

# **Wolff vs the Health Dept. of NW MI Complaint 1-25-24 RESUBMISSION**

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**Statement on format and content of this Complaint:** I have again done my best to describe my Complaint against the Health Department of NW Michigan with an appropriate format. Based on the notices from Haider Kazim of Cummings, McClorey, Davis & Acho, I have made additions and changes. I hope this is helpful, and I hope this submission is acceptable both to Mr. Kazim and to the Court. If more work is needed on the format or if further clarifications are needed, I will continue do my best to address any issues. Thank you. -Hal

## Wolff vs Health Dept. of Northwest Mich. COMPLIANT updated 1-25-2024

**Plaintiff:** Halsey (Hal) Wolff, property owner of 07645 Cedar Lane, East Jordan, MI, 49727  
Home address: 2045 McKinley Avenue, Ypsilanti, MI 48197 (e-mail: runlikehal@yahoo.com)

**Defendant:** Health Dept. of NW Michigan (HDNW), **culpable employees:** Jeremy Fruk, Environmental Director, (e-mail: j.fruk@nwhealth.org) & Mike Jones, Supervisor. (e-mail: m.jones@nwhealth.org)  
Address: 220 W. Garfield Ave., Charlevoix, MI 49720

**Primary Issue in dispute:** a Cease and Desist issued by the HDNW on September 17, 2021 requiring Mr. Wolff to stop using the septic system on his family's property. Since then, the Health Dept. has declined to issue a variance for a fully functional system that has been in place and maintained for continuous usage for 56 years, but wasn't registered by the Hal's (now deceased) parents decades ago.

**2<sup>nd</sup> issue in dispute:** the HDNW has carelessly used wrong data and spread false and inflammatory allegations at Mr. Wolff's expense. They effectively incited a number of neighbors who now think that not only does Hal use a trailer, but that he is likely a danger to the health and safety of the neighborhood. This is not true and has been very harmful to Mr. Wolff's interests. He feels entitled to damages based on aggressive and irresponsible actions of the HDNW that went well outside the bounds of their mission.

### **Attempts made by the Plaintiff to resolve the Cease & Desist warrant without litigation:**

- 1) A Board of Appeals was held on December 16, 2021. They voted against Mr. Wolff 3-2.
- 2) Plaintiff had a phone call and a number of e-mail exchanges with the Environmental Director.
- 3) Mr. Wolff attended the 11-1-2022 Board of Health meeting and made a 3 minute plea for support.
- 4) Mr. Wolff completed taking months of data regarding the soil quality, water table height, and ground and lake water quality. This info was provided to the Health Dept. but was disregarded.
- 5) A 2<sup>nd</sup> Board of Appeals hearing was held on July 24, 2023. They voted against Mr. Wolff 4-1.

### **Plaintiff's position:**

Mr. Wolff doesn't contest that his septic system doesn't meet code size specs, or that it was unregistered. But he knows it works well, suits his needs and is safe. (There is no capacity issue w/ tank or drain field.)

- 1) He believes he shouldn't be forced to install a new (costly & less reliable) pumped system because his family has maintained a small but functional gravity system for 56 years, or because his parents didn't know they had to register it, and because he naively filed for a well permit.
- 2) The Health Dept. continues to make false and inflammatory allegations such as "Multiple agencies may be needed to address all of the violations on the Wolff property", and "Mr. Wolff hasn't even filed a variance requesting he be allowed to relocate his trailer" (right next to the road of all places - where the Health Dept. believes a gravity-based system could be located.)
- 3) Hal has done nothing wrong, and shouldn't be "punished" for a registration error and for maintenance work that occurred over a decade ago when his parents owned the property.

### **Defendants stated position - they have raised a number of issues including:**

- 1) Mr. Wolff's system is not compliant to modern code, and it was never registered by his father.
- 2) Maintenance work was done on the system, which wasn't authorized by the Health Dept.
- 3) The water table height is too high, and the soil is too porous. (This was proven to be false.)
- 4) Mr. Wolff swapped an updated (smaller) trailer which is claimed to be a "replacement building". He installed ~50 ft<sup>2</sup> of multi-use space area in a shed he built adding to their 400 ft<sup>2</sup> living space.
- 5) Mr. Wolff may have violated a number of additional codes requiring support from other agencies.

**Legal support:** based on various complications, the Plaintiff intends to represent himself with possible LSR support. (*I have made many attempts to find LSR support up north, near Ypsilanti & Midland, and it appears to be virtually impossible. If a lawyer is required, Mr. Wolff will continue to attempt to find one.*)

## Outcome Requested and Case for damages

**Outcome requested:** Mr. Wolff feels that the Court should consider a mandated variance for this unique and rustic property usage with an appropriate deed restriction noting the limited septic condition requiring upgrade to code if the property is sold or developed. If not that, then a court-conducted unbiased jury review hearing is requested. (Mr. Wolff believes that the inaccurate and inflammatory information presented against him, and the nature of some of the Sanitary Code Board of Appeals members made that forum biased and unfair for his situation.)

**Damages: \$100,000 requested for loss of use of the property and the unnecessary and irresponsible public humiliation created.** Mr. Wolff feels that punitive damages should be assessed due to the aggressive behavior and inflammatory statements made by Health Dept. staff that conflict with their mission which have caused significant duress to Mr. Wolff. The conflict and humiliation caused Mr. Wolff to stop using his property for the entire 2023 season while trying to clear his name and the reputation of his parents. (Consideration for treble damages.)

**Rationale for damages:** Health Dept. personnel have insinuated mis-conduct on the part of the Plaintiff, Mr. Wolff. The truth is that all recent changes to his property have been legally conducted and have been irrelevant to overall septic usage. Further, all work he performed to help maintain septic system were done over 10 years ago in an effort to help his father and support his aging parents when they owned the property (which he can prove). (1)

Further, actions of the NDNM have created rifts between Mr. Wolff and some of his neighbors, and provided a forum to allow for spurious accusations both from neighbors and the Eveline Twp. Zoning Admin. All of this, in addition to the Cease & Desist has brought his antiquated but safe and legal lifestyle under harsh scrutiny making his beautiful property a hostile environment. He is also required to rent a smelly porti-potty while visiting his property. Due to this difficult strain, he refrained from using his property in 2023 under the circumstances. (2)

Mr. Wolff is in remission from stage 4 (prostate) cancer and the number of healthy years remaining for him is questionable. Based on that he would prefer not to have to invest in a costly and unnecessary septic system given the unknown costs of his future medical care. Further, the installation of a new and unnecessary septic system would be very disruptive to the naturally wooded property given that a large number of trees would need to be cut down and would result in a less reliable pump-based system (vs the gravity-based system now in place). **The time to install a new septic system is when the property is developed, not when a shed is built.** (3)

Mr. Wolff would prefer to use the family property in a manner consistent with which he and his parents used it for decades. He does not possess the kind of house that would require a much larger (compliant) septic system, and being forced to install one now makes no rational sense to him, other than being mandated based on strict (punitive) enforcement of modern code. (4)

He also feels that such a course of action would cast a further cloud of doubt within the neighborhood and be tantamount to an admission of guilt that he and his family have led an unsafe lifestyle (ie maintaining a trailer & non-compliant septic system), which isn't true. Further, the cost of installing a compliant septic system after 56 years of responsible family ownership feels to Mr. Wolff more like a ransom payment than a responsible action, as he knows that the system in place has shown no signs of failure and it suits their needs to a T. (5)

### **What the Health Department of NM Michigan is defending:**

- 1) Their right & ability to mandate full compliance to their requirements in all situations no matter what the background situation or current property use circumstances at hand.
- 2) Possibly a punitive measure directed towards Mr. Wolff and his father for a failure to register the system and for diligently maintaining it.
- 3) Seemingly, a desire to support the community by forcing the Wolff family to eliminate or substantially alter their legal grandfathered usage of an RV trailer.

### **What Mr. Wolff is defending:**

- 1) His right to enjoy his rustic property as his family has for decades, and not to be held accountable for the sins of his father who maintained but did not register their small but fully functional and appropriately sized septic system.
- 2) The right of Hal & his family to manage their modest needs in a sound manner, such as replacing their trailer when it is needed or wanted, making upgrades to their waterfront and to the summerhouse (including homemade furniture), creating a small multi-use space in a shed, and performing maintenance work on their septic system.
- 3) The right to expect fair play from the Health Dept. and all Government agencies, and not to be forced into "irrational obedience" based on a punitive or political agenda.
- 4) The right for a rational decision to be rendered that doesn't reduce or eliminate their grandfathered rights simply because they live a lifestyle that others consider unsavory.
- 5) The right to live without Government or public interference in his life for no apparent reason other than a bias against himself and his family and their antiquated lifestyle.
- 6) The right to expect the acquisition of appropriate data to matter, for truth to be valued, and for justice for himself, his family, and for all, regardless of class status and wealth.

**Commentary:** When any enforcement agency behaves badly and/or exceeds their authority, they need to be scrutinized and held to account. Mr. Wolff feels the HDNM has overstepped their bounds and mission. Mr. Wolff didn't endanger anyone or cause a public disturbance. He has never touched the septic system on HIS property. He did his best to try to help his 86 year old father to keep their Charlevoix property accessible to him and his aging mother. (1)

Years later when he inherited the property, Hal did his best to make some modest legal improvements to the property. It seems that the HDNM is intent to hold that work against him, and he is intent to protect his rights and his family's long-held lifestyle. These are the forces Hal is struggling with. This case runs much deeper than a self-interest to continue to use his property in peace. It has to do with bullying, Government oversight & over-reach. (2)

### **List of civil rights** (per HelpfulProfessor.com)

Right to vote, freedom of speech, equal protection under the law. Right to life, liberty, property, pursuit of happiness. Right to education, healthcare, fair trial, freedom from discrimination. Rights vs Privileges: A right is something that everyone is afforded regardless of their contribution to society.

### **14<sup>th</sup> Amendment to the U.S. Constitution**

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws"

**Testimony in Court:** Mr. Wolff is prepared to testify to the voracity of all of statements made under oath in a court of law under penalty of perjury, and he respectfully requests to be provided that opportunity.

## Wolff vs Health Department of NW Michigan Complaint Summary

**A number of issues and invasions have occurred regarding the Wolff property on Cedar Lane:**

- 1) A biased rush to judgment against Mr. Wolff was initiated.
- 2) Inaccurate data was used to validate a Cease & Desist order.
- 3) Process inconsistencies for data acquisition were employed.
- 4) Flagrant misinformation was provided seemingly designed to bias the Sanitary Code Board of Appeals against Mr. Wolff (and successfully so).
- 5) Lack of regard for actual data collected by Mr. Wolff was stated.
- 6) Manipulation / distortion of Sanitary Code occurred based on bad math and/or a failure to accurately assess the Wolff property and all of the structures contained on it.
- 7) An attempt to strip Mr. Wolff of his family's long-held, legal grandfathered rights appears to have occurred.
- 8) An aggressive "fix at any cost" stance has been propagated constituting harsh, anti-social behavior which would be detrimental to the Wolff property and to the entire neighborhood.
- 9) Steadfast adherence to their codes flies in the face of (property) usage and reason.

It is Mr. Wolff's contention that the summation of these items constitutes the following:

**10) Dereliction of duty and Loss of Mission** on the part of the Health Department of NW MI.

**11) Belittlement and harassment** of Mr. Wolff.

**12) All of these actions have created significant and unwarranted hardship to Mr. Wolff** constituting an offensive and unwarranted violation of his civil and constitutional rights.

Halsey R. Wolff  
December 13, 2023

## Wolff vs Health Department of NW Michigan Complaint Details

- 1) **Biased, uninformed rush to judgment:** No attempt for any contact with the property owner was made during the initial assessment undertaken in 2021, even though this assessment lasted for over a month and included 3 separate visits to the property. In spite of the difficulties encountered had in conducting soil borings, no one even attempted to contact Mr. Wolff yet the HDNW soon published an inflammatory and inaccurate report indicating an uncertainty that any septic system existed on the property, and that multiple agencies may be required to property assess the numerous violations they seemed to feel had been committed by the Wolff family. With that report, the damage was done.

**Additional info:** It seemed as if they assessed the situation on the Wolff property and based on appearances made up their minds that something wrong was going on (after all, trailers are no longer allowed there), and never bothered to find out about the ownership background and the grandfathered rights his family had maintained for 56 years, and jumped to some inaccurate and harmfully irresponsible conclusions that the HDNM have been unwilling to reconsider. (1)

On his end, Mr. Wolff made numerous attempts to communicate in good faith with the Health Department, including making calls, leaving phone messages, and even made an in person visit to their office in Charlevoix. The HDNM made no attempt to communicate with him about their process, any difficulties they faced in making an assessment, or about the situation they observed that obviously didn't fit with what they expected to see on upscale lake front property – and it appears they jumped to some unfortunate and inaccurate conclusions that still persist. (2)

- 2) **Inaccurate data was used:** The Health Dept. claimed (erroneously) that the existing septic system on the Wolff property failed to meet the 48” ground water clearance requirement.

**Additional info:** The initial claim for this apparent failure was based on a single soil boring that was made that was ~20 feet downhill from the septic drain field (towards the lake). Substantial subsequent follow-up testing was conducted by Mr. Wolff in fall of 2022 with support from Mackinac Environmental Technology which indicates that the system does in fact meet the requirement.

- 3) **Process inconsistencies for data acquisition:** it appears that when it suited their interests to shut down Mr. Wolff’s septic system, they relied on a single auger boring data point taken a distance away from the actual drain field to determine if there was adequate ground water clearance.

**Additional info:** When Mr. Wolff questioned this finding, he took it upon himself to initiate additional borings with monitor pipes installed. When he provided new data to the HDNW, he was then informed of the required procedure which required 8 weeks of data during a specified time period to determine if the site in question meets the test criteria. (He subsequently performed the complete test and proved that it did indeed pass with adequate clearance.) The salient point being that when it suited their own interests and created an outcome they supported, a single data point used, but when Mr. Wolff challenged this, he was required to undertake the far more thorough 8 week process.

- 4) **Flagrant misinformation designed to bias the Board:** at the initial Sanitary Code Board of Appeals hearing in Dec. 2021, a number of aggressive and disparaging remarks were made at the expense of Mr. Wolff and his interests, which showed a disregard for both honesty and fairness in what seemed like an obvious attempt to either manipulate or intimidate the members and create the outcome favored by the Health Department – to block any chance for a variance to be issued.

**Additional info:** An example of such was the vociferous statement made by Mr. Jones in which he stated, “Multiple agencies may be needed to address all of the violations on the Wolff property”. (This statement was made twice, and the 2<sup>nd</sup> time it was actually challenged by a member of the board and the response from Mr. Jones was, “It’s just a statement.” Really? It was a very aggressive and inflammatory statement that may well have tainted the outcome of the entire hearing.

- 5) **Lack of regard for actual data:** after Mr. Wolff completed an 8 week process to gather ground water data which indicated his site passed, he was informed in writing that such data was irrelevant.

**Additional info:** Mr. Wolff has spent considerable time and effort to gather reliable data regarding the existing septic system. With the support of Mackinac Environmental Technology, he carefully gathered months of ground water clearance data. Further, with the support of Tip of the Mitt Watershed Council they also gathered environmental data with ground water and lake water samples. Soil conductivity readings were also taken. The data gathered indicated that there are no problems found of any sort, but this data was “determined to be irrelevant...” (Per Mr. Jones) for the purposes of this situation. Mr. Wolff felt and still feels that such data is and should be HIGHLY relevant.

- 6) **Manipulation / distortion of Sanitary Code based on bad math and/or a failure to accurately assess the Wolff property:** At the 2<sup>nd</sup> review board hearing, the primary rationale to contest use of the existing septic system was that an aging trailer had been replaced with a newer one of similar (slightly smaller) size and with reduced sleeping capacity, and that a small shed had been built that contained a small (~50 ft<sup>2</sup>) multi-use area, which they claimed exceeded the 50% threshold to invoke “Successor Building” status, which they indicated created a violation of their code.

**Additional info:** Point of fact, the Wolff property has 3 grandfathered structures: a cabin (of ~260 ft<sup>2</sup>), a small RV trailer (~130 ft<sup>2</sup>) and an outdoor bathroom (~20 ft<sup>2</sup>). In combination, they equal over

400 ft<sup>2</sup> of living space. Clearly the <50 ft<sup>2</sup> multi-use area in no way even came close to exceeding the 50% threshold. (*The added multi-use area is a 12% increase in usable living space.*) (1)

Moreover, that threshold related to this code is intended for standard homes of a minimum of 1000 ft<sup>2</sup> (980 ft<sup>2</sup> per Eveline Zoning), meaning a 500 ft<sup>2</sup> addition / renovation would be normally needed to exceed the minimum threshold. The space in question is one tenth of that at 50 square feet. Mr. Wolff strongly felt that using this excuse to attempt to proclaim that Mr. Wolff has committed a breach of Health Dept. code appeared to be a heavy-handed attempt to redirect their grievance and find fault with Mr. Wolff by any means possible to try to maintain a rationale to continue their Cease & Desist when the usage history and environmental data clearly indicated it was not warranted. (2)

- 7) **Attempt to strip Mr. Wolff of his legally held grandfathered rights:** conducting an inquiry with an abbreviated data collection process that is inconsistent with their own policy, and ignoring data that was subsequently gathered which demonstrated the viability of the septic system in question seems inconsistent with the function of the Health Department. It seems that data would only be ignored if a *pre-determined punitive outcome* was intended, with such an outcome seemingly designed to eliminate some or all of the grandfathered rights his family maintains – such as an attempt to get them to remove their long-maintained RV camping trailer.

**Additional info:** In fact that exact course of action was proposed by Mr. Jones in a note to Mr. Wolff as a possible course of action Mr. Wolff should consider. That is not the prerogative nor the purview of the Health Department to inflict or even propose an outcome such as that especially when it flies in the face of data and the legal rights of long-term residents to maintain grandfathered privileges so long as they are not putting the environment or the community at risk. And the Wolff family most certainly is NOT doing this. (1)

And yet that seems to be exactly what the Health Department was attempting to do. In that capacity they would be acting as a “super zoning” department, self-empowered to mix health policy, data and perceived risk of adverse health effects with an overlying desire to create an outcome for a property that had no adverse environmental or health effects associated with it in any manner. Quite candidly, it appears that the HDNW simply wants to help rid the neighborhood of the antiquated use of an RV trailer – very much at the expense of Mr. Wolff’s interests and his desire to maintain his family’s historic usage pattern and their legal right to do exactly that. (2)

- 8) **Aggressive “fix at any cost” recommendation constituting an anti-social outcome which if implemented would be detrimental to the Wolff property and to the entire neighborhood:** In addition to the questionable statements regarding multiple violations that was proffered before and at the first hearing, at the 2<sup>nd</sup> hearing, Mr. Jones stated that Mr. Wolff “has not even filed for a variance to attempt to allow for his trailer to be relocated” - that is to relocate it to a new location on his property that the Health Department favors *which is right next to the road* - where it was felt that a new compliant size gravity-based system could potentially be installed.

**Additional info:** Mr. Wolff’s neighbors have recently subjected him to significant public harassment for his antiquated rustic lifestyle, and in no way would he or his neighbors appreciate having his RV trailer relocated right next to Cedar Lane. Doing so would make it highly visible to everyone in the community. This “fix it at any cost” stance shows an alarming insensitivity to the livelihood of the Wolff family *and to their neighbors* from the Health Dept. which is only deepened by insinuating that the fact that this uncouth and unsavory “solution” hasn’t been initiated is somehow a lapse on the part of Mr. Wolff. He feels exactly the opposite, that the pointed suggestion that this solution should be considered at all is a lapse on the part of the Health Dept.

- 9) **Steadfast adherence to their Codes flies in the face of usage and reason:** consistent enforcement could be laudable as a general rule, but the HDNW appears to have an unwavering unwillingness to

accept the fact that the modern prevailing septic code is not a good fit in every situation, and in particular for an antiquated property situation in which it is used for seasonal camping, and NOT a year-round house / cottage. The different property usage stands out like a sore thumb and cries out for a different solution, but none has been offered. Even the test criteria requiring ground-water testing at the high-water periods, are time periods when the Wolff property is not even used.

**Additional info:** This is a critical point of consideration. Mr. Wolff is an engineer (as was his father). He certainly understands that there is a need and benefit from standardized codes and procedures, and that those generally work fairly well in many situations. *But no code or procedure works in ALL situations, yet the Health Department seems unwilling to consider that the current non-compliant septic system that has worked well for 56 years might well be the best solution for the Wolff family*, and not their demand for a pump-based system with a 1000 gallon tank (with a 500 gallon transfer tank) and 100+ feet of drain pipe. A one-size-fits-all code-compliant solution is not always necessary, and this is one of those times when it isn't, as demonstrated by 56 years of responsible, trouble-free ownership and usage. (1)

In addition, the Wolff situation is unique to the entire lake. No other property he has seen has similar accommodations, so there is no tangible risk of others to use this as an opening to try to jump onto a bandwagon of non-compliance. It seems like this is a textbook situation in which a variance would be the best solution, and when the property is actually developed, then a code compliant system would be implemented to appropriately fit the new development. Requiring that a 1000 gallon tank be installed when an ~50 gallon one worked well for 40 years seems highly irrational. And moreover, **it feels like acquiescing to such an outcome is actually an admission of guilt on the part of the Wolff Family** – indicating that they have been living a potentially dangerous lifestyle and putting the environment and their neighbors at risk for 56 years, when nothing could be further from the truth. (2)

**It is Mr. Wolff's contention that the summation of these items constitutes the following:**

**10) Dereliction of duty and Loss of Mission:** Mr. Wolff asserts that the totality of the above listed issues constitutes both a dereliction of duty and a violation of the HDNW's mission for a government agency entrusted to protect the public by gathering and evaluating data and establishing and enforcing sound policy vs serving a self-interest to engage in punitive enforcement in a manner tantamount to zoning which has resulted in an unsavory and unjustified loss of rights and privileges to the Wolff family.

**11) Belittlement and harassment:** The combination of the above behaviors has also constituted belittlement and harassment of Mr. Wolff and his family by the Department and their agents, which has further spilled over exactly as it appears they intended resulting in additional harassment of Mr. Wolff and his family by Eveline Township and also from the neighborhood HOA and various of Mr. Wolff's neighbors. It's been exasperating and humiliating, and created a hostile environment for the Wolff family.

**12) Significant and unwarranted hardship:** the totality of the Health Dept's actions have resulted in a significant and unwarranted hardship on Mr. Wolff *effectively constituting class discrimination and public humiliation* coupled with a loss of his rights and ability to enjoy a lifestyle as his family has for 56 years, which he asserts *constitutes an onerous violation of his civil and constitutional rights*.

In the 6-year tenure of his ownership, Mr. Wolff has done nothing to materially alter the conditions of his property except to make a legal upgrade to their trailer, and to legally construct a pole barn and build a small, multi-purpose shed, yet the Health Dept. appears determined to cast him as a villain who has acted irresponsibly and in so doing has endangered the environment and the health and safety of his neighbors. This simply is not so, but as was stated to his face by an angry neighbor, "I'll believe the Health Department before I believe Hal Wolff". Once mud like this has been thrown, it's impossible to remove.



## Appendix (updated 1-25-2024)

**Commentary - What justifies the enforcement being mandated?** It appears there is a turf war being waged coupled with a class conflict of sorts. The Environmental Dept. of the HDNW has a rigorous enforcement mentality and they appear determined to dictate a code compliant outcome that collides with the rights of the Wolff family to maintain their longstanding lifestyle. Hal feels strongly that he has done nothing wrong. As a property owner he has not altered the septic system one iota. And in 56 years, his family has never put his neighbors or the environment at risk, and they have been careful not to. In fact, their lifestyle is very much in harmony with the environment, far more so than most residents on Lake Charlevoix. (For ex., his property is largely in a natural state with native vegetation, with a carbon foot-print for usage is a tiny fraction of the large estates on the lake that have become the norm.) (1)

Yet the HDNM has smeared Hal's reputation as one of trailer-trash to be rebuked and reviled. It appears that they intended to start an adverse reaction against this family, and they certainly succeeded. They have the Township crying foul about zoning violations when there are none, only a mis-understanding (on their part) of his grandfathered rights. They also have the neighborhood (Tonnadoonah) HOA stirred up and using the Cease & Desist as a proxy war of sorts based on their desire to rid the neighborhood Wolff family's legally grandfathered use an RV trailer. (HOA President to Hal: "It's time for a change.") (2)

Soon after the Health Dept's Cease & Desist edict was announced, the HOA administered a scathing dose of public humiliation regarding a 60+ year old deed restriction that has never been enforced, which became statutorily archaic ~50 years ago. This same restriction is violated by others on the lane, and when the HOA Board realized they had no case against the trailer usage, they quickly pivoted to support for the HDNM's Cease & Desist that was hastily proclaimed, but has been steadfastly maintained in spite of all evidence indicating it is not warranted. The HOA now has a good excuse to scrutinize Mr. Wolff, with the HDNM effectively laying down the cover-fire for them - that they are unclean lake polluters who are putting everyone at risk! That isn't true, but this sentiment has been trumpeted by some neighbors. (3)

**Commentary – ramifications of the HDNM's actions:** The Health Department and the Cease & Desist they issued coupled with the comments they have made have turned Hal's Up North haven into a nightmare. It has disrupted his life there for two years now - but all he would have to do is acquiesce, admit that he and his family have been living an inappropriate lifestyle for some portion of their 56 years of residence, and invest in a \$20,000 septic system that they have no current need for, and a system that would likely also have little value to any future resident who chose to build on the property. If future development does occur, the property would most likely need a much larger system even than the 1000 gallon tank /and 100 feet of drain field trenches that the Wolff family is being called on to install. (4)

A monetary penalty would be far less destructive, as that wouldn't require cutting down trees or squandering the resources required to install a compliant septic system when the current system hasn't failed. It feels more like a ransom demand has been made than the need to solve any actual problem other than the lack of proper system registration by Hal's father, and possibly also due to Hal's support of his aging parents and helping them safely maintain the non-compliant septic system. (5)

Mr. Wolff tries hard to live a responsible lifestyle. He is an engineer, an Eagle Scout and a Sierra Club member. He tried to serve his community as Pres. of the Cedar Lane Conservancy, and spends a lot of his time and energy supporting various non-profits including his own (Running Blind). And instead of being able to enjoy the time on his family's long owned Lake Charlevoix jewel, a government agency trusted to protect people's health & welfare has gone after him as if there was an environmental problem and made it clear that all Hal needs to do to "fix things" is to implement a \$20,000 septic system. It feels more like a monument dedicated to an imaginary house and to strict adherence to Government regulations. It turns out that's a very high cost, more than Mr. Wolff is able to bear, so he's trying to fight for justice now that he's "poked the bear", as one environmental engineer Hal consulted with aptly put it. (6)

## **Notable statements made by Health Department associated individuals:**

1) **“Multiple agencies may be needed...” to address all of the violations on the Wolff property.** (This comment was made verbally by Mr. Jones at the first review Board meeting.)

2) **The groundwater and all other data Mr. Wolff gathered was “determined to be irrelevant...”** (This comment was made by Mr. Jones in writing prior to the 2<sup>nd</sup> review Board meeting.)

3) **“Mr. Wolff hasn’t even filed for a (Twp zoning) variance (to ask approval) to relocate his trailer.”** Meaning in a manner that would suit the Health Department, but would also cause significant harm to the lifestyle of the Wolff family. (This comment was made by Mr. Jones at the 2<sup>nd</sup> review Board meeting.)

4) **“If this was some small lake somewhere in the county, then things might be different, but this is Lake Charlevoix...!”** (This comment was made by a member of the Review Board at the 2<sup>nd</sup> hearing.)

The inference was that if Mr. Wolff’s rustic cottage (and non-conforming septic system) was out of the way where residents like himself might normally reside, they would probably cut him a bit more slack, but not on the pristine shores of Lake Charlevoix with its million dollar homes. The statement smacked of a double standard of compliance, accountability, and justice, especially given the data Mr. Wolff has accumulated and their 56 years of trouble-free experience with their existing septic system. Mr. Wolff feels that comments like this indicate the capricious mindset of (at least some of) the participants, and undermines the credibility of the entire Sanitary Board.

5) **The addition of a 50 square foot multi-usage space in a small shed appropriately triggered the (section 2-53) Successor Building code requirement.** (Stated by Mr. Jones at 2<sup>nd</sup> review Board hearing, when in fact the multi-use area in the new shed constituted only a 12% increase in usable living space.)

6) **“Take a look at this!”** was a comment made by one of the Review Board members who observed that the family trailer was connected to the septic system (as it has been for 56 years) as he beckoned the other members of the Board to observe what he “discovered” which he appeared to be indicating was a gross violation of the Health Department’s Cease and Desist and presumably also a violation of public decency.

POINT OF FACT – the trailer is still connected to the septic, but no waste water has been disposed of in the unit since 2022 when Mr. Wolff became aware that the Cease & Desist was actually still in force.

7) After proving that the original septic system existed and was still in service, and that the system met the groundwater clearance requirement which the Health Department had previously (erroneously) claimed was not being met, which was a primary rationale for the denial at the first review Board meeting, at the 2<sup>nd</sup> one it was stated that **“nothing has changed since the previous review”** such that there was no reason to come to any different decision than the last one – which was to deny that a variance be granted.

Mr. Wolff found this statement to be alarming. He felt that a lot had changed since the previous review board meeting – specifically that any assertion that there was never a septic system in place on the Wolff property was false – the original system had been found and unearthed for all to see.

Further, the two reasons used for previously denying a variance were also both found to be false: 1) that the family trailer could simply be relocated as the Health Department felt it could / should be, and 2) the current system’s location did not meet the groundwater clearance conditions. While it is true that nothing on the Wolff property has changed, but the entire basis for a variance denial was eliminated.

8) **“Why not just install a compliant system and move on!”** Stated by Mr. Jones during the July 24<sup>th</sup> Board of Appeals hearing. This is more easily said than done, as Mr. Wolff feels this amounts to both an admission of guilt and a ransom. It would also be a large physical disturbance to the rustic property.

9) **“Mr. Wolff brought in a trailer.”** This was a comment from Mr. Fruk at the November 1, 2022 Board of Health meeting in Charlevoix. Mr. Wolff made public comments requesting support from the board. Mr. Jarris Rubingh spoke up and asked if the HDNW could help. Mr. Fruk replied that “Mr. Wolff has already had a review. *He has lakefront property and he brought in a trailer.*” The message was clear, false, and slanderous. Mr. Wolff did not bring in a trailer – he replaced an aging one with a newer one with a decreased number of beds after checking with two lawyers to make sure it was legal. But the message was clear – he is a renegade that flies outside of the law, and deserves to be treated as such.

*The comments made by Mr. Fruk were so upsetting to Mr. Wolff he drove back up north (a 4 hour drive) for the Board of Health meeting the following month and again spoke but this time presented pictures of the two trailers such that the Board could better understand the truth of what actually occurred.*

10) **"Our department works with the home owners to see what makes the most sense for them."** \* - per Casey Clement of the Health Dept. of NW Michigan (\* Paraphrased based on notes made by Mr. Wolff during a public forum on Septic System issues conducted on Sept. 21, 2023. Note - a recording of the event was made by Tip of the Mitt.) This statement seems like a worthy goal for a science-based organization such as the Health Department, but flies in the face of the harsh and manipulative treatment Mr. Wolff has experienced for the past two years.

## Signs of failure of a septic system (From Tip of the Mitt Watershed Council)

### DEFINITION OF FAILURE

- Discharge to surface
- Discharge into surface water, storm drains, or groundwater
- Backup of sewage into structure
- Illicit connection or discharge
- Drainfield hydraulically saturated
- Endangering public or private water supply
- Imminent danger created
- Absence of part or all of septic system
- Contamination of well water



*(None of these conditions have EVER occurred on the Wolff property through 56 years of ownership and environmental stewardship.)*

# Mission Statement of HDNW:

To serve our entire community and to achieve health equity by promoting well-being, preventing disease, and protecting the environment through partnerships, innovation, and excellence in public health practice.

**Commentary:** It appears to Mr. Wolff that the partnerships the Health Dept. sought were with other groups and agencies they felt would also be interested to go after him for violations they thought he committed. It also appears they had no mindset for innovation while persistently trying to pound a square peg of full-compliance into the round hole of the rustic Wolff property.

Creating adversarial situations with people that the Health Department hasn't even talked to, and further for them to publicly reach out to attempt to incite other groups they feel should also be interested in enforcement against a resident they have not bothered to contact and communicate with seems entirely counter to "excellence in public health practice". To Mr. Wolff It feels much more likely bullying, and it seems that in this case the HDNW has turned its mission on its head.

To: Jeremy Fruk, Environmental Director, Health Department of NW MI

2/23/2023

Cc: Kevin McCabe, Tonnadoonah Association President  
Deb Graber, Eveline Township Zoning Coordinator  
Caroline Keson, Tip of the Mitt Watershed Council  
Brad Jeffers, Mackinac Environmental Technology  
Mark Hilal, Attorney at Law

From: Hal Wolff (property Owner)

Re: Wolff Property Cease and Desist Directive dated September 17, 2021

Dear Mr. Fruk, I am writing regarding a situation on my property that you may be aware of, which includes a Cease and Desist directive issued on 9/17/2021 by your department.

**First, to provide some updated information.** I was not aware that the 2021 Cease & Desist issued prior to any inspection of my septic system was still in force *after* an inspection actually occurred until I spoke with you in July of 2022. However, since then, I have done good deal of work, including: having water-monitoring wells installed on my property, having numerous water quality tests conducted, collecting 3 months of water table data, and finding and excavating the property's original (still active) septic tank.

Based on this work, **I am very confident, that there are no health-related concerns on my property or any legitimate cause** to disrupt the lifestyle that my family has engaged in for 55 years. It appears that a suitable variance would allow me to continue to pursue the rustic lifestyle my family has long enjoyed on Lake Charlevoix for decades *with no health or environmental risks of any sort imposed on anyone.*

**Further, a number of false allegations have been made in my dealings with your department including:** 1) we may not have a septic system (we do, but unfortunately it wasn't registered); 2) Our system doesn't meet the 48" ground water clearance requirement (per my testing, it does); 3) I could reposition our trailer and create a compliant, gravity based septic system (we can't - zoning prohibits that); 4) I "brought in a trailer to my property" (I did not, I replaced one with a similar sized one); 5) We are in violation of the Health Dept's "successor building" code (I studied this carefully - I don't believe that is true); 6) I may have broken other rules that could require the input of a number of other agencies. (That claim was totally out of line. My parents not knowing they needed to register our septic system - whenever that became a requirement at some point in the past - is the only issue I found.)

**The attached pages include some of the information I have recently collected.** Based on a legal continuation of my family's historic usage pattern, and on all of the data that has been collected in the past months confirming *decades of safe usage*, **I request the case be reviewed and that consideration be made for granting a variance** for the small but highly functional septic system in place. **If that is not possible, I request a 2<sup>nd</sup> Board of Appeals hearing be allowed.** (Erroneous and misleading information was spread at the last one which may have inappropriately biased the board and altered their decision.)

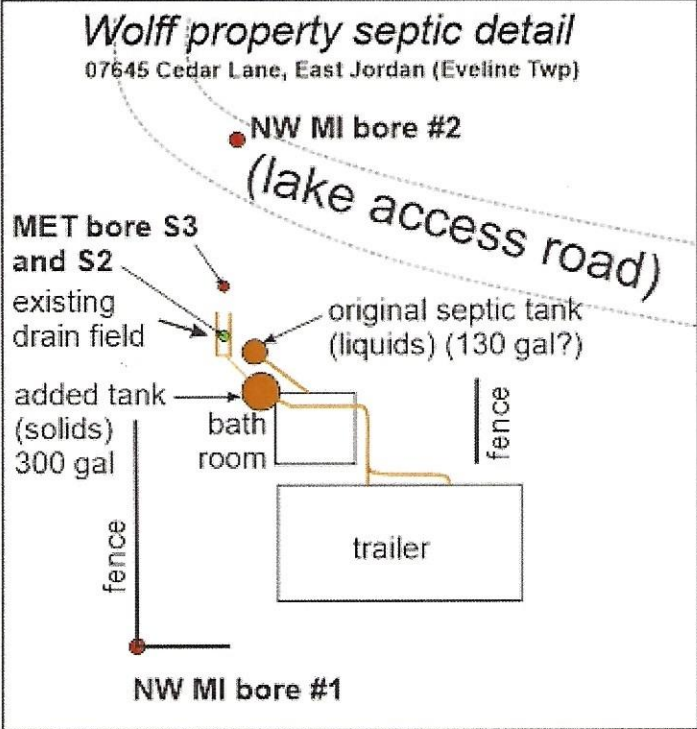
If you are not able to grant either of my requests, I intend to petition the Court to allow that a 2<sup>nd</sup> Appeals Hearing be arranged. I thank you in advance for any cooperation you can provide on this matter.

Sincerely,

Hal Wolff  
2045 McKinley, Ypsilanti, MI 48197  
**Phone:** (734) 487-5616;  
**e-mail:** runlikehal@yahoo.com

**Wolff Property Letter Update Attachment Page 1**

Schematic of complete septic system that is in place on the Wolff Property. It is a hybrid system of original and updated components implemented when my parents owned the property to allow for recommended maintenance work to take place that my father felt was important (ie pumping it out).



Pic of original septic system (which is still in service) that I recently unearthed. (It has no service port.)

**NOTE – the system in places exceeds the 100’ requirement from the high-water mark of the lake.**



Attachment Page 2

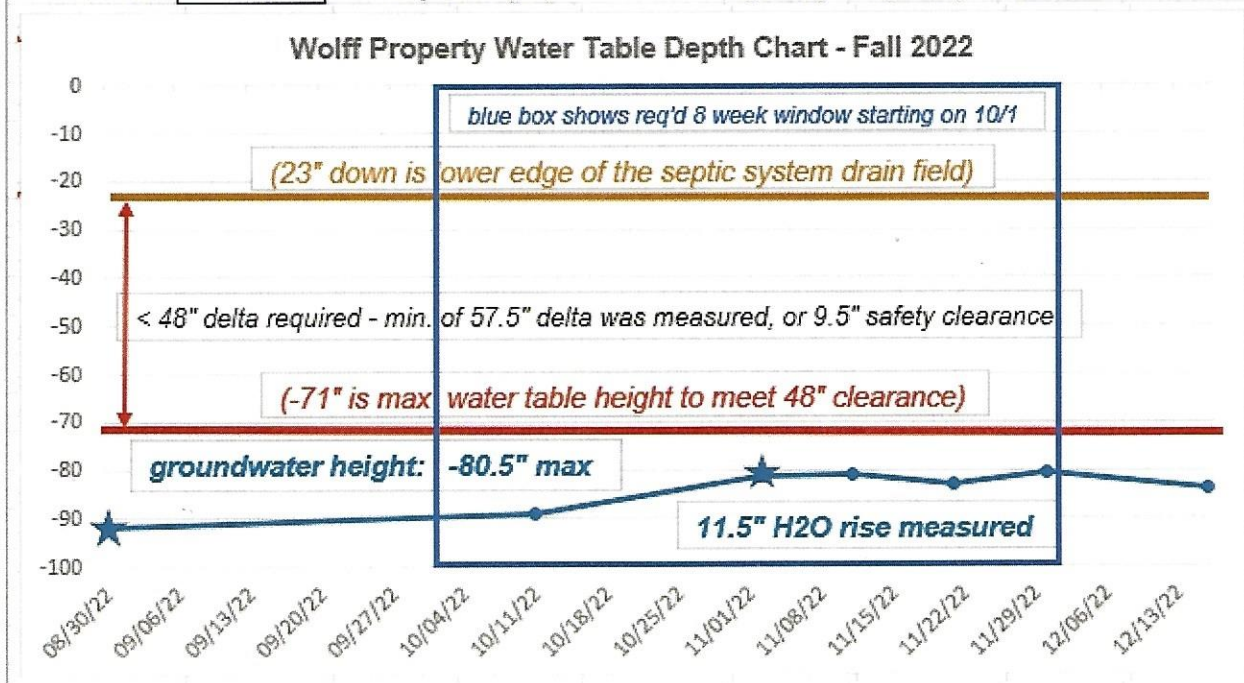
Ground water height measurement data summary chart: *the 48" clearance requirement was met.*

Water table depth data for Wolff property			updated: 12/15/2022
Date	S-2 well (inches below grade)	taken by	
8/30/2022	92	Brad	
10/11/2022	90	Hal	
11/2/2022	82.5	Hal	
11/11/2022	82	Hal	
11/11/2022	81	Brad and Hal	
11/20/2022	84	Hal	
11/30/2022	81.5	Hal	
12/16/2022	85	Hal	

Note - Brad (of MET) and Hal each took 2 measurements on 11/11/2022.  
 Brad used an electronic spool, Hal used a calibrated (measured) pole.  
 Both of Hal's measurements were each 1" below Brad's, so  
 all of Hal's data was adjusted up by 1" to correlate with MET data.

Graph data (duplicate from above but with a negative sign added to show location *below* grade.)

08/30/22	-92	Brad - MET ★			
10/11/22	-89	Hal - adjusted up by 1"			
11/02/22	-81.5	Hal - adjusted up by 1"			
11/11/22	-81	Brad - MET ★	dist. H2O is		
11/21/22	-83	Hal - adjusted up by 1"	below field:	H2O rise:	safety:
11/30/2022	-80.5	Hal - adjusted up by 1"	-57.5	11.5	9.5
12/16/2022	-84	Hal - adjusted up by 1"	(inches)	(inches)	(inches)



### Wolff Property Letter Update Attachment Page 3

Below is a picture of trailer installed by my parents that I recently replaced in 2021. The notion that I acted inappropriately in some manner “bringing in a trailer” to my property in not accurate or correct.

In fact, **the old trailer was given to a friend and could be returned to the property.** But that would represent a step backwards and would not be a productive development for my family or for the surrounding neighborhood and would also be inconsistent with my legal rights. The notion that returning this old one would somehow be helpful by eliminating the claim that I implemented a “successor building” seems to highlight the off-base nature of the Health Department’s stance against my family.



Below is a picture of the trailer that I got to replace my parent’s older and larger trailer. This is the “Successor Building” as claimed by the Health Dept, yet no construction, renovation or remodeling occurred, and nothing was expanded. ***These are both travel trailers*** with wheels, axels and bearings.



#### 2-53 SUCCESSOR BUILDING

Any premises where the square footage is replaced or expanded by greater than 50% through construction, remodeling or renovation activities.