

Jorgensen, Theadora O - DNR

From: Delcore, Lee R - DNR
Sent: Tuesday, June 16, 2020 8:04 AM
To: David G. Peterson; Tierney, Raymond
Cc: Langdon, Robert; Grace Christian Fellowship; Hnat, John J - DNR; Soyer, Jenna A - DNR; Klein, Duane H - DNR; Surillo, Dominga - DNR
Subject: RE: PECFA submission for Grace Christian Fellowship: #NM100000373

Mr. Peterson & Mr. Tierney,

It is understood that after a PECFA cost pre-approval request submitted by SCS was approved in October 2018 for a scope of work that included testing of the sub-slab system at the Grace Christian Fellowship Property, SCS found the system to be in disrepair and inoperable upon inspection. It is further understood that Grace independently hired a contractor, outside of the pre-approved scope of work, to repair the subslab system, fix the sump, epoxy the basement floor and collect samples from the system to test the functionality. **As indicated in February 20th, 2020 email further down in this email string, in order for those costs to be considered for reimbursement, the responsible party (RP) would have to incur the costs (pay for them) and submit a 3rd party claim to PECFA a for reimbursement.** The 180 day claim submittal window begins when the costs are incurred by the RP (KJG/PSK).

A settlement agreement between the RP and Grace has been referenced by Grace in previous emails. DNR is not party to that settlement and is not familiar with it's provisions. DNR is also not responsible for compliance with/enforcement of the settlement agreement.

Incurring Costs and Submitting Claim

As work associated with the site is subject to a 25% methodology, application of the methodology can be exhibited in one of two ways. Which way you decide to apply could be subject to the referenced settlement agreement.

1. KJG/PSK incurs the entire amount and submits a 3rd Party Claim. The claim is evaluated by DNR and the 25% methodology applied to the expenses determined to be PECFA-eligible for reimbursement.
2. KJG/PSK evaluates the all costs for PECFA-eligibility, incurs 25% of eligible expenses, and submits their methodology justification and supporting documentation for 100% reimbursement (of the 25% incurred). The claim is evaluated and DNR agrees/disagrees with KJG/PSK application of the methodology, based on supporting documentation provided.

In either case, KJG/PSK would have to incur costs and submit the 3rd party claim in order for the costs to be claimed for PECFA reimbursement. **The claim would have to be received by DNR from KJG/PSK before July 1, 2020.** As with any PECFA Claim, proof of payment would be required with the supporting documentation.

Hopefully this information helps clarify the process and what is needed from both parties to move forward.

Regards,

Lee

We are committed to service excellence.

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

Lee Delcore

Hydrogeologist - Remediation and Redevelopment Program

Wisconsin Department of Natural Resources
1155 Pilgrim Road, Plymouth, WI 53073
Temporary Cell Phone: 262-343-2454
Phone: (920) 893-8524
Lee.Delcore@wisconsin.gov



From: David G. Peterson <DGPeterson@reinhardtlaw.com>

Sent: Monday, June 8, 2020 1:36 PM

To: Soyer, Jenna A - DNR <Jenna.Soyer@wisconsin.gov>; Klein, Duane H - DNR <DuaneH.Klein@wisconsin.gov>; Surillo, Dominga - DNR <dominga.surillo1@wisconsin.gov>

Cc: Langdon, Robert <RLangdon@scsengineers.com>; Tierney, Raymond <RTierney@scsengineers.com>; Grace Christian Fellowship <info@gracecf.us>; Delcore, Lee R - DNR <Lee.Delcore@wisconsin.gov>; Hnat, John J - DNR <John.Hnat@wisconsin.gov>

Subject: RE: PECFA submission for Grace Christian Fellowship: #NM100000373

Thank you Jenna. I am happy to provide any additional background needed, and facilitate getting any additional documentation as well.

Regards,
Dave

David G. Peterson

Reinhardt Boerner Van Deuren s.c.
N16 W23250 Stone Ridge Drive, Suite One | Waukesha, WI 53188
Office: 262-951-4527 | Cell: 414-531-7415 | Fax: 262-951-4690
DGPeterson@reinhardtlaw.com | [bio](#) | [vCard](#) | reinhardtlaw.com



From: Soyer, Jenna A - DNR <Jenna.Soyer@wisconsin.gov>

Sent: Monday, June 08, 2020 1:32 PM

To: David G. Peterson <DGPeterson@reinhardtlaw.com>; Klein, Duane H - DNR <DuaneH.Klein@wisconsin.gov>; Surillo, Dominga - DNR <dominga.surillo1@wisconsin.gov>

Cc: Langdon, Robert <RLangdon@scsengineers.com>; Tierney, Raymond <RTierney@scsengineers.com>; Grace Christian Fellowship <info@gracecf.us>; Delcore, Lee R - DNR <Lee.Delcore@wisconsin.gov>; Hnat, John J - DNR <John.Hnat@wisconsin.gov>

Subject: [EXTERNAL] RE: PECFA submission for Grace Christian Fellowship: #NM100000373

Dave,

Department staff are meeting to discuss your issue later this week and will hopefully get back to you by the end of the week. Thank you for bringing this to my attention.

Stay well!

We are committed to service excellence.

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

Jenna Soyer

Phone: 608-267-2465

Cell: 608-354-8629

jenna.soyer@wisconsin.gov

From: David G. Peterson <DGPeterson@reinhartlaw.com>
Sent: Monday, June 08, 2020 12:46 PM
To: Soyer, Jenna A - DNR <Jenna.Soyer@wisconsin.gov>; Klein, Duane H - DNR <DuaneH.Klein@wisconsin.gov>; Surillo, Dominga - DNR <dominga.surillo1@wisconsin.gov>
Cc: Langdon, Robert <RLangdon@scsengineers.com>; Tierney, Raymond <RTierney@scsengineers.com>; Prosa, Timothy A - DNR <Timothy.Prosa@wisconsin.gov>; Grace Christian Fellowship <info@gracecf.us>; Delcore, Lee R - DNR <Lee.Delcore@wisconsin.gov>; Hnat, John J - DNR <John.Hnat@wisconsin.gov>
Subject: FW: PECFA submission for Grace Christian Fellowship: #NM100000373

Dear Jenna, Duane and Dee:

I am working with Grace Christian Fellowship on the remediation that is underway at its property in Milwaukee. Ray Tierney's office has been submitting PECFA claims for the project and we are pleased with how it has been progressing.

I am trying to track down the status of a PECFA claim that was submitted directly to PECFA by Grace Christian, back in June, 2019, per the e-mails below.

There was a total of \$54,849.93 spent, of which \$13,712.50 would be the PECFA 25% portion. What do we need to do to move this forward so that PECFA can reimburse those expenses as well?

Thank you for your assistance.

Regards,

Dave

David G. Peterson

Reinhart Boerner Van Deuren s.c.
N16 W23250 Stone Ridge Drive, Suite One | Waukesha, WI 53188
Office: 262-951-4527 | Cell: 414-531-7415 | Fax: 262-951-4690
DGPeterson@reinhartlaw.com | [bio](#) | [vCard](#) | reinhartlaw.com



From: David G. Peterson
Sent: Tuesday, March 17, 2020 12:38 PM
To: 'jenna.soyer@wisconsin.gov' <jenna.soyer@wisconsin.gov>; 'DuaneH.klein@wisconsin.gov' <DuaneH.klein@wisconsin.gov>
Cc: 'Grace Christian Fellowship' <info@gracecf.us>
Subject: FW: PECFA submission for Grace Christian Fellowship: #NM100000373

Dear Jenna and Duane:

I received a bounce back from Tim Prosa's email address stating he is now retired in response to the email below that I just sent him. The bounce back suggests contacting the two of you.

Can you please lend a hand here and let me know who can help move this along? See the e-mail chain below, thanks.

I am hoping you can help on this, or tell me who can, so we can move this along. Thanks.

Regards,

Dave

David G. Peterson

Reinhart Boerner Van Deuren s.c.
N16 W23250 Stone Ridge Drive, Suite One | Waukesha, WI 53188
Office: 262-951-4527 | Cell: 414-531-7415 | Fax: 262-951-4690
DGPeterson@reinhartlaw.com | [bio](#) | [vCard](#) | [reinhartlaw.com](#)



From: David G. Peterson
Sent: Tuesday, March 17, 2020 12:31 PM
To: 'timothy.prosa@wisconsin.gov'
Cc: 'Grace Christian Fellowship'
Subject: FW: PECFA submission for Grace Christian Fellowship: #NM100000373

Dear Tim:

Can you lend a hand on this? Grace Christian should have the ability to recover from PECFA the 25% reimbursable amount that Grace spent to obtain needed test results submitted to the DNR, along with other work on the remediation system at Grace. There was a total of \$54,849.93 spent, of which \$13,712.50 would be the PECFA 25% portion.

We have gotten no assistance in getting this reimbursed, or even a response from anyone as far as I know, and it has been almost 9 months now.

Can you please give me some guidance on what we need to do on this to move this forward?

Thanks, I would really appreciate it.

Regards,
Dave

David G. Peterson

Reinhart Boerner Van Deuren s.c.
N16 W23250 Stone Ridge Drive, Suite One | Waukesha, WI 53188
Office: 262-951-4527 | Cell: 414-531-7415 | Fax: 262-951-4690
DGPeterson@reinhartlaw.com | [bio](#) | [vCard](#) | [reinhartlaw.com](#)



From: David G. Peterson
Sent: Thursday, February 20, 2020 2:03 PM
To: 'Delcore, Lee R - DNR' <Lee.Delcore@wisconsin.gov>; Grace Christian Fellowship <info@gracecf.us>; 'RLangdon@scsengineers.com' <RLangdon@scsengineers.com>; rtierney@scsengineers.com
Cc: Hnat, John J - DNR <John.Hnat@wisconsin.gov>; Prosa, Timothy A - DNR <Timothy.Prosa@wisconsin.gov>; Soyer, Jenna A - DNR <Jenna.Soyer@wisconsin.gov>
Subject: RE: PECFA submission for Grace Christian Fellowship: #NM100000373

Dear Lee and Ray – can we put these costs incurred by Grace in line for review and reimbursement by PECFA? Lee is correct that some if not all of the work done was needed and within scope of what had been previously approved. Grace contracted directly with the contractor (Tom Heine/RA Environmental/Radon Abatement) in an effort to save money, speed things up, and reduce costs on the project, perhaps not understanding that what Grace was doing was out of the norm.

Grace was operating under the impression that SCS had asked Grace to have this work done. In any event the work that was done was needed and was cost effective, and has been useful in moving the project to completion. The results have been utilized and incorporated by SCS, and the costs should be eligible for reimbursement at the 25% rate. Since the invoices and documents were submitted in June 2019, within the 180 day deadline, the invoices should not be considered stale.

To the extent any official PECFA forms need to be completed, let me know. We can get them done. When Grace sent this in to DNR in June 2019, Grace was under the impression it had submitted everything that was needed.

In addition, as mentioned by Ms. Gavin, the right to apply for PECFA reimbursement for costs incurred by Grace has been assigned to Grace by Jagdisher Singh Kler. Also, some or all of these costs may also be eligible for reimbursement as eligible third party claim costs at the 25% rate.

This project has been dragging on for years now, and the way Grace has been victimized is very upsetting. It would be nice for Grace to get a small portion of its costs on this (\$13,712.50 of its \$54,849.93) reimbursed. Please let me know if we should have a call to discuss.

Thanks.

David G. Peterson

Reinhart Boerner Van Deuren s.c.
N16 W23250 Stone Ridge Drive, Suite One | Waukesha, WI 53188
Office: 262-951-4527 | Cell: 414-531-7415 | Fax: 262-951-4690
DGPeterson@reinhartlaw.com | [bio](#) | [vCard](#) | [reinhartlaw.com](#)



From: Delcore, Lee R - DNR

Sent: Thursday, February 20, 2020 9:24 AM

To: Grace Christian Fellowship ; 'RLangdon@scsengineers.com' ; rtierney@scsengineers.com

Cc: Hnat, John J - DNR ; David G. Peterson ; Prosa, Timothy A - DNR ; Soyer, Jenna A - DNR

Subject: [EXTERNAL] RE: PECFA submission for Grace Christian Fellowship: #NM100000373

Ms. Gavin,

In June 2019, when the attached document and email were received, it appeared as if you were copying me on a report from a contractor working on activities related to the pre-approved scope of work that SCS had submitted to move the site forward. The report was filed. Based on your most recent email, you are indicating that the documentation represents a claim for reimbursement. In the PECFA program, only the claimant for a PECFA site can submit eligible 3rd party costs for reimbursement consideration. Per State Statue 292.63(3)(ac)1 all of the costs you outlined are over 180 day incurred and would not be eligible unless Jasdisher Singh Kler would incur these costs (pay for them) and resubmit to PECFA for reimbursement as a 3rd party claim. That being said, work scope and cost pre-approval is required. SCS had submitted a scope of work and had expenses pre-approved at a 25%-eligibility reimbursement rate for a scope of work that included work on the sub-slab system at Grace. It is unclear where the costs you outlined fall in the SCS submittal and pre-approved scope of work. I am copying SCS on this email, so they can clarify how these costs fit with within the scope and assist you per the provisions of the settlement agreement you reference.

Thank you for your follow-up,

Lee

We are committed to service excellence.

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

Lee Delcore

Hydrogeologist - Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
1155 Pilgrim Road, Plymouth, WI 53073
Phone: (920) 893-8524
Lee.Delcore@wisconsin.gov



From: Grace Christian Fellowship <info@gracecf.us>
Sent: Wednesday, February 12, 2020 3:46 PM
To: Delcore, Lee R - DNR <Lee.Delcore@wisconsin.gov>; Hnat, John J - DNR <John.Hnat@wisconsin.gov>; David G. Peterson <DGPeterson@reinhartlaw.com>
Subject: Re: PECFA submission for Grace Christian Fellowship: #NM100000373

Mr. Delcore,

On June 26, 2019 I sent you a PECFA submission on behalf of Grace Christian Fellowship for PECFA Service Contract #NM100000373; report filed 040719. This submission was for the Grace Christian Fellowship expenses we procured in 2019 only-(former years had already been submitted) and paid for in full by Grace for the final remediation work done at Grace. Your email sent me an out of office reply, stating you would respond when you returned. To date, Grace has received no communication from your office regarding this matter.

We have received copies of Ray Tierney's submissions for SCS Engineers (who represent KJG and PSK-the defendants in our case) which show pictures of the work done in Grace's basement, along with submission of their bills. This concerns us, as they did none of the work, (Radon Abatement was our contractor) and we paid all of the bills. We sent Mr. Tierney copies of the same PECFA submission we sent you, yet did not see our bills and payments reflected in his report.

Per our settlement agreement, SCS Engineers was delegated as the "Agent" of KJG and PSK for PECFA purposes and file the necessary documents for reimbursement under PECFA. It later states that KJG/PSK will assign to Grace the right to apply for PECFA funds for damages associated with the Grace Site and the KJG Site so that Grace may apply for PECFA funds to the extent Grace is eligible to do so.

With that being stated, our concern is that our 2019 claim has somehow fallen through the cracks. Please let us know that that isn't so and if it is, what our next step needs to be.

We, as the victim in this entire case, are a small, independent congregation and simply cannot afford to foot this remediation bill, nor should we have to. Please help.

Thank you for your time and consideration of this issue.

Judith Gavin
Director of Operations
Grace Christian Fellowship

On Wed, Jun 26, 2019 at 2:50 PM Grace Christian Fellowship <info@gracecf.us> wrote:

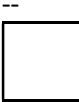
Dear Sir:

Per Mr. Tom Heine of RA Environmental/ Radon Abatement, I am sending you the current remediation expenses of Grace Christian Fellowship for submission for PECFA Service Contract #NM 100000373 for Report filed #040719. Our **recent** additional expenses to date (solely 2019) are \$54,849.93. I am trusting that

Mr. Ray Tierney has already submitted our previous expenses. I have included copies of all cancelled checks. The "supplies" entries were generally paid by Scrip, which was paid for by the "GCS" checks at the end of this report. These reimbursement checks include the noted expenses, but were not limited solely to the PECFA qualified remediation costs. Thus the difference between the cancelled check amounts and receipts submitted. Only the PECFA qualified expenses are noted on the spreadsheet. Please let me know if you have any questions.

Sincerely,

Judith E. Gavin
Administrator
Grace Christian Fellowship
(please see attached documents)



Grace Christian Fellowship

[414-464-9220](tel:414-464-9220) | 9900 West Capitol Drive, Milwaukee, WI 53222
<http://gracecf.us>



Grace Christian Fellowship

[414-464-9220](tel:414-464-9220) | 9900 West Capitol Drive, Milwaukee, WI 53222
<http://gracecf.us>

[Click here to visit our **Coronavirus Resource Center** for up-to-date information on legal and business implications of COVID-19.](#)

This e-mail and any attachments may contain privileged or confidential information. This e-mail is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient of this e-mail, you are hereby notified that any copying, distribution, dissemination or action taken in relation to the contents of this e-mail and any of its attachments is strictly prohibited and may be unlawful. If you have received this e-mail in error, please notify the sender immediately and permanently delete the original e-mail and destroy any copies or printouts of this e-mail as well as any attachments. To the extent representations are made herein concerning matters of a client of the firm, be advised that such representations are not those of the client and do not purport to bind them.