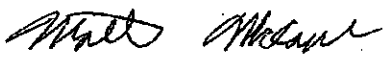
You are hereby ordered to have the installation corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. This installation shall be corrected by the compliance date noted, and upon correction of violations I must be notified. If you fail to comply,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

**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: 1/2021
PHONE/WORK HOURS: (608) 266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:	DATE:	INVESTIGATION SOURCE: Other
	10/5/2021	COMPLIANCE DATE: 12/18/2021

cc: Joe Merchak

Lucas Dederich