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Thursday, August 28, 2025

VIA FAX: 920-832-5853 and EMAIL: Charles.Sepers@appleton.org

Health Officer - Dr. Charles Sepers
Appleton Department of Public Health
100 North Appleton Street
Appleton, WI 54911

**RE: Appeal of Order to Cease and Desist dated July 29, 2025 — 532 W College Ave,
Appleton, Wisconsin**

Dear Dr. Sepers:

I have been retained to represent the owner of 532 W College Ave, Appleton, Wisconsin, Keystone Futures LLC, operating as Stateview Commons. I am in receipt of your department's Order to Cease and Desist to my client, dated July 29, 2025. Please consider this letter a written request to appeal the decision to not renew my client's license and to appeal the Order to Cease and Desist.

I. Introduction and Timeliness

Pursuant to Appleton Municipal Code § 9-305, Keystone Futures LLC d/b/a Stateview Commons ("Keystone") hereby files this appeal of the Order to Cease and Desist issued July 29, 2025, and respectfully requests a stay/suspension and modification of the Order. This appeal is timely because it is filed within thirty (30) days of issuance.

II. Background

The property is a two-story mixed-use building (circa 1900) at 532 W College Ave, Appleton, Wisconsin; renovation of the first floor into coworking space (Group B) was completed and fully permitted in 2018.

The second floor contains four dwelling units. The prior owner began operating them as short-term rentals (Tourist Rooming House use) in 2019 without a change-of-occupancy plan review. No material alterations were made to the units other than decoration, paint, some flooring, and the addition of electric baseboard heaters.

Keystone acquired the property in October 2021. In July 2025, the City issued (a) an Order to Cease and Desist from the Appleton Department of Public Health, and (b) a related Inspections notice citing IEBC change-of-occupancy requirements (R-2 → R-1) and setting a compliance date of September 25, 2025.

The Order also states: "the City will not pursue municipal citations for reservations held on or before October 31, 2025." Keystone has blocked new bookings and is honoring only existing reservations consistent with that grace language.

III. Requested Relief

Stay/Suspend Order Pending Hearing: Under § 9-305, the Department may suspend, continue, or modify the Order pending appeal. Keystone requests a stay that allows limited short term rental operations as described in the attached Interim Safety Plan.

Clarification of Grace Period Scope: Keystone requests confirmation in writing that “reservations held on or before October 31, 2025” means reservations with check-out dates on or before October 31, 2025, with no new bookings accepted.

Extension of Grace Period: Keystone requests an extension of the City’s grace period through December 31, 2025, limited to reservations confirmed as of October 31, 2025, to permit an orderly wind-down while design professionals are engaged.

Modification of Order: Keystone requests modification of the Order to require compliance with the attached Interim Safety Plan during the extended grace period and to permit biweekly status reports to the Health Officer and Fire Department.

IV. Compliance Path

My client was completely surprised to discover that the prior owner had not obtained proper review and permitting when the second floor was changed from residential to short term rental units in 2019. Keystone purchased the building as a functioning business, with the expectation that all current use was properly permitted. The loss of income from the short term rental units will create a financial hardship for Keystone.

Therefore, Keystone is in the process of retaining an architect to evaluate feasibility of full R-1 compliance versus reversion to all long-term occupancy (R-2) after the grace period. The requested extension of the grace period will allow time for Keystone to reasonably continue business operations while these evaluations are being conducted. Keystone also plans on requesting an extension of the September 25, 2025, compliance date with the Inspections Department.

V. Interim Safety Plan

Keystone adopts and will implement the attached Interim Safety Plan (Exhibit A) for any grace-period stays, including:

- Honoring only reservations with check-out on or before the grace-period end date, consistent with the existing grace period or the extended grace period, if granted.
- Interconnected smoke alarms and carbon monoxide alarms verified and tested prior to each stay; portable fire extinguishers in each unit and common areas.
- Guest occupancy caps posted; egress maps in each unit; emergency contact 24/7 posted and monitored.
- No portable space heaters; only permanently wired/inspected heating equipment in use.
- House rules addressing cooking, candles/open flame prohibition, smoking policy, and quiet hours to reduce nuisance/false alarm risk.
- Weekly log of alarm tests and any incidents; bi-weekly status reports to the Health Officer and Fire Prevention.

VI. Conclusion

For the foregoing reasons, Keystone respectfully requests that the Board accept this timely appeal, stay/suspend and modify the Order as requested, extend the grace period to December 31, 2025, and approve the Interim Safety Plan while Keystone completes professional evaluations and either (a) submits an R-1 compliance package, or (b) reverts to all R-2.

Sincerely,

ARTHUR LAW OFFICE LLC

A handwritten signature in black ink, appearing to read "Bob Arthur", written in a cursive style.

Robert Arthur

RMA/cs

**Exhibit A – Keystone Appeal of Order to Cease and Desist
Interim Safety Plan — Grace-Period Operations (Tourist Rooming House Units)**

Property: 532 W College Ave, Appleton, Wisconsin

Operator: Keystone Futures LLC d/b/a Stateview Commons

Effective: August 28, 2025

Scope: Applies only to reservations permitted by the City's grace-period allowance

Operational Controls

- Honor only reservations with check-out on or before the grace period end date approved by the City.
- 24/7 local contact posted in each unit; guest egress maps and emergency instructions posted on the back of each entry door.
- Guest occupancy caps per unit posted; quiet hours; no smoking; no open flames/candles.

Life Safety Equipment

- Interconnected smoke alarms on second floor in bedrooms, outside sleeping areas, tested annually; batteries replaced as needed.
- Carbon monoxide alarms provided and tested (where fuel-burning equipment or attached garage conditions exist).
- Portable fire extinguishers (multi-purpose) provided in each unit and in common areas; monthly visual checks logged.

Housekeeping and Electrical

- No portable space heaters permitted; only permanently wired heating equipment that has been inspected may be used.
- Extension cords and multi-plug adapters prohibited for permanent use; power strips with overcurrent protection only, as needed.
- Kitchens supplied with Class K extinguisher or equivalent protection where applicable; cooking rules posted.

Monitoring and Reporting

- Pre-stay checklist completed and retained for each reservation; alarm test logs retained.
- Incident log maintained (false alarms, medical, police/fire calls).
- Monthly status reports to Health Officer and Fire Department during the grace period; monthly updates to Inspections on project milestones.

Acknowledged and adopted by: Keystone Futures LLC d/b/a Stateview Commons (Operator)