

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 2

ONEIDA COUNTY

STATE OF WISCONSIN
17 West Main Street
Post Office Box 7857
Madison, Wisconsin 53707-7857,

Plaintiff,

v.

Case No. 11-CX-0001

JEROME A. UNTIEDT
112 Braeburn Road
Barrington Hills, Illinois 60010,

Defendant.



STIPULATION AND ORDER FOR JUDGMENT

STIPULATION

The State of Wisconsin ("State") brought this action against defendant Jerome A. Untiedt to enforce the State's shoreland and wetland protection laws. The State and Mr. Untiedt wish to settle the matter between them by agreement, now, therefore,

IT IS HEREBY STIPULATED AND AGREED that:

1. Mr. Untiedt states that the fill he had placed in wetlands lakeward of the retaining wall on his property (the Site) in 2010 was removed on November 15, 2011, that the area was mulched, and that a silt fence was installed to protect the impacted wetland. Mr. Untiedt agrees to inspect and maintain the silt fence until the Site is stabilized in 2012. To stabilize the site, Mr. Untiedt agrees to seed the upland portion with DOT Mix #20 by May 1, 2012, and he agrees to let the wetland re-colonize with wetland plants.

2. Beginning in August 2012 and continuing for the next three years, Mr. Untiedt shall have a qualified environmental consultant or landscape architect specializing in the area of wetland plants and restoration conduct inspections of the Site to document restoration, to monitor for the presence of invasive or non-wetland plant species in the wetland areas, and to promptly remove such plants. Detailed annual reports prepared by the consultant documenting the restoration of the Site must be submitted to the Department of Natural Resources (DNR). Each annual report must contain the name and credentials of the inspector, date and time of inspection(s), observations of plant communities, including a list of identified plant species, and steps taken to eradicate any invasive species detected. Mr. Untiedt must submit these reports to Scott Watson at the DNR's Northern Regional Office, 107 Sutliff Avenue, Rhinelander, Wisconsin 54501, no later than September 15 of each year (2012, 2013, 2014).

3. Mr. Untiedt agrees that in the future, he will refrain from engaging in any kind of land disturbing construction activities on the Site or on any other riparian property he owns (property abutting a lake, stream or river). If he desires to engage in land disturbing construction activities, he agrees that he will retain a qualified third party contractor to engage in such work, and he agrees to ensure that this consultant shall consult with the DNR and the Oneida County Planning and Zoning Department and obtain any and all necessary state, federal or county permits before engaging in land disturbing construction activities. Land disturbing construction activities is defined in Wis. Admin. Code § NR 216.002(14), and includes clearing and grubbing, demolition, excavating, filling and grading. It does not include mowing.

4. Mr. Untiedt will pay and judgment will be entered against him and in favor of the State of Wisconsin in the amount of \$30,000.00 for the violations described in the Complaint. This sum is comprised of forfeitures, statutory surcharges, costs, and attorney's fees as follows:

forfeitures of \$17,317.31 under Wis. Stat. §§ 30.298(1), 30.15(1), 281.98(1), and 283.91(2), a 26% penalty surcharge of \$4,502.50 under Wis. Stat. §§ 814.75(18) and 814.77(11), a 20% environmental surcharge of \$2,294.58 and a 10% environmental surcharge of \$584.94 under Wis. Stat. §§ 814.75(12) and 814.77(5), \$25.00 in court costs under Wis. Stat. § 814.63(1), a \$13.00 crime laboratories and drug law enforcement surcharge under Wis. Stat. §§ 814.75(3) and 814.77(2), a \$68.00 court support services surcharge under Wis. Stat. §§ 814.75(2) and 814.77(1m), a 1% jail surcharge of \$173.17 under Wis. Stat. §§ 814.75(14) and 814.77(7), a \$21.50 justice information system surcharge under Wis. Stat. §§ 814.75(15) and 814.77(8), \$3,000.00 for DNR's investigative costs, and \$2,000.00 for the Department of Justice's attorney's fees pursuant to Wis. Stat. §§ 281.98(2) and 283.91(5).

5. The payment to the Department of Justice shall be made payable to "State of Wisconsin Department of Justice" and shall be sent to Assistant Attorney General Diane L. Milligan, Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857. The payment to DNR shall be made payable to the "State of Wisconsin Department of Natural Resources," and sent to Assistant Attorney General Milligan at the address just noted. The remaining \$25,000.00 shall be made payable to the Oneida County Clerk of Circuit Court and delivered to the Clerk of Court at the Oneida County Courthouse, Oneida Avenue, Post Office Box 400, Rhinelander, Wisconsin 54501-0400, with a letter to the clerk identifying the case by name and number. A copy the check and cover letter will be sent to Assistant Attorney General Diane L. Milligan, Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857.

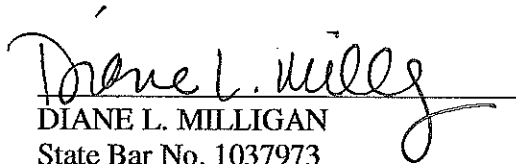
6. Compliance by Mr. Untiedt with his obligations under this stipulation and order for judgment shall constitute full compromise, settlement, and satisfaction of his liability for the violations described in the complaint.

7. Except as between the parties hereto, nothing contained herein shall be construed as an admission of liability in any proceeding now pending or hereafter commenced.

8. The parties hereby waive their right to appeal the order issued pursuant hereto. Judgment incorporating the terms of this stipulation may be entered without further notice or costs, and the judgment may be docketed pursuant to Wis. Stat. §806.10(1).

Dated: 7/20/12

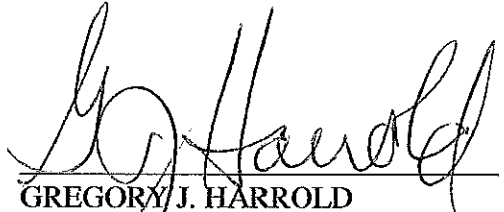
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Dated: 7/18/2012

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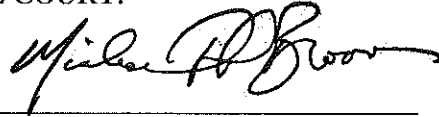
ORDER FOR JUDGMENT

The Court approves the terms of the foregoing stipulation in *State of Wisconsin v. Jerome A. Untiedt*, Case No. 11-CX-0003, under which defendant Jerome Untiedt must restore and re-vegetate the wetlands on his property, monitor his property for invasive species, and pay \$30,000.00 in penalties, statutory surcharges, and costs. The Court further directs the clerk to enter and docket the judgment accordingly.

This is a final Order for purposes of appeal under Wis. Stat. § 808.03(1).

Dated this 26 day of July 2012.

BY THE COURT:



Oneida County Circuit Court