

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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Contact Through Relay
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Tony Evers, Governor
Dawn B. Crim, Secretary

NOTICE OF VIOLATIONS AND ORDERS/TEMPORARY EMERGENCY ORDER SPS § 326.09

June 28, 2021

WM GULIG
T17 R18 S27
N10163 GULIG RD
MALONE, WI 53049

SITE: Calumet Harbor Trailer Park
N10163 Gulig Rd.
Town of Calumet
Malone, WI 53049

ORDER 0007454

Regulated Objects:

Nature of Complaint Summary: Manufactured Home Community not providing water or sewer services

Object Type: Complaint (20 COM 114)

Last Inspection Date: June 10, 2021

INVESTIGATION NOTES: Due to the nature of the violations found the Department is entering an Order to deal with an immediate danger to health as allowed by Wis. Admin. Code § SPS 326.09(2). The Department may issue a monetary forfeiture to the manufactured home community operator for each day the danger is present after it has been identified. This order shall take effect on the delivery to the operator or other person in charge of the manufactured home community. The order shall be limited to prohibiting the continued operation or method of operation of specific equipment, requiring the premises to cease other operations or methods of operations that create an immediate danger to health, or a combination of these, except that if a more limited order will not remove the immediate danger to health the order may direct that all operations authorized by the permit shall cease.

Gulig has a manufactured home community operator license with the Department that is currently expired. It expired 6/30/2020. MHC-069200398 or 60289. Gulig shall immediately renew his credential.

THIS SITE MUST IMMEDIATELY PROVIDE SEWAGE AND WATER SERVICES TO THE COMMUNITY. FAILURE TO DO SO SHALL LEAD TO FORFEITURES AS ALLOWED BY LAW. The Department may revoke Gulig's credential if compliance is not gained.

This DEPARTMENT ORDER is issued as a result of an outside inspection on the above referenced site, Calumet Harbor Trailer Park N10163 Gulig Rd. Town of Calumet. The inspection found that there is no sewer or water service provided to the homes. The sewer mains running through the community are cut at Gulig Rd. and plugged. Any water/waste entering the sewer mains serving the homes is leaking/infiltrating into the soils, or overflowing at clean-outs, and in at least one case, through a manhole cover.

The following violations were revealed:

Violation: Community not provided sewage or water service.

Wis. Admin. Code § SPS 326.25 General requirement. A manufactured home community contractor and a manufactured home community operator that provides water service or sewer service, or both, to the occupants of their manufactured home community shall furnish reasonably adequate service and facilities as required by this subchapter.

Wis. Admin. Code § SPS 326.15 Adequacy of water supply. Each manufactured home community operator or manufactured home community contractor shall furnish a continuous and adequate supply of potable water to its manufactured home community occupants.

Wis. Stat. § 101.937 Water and sewer service to manufactured home communities.

(1) Rules. The department shall promulgate rules that establish standards for providing water or sewer service by a manufactured home community operator or manufactured home community contractor to a manufactured home community occupant, including requirements for metering, billing, depositing, arranging deferred payment, installing service, refusing or discontinuing service, and resolving disputes with respect to service. Rules promulgated under this subsection shall ensure that any charge for water or sewer service is reasonable and not unjustly discriminatory, that the water or sewer service is reasonably adequate, and that any practice relating to providing the service is just and reasonable.

(2) Permanent improvements. A manufactured home community operator may make a reasonable recovery of capital costs for permanent improvements related to the provision of water or sewer service to manufactured home community occupants through ongoing rates for water or sewer service.

(3) Enforcement.

(a) On its own motion or upon a complaint filed by a manufactured home community occupant, the department may issue an order or commence a civil action against a manufactured home community operator or manufactured home community contractor to enforce this section, any rule promulgated under sub. (1), or any order issued under this paragraph.

(b) The department of justice, after consulting with the department, or any district attorney may commence an action in circuit court to enforce this section.

(4) Private cause of action. Any person suffering pecuniary loss because of a violation of any rule promulgated under sub. (1) or order issued under sub. (3) (a) may sue for damages and shall recover twice the amount of any pecuniary loss, together with costs, and, notwithstanding s. 814.04 (1), reasonable attorney fees.

(5) Penalties.

(a) Any person who violates any rule promulgated under sub. (1) or any order issued under sub. (3) (a) shall forfeit not less than \$25 nor more than \$5,000. Each violation and each day of violation constitutes a separate offense.

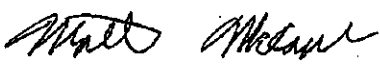
(b) Any person who intentionally violates any rule promulgated under sub. (1) or order issued under sub. (3) (a) shall be fined not less than \$25 nor more than \$5,000 or imprisoned not more than one year in the county jail or both. Each violation and each day of violation constitutes a separate offense.

Required action: Fix the sewage and water issues **IMMEDIATELY** or be subject to forfeitures as allowed by Wis. Stat. § 101.937.

If you have any questions regarding this matter, please feel free to contact me or Jack Wotruba.

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: 6/10/2021
PHONE/WORK HOURS: (608) 266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:	DATE:	INVESTIGATION SOURCE: Other
	6/28/2021	COMPLIANCE DATE: Upon receipt

cc: Jack Wotruba

Mike McNally