

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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DIVISION OF INDUSTRY SERVICES
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Contact Through Relay
<http://dsps.wi.gov/programs/industry-services>
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Tony Evers, Governor

Dan Hereth, Secretary

NOTICE OF VIOLATIONS AND ORDERS

ORDER 0008352

January 17, 2023

Laverda Luedtke
Luedtke Mobile Home Lodge
Park # 60651 MHC License
(expired 6/30/2022) - 79300697
9911 N Ranger Station Rd.
Hayward, WI 54843

SITE: Luedtke Mobile Home Lodge
9911N Ranger Station Rd
Hayward WI 54843
Town of Hayward

Regulated Objects:

Nature of Complaint Summary: Manufactured Home Community not providing adequate water supply

Object Type: Complaint (22 COM 147)

Last Inspection Date: October 24, 2022

INVESTIGATION NOTES: Respondent has a manufactured home community operator license with the Department, MHC-79300687, Park-60651. Failure to make the necessary corrections may lead to the Department disciplining the credential. The credential is currently expired and must be renewed immediately or forfeitures will be entered. The Department will pursue forfeitures if the credential is not updated within 30 days of the mailing of this Order.

This DEPARTMENT ORDER is issued as a result of an inspection on the above referenced site, Luedtke Mobile Home Lodge, 9911N Ranger Station Rd, Hayward WI 54843, Town of Hayward specifically the home of Virgil Quaderer 15918 West Park Rd. The inspection found that Mr. Quaderer is not receiving an adequate water supply.

The following violations were revealed:

1. Violation: Respondent operating without a valid permit.

101.935 Manufactured home community regulation.

(1) The department shall license and regulate manufactured home communities. The department may investigate manufactured home communities and, with notice, may enter and inspect private property.

(2)

(a) The department or a village, city or county granted agent status under par. (e) shall issue permits to and regulate manufactured home communities. No person, state or local government

who has not been issued a permit under this subsection may conduct, maintain, manage or operate a manufactured home community.

(b) The department may, after a hearing under ch. 227, refuse to issue a permit or suspend or revoke a permit for violation of this section or any regulation or order that the department issues to implement this section.

(c)

1. Permits issued under this subsection are valid for a 2-year period that begins on July 1 of each even-numbered year and that expires on June 30 of the next even-numbered year. If a person applies for a permit after the beginning of a permit period, the permit is valid until the end of the permit period.

2. The department shall establish, by rule under s. 101.19, the permit fee and renewal fee for a permit issued under this subsection. The department may establish a fee that defrays the cost of administering s. 101.937. An additional penalty fee, as established by the department by rule under s. 101.19, is required for each permit if the biennial renewal fee is not paid before the permit expires.

(d) A permit may not be issued under this subsection until all applicable fees have been paid. If the payment is by check or other draft drawn upon an account containing insufficient funds, the permit applicant shall, within 15 days after receipt of notice from the department of the insufficiency, pay by cashier's check or other certified draft, money order or cash the fees to the department, late fees and processing charges that are specified by rules promulgated by the department. If the permit applicant fails to pay all applicable fees, late fees and the processing charges within 15 days after the applicant receives notice of the insufficiency, the permit is void. In an appeal concerning voiding of a permit under this paragraph, the burden is on the permit applicant to show that the entire applicable fees, late fees and processing charges have been paid. During any appeal process concerning a payment dispute, operation of the manufactured home community in question is considered to be operation without a permit.

(e) Section 97.615 (2), as it applies to an agent for the department of agriculture, trade and consumer protection in the administration of s. 97.67, applies to an agent for the department of safety and professional services in the administration of this section.

(2m)

(a) The department shall inspect a manufactured home community in the following situations:

1. Upon completion of the construction of a manufactured home community.

2. Whenever a manufactured home community is modified, as defined by the department by rule.

3. Whenever the department receives a complaint about a manufactured home community.

(b) The department may, with notice, inspect a manufactured home community whenever the department determines an inspection is appropriate.

(3) The department may promulgate rules and issue orders to administer and enforce this section.

Wis. Admin. Code § SPS 326.08 Permit.

(1) Application. Before a manufactured home community is opened for public use, the manufactured home community operator shall obtain a permit from the department or its agent by application made upon form SBD-10675. The permit is valid for a maximum period of 2 years, and shall be renewed prior to expiration. Upon a change of manufactured home community operator, the department or its agent shall be notified on form SBD-10675.

(2) Action by the department. Pursuant to s. SPS 302.07 (3), the department or its agent shall review and make a determination on an application for a community permit within 20 business days. If the application for a permit is denied, the department or its agent shall give the applicant reasons, in writing,

for the denial. The department or its agent shall conduct an on-site review for new communities, community expansions or complaints.

Wis. Admin. Code § SPS 326.04 Penalties. Penalties for violations of this chapter shall be assessed in accordance with s. 101.94 (8) (c), Stats.

Wis. Stat. § 101.935(2)(b) Manufactured home community regulation The department may, after a hearing under ch. 227, refuse to issue a permit or suspend or revoke a permit for violation of this section or any regulation or order that the department issues to implement this section.

Wis. Stat. § 101.94(8)(c) A person who violates s. 101.935, a rule promulgated under s. 101.935 or an order issued under s. 101.935 may be required to forfeit not less than \$10 nor more than \$250 for each violation. Each day of continued violation constitutes a separate violation.

2. Violation: Inadequate water supply for tenants coming from service line.

Wis. Admin. Code § SPS 326.14 Plumbing systems. Water and sewer systems owned by a manufactured home community operator or manufactured home community contractor shall be constructed and maintained in compliance with chs. SPS 381 to 387.

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. 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 382.10(1) INTENT.

(a) Plumbing in connection with all buildings, public and private, intended for human occupancy, shall be installed and maintained in such a manner so as to protect the health, safety and welfare of the public or occupants and the waters of the state.

(b) Plumbing fixtures, appliances and appurtenances, whether existing or to be installed, shall be supplied with water in sufficient volume and at pressures adequate to enable the fixtures, appliances and appurtenances to function properly and efficiently at all times and without undue noise under normal conditions of use. Plumbing systems shall be designed and adjusted to use the minimum quantity of water consistent with proper performance and cleaning.

Wis. Admin. Code § SPS 382.10(2) BASIC REQUIREMENTS. (a) Every building intended for human occupancy shall be provided with an adequate, safe and potable water supply.

Required Action: Immediately provide Complainant with adequate water supply either through repairing the service line or another appropriate remedy.

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)

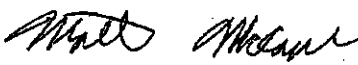
(a) shall forfeit not less than \$25 nor more than \$5,000. Each violation and each day of violation constitutes a separate offense.

(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.

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

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: 10/24/2022
PHONE/WORK HOURS: (608) 266-9814	
E-MAIL: matthew.mccasland@wisconsin.gov	INVESTIGATION TYPE: Requested
SIGNATURE:  DATE: 1/17/2023	INVESTIGATION SOURCE: Other
	COMPLIANCE DATE: Upon Receipt

cc: Lenny Kanter

Mike McNally