

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

Dan Hereth, Secretary



NOTICE OF VIOLATIONS AND ORDERS

August 9, 2022

LAKESIDE PARK PROPERTIES LLC

BRENT DAVID HUEBNER

1213 N SHERMAN AVE STE 326

MADISON WI 53704

SITE: 120 E MAIN STREET

Parcel No. 151-0013-00000

MAILING ADDRESS 111 GROVE STREET

VILLAGE OF MERRIMAC

Regulated Objects:

Nature of Complaint Summary: Change of use to building without submitting building plans to the Department. Building in disrepair.

Object Type: Complaint

Last Inspection Date: September 2021

ORDER0008080

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: The Department performed an interior and exterior inspection of the site in September 2021. Upon information and belief and through a search of public records it was determined that the site underwent a change of use without submitting plans to the Department and failing to properly update the building to proper code. Further, it was found that the building was in such disrepair that, regardless of any change of use objections, the building is in such a state that plan submittal would be necessary to fix the structure to a point that it would be safe for residents to reside in.

The following violations were revealed:

1. Violation: Change of use to the site without proper plan review submittal.

Wis. Admin. Code § SPS 361.03 Application.

(1) Standards.

- (a) The design and construction of public buildings and places of employment shall comply with s. SPS 361.05, except as otherwise provided in chs. SPS 361 to 366.
- (b) The codes and standards that are referenced in this chapter, and any additional codes and standards which are subsequently referenced in those codes and standards, shall apply to the prescribed extent of each such reference, except as modified by this chapter.
- (c) The requirements in IBC Appendix C may be applied to certain agricultural buildings, as specified in s. SPS 362.3600 (2), in lieu of corresponding, otherwise applicable requirements of chs. SPS 361 to 366.

(11) Change of occupancy or use.

Except as provided in sub. (12), no change may be made in the use or occupancy of any building or structure, or any space within a building or structure, that would place the building, structure or space either in a different division of the same group of occupancies or in a different group of occupancies, unless the building, structure or space complies with the requirements of chs. SPS 361 to 366 for the new division or group of occupancies, as these requirements exist on one of the following dates:

- (a) Pursuant to s. SPS 361.30, the date when plans for the change in occupancy or use are approved by the department or authorized representative.
- (b) The date a local building permit is issued, if plan submittal and approval is not required under s. SPS 361.30.
- (c) The date construction is initiated, where pars. (a) and (b) do not apply.
- (d) The date an occupancy permit is issued, where pars. (a) to (c) do not apply.

Wis. Admin. Code § SPS 361.30 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.

Required Action: Submit building plan for review and approval of use of the site as a commercial building— OR —
discontinue use of site and do not allow the public to enter or use that building.

2. Violation: Disrepair of the building is such that alterations, replacements, and repairs will be necessary to bring the building into safe use.

Wis. Admin. Code § SPS 361.03(8)-(10)

(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.

(d) The date repair is initiated.

Wis. Admin. Code § SPS 361.30 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.

Required Action: Submit building plan for review and approval – OR – discontinue use of building.

3. Violation: Improper exit signage.

IBC 1013.1 - Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. The path of egress travel to exits and within exits shall be marked by readily visible exit signs to clearly indicate the direction of egress travel in cases where the exit or the path of egress travel is not immediately visible to the occupants. Intervening means of egress doors within exits shall be marked by exit signs. Exit sign placement shall be such that no point in an exit access corridor is more than 100 feet from the nearest visible exit sign. Address the need for 90-minute continued illumination in case of power loss.

Required Action: have a licensed electrician repair or replace non-working exit signs where required

4. Violation: Improper smoke alarms in rooms.

IBC 907.2.11.2 - Provide smoke alarms in each room used for sleeping purposes, in each room in the immediate vicinity of each bedroom, and on each story within the dwelling unit including basements, but not crawl spaces or uninhabitable attics.

Required Action: Repair or replace nonoperational or missing smoke detectors.

5. Violation: Electrical work performed without obtaining the proper permits.

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.

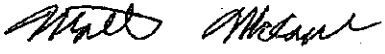
Required Action: Obtain permit for all electrical work. Hire licensed electrician to repair electrical violations.

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: 9/2021
PHONE/WORK HOURS: (608) 266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:	DATE:	INVESTIGATION SOURCE: Other
	8/9/2022	COMPLIANCE DATE: 11/22/2022

cc: Lucas Dederich

Jon Molledahl