

Tony Evers
Governor



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June 10, 2025

MICHAEL TURZA
MILWAUKEE PUBLIC SCHOOLS
1124 N 11TH ST
MILWAUKEE WI 53233-1414

**Notice of Civil Forfeiture and Order –
Renovation**

Case No. 138056
Inspector: Sebastian Zorić Martinez
608-893-8870

Dear Michael Turza:

We write to notify you of several instances of Milwaukee Public School (MPS) noncompliance with required certification, work practice standards, and enforcement actions found under Wis. Admin Code. ch. DHS 163.

As previously stated, orally and in writing, to MPS, the Wisconsin Department of Health Services (DHS) retains an enforcement role under 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. MPS continues to be a certified lead company under Wis. Admin Code § DHS 163.12.

From March 20, 2025 to present, during a series of inspections of the lead renovation work occurring at MPS schools, DHS inspectors found repeated acts of noncompliance with several lead rules relating to MPS' renovation work at its schools. DHS communicated concerns to MPS as they were found. Additionally, MPS is noncompliant with requirements under the March 19, 2025, ordered plan of correction issued by DHS.

DHS acknowledges that, in recent weeks, improvements have been made by MPS.

However, as a result of the repeated noncompliance, as detailed below, and the failure to comply with the March 19, 2025, ordered plan of correction, DHS issues this Notice of Civil Forfeiture and Order-Renovation (Notice).

Basis for Findings of Noncompliance

1. On March 19, 2025, DHS issued a noncompliance notice with an ordered plan of correction (Case No. 137334) to MPS based on violations found between February 6, 2025, to March 19, 2025.
2. Between March 20, 2025, and June 9, 2025, DHS inspected multiple lead renovation projects that MPS and MPS' sub-contractors Service Painting Corporation and Thomas A. Mason (collectively referred to as "workers"), conducted.

3. Work was performed by the workers at the following child occupied facilities, which were all built before 1978:
 - a. Fernwood Montessori School at 3239 South Pennsylvania Avenue (Fernwood)
 - b. Starms Early Childhood Center at 2616 West Garfield Avenue (Starms)
 - c. LaFollette Public School at 3239 North 9th Street (LaFollette)
 - d. Brown Street Academy Elementary School at 2029 North 20th Street (Brown)
4. According to Wis. Admin. Code § DHS 163.12(2)(c), as a certified lead company, MPS is responsible to ensure work practices detailed in Wis. Admin. Code § DHS 163.14.
5. The following are detailed descriptions of the rule violations:
 - a. **Wis. Admin. Code §§ DHS 163.31(4)(w) and 163.32(1)(f) Failure to comply with a plan of correction.**
 - i. Item #2 of the March 19, 2025, plan of correction states the following: **2. Permit DHS and MHD access to the school during renovation work.** *The assigned lead-safe renovator must be able to answer their phone and escort DHS and MHD through the school at any time during the renovation work.*
 - ii. On March 31, 2025, the DHS inspector tried to inspect notified renovation work at Starms. The assigned MPS certified renovator told the DHS inspector he was explicitly told not to escort the DHS inspector into the school.
 - b. **Wis. Admin. Code § DHS 163.31(4)(m) Refusal to permit entry or inspection by an authorized representative of the department**
 - i. On March 31, 2025, the DHS inspector called the assigned MPS lead safe renovator (LSR) for Starms and spoke to them via phone. The LSR explained to the DHS inspector that they were inside Starms but could not let the DHS inspector in. The LSR stated that they had been instructed to not let anyone in without the proper escort. The LSR instructed the DHS inspector to reach out to the MPS Department of Facility and Maintenance Services to see if they could get an escort. DHS called and emailed the MPS Director of Facility and Maintenance, Sean Kane, on both numbers available, and left voicemails. The DHS inspector waited on site for an answer or access to the MPS building for a total of 51 minutes before leaving to complete other necessary inspections.
 - c. **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 Service Painting Corporation LSR indicated to investigators that MPS had run out of warning signs and were no longer providing Service Painting Corporation with any additional warning signs. Workers started trying to correct this by putting up handwritten signs.

d. 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 Service Painting Corporation LSR took corrective measures when the DHS inspector pointed this out.
- ii. On April 1, 2025, at Starms, DHS inspected a work area on the ground floor in the west cafeteria that only extended 4ft out from the surface being worked on. Plastic sheeting must cover at least 6ft beyond the surfaces being worked on. The DHS inspector also saw multiple vents and a radiator in the work area that were not covered and sealed.
- iii. On April 23, 2025, at LaFollette, the assigned LSR from Thomas A. Mason explained a mistake they had made in room 17. During precleaning, a worker was vacuuming when paint from the door frame was coming off with the vacuum. The radiators in the work area were not covered and sealed. However, the worker continued to scrape the door frame with the vacuum head within 6 feet of the uncovered radiator.

e. 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 Service Painting Corporation LSR indicated the 3rd floor had been deemed clean.
- ii. On April 17, 2025, at Starms, 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 Service Painting Corporation LSR 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.
- iii. On April 23, 2025, at LaFollette, the DHS inspector observed paint chips on top of the radiator on the 4th floor library. The assigned Thomas A. Mason LSR stated work was done in this room several days ago and they took the plastic off to prevent moisture build up. The LSR said the paint chips must have been missed in the cleanup process.
- iv. On May 9, 2025, at LaFollette, the DHS inspector observed paint chips on a windowsill in room 24. The assigned Thomas A. Mason LSR confirmed that the room was cleaned and that they had gone through all the cleaning verification steps, so they were unsure how that was missed.

- v. On June 9, 2025, at Brown, the DHS inspector observed paint chips and other construction debris on the floor in room 105. The assigned Thomas A. Mason LSR indicated that the room had been cleaned and gone through all the post-renovation cleaning verification steps.

Other Findings of Noncompliance

1. Wis. Admin. Code §§ DHS 163.12(2)(b), 163.14(11)(L) Failure to use certified/trained individuals

- a. On April 3, 2025, DHS conducted a routine review of the quarterly reporting of lead investigation activity. MPS’ certified Risk Assessors (RA), Michael Larson, reported he had done clearance activity at Fratney School on March 27, 2025. DHS emailed with Craig Wentworth and determined it was not clearance activity, it was a post renovation cleaning verification. This activity requires a lead-safe renovator, lead abatement worker, or lead abatement supervisor certification. DHS records show that Michael Larson is not certified to conduct post renovation cleaning verification.

Enforcement Action

DHS appreciates the improvements made and the changes within MPS. However, MPS’ noncompliance with the above has created a condition that is an unreasonable risk to the health and safety of the children and staff attending MPS schools.

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 comply with a plan of correction	\$ 500
2. Failure to permit entry	\$ 1000
3. Failure to post warning signs and contain work area	\$ 200
4. Failure to conduct lead-safe work practices (\$300 x 3 schools)	\$ 900
5. Failure to perform daily cleaning (\$300 x 5 schools)	\$ 1500
6. Failure to use certified individual	<u>\$ 300</u>
Total base forfeiture:	\$ 4,400
Adjustments:	
Evidence of children addition (+25%)	<u>+\$ 1,100</u>
Total adjusted forfeiture due:	\$ 5,500

Reinvest forfeiture. In lieu of paying the forfeiture to the State Treasurer-School Fund, DHS would like MPS to reinvest the money into the MPS lead-safe renovations. Under Wis. Admin. Code § DHS 163.32(1)(f) DHS orders MPS to submit a plan for reinvestment of \$5,500. It is DHS’s understanding that MPS is hiring JCP Contracting as a third-party management company. Provide a detailed description of how MPS, with JCP Contracting, will be handling renovations in the child-occupied schools moving forward.

At a minimum, please provide a description of the following:

- What specific activities JCP Contracting will be responsible for and the time frame of those responsibilities,

- What specific activities will MPS' employees be performing or providing before, during, or after the renovations,
- What schools will have partial lead inspections (XRF or paint chip sampling) done and who will perform those inspections,
- Provide the current schedule of child-occupied schools that JCP will be working on and the complete work scheduled for the 2025 summer,
- Who is allowed in the schools while regulated work is happening,
- How MPS will ensure JCP follows the ordered plan of correction issued to MPS on March 19, 2025,
- Who will be notifying DHS of the renovation projects as described in the March 19, 2025, ordered plan of correction,
- Propose a communication plan on how MPS and JCP Contracting will keep DHS informed about the renovation's projects over the 2025 summer (when schedules change, problems or issues that come up, etc.), and
- What the plan and schedule for paint stabilization is for the 2025-26 school year.

Submit this information to Jessica.ellner@dhs.wisconsin.gov by June 24, 2025.

MPS has the right to appeal the civil forfeiture and order. 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, 5th 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:

- (b) *Use certified persons.* Agree to employ or contract with only appropriately certified persons to perform or supervise regulated activities when certification is required under this chapter.
- (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:

2. Close and seal all duct openings in the work area with taped down plastic sheeting or other impermeable material.

4. Cover floor surfaces in the work area, including installed carpet, with taped down plastic sheeting or other impermeable material at least 6 feet beyond the perimeter of surfaces undergoing renovation, or a sufficient distance to contain all dust, whichever is greater. Floor containment measures may stop at the edge of a vertical containment system consisting of impermeable barriers that extend from the floor to the ceiling and that are completely sealed at joints with the floor, ceiling, and walls.

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.

(L) *Post renovation cleaning verification for interior work areas.* Except as allowed under par. (m), after a successful visual inspection, a certified lead-safe renovator or certified lead abatement worker or supervisor who meets the training requirements under s. DHS 163.11 (2) (c) shall verify cleaning of all interior work areas by using all of the following procedures:

1. Verify that each windowsill in the work area has been adequately cleaned by wiping the windowsill with an unused wet disposable cleaning cloth that is damp to the touch and comparing the cleaning cloth to the cleaning verification card.

a. If the cleaning cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned.

b. If the cleaning cloth is darker than the cleaning verification card, the windowsill has not been adequately cleaned and re-cleaning following the procedures in par. (j) 3. is required. After re-cleaning, either use a new cleaning cloth or fold the used cloth in such a way that an unused surface is exposed and wipe the surface again. If the cleaning cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned.

c. If the cleaning cloth is still darker than the cleaning verification card, wait one hour or until the surface has dried completely, whichever is longer.

d. After waiting for the windowsill to dry, wipe the sill with a dry disposable cleaning cloth. After this wipe, the windowsill has been adequately cleaned.

2. Verify that uncarpeted floors and countertops within the work area have been adequately cleaned by wiping the floors and countertops with an unused wet disposable cleaning cloth. Floors shall be wiped using a long-handled mop designed with a head attachment for wet disposable cleaning cloths. The cleaning cloth shall remain damp at all times while it is being used to wipe the surface for post-activity cleaning verification. If the surface within the work area is larger than 40 square feet, the surface within the work area shall be divided into roughly equal sections that are each less than 40 square feet. Wipe each section separately with a new wet disposable cleaning cloth.
 - a. If the cloth used to wipe that section within the work area matches the cleaning verification card, that section has been adequately cleaned.
 - b. If the cleaning cloth used to wipe a particular section is darker than the cleaning verification card, that section has not been adequately cleaned and re-cleaning following the procedures in par. (j) 3. is required. After re-cleaning, use a new cleaning cloth and wipe that section again. If the cleaning cloth matches or is lighter than the cleaning verification card, that section of the surface has been adequately cleaned.
 - c. If the cleaning cloth used to wipe a particular surface section is still darker than the cleaning verification card after the surface has been re-cleaned, wait for one hour or until the entire section surface has dried completely, whichever is longer.
 - d. After waiting for the entire section surface to dry, wipe the surface with a dry disposable cleaning cloth. After this wipe, that section of the surface has been adequately cleaned.
3. When the work area passes the post-renovation cleaning verification, warning signs may be removed.

Wis. Admin. Code § DHS 163.31 Reasons for enforcement actions.

(4) REASONS FOR CERTIFICATION ENFORCEMENT ACTIONS. The department may take an action under s. [DHS 163.32](#) against a person required to be certified under this chapter, whether an individual or a company, if the person has violated any provision of this chapter. Reasons for certification enforcement actions may include any of the following violations:

(m) The person failed or refused to permit entry or inspection by an authorized representative of the department.

(w) The person failed to comply with an order issued under s. DHS 163.32 (1) by the time specified in the order.

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:

(1)(f) That within a specified time the person implement and comply with a plan of correction provided by the department or previously submitted by the person and approved by the department.

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 1, 2025, – Storms Inspection Photos



April 17, 2025, – Storms Inspection Photo



April 23, 2025 LaFollette Inspection Photo





May 9, 2025- LaFollette Inspection photo



June 9, 2025 - Brown Inspection Photo

