

Schultz, Josie M - DNR

From: Schultz, Josie M - DNR
Sent: Wednesday, December 4, 2019 12:17 PM
To: 'qefnez@yahoo.com'
Cc: 'Don Gallo'; Chronert, Roxanne N - DNR; Nelson, William J - DNR
Subject: RE: Military

Jeff,

This morning I had a conversation with your attorney, Don Gallo, regarding an indemnification agreement between you and the previous owner, Mike Nass. I have yet to receive the agreement, however I consulted with DNR management regarding this matter:

DNR's authority is based on the Spills Law, Wis. Stat. § 262.11, which defines a responsible party as being the causer or possessor or controller (owner). You are a responsible party for being in possession and control because you own the property. The Spills Law allows no exception or alternative approach for sites subject to indemnification agreements. In fact, Mr. Nass did not cause the contamination on the property but, like you, merely possessed and controlled the property. Mr. Nass no longer possesses and controls the property, therefore the DNR has no plans to further pursue him as responsible party. Any indemnification agreement issues between you and Mr. Nass will need to be worked out privately. If an indemnification agreement exists between you and Mr. Nass, the start date of your environmental consultant is immaterial to that contractual arrangement.

We believe it's in your best interest to move forward with the workplan provided by GEI in order to swiftly address the potential acute health risk at the property. If you do not proceed with the GEI performing the work GEI is prepared to start immediately, DNR will evaluate environmental enforcement options.

If you have any questions, please feel free to contact me.

Sincerely,
Josie Schultz

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Josie M. Schultz

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From: qefli neziri <qefnez@yahoo.com>
Sent: Wednesday, December 4, 2019 7:45 AM

To: Schultz, Josie M - DNR <josie.schultz@wisconsin.gov>

Subject: Fw: Military

From my attorney...

Neziri

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "Donald P. Gallo" <DGallo@axley.com>

To: "qefnez@yahoo.com" <qefnez@yahoo.com>

Cc:

Sent: Wed, Dec 4, 2019 at 2:27 AM

Subject: RE: Military

Please do not start with Paul Killian until we get this indemnity straightened out.

Who is the contact at WDNR? I will call them and explain we cannot move forward until this indemnity is cleared up.

Donald P. Gallo

Phone: 262.409.2283 | Cell: 414.507.6350

Axley Brynson, LLP

From: qefli neziri <qefnez@yahoo.com>

Sent: Tuesday, December 3, 2019 8:41 PM

To: Donald P. Gallo <DGallo@axley.com>

Subject: Military

Hi Don,

Can you give me an update? Paul Killian is ready to start.

Thanks,

Jeff

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