

FILED
07-06-2020
CIRCUIT COURT
DANE COUNTY, WI
2015CX000055

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 4

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 15-CX-0055

Complex Forfeiture: 30109

FRANK GRIBBLE,

Defendant.

STIPULATION FOR JUDGMENT

Plaintiff State of Wisconsin brought this civil action against Defendant Frank Gribble (Mr. Gribble) for alleged violations of the State's spills law. The State of Wisconsin and Mr. Gribble now wish to settle this matter by agreement and avoid further litigation, and therefore, enter into this Stipulation for Judgment (Stipulation).

IT IS STIPULATED AND AGREED by the State of Wisconsin and Mr. Gribble that this case shall be settled on the merits, with prejudice, on the following terms and conditions:

1. The parties to this Stipulation are the State of Wisconsin and Mr. Gribble.
2. The Circuit Court for Dane County, Wisconsin (Court) has jurisdiction over the parties and the subject matter of this action.

3. This Stipulation and the Order for Judgment as approved by the Court shall apply to and be binding on the parties and on the successors and assignees of the parties.

4. Judgment shall be entered in favor of the State of Wisconsin and against Mr. Gribble in the total amount of \$100,000.00. This sum is comprised of forfeitures, surcharges, costs, and attorney fees as follows: forfeitures of \$64,539.12 pursuant to Wis. Stat. § 292.99(1), a 26 percent penalty surcharge of \$16,780.17 pursuant to Wis. Stat. § 814.75(18), a 20 percent environmental surcharge of \$12,907.82 pursuant to Wis. Stat. § 814.75(12), \$25.00 in court costs pursuant to Wis. Stat. § 814.63(1), a \$13.00 crime laboratories and drug law enforcement surcharge pursuant to Wis. Stat. § 814.75(3), a \$68.00 court support services surcharge pursuant to Wis. Stat. § 814.75(2), a 1 percent jail surcharge of \$645.39 pursuant to Wis. Stat. § 814.75(14) , and a \$21.50 justice information system surcharge pursuant to Wis. Stat. § 814.75(15) and attorney fees of \$5,000.00 under Wis. Stat. § 292.99(2).

5. Mr. Gribble will pay a total of \$95,000.00 by checks payable to the Dane County Circuit Court and delivered to the Dane County Clerk of Courts, Dane County Courthouse, 215 South Hamilton Street, Room 1000, Madison, Wisconsin 53703, along with cover letters identifying the case by name and number. A copy of the cover letters shall be simultaneously mailed as proof of payment to Assistant Attorney General Bradley J. Motl at the Wisconsin

Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857.

Payment shall be made in accordance with the following schedule:

- a. \$20,000.00 within 60 days after the Order for Judgment is signed;
- b. \$25,000.00 within 1 year after the Order for Judgment is signed;
- c. \$25,000.00 within 2 years after the Order for Judgment is signed; and
- d. \$25,000.00 within 3 years after the Order for Judgment is signed.

5. Mr. Gribble will pay a total of \$5,000.00 in attorney fees by check payable to the Wisconsin Department of Justice and mailed to Assistant Attorney General Bradley J. Motl at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857, within 60 days after the Order for Judgment is signed.

6. With respect to the property located at W12362 and W12364 State Road 16 & 60, Town of Elba, Dodge County, Wisconsin, with the legal description of Lot 1 of Certified Survey Map No. 1792, Volume 12, Page 18 (the Property), Mr. Gribble shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from

the petroleum discharged at the Property to the air, lands, and waters of the State of Wisconsin.

7. In order to comply with paragraph 6 of this Stipulation, Mr. Gribble, or his authorized agent, shall:

- a. Remediate the Property pursuant to Wis. Admin. Code chs. NR 722 and 724;
- b. Conduct all necessary monitoring at the Property after the Property is remediated, pursuant to Wis. Admin. Code § NR 724.17;
- c. As necessary, complete additional site investigation activities at the Property to define the nature and extent of soil and ground water contamination in accordance with Wis. Admin. Code ch. NR 716; and
- d. Obtain case closure approval from the Department of Natural Resources (DNR) pursuant to Wis. Admin. Code ch. NR 726.

8. Mr. Gribble, or his authorized agent, shall complete the actions required in paragraphs 6 and 7 of this Stipulation as soon as reasonably possible, but by no later than June 30, 2025, unless DNR determines that restoration of the Property is not achievable by that date and the parties agree, in writing, to extend the June 30, 2025 deadline. The parties are mindful of the existence of the State PECFA program to provide

reimbursement for eligible site costs if submitted to the State by June 30, 2020. Representatives of Mr. Gribble and DNR have met to discuss site investigation status and needs and will continue to cooperate to work toward Case Closure. Neither party hereto provides any guarantee that the actions required in paragraphs 6 and 7, above, can be completed by June 30, 2020.

9. The parties acknowledge that this Stipulation and the Order for Judgment set forth the entire understanding of the parties with respect to resolution of the violations alleged in the Complaint.

10. Compliance by Mr. Gribble with his obligations under this Stipulation and the Order for Judgment shall constitute full release of his civil liability for the violations alleged in the Complaint.

11. Nothing contained in this Stipulation shall be construed as an admission of liability by Mr. Gribble, or as a concession by the State regarding the veracity of the State's allegations.

12. The Order for Judgment will be a final and appealable Order. However, the parties hereby waive their right to appeal the Order.

13. The Order for Judgment and Judgment may be entered incorporating the terms of this Stipulation without further notice, and the Judgment may be docketed, pursuant to Wis. Stat. § 806.10(1).

Dated this 6th day of July, 2020.

JOSHUA L. KAUL
Wisconsin Attorney General



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Dated this 17 day of June, 2020.

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Dated this 22 day of June, 2020.

Frank M. Gribble

FRANK GRIBBLE

Defendant

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