

Wolff vs the Health Department of Northwest Michigan Summary 10-24-2023

Plaintiff: Halsey (Hal) Wolff, property owner of 07645 Cedar Lane, East Jordan, MI, 49727
Address: 2045 McKinley Avenue, Ypsilanti, MI 48197

Defendant: Health Department of NW Michigan supported by Jeremy Fruk, Environmental Director.
Address: 220 W. Garfield Ave., Charlevoix, MI 49720

Primary Issue in dispute: a Cease and Desist issued by the Health Department on September 17, 2021 requiring Mr. Wolff to stop using the septic system on his family's property. The Health Department has steadfastly refused to issue a variance for a fully functional system that has been in place and maintained for continuous usage for over 55 years, but was not registered by the Plaintiff's parents decades ago.

2nd issue in dispute: A second issue is the willingness of the Health Department to use bogus data and spread false allegations, all very much at Mr. Wolff's expense. They very effectively incited an angry group of his neighbors who now think that not only does Mr. use a trailer, but that he is a danger to the health and safety of the neighborhood. This is not true and Mr. Wolff feels he is entitled to damages.

Attempts made to resolve without litigation:

- 1) A Board of Appeals hearing was held on December 16, 2021. *They voted 3-2 against.*
- 2) Plaintiff has had a phone call and a number of e-mail exchanges with the Environmental Director.
- 3) After Mr. Wolff completed taking 3 months of data regarding the soil quality, water table height, and the ground and lake water quality, he summarized the results to Mr. Fruk and requested reconsideration for a variance, or for a 2nd Board of Appeals hearing.
- 4) A 2nd Board of Appeals hearing was held on July 24, 2023. *They voted 4-1 against.*

Defendants stated position: they have raised a host of issues including:

- 1) Mr. Wolff's system is not compliant to modern code, and it was never registered.
- 2) There is evidence of work that was done on the system, which wasn't authorized by the Dept.
- 3) Mr. Wolff brought in an updated (smaller) trailer which is claimed to be a "replacement building".
- 4) The water table height is too high, and the soil is too porous. *(This isn't true.)*
- 5) Mr. Wolff may have violated additional codes requiring support from other agencies. *(He hasn't.)*

Plaintiff's position: Mr. Wolff does not contest that his septic system does not meet modern code size standards, or that it went unregistered. But he knows it works well, is safe and suits his needs perfectly. He believes he shouldn't be forced to install a new (costly & less reliable) pumped system simply because his family has maintained a small but functional gravity system for 55 years, or because his parents didn't know they had to register it, and because Hal filed for a well permit. Hal has done nothing wrong, and he feels he is being "punished" for a registration error that occurred when his parents owned the property.

Plaintiff's legal support: Mr. Wolff intends to represent himself, possibly with LSR support from a local attorney. To that end, a case was filed in the 33rd Circuit Court in Charlevoix MI on Sept. 25, 2023 and updated on Oct. 24, 2023 (at request of the Defendant's attorney, Haider Kazim of CMDA Traverse City.)

Legal support: Mr. Wolff has previously had support from various lawyers, including Mark Hilal of Harbor Springs, David Glenn of Traverse City, and Dave Rowe, also of Traverse City, and others.