

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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- 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>

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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

HARD ROCK SERVICES LLC,

&

BENJAMIN GERSEK
RESPONDENTS.

:
:
: NOTICE OF FORFEITURE
: AND NOTICE OF RIGHT
: TO REQUEST REVIEW

:
: Case # 22 COM 67

:
: Order: **ORDER0008063**

TO: HARD ROCK SERVICES LLC
BENJAMIN GERSEK
3662 HUMBOLDT RD
GREEN BAY, WI 54311-5761

You are hereby notified that you are subject to a forfeiture of **\$75.00** in accordance with Wis. Stat. § 101.02(12) & (13) for failing to notify the Department of Safety and Professional Services prior to performing a blast. This is a violation of Wis. Admin. Code § SPS 307.31(2)(b)1. This forfeiture must be paid within 30 days of the date of mailing of this Notice. Further, your credential (Blaster # 1434192) shall not be able to be renewed until payment is received.

The forfeiture of **\$75.00** shall be made out to the "Department of Safety and Professional Services." Include in the memo line "22 COM 67" and send to the following address:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

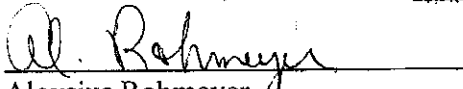
You have the right to request a review of the assessment of forfeiture by sending a request addressed to Division Administrator, Division of Industry Services, P.O. Box 7302, Madison, WI 53707-7302. Any review of the assessment of forfeiture will be held in accordance with the requirements set forth in Wis. Stat. § 101.02(6). Such request for review shall set out specifically and in full detail every reason why this order is unreasonable, and every issue to be considered by the Department in the review.

An investigation by the Department found that you performed a blast on May 30, 2022, without providing the proper notification to the Department, local fire department, and local law enforcement. You admitted to the Department that you performed a blasting job for a septic system off of Heritage Lake Road, Egg Harbor WI. This is a violation of Wis. Admin. Code § SPS 307.31(2)(b)1.

According to Wis. Admin. Code § SPS 307.10 the penalties for violating any provision in Chapter 307 relating to explosives shall be assessed in accordance with Wis. Stat. § 101.02 (12) and (13). A forfeiture of no less than \$10 nor more than \$100 is to be assessed for each violation.

For these reasons a forfeiture of \$75.00 is assessed in accordance with Wis. Stat. § 101.02(13).

Dated at Madison, Wisconsin on August 3, 2022.



Aloysius Rohmeyer
Chief Legal Counsel
Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368