

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



ORDER 0007982

NOTICE OF VIOLATIONS AND ORDERS

May 19, 2022

R&R Investments of Manawa LLC

PO Box 203

Manawa WI 54949

SITE: The Bullpen

121 East Randolph Street

Village of Rosholt

Rosholt, WI 54473

Regulated Objects:

Nature of Complaint Summary: Building has not been kept in compliance with Wisconsin commercial building code.

Object Type: Complaint

Last Inspection Date: October 2021

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.

INVESTIGATION NOTES: This Order concerns a tavern that has not been properly maintained and has fallen below the commercial building code that was in place when the building was constructed or last altered.

Bringing the building into compliance with the building code would require additions, alterations, repairs that would be subject to the current commercial building code. Because of the scope of repairs needed to make the building safe for public use plan submittal by a design professional is required by code.

The following violations were revealed:

Violation: The building is in disrepair it is no longer maintained and in conformance with the Wisconsin administrative building code provisions that applied when the building was constructed or altered.

Wisconsin Admin Code § SPS 361.03 (13) Existing buildings and structures.

- (a) Unless otherwise specifically stated in chs. SPS 361 to 366, an existing building or structure, and every element, system, or component of an existing building or structure shall be maintained to conform with the Wisconsin administrative building code provisions that applied when the building, structure, element, system, or component was constructed, or altered except when required by subsequent editions of the building code.

Required action: Abandon use of property OR the building needs to be repaired, replaced, and/or altered to gain compliance with the commercial building code. If construction is done, then plan submittal shall be required as laid out by Wis. Admin. Code § SPS 361.03

Wis. Admin. Code § SPS 361.03(8) Alterations. All portions, elements, systems or components of existing buildings and structures to be altered or modified, where the alteration or the modification affects a building element or component relating to subject matters regulated by chs. SPS 361 to 366, 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 alteration or modification 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 the alteration is initiated, where pars. (a) and (b) do not apply.

(9) Replacements. All building systems or components of existing buildings and structures to be replaced, where the replacement involves a building element or component relating to subject matters regulated by chs. SPS 361 to 366 shall conform and be 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 replacement 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 the replacement is initiated, where pars. (a) and (b) do not apply.

(10) Repairs. All portions, elements, systems or components of existing buildings and structures repaired shall conform and be maintained in accordance with the rules of chs. SPS 361 to 366 as the rules exist on one of the following:

- (a) The date plans for that portion, element, system or component was approved by the department or authorized representative.
- (b) The date the local building permit was issued for that portion, element, system or component, if plan submission and approval was not required.
- (c) The date construction was initiated for that portion, element, system or component, where pars. (a) and (b) do not apply.

Wis. Admin. Code § SPS 361.30(1) Plan review and approval.

(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.

Wis. Admin. Code § SPS 361.40 Supervision.

(1) General.

- (a) Except as provided in par. (b), the proposed construction of a project within the scope of chs. SPS 361 to 366 shall be supervised by one or more Wisconsin registered architects or engineers, except that Wisconsin registered designers may supervise the installation of heating, ventilating and air conditioning systems, fire protection systems, and illumination systems. The person responsible for supervision shall also be responsible for the construction and installation being in substantial compliance with the approved plans and specifications. If the

supervising architect, engineer, or designer is confronted with a nonconformance with the code during or at the end of construction, that party, together with the designing architect, engineer, or designer shall effect compliance or shall notify the department of the noncompliance.

(b)

1. A project does not require supervision by a Wisconsin registered architect or engineer, if the project qualifies under one of the following conditions:

a. The building contains less than 50,000 cubic feet total volume.

b. An addition to an existing building does not cause the entire building to contain or exceed a volume of 50,000 cubic feet.

Required action: Submit building plan for review and approval as a commercial building open to the public – OR – discontinue use of the tavern as a commercial building and do not allow the public to enter or use that building.

Violation: The electrical wiring throughout the building is a hazard to life, health or property.

Wis. Admin. Code § SPS 316.003 Application.

(3) Existing installations. Existing electrical installations shall conform to the electrical code that applied when the installations were installed. An existing electrical installation may be required to be brought into compliance with the current code's requirements by the department and within the time period determined by the department when a hazard to life, health or property exists or is created by the installation.

Wis. Admin. Code § SPS 316.012 Permits

(1)

(a) Except for an electrical wiring project described in s. 101.875 (2), Stats., and as provided in par. (b), no electrical wiring project may commence unless the owner of the premises where the installation is to occur or their agent holds a permit from the designated inspection agency if the project involves the installation of new or an addition to any electrical service, feeder, or branch circuit serving any of the following:

2. A public building, structure, or premises.

3. A place of employment.

Required action: Obtain permit and bring electrical wiring to code.

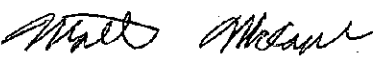
You are hereby ordered to have the installation corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. This installation shall be corrected by the compliance date noted, and upon correction of violations I must be notified. If you fail to comply, 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 or Jon Molledahl at 608-225-6520.

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: 10/2021
PHONE/WORK HOURS: (608) 266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:	DATE:	INVESTIGATION SOURCE: Other
	05/19/2022	COMPLIANCE DATE: 7/22/2022

cc: Lucas Dederich

Jon Molledahl