

25 January 2011

Dear Mr. Fleece,

I am writing to express my deep disappointment in the services of the Washtenaw County Department of Health in the recent sale of property in Lodi Township. The sale of the property, 2580 Madrone Drive, was finalized on 23 June 2010. The activities of the Department of health were unsatisfactory and compounded confusion based on undocumented and conflicting inspection outcomes. These events in turn created a condition of financial harm to my family in the form of significant unnecessary costs.

The property at 2580 Madrone Drive was listed with the Reinhardt Company, Ann Arbor, on 7 September 2009. James Frost, RS, Certified Inspector conducted the On Site Water Supply and Sewage Disposal Time of Sale inspection on 21 September 2009. Both systems received a passing evaluation. This inspection report was submitted to the Washtenaw County Department of Health on 5 April 2010. On the basis of this inspection, Authorization of Transfer of Deed was issued by the county on 5 April 2010. A copy of this authorization is received at the property address by co-owner Mildred North and is attached.

At the request of the potential purchaser, the sellers performed a pumping of the septic tanks on 28 April 2010. The purchaser also requested a visual inspection of the tanks. The sellers, at the recommendation of selling agent Scott Powers of the Reinhardt Company, hired Jim Kovalak Excavating Inc. to perform the pumping and site visual inspection operation. It is unfortunate that Mr. Kovalak, a Washtenaw County Certified Inspector, considered himself to have been hired by Scott Powers, despite the fact his services were contracted and paid for by Mildred North and Melissa Higgs. Mr. Kovalak's report specifically states that he is to contact Scott Powers with the results, and he subsequently forwarded the only copy of the report to Mr. Powers. Nowhere in the report is there any documentation to indicate that a new tank(s) were required. Mr. Powers apparently forwarded this report on to Washtenaw County, and the Authorization for Transfer of Deed was left in place, further evidence that there was no tank replacement necessary. On 4 May 2010, the sellers were sent an email from Mr. Powers, attaching the bid from Jim Kovalak Excavating Inc. for the "bad tank" replacement. Mr. Powers did not respond to seller's emails or telephone calls requesting information on this bid for several days.

During this period, Mr. Powers contacted Jack Spack on his own initiative for an additional inspection of the septic tanks at 2580 Madrone Drive. In answer to later questioning, it was found by the sellers that this was a "courtesy inspection"; Mr. Spack was never hired by the sellers. Mr. Spack never filed a formal report with the sellers or Washtenaw County. While viewing the tank(s) at the house, it is understood that Mr. Spack telephoned Mr. Leon Moore at the Washtenaw County Department of Environmental Health, and through this conversation communicated an opinion which caused Mr. Moore to administratively intervene and void the previously issued Authorization of Transfer of Deed that had been issued on 5 April 2010. His memorandum on this subject is attached. The sellers were never made aware of the substance of the Spack/Moore conversation or the facts involved in the administrative intervention.

Multiple telephone calls were placed from Athens, Greece by Gary and co-owner Melissa Higgs to obtain information about the administrative intervention and the source of the cancellation of the Authorization of Transfer of Deed. Dr. Higgs spoke with Kimberly Gephardt on numerous occasions over a period of several days, but there were no clear and documentable answers forthcoming. The property was now deemed unsaleable at the listed price until one septic tank was replaced, and the buyer's agent, P.J. Moffett of the Surovell Agency, was untruthfully and without documentation stating in emails that the second tank was in need of replacement in the near future.

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On a visit to the Rural Division office at 205 N. Zeeb Road on 24 September 2010, Gary and Melissa Higgs reviewed and had copies made of the contents of the Washtenaw County file on the property at 2580 Madrono Drive. There was no documentation in the files to support any negative act on relative to the administrative intervention and revocation of the 5 April 2010 Authorization for Transfer of Deed on the part of Mr. Moore. The desk staff refused to sign any documentation to prove that the copies were made from their files, in their office, and that they performed the copying.

It appears from the file content that actions may be taken by the offices of the Washtenaw County Board of Public Health with no documentation to substantiate that action. It is also apparent that the implementation of the policies of Washtenaw County are substantially lacking in any kind of credibility where "certification" of inspectors is concerned. The so-called "certified" inspectors produce various findings which appear to be forgotten for proposals and required repairs for which they alone may be qualified to perform given these circumstances.

In summary, the problem at issue here is the lack of documentation supporting the abrogation of the 5 April 2010 Authorization for Transfer of Deed. This omission casts doubt on the integrity of process, and the objectivity and consistency of the application of adopted codes, as well as the inspection/certification process. Whether due to sloppy record keeping or administrative arrogance this information inadequacy reflects poorly on the departmental and governmental image. A collateral issue to this omission in process and/or record is the inconsistency and apparent variability in expertise and precision of county certified inspectors, and the associated integrity of the certification process which appears to be administered by the Department of Health to a small, selected, and self-sustaining community which are both approved to inspect and approved to do repairs. The existence of such a closed circle is suspect to the appearance of self-interest on the part of certified inspectors, non-objectivity in inspection findings, and a lack of professional conduct on the part of all involved. Accordingly, I would like to schedule a meeting to discuss this matter and the associated financial harm. I look forward to hearing from your offices concerning this further discussion.

Respectfully Submitted,



Melissa North Higgs

1675 Mothershead Lane

Benton, Missouri 63020

Cc: Washtenaw County Board of Commissioners

Washtenaw County Environmental Appeals Board/Public Health Advisory Committee

Memorandum

To: file

From: H. Leon Moore

RE: 2580 Macrone Dr. (cont'd) wesp

RE: TOS septic tank evaluation

I spoke with Jack Spack, who was hired by the owner to render a second opinion on the septic tank for this property. Mr. Spack indicated that he found cracks and corrosion inside the tank. He felt that the tank could be repaired but may need to be replaced.

I spoke with the Owner Mrs. Mildred North. She indicated that she had hired Tim Frost to do a septic/well TOS inspection. Based on Mr. Frost's report we had issued an authorization with a recommendation to have the tanks pumped. Mrs. North indicated that the purchasers made a condition of sale that the tanks be pumped and she was provided three names from the realtor. She hired Kovak's to pump her septic tanks.

The Kovak's pumped the tank and submitted a report on Apr. 28th indicating that the tank had structural damage. Mrs. North hired Jack Spack to render a second opinion.

Based on the information received I told Mrs. North that it is required that the tank in question be replaced. Based on the new information received this office will need to send a denial indicating that the tank will need to be replaced in order for us to issue an authorization. We will need to rescind the initial authorization based on the new information received.



WASHTENAW COUNTY ENVIRONMENTAL HEALTH DIVISION DEPARTMENT OF PUBLIC HEALTH

April 5, 2010

MILDRED NORTH
2580 MADRONO DR.
ANN ARBOR, MI 48103

RE: Approval of Authorization for Sale of
Property Located at 2580 MADRONO DR.
ANN ARBOR,
Case Number: TOS2010-00182

To whom it may concern,

On April 05, 2010, this office received an inspection report for the well and/or septic system at the above referenced address. This report was reviewed to determine compliance with Washtenaw County Regulation for the Inspection of Residential Onsite Water and Sewage Disposal Systems at Time of Property Transfer. Based on the information submitted it has been determined that the system(s) were functioning properly and are adequate for their intended use.

As the result of this review this PROPERTY IS AUTHORIZED FOR TRANSFER OF THE DEED.

This letter does not imply that the system(s) meet new construction standards. Further, this authorization does not imply or express any warranty or guarantee as to the future function and suitability of the inspected systems. The referenced evaluation was performed based on current operation, and any change in use may change the operational status of the system(s).

Although authorized for property transfer, we do make the following recommendations:

1. The septic tanks were not pumped or inspected as part of the inspection. According to the inspection report, the tanks were pumped 13 years ago. The sewage system was designed for a house with 3 bedrooms, but the house has 4 bedrooms. Consequently, the septic tank and drainfield are undersized by current standards. To compensate, this Department recommends pumping out the septic tanks every 2 to 4 years and that no "additives" be used in the tanks. Installing low flow plumbing fixtures would also extend the life of the drainfield. Property owners have full responsibility for upkeep, maintenance and repair of the systems. If replacement becomes necessary in the future, a system that meets current standards would be required.
2. The water treatment system, footing drains, and furnace condensate discharges were connected to the sewage system via the sump. Water treatment discharges, along with footing drain, HVAC and downspout discharges, are considered as clear water that contribute unnecessary loads on the drainfield. These discharges should be directed away from the sewage system to extend the life of the drainfield. The laundry is also connected to the sewage system via the sump. Laundry is considered sewage and must come to discharge to the sewage system.

April 5, 2010

2580 MADRONO DR

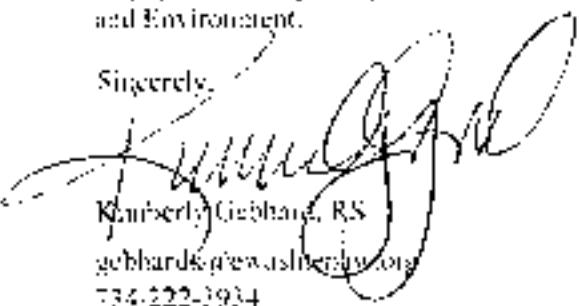
3. The drainfield had 20 to 38 inches of cover. Cover should be maintained at 12 to 24 inches for optimum performance of the sewage system; however, re-grading is not recommended if it would cause ponding of surface water over the drainfield. Any future replacement system should be installed at an elevation to accommodate proper grading.

This Authorization should be kept with other important records concerning this property.

This AUTHORIZATION is valid until April 5, 2011.

Any questions regarding this letter should be directed to the Washtenaw County Department of Planning and Environment.

Sincerely,



Kimberly Gebhard, RS
gebhardk@washberlin.org
734.222.3934



**WASHTENAW COUNTY
ENVIRONMENTAL HEALTH DIVISION
DEPARTMENT OF PUBLIC HEALTH**

April 5, 2010

MILDRED NORTH
2580 MADRONO DR.
ANN ARBOR, MI 48103

RE: Approval of Authorization for Sale of
Property Located at 2580 MADRONO DR.,
ANN ARBOR.

Case Number: TOS2010-00182

To whom it may concern,

On April 05, 2010, this office received an inspection report for the well and/or septic systems at the above referenced address. This report was reviewed to determine compliance with Washtenaw County Regulation for the Inspection of Residential Onsite Water and Sewage Disposal Systems at Time of Property Transfer. Based on the information submitted, it has been determined that the system(s) is/are functioning properly and are adequate for their intended use.

As the result of this review this PROPERTY IS AUTHORIZED FOR TRANSFER OF THE DEED.

This letter does not imply that the system(s) meet new construction standards. Further, this authorization does not imply or express any warranty or guarantee as to the future function and suitability of the inspected systems. The referenced evaluation was performed based on current operation, and any change in use may change the operational status of the system(s).

Although authorized for property transfer, we do make the following recommendations:

1. The septic tanks were not pumped or inspected as part of the inspection. According to the inspection report, the tanks were pumped 13 years ago. The sewage system was designed for a house with 3 bedrooms, but the house has 4 bedrooms. Consequently, the septic tank and drainfield are undersized by current standards. To compensate, this Department recommends pumping out the septic tanks every 2 to 4 years and that no "additives" be used in the tanks. Installing low flow plumbing fixtures would also extend the life of the drainfield. Property owners have full responsibility for upkeep, maintenance and repair of the systems. If replacement becomes necessary in the future, a system that meets current standards would be required.
2. The water treatment system, footing drains, and furnace condensate discharges were connected to the sewage system via the sump. Water treatment discharges, along with footing drain, HVAC and downspout discharges, are considered as clear water that contribute unnecessary loads on the drainfield. These discharges should be directed away from the sewage system to extend the life of the drainfield. The laundry is also connected to the sewage system via the sump. Laundry is considered sewage and must continue to discharge to the sewage system.



WASHTENAW COUNTY ENVIRONMENTAL HEALTH DIVISION DEPARTMENT OF PUBLIC HEALTH

May 11, 2010

MILDRED NORTH
2580 MADRONO DR.
ANN ARBOR, MI 48103

RE: DENIAL of authorization for sale of
property located at 2580 MADRONO DR,
ANN ARBOR
Case Number: TPS2010-00152

To whom it may concern,

On April 05, 2010, this office received an inspection report for the well and/or septic system at the above referenced address. This report was reviewed to determine compliance with Washtenaw County Regulation for the Inspection of Residential Onsite Water and Sewage Disposal Systems at Time of Property Transfer. Based on the information submitted it has been determined that the system(s) is are not adequate for their intended use.

As the result of this review, this PROPERTY IS NOT AUTHORIZED FOR TRANSFER OF THE DEED.

This denial is the result of the following deficiencies:

1. The septic tank is damaged and has lost integrity.

A corrective action plan must be submitted to Environmental Health within thirty (30) days. Recommended solutions are:

1. Replace the damaged septic tank. The tanks(s) must be installed by a Sewage System Installing/Repair Contractor certified by Washtenaw County. An application for the permit should be made to this office and must include the permit fee (currently \$51.)

Authorization for sale can be issued after both of the following conditions have been met:

1. The corrective action plan is approved by the Environmental Health office.
2. The corrective action is completed - or a performance contract has been signed and an escrow account of 1.5 times the contract amount has been established to guarantee performance. A processing fee (currently \$51) must be paid before an escrow closing will be authorized. A site visit fee (currently \$108) will be charged for any corrective action that requires a site visit from this office.

Any owner or interested party who is adversely affected by any decision may request an administrative conference by contacting 12-1, Tim Moore, R.N., Rural Division Director at (734) 222-3848. If concerns are not resolved during the conference, the decision may be appealed to the HCRRA-PhAC. A request for hearing before the HCRRA-PhAC must be made within thirty (30) days and must be accompanied by a \$364 appeal fee.

In addition, the following recommendations are made for the care and maintenance of the systems:

1. The septic tanks were not pumped or inspected as part of the inspection. According to the inspection report, the tanks were pumped 15 years ago. The sewage system was designed for a house with 3 bedrooms, but the house has 4 bedrooms. Consequently, the septic tank and drainfield are undersized by current standards. To compensate, this Department recommends pumping out the septic tanks every 2 to 4 years and that no "additives" be used in the tanks. Installing low flow plumbing fixtures would also extend the life of the drainfield. Property owners have full responsibility for upkeep, maintenance and repair of the systems. If replacement becomes necessary in the future, a system that meets current standards would be required.
2. The water treatment system, footing drains, and furnace condensate discharges were connected to the sewage system via the sump. Water treatment discharges, along with footing drain, HVAC and downspout discharges, are considered as clear water that contribute unnecessary loads on the drainfield. These discharges should be directed away from the sewage system to extend the life of the drainfield. The laundry is also connected to the sewage system via the sump. Laundry is considered sewage and must continue to discharge to the sewage system.
3. The drainfield had 20 to 38 inches of cover. Cover should be maintained at 12 to 24 inches for optimum performance of the sewage system; however, re-grading is not recommended if it would cause ponding of surface water over the drainfield. Any future replacement system should be installed at an elevation to accommodate proper grading.

Sincerely,


Kimberly Gebhard, R.S.
gebbard@ewashenew.org
734-222-3931