

Tony Evers  
Governor



DIVISION OF PUBLIC HEALTH

1 WEST WILSON STREET  
PO BOX 2659  
MADISON WI 53701-2659

Kirsten L. Johnson  
Secretary

**State of Wisconsin**  
Department of Health Services

Telephone: 608-266-1251  
Fax: 608-267-2832  
TTY: 711 or 800-947-3529

June 10, 2025

WILL STEVENS  
SERVICE PAINTING CORPORATION  
2727 W MILL RD  
MILWAUKEE WI 53209-3213

**Notice of Civil Forfeiture – Renovation**

Case No. 138137

Inspector: Sebastian Zorić Martinez  
608-893-8870

Dear Will Steven:

Service Painting Corporation (SPC) is noncompliant with required work practice standards under Wis. Admin Code. ch. DHS 163.

As previously stated, orally and in writing, to SPC, the Wisconsin Department of Health Services (DHS) retains an enforcement role, which includes enforcing DHS administrative rule chapter 163, which outlines requirements for certification, enforcement, and work safety rules certified lead companies are required to follow while conducting lead safe renovations. The rules are to protect the health and safety of workers, occupants, and the environment while lead renovations are being performed. SPC continues to be a certified lead company under Wis. Admin Code § DHS 163.12.

From March 20, 2025, to May 28, 2025, during a series of inspections of the lead renovation work occurring at MPS schools, DHS inspectors found noncompliance with several lead rules relating to SPC's renovation work.

## **Basis for Findings of Noncompliance**

1. On March 19, 2025, DHS issued a noncompliance notice with an ordered plan of correction (Case No. 137416) to SPC based on violations found between February 6, 2025, to March 19, 2025.
2. Between March 20, 2025, and May 9, 2025, DHS inspected multiple lead renovation projects that SPC conducted.
3. Work was performed by the workers at the following child occupied facilities, which were built before 1978:
  - a. Fernwood Montessori School at 3239 South Pennsylvania Avenue (Fernwood)
  - b. Starms Early Childhood Center at 2616 West Garfield Avenue (Starms)
4. The following are detailed descriptions of the rule violations:
  - a. **Wis. Admin. Code § DHS 163.14 (11)(e)(1). Failure to post signs**
    - i. On March 20, 2025, DHS and Environmental Protection Agency (EPA) conducted a joint inspection of Fernwood's renovation work site. During the

inspection, multiple entrances to individual work sites located on the ground floor (Corridors G-1 and G-2), second floor corridor (2-2) and stairwells (2, 3, and 4) did not have warning signs or warning tape posted. The assigned certified SPC renovator indicated to investigators that MPS had run out of warning signs and were no longer providing SPC with any additional warning signs. SPC started trying to correct this by putting up handwritten signs.

**b. Wis. Admin. Code § DHS 163.14 (11)(f) Failure to conduct interior lead-safe work practices**

- i. On March 20, 2025, at Fernwood, EPA and DHS observed a work area on the second floor that had no decontamination options when leaving the work area to go into open classrooms (rooms 24, 25, and 28). The DHS inspector also observed that other decontamination “Tak Pads” throughout the schools were not secured to the ground and could not serve their purpose. The assigned certified SPC renovator took corrective measures when the DHS inspector pointed this out.

**c. Wis. Admin. Code § DHS 163.14(11)(j)(1), (2), and (4). Failure to perform daily interior cleaning**

- i. On March 20, 2025, at Fernwood, EPA and DHS observed visible paint chips and construction debris along the accent trim in the corridors on the 3rd floor. The assigned certified SPC renovator indicated the 3rd floor had been deemed clean.
- ii. On April 17, 2025, at Stars, DHS inspected a work area in the southeast corner of the fourth-floor gymnasium where the work was completed. Plastic containment had been removed. The assigned certified SPC renovator indicated that final cleaning had been done in this area. The DHS inspector found paint chips and visible dust on a ledge directly below where paint had been scraped off the wall.

## **Enforcement Action**

Under Wis. Admin. Code § DHS 163.32(3), DHS imposes a civil forfeiture against MPS. DHS has reviewed the violations and determined it will issue civil forfeiture for the following findings of noncompliance:

1. Failure to post warning signs and contain work area	\$ 200
2. Failure to conduct lead-safe work practices	\$ 300
3. Failure to perform daily cleaning (\$300 x 2 schools)	\$ 600
<b>Total base forfeiture:</b>	<b>\$ 1,100</b>
<b>Adjustments:</b>	
Cooperation (-30%)	-\$ 330
Evidence of children addition (+25%)	+\$ 275
<b>Total adjusted forfeiture due:</b>	<b>\$ 1,045</b>

**Option 1: Pay forfeiture.** Within 10 working days after receiving this letter, submit your check or money order for **\$1,045**, payable to **State Treasurer-School Fund**, to:

**State of Wisconsin  
PO Box 93419  
Milwaukee, WI 53293-3419**

**Option 2: Provide a detailed future-state plan with assurances for safe work.** It is DHS's understanding that MPS is hiring JCP Contracting as a third-party management company. Provide a detailed plan of how SPC will be handling renovations in the child-occupied schools moving forward. Satisfactorily providing this information as indicated below provides a 100 percent forfeiture discount.

**Within 10 working days after receiving this letter:** Please provide a written description of the following:

- Provide the current schedule of child-occupied schools that SPC will be working on and when work is scheduled for the 2025 summer, and
- Provide a written plan detailing the added steps SPC has or will take to ensure that the March 19, 2025, ordered plan of correction and DHS 163 regulations are followed when conducting regulated work in child occupied facilities.

**Submit this information to [Jessica.ellner@dhs.wisconsin.gov](mailto:Jessica.ellner@dhs.wisconsin.gov) by June 24, 2025.**

If you do not complete the above steps by **June 24, 2025**, the original adjusted forfeiture of **\$1,045** will be due immediately. Option 2 will no longer be available.

SPC has the right to appeal the civil forfeiture. A request for a hearing must be submitted in writing and received by the Wisconsin Division of Hearings and Appeals within 10 working days after the date of this Notice. See Addendum A for further details.

If you have questions, please call the inspector at the top of this letter.

Sincerely,



Jessica Ellner  
Field Compliance Unit Supervisor, Lead and Asbestos Section  
Bureau of Environmental and Occupational Health

cc: Milwaukee Health Department

Enclosures: Addendum A: Directions on filing an appeal  
Addendum B: Language of the administrative rules violated  
Addendum C: DHS authority to initiate enforcement action  
Addendum D: Copy of the March 19, 2025, Noncompliance Notice and Ordered Plan of Correction  
Addendum E: Inspection photos

## Addendum A: Right to Appeal

Under Wis. Stat. ch. 227 and Wis. Admin. Code § DHS 163.33, you have the right to appeal this DHS enforcement action by filing a written request for a hearing with the Wisconsin Division of Hearings and Appeals. If you choose to appeal, your request must be received by the Division of Hearings and Appeals no later than 10 working days from the date of this letter. DHS 163.03 (118) defines "Working day" as any day except Saturday, Sunday, and state and federal holidays.

An appeal may be filed with the Division of Hearings and Appeals by fax to 608-264-9885, by mail to P.O. Box 7875, Madison, WI 53707-7875, or in person to 4822 Madison Yards Way, 5<sup>th</sup> Floor, Madison, WI.

A request for a hearing should contain the following information: your name and address, a description of the DHS action you are contesting, a concise statement of the reasons for objecting to the action, the type of relief you are seeking and a request for hearing.

## Addendum B: Administrative Rules Violated

### **Wis. Admin. Code § DHS 163.12 Certification of a company.**

(2) **CONDITIONS FOR CERTIFICATION.** To be certified as a lead company, an applicant shall do all of the following: To be certified as a lead company, an applicant shall do all of the following:

(c) *Follow work practice standards.* Agree that all company employees or subcontractors will follow the applicable work practice standards under s. [DHS 163.14](#) when performing activities covered by the standards.

### **Wis. Admin. Code § DHS 163.14 Work practice standards.**

(11) **RENOVATION ACTIVITIES.**

(e) *Occupant protection.* Documented methodologies and all of the following work practice requirements shall be used to protect occupants when renovation activities are performed:

1. 'Post signs.' Signs clearly defining the work area and warning occupants and other persons not involved in the renovation activities to remain outside the work area. To the extent practicable, these signs shall be in the primary language of the occupants. Signs shall be posted before beginning the work and shall remain in place and readable until the renovation activities and post-work cleaning verification have been completed.

(f) *Interior lead-safe work practices.* The company shall ensure that documented methodologies are used for all interior renovation activities and that all personal property in the work area is protected from contamination by dust and debris, including all of the following:

5. Use precautions to ensure that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area.

(j) *Cleaning the work area.*

1. Documented methodologies shall be followed to clean all work areas at the end of each work day and when all renovation activities have been completed. After the paint disturbing work has been completed, the work area shall be cleaned until no dust, debris or residue remains.

2. For all interior and exterior work areas do all of the following:

a. Collect all paint chips and debris and, without dispersing any of it, seal the waste in a heavy-duty waste bag.

b. Dispose of all sheeting as waste by first misting, then folding inward until as small as possible, taping seams shut or placing in heavy-duty waste bags. Sheeting used to isolate contaminated areas from non-contaminated areas shall remain in place until after final cleaning and removal of all other sheeting.

4. For interior work areas do all of the following:

a. Clean all objects and horizontal surfaces in the work area and within 2 feet outside the work area starting at the top and working down to the floor.

b. Clean walls starting at the ceiling and working down to the floor by either HEPA vacuuming or wiping with damp disposable cleaning cloths.

c. For other interior surfaces, thoroughly HEPA vacuum all remaining surfaces and objects in the work area, including horizontal surfaces, furniture and fixtures. After vacuuming, wipe the same surfaces, objects and fixtures with damp disposable cleaning cloths.

e. For uncarpeted floors, thoroughly mop the floor using a 2- or 3-bucket mopping system or a wet mopping system using disposable cloths.

**Note:** For documented methodologies for cleaning, refer to the current edition of the HUD “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,” available at [https://www.hud.gov/program\\_offices/healthy\\_homes/lbp/hudguidelines](https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines).

## Addendum C: DHS Authority to Initiate Enforcement Action

### Wis. Statutes § 254.30 Enforcement; penalties.

#### (2) PENALTIES.

(a) *Civil penalty.* Any person who violates ss. [254.11](#) to [254.178](#) or rules promulgated, or orders issued, under those sections may be required to forfeit not less than \$100 nor more than \$5,000 per violation. Each day of continued violation constitutes a separate offense.

(b) *Criminal penalty.* Any person who knowingly violates any provision of ss. [254.11](#) to [254.178](#) or any rule promulgated, or order issued, under those sections shall be fined not less than \$100 nor more than \$5,000 per violation. The court may place the person on probation under s. [973.09](#) for a period not to exceed 2 years.

**Wis. Admin. Code § DHS 163.32 Enforcement actions.** In addition to issuing letters of inquiry, warning letters and noncompliance statements, which are not appealable, the department may take one or more of the following appealable actions for any reason stated under s. DHS 163.31 against a person performing or offering to perform activities regulated under this chapter:

(3) **CIVIL FORFEITURE.** The department may impose a daily forfeiture of not less than \$100 nor more than \$5,000 for each violation against any person who violates a provision under this chapter if the department provides written notice of the grounds for a forfeiture and an explanation of the process under s. DHS 163.33 for appealing a forfeiture. Each day of continued violation constitutes a separate offense. All of the following apply to a civil forfeiture:

(a) The department may directly assess a forfeiture by specifying the amount of the forfeiture in the notice provided under this subsection.

(b) A person against whom the department has assessed a forfeiture shall pay that forfeiture to the department within 10 working days after receipt of notice of the assessment or, if that person contests that assessment under s. DHS 163.33, within 10 working days after receipt of the final decision after exhaustion of administrative review or, if that person petitions for judicial review under ch. 227, Stats., within 10 working days after receipt of the final decision after exhaustion of judicial review. The

department shall remit all forfeitures paid under this subsection to the state treasurer for deposit in the school fund.

**Note:** The attorney general may bring an action in the name of the state to collect any forfeiture imposed under this subsection that has not been paid as provided in par. (b).

## **Addendum D: Copy of the March 19, 2025, Noncompliance Notice and Plan of Correction**

**Enclosed**



## Addendum E: Inspection Photos

March 20, 2025 Fernwood Inspection Photos



**April 17, 2025, – Storms Inspection Photo**

