

STATE OF WISCONSIN

CIRCUIT COURT

PRICE COUNTY

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

Plaintiff,

v.

Case No. 11-CX-1
11-CX-1A
11-CX-1B
11-CX-1C

OTTO VYSKOCIL
W2840 Mink Drive
Phillips, Wisconsin 54555,

DUANE A. VYSKOCIL
W2840 Mink Drive
Phillips, Wisconsin 54555,

RANDALL E. VYSKOCIL
W2758 County Trunk Highway D
Brantwood, Wisconsin 54513,

and

DARREN J. VYSKOCIL
W2778 Trappers Road
Phillips, Wisconsin 54555,

Defendants.

AMENDED COMPLAINT

The State of Wisconsin, by its attorneys, Attorney General J.B. Van Hollen and Assistant Attorney General Mary Batt, brings this action against the above-named defendants, at the request of the Department of Natural Resources, and alleges as follows:

1. The plaintiff, State of Wisconsin, is a sovereign state having its principal office at the State Capitol in Madison, Wisconsin. It has enacted, in Wis. Stat. chs. 289 and 291 and through its Department of Natural Resources ("DNR" or "the Department") administers, laws regulating solid waste disposal and hazardous waste.

2. The defendants, Randall Vyskocil, Darren Vyskocil, and Duane Vyskocil, are owners of Vyskocil Brothers Builders, an unincorporated business whose principal office address is W2840 Mink Drive, Phillips, Price County, Wisconsin 54555, and are residents of Phillips, Price County, Wisconsin. The defendant, Otto Vyskocil, is the father of Randall, Darren, and Duane Vyskocil, and is a resident of Phillips, Price County, Wisconsin.

FACTUAL BASIS

3. Prior to August 2, 2008, defendants Randall, Darren, and Duane Vyskocil (hereinafter "the Vyskocil brothers") demolished Friedl's Hardware store in the City of Phillips, Wisconsin.

4. After demolishing the building, the Vyskocil brothers moved the debris to land located at W2777 Trappers Road, Phillips, Wisconsin, owned by Otto Vyskocil (hereinafter "the property"). Here, the Vyskocil brothers constructed a trench where they dumped the debris from Friedl's building.

5. On August 2, 2008, DNR Environmental Warden Kendall Frederick and Conservation Warden Dan Michels responded to a complaint of illegal dumping by the

Vyskocil brothers. The wardens contacted Otto Vyskocil and visited the property with his permission.

6. Upon arrival, the wardens could see an excavator and debris piles south of Trappers Road, where the property is located.

7. The wardens questioned Otto Vyskocil about the debris on his property. Otto Vyskocil said that his sons, Darren, Duane, and Randall, were demolishing the old Friedl's store, hauling the debris to his land and dumping it there.

8. Otto Vyskocil stated that he owned the land, and gave the wardens permission to inspect the piles of debris on his property.

9. The debris piles were approximately sixty-two yards long, nineteen yards wide, and six feet in height. The debris consisted of wood, glass, shingles, tin, plaster, paint cans, and solvent cans. The wardens collected samples and old receipts from Friedl's store. At the debris piles, the wardens saw a long, freshly dug trench that was filled with purple water, indicating that it was polluted. The water-filled trench also contained a lot of debris.

10. On August 2, 2008, the wardens observed an orange dump truck filled with debris arrive at Otto Vyskocil's property. The driver identified himself as Duane Vyskocil and informed the wardens that the debris came from Friedl's. He stated that his brothers, Randall and Darren Vyskocil, were demolishing the old Friedl's store and burying the debris at Otto Vyskocil's property. He further stated that much of the debris had already been buried.

11. Later on August 2, 2008, a black pick-up truck towing a trailer full of debris arrived at the property. The driver of the truck identified himself as Randall Vyskocil. Randall Vyskocil stated that he was dumping debris from Friedl's store at the property.

12. Duane and Randall Vyskocil claimed they were not sure of all the disposal requirements. They said there were a total of four buildings at the Friedl's site, and that they had already demolished two of the buildings and hauled the debris to the property. Finally, they said their brother Darren Vyskocil normally worked with them on this job, but that he was in Green Bay for the weekend.

13. At this time, the wardens instructed Randall and Duane Vyskocil to cease all work on the property until they were contacted by DNR.

14. On August 4, 2008, DNR Solid Waste Specialist Steve Ashenbrucker joined the wardens, and met with Randall and Duane Vyskocil at the property. They saw that the debris from the truck had been dumped, the equipment had been moved, there was much less water in the trench, and the debris in the trench had been disturbed.

15. Randall and Duane Vyskocil said they had removed the paint and solvent cans from the trench because they did not know these items were there. Additionally, the Vyskocil brothers had pumped water from the trench. The wardens again instructed them to cease all work until they were contacted by DNR.

16. Waste Specialist Ashenbrucker and Warden Frederick accompanied Randall Vyskocil to his home at W2758 Highway D, Phillips, Wisconsin, and showed them the stack of containers removed from the debris on August 3, 2008. The Warden

noted that there appeared to be at least two hundred containers in the stack, the majority of which were unopened. The containers ranged in size from a half-pint to five gallons. The contents from ten of these cans tested positive for hazardous waste based upon the characteristic of ignitability.

17. On August 4, 2008, Warden Frederick and Waste Specialist Ashenbrucker returned to the property and collected samples of the water/leachate remaining in the trench and the residue from where the water was pumped out of the trench. Warden Frederick sent the samples to the State Lab for testing that afternoon.

18. On August 8, 2008, Warden Frederick, Waste Specialist Ashenbrucker, and DNR Air Management Specialist Troy Gansluckner met the Vyskocil brothers at the property. At this time, Ashenbrucker and Gansluckner again instructed the Vyskocil brothers to cease all work.

19. On August 21, 2008, the Vyskocil brothers then filed their ten-day notification with DNR, as required, to complete the Friedl's demolition.

20. On August 29, 2008, Waste Specialist Ashenbrucker spoke with Randall Vyskocil by phone. Ashenbrucker informed Randall Vyskocil that the test results from the leachate samples showed contamination in the water. Ashenbrucker told Randall Vyskocil that DNR strongly suggested the waste in the trench be removed as soon as possible and disposed of at a licensed landfill. Randall Vyskocil said they would use Durand for disposal. Ashenbrucker also told Randall Vyskocil that DNR staff would like to be present when the waste was removed and not to fill in the trench.

21. On September 9 and 10, 2008, Waste Specialist Ashenbrucker unsuccessfully tried to call the Vyskocil brothers. He left messages after both calls, but received no response.

22. On September 17, 2008, Warden Frederick observed the Vyskocil brothers demolishing the remaining two buildings at the Friedl's site. He observed the orange dump truck leave the site in the direction of the property. Frederick followed the truck and observed it turn into a farm owned by Joe Stotka at W6674 Highway D, Phillips, Wisconsin.

23. On September 18, 2008, Waste Specialist Ashenbrucker drove to the property and spoke with Darren Vyskocil's wife. Ashenbrucker inquired as to whether the waste had been removed. Ms. Vyskocil told Ashenbrucker that the brothers would contact DNR when the waste was removed, and that they would like a copy of the sample results. Ashenbrucker told Ms. Vyskocil that they would need to call DNR to obtain copies of the results.

24. On September 19, 2008, Warden Frederick returned to Stotka's farm and observed about a dozen dump truck loads of debris behind the farm. The piles contained wood, painted wood, tin, shingles, and insulation. Frederick seized two old receipts from the Friedl's store.

25. On October 2, 2008, DNR Hydrogeologist Phillip Richard in the Remediation and Redevelopment section of the DNR mailed the Vyskocil brothers a Responsible Party Letter explaining their requirements relating to the release at their dump site.

26. On October 9, 2008, the DNR issued a Notice of Violation to the Vyskocil brothers for the above-described violations.

27. On October 23, 2008, an Enforcement Conference was held with Randall and Darren Vyskocil at the Park Falls DNR office. The Vyskocil brothers informed DNR staff that they removed all the waste from the trench on September 27 and 28, 2008. However, the brothers merely piled the waste alongside the trench, and did not actually remove the debris from the property.

28. DNR informed the Vyskocil brothers that they would need to hire a consultant to take soil samples to determine if there were any contaminants remaining at the initial dump site. Additionally, they would need to dig test pits at the dump site to show that all waste was removed and properly disposed of at a licensed landfill. Finally, they would need to submit copies of disposal receipts from the landfill to DNR.

29. On March 20, 2009, Waste Specialist Ashenbrucker verified through the DNR Solid and Hazardous Waste Management System database that neither the Vyskocil brothers nor the land they were dumping on had the required solid waste or hazardous waste licenses.

30. On April 9, 2009, Wardens Frederick and Bayer drove past the Trapper Road dump site and observed that all of the debris was now either gone or buried. The wardens noted that the dump site was now flat and appeared as if it had been freshly leveled.

31. DNR was not contacted by the Vyskocil brothers in regards to proper cleanup and disposal.

SOLID WASTE VIOLATIONS

32. Wisconsin Stat. ch. 289 governs solid waste management and was enacted to prevent and minimize pollution in the state.

33. With exceptions not relevant here, Wis. Stat. § 289.01(33) defines "[s]olid waste" as "any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities." The items described in paragraph 9, above, constitute solid waste.

A. Operating a solid waste facility without a license – Otto, Randall, Duane, and Darren Vyskocil

34. With exceptions not relevant here, Wis. Stat. § 289.01(35) defines "[s]olid waste facility" as "a facility for solid waste treatment, solid waste storage or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located."

35. Wisconsin Stat. § 289.31 prohibits a person from operating a solid waste facility without first obtaining an operating license from DNR.

36. By storing demolition wastes and other debris from Friedl's Hardware store at Otto Vyskocil's property defendants operated a solid waste facility on the property without a license from DNR, in violation of Wis. Stat. § 289.31.

B. Transporting solid waste without a license – Randall, Duane, and Darren Vyskocil

37. Wisconsin Admin. Code ch. NR 502 was adopted under the authority of Wis. Stat. ch. 289 "to help ensure that efficient, nuisance-free and environmentally accepted solid waste management procedures are practiced in this state and to outline the requirements regarding licensing and operational requirements for solid waste [facilities]."

38. Wisconsin Admin. Code § NR 502.06(1)(b) provides that "no person may operate or maintain a collection or transportation service unless the person has obtained an operating license from the department."

39. As described in paragraphs 10-12, the Vyskocil brothers maintained a transportation service on August 2, 2008, by moving solid waste from Friedl's store to the property, and never obtained a permit for this service, in violation of Wis. Admin. Code § NR 502.06(1)(b).

40. As described in paragraph 22, the Vyskocil brothers maintained a transportation service on September 17, 2008, by moving solid waste from Friedl's store to Stotka's property in Phillips, and never obtained a permit for this service, in violation of Wis. Admin. Code § NR 502.06(1)(b). At no time have the defendants ever obtained a license for the transportation of solid waste from the DNR.

C. Transporting solid waste to an unlicensed facility – Randall, Duane, and Darren Vyskocil

41. Wisconsin Admin. Code § NR 502.06(4)(b) provides that "[s]olid waste shall be transported only to facilities which are licensed or approved by the department, or to facilities which are exempt from regulation by the department."

42. Otto Vyskocil's property was not licensed or approved by DNR to receive solid waste, and was not subject to exemption, meaning the defendants' transportation of solid waste to that location on August 2, 2008, as described in paragraphs 10-12, violated Wis. Admin. Code § NR 502.06(4)(b).

43. Joe Stotka's property was not licensed or approved by DNR to receive solid waste, and was not subject to exemption, meaning the defendants' transportation of solid waste to that location on September 17, 2008, as described in paragraph 22, violated Wis. Admin. Code § NR 502.06(4)(b).

HAZARDOUS WASTE VIOLATIONS

A. Failure to make hazardous waste determination – Randall, Duane, and Darren Vyskocil

44. Wisconsin Stat. § 291.21 requires any person generating solid waste to determine whether it is a hazardous waste, and provides procedures that must be followed to characterize the solid waste.

45. As described in paragraphs 10-12, the Vyskocil brothers generated solid waste by transferring debris from Friedl's store to the property. Some of this waste included

full paint and solvent cans, which were seized as evidence and tested positive for the hazardous waste characteristic of ignitability. *See* Wis. Admin. Code § NR 661.03.

46. At no point did the defendants determine if any of their solid waste was hazardous, in violation of Wis. Stat. § 291.21.

B. Transporting hazardous waste without a license – Randall, Duane, and Darren Vyskocil

47. Additionally, Wis. Stat. § 291.23(1) provides that "[n]o person may transport hazardous waste without a license issued under this section."

48. As described in paragraphs 10-12, the defendants transported full paint and solvent cans, hazardous wastes under Wis. Admin. Code § NR 661.03, from Friedl's store to the property without a license on August 2, 2008, in violation of Wis. Stat. § 291.23(1).

49. As described in paragraph 22, the defendants transported full paint and solvent cans, hazardous wastes under Wis. Admin. Code § NR 661.03, from Friedl's store to Stotka's property in Phillips, Wisconsin, without a license on September 17, 2008, in violation of Wis. Stat. § 291.23(1)

RELIEF AUTHORIZED

50. Wisconsin Stat. § 289.96(3)(a) provides that any person who violates Wis. Stat. ch. 289 or any rule promulgated thereunder, such as Wis. Admin. Code §§ NR 502.06(1)(b) and NR 502.06(4)(b), shall forfeit not less than \$10 nor more than \$5,000 for each violation, and further provides that each day of continued violation is a separate offense.

51. Wisconsin Stat. § 289.96(3)(b) provides that, in addition to the penalties provided under Wis. Stat. § 289.96(3)(a), "the court may award the department of justice the reasonable and necessary expenses of the investigation and prosecution of the violation, including attorney fees."

52. Wisconsin Stat. § 291.97(1) provides that any person who violates Wis. Stat. ch. 291 or any rule promulgated thereunder, such as Wis. Admin. Code § NR 661.03, shall forfeit not less than \$100 nor more than \$25,000 for each violation, and further provides that each day of a continuing violation is a separate offense.

53. Wisconsin Stat. § 291.97(3) provides that, in addition to the penalties provided under Wis. Stat. § 291.97(1), "the court may award the department of justice the reasonable and necessary expenses of the investigation and prosecution of the violation, including attorney fees and the costs of performing monitoring."

54. Wisconsin Stat. § 299.95 provides that where a chapter or the rule being enforced "prohibits in whole or in part any pollution, a violation is considered a public nuisance." It authorizes the attorney general to enforce chapters 281 to 285 and 289 to 295 of the Wisconsin Statutes and its rules "by injunctive and other relief appropriate for enforcement."

RELIEF REQUESTED

WHEREFORE, the plaintiff asks for judgment as follows:

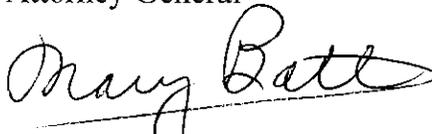
1. The forfeitures as provided in Wis. Stat. §§ 289.96(3)(a) and 291.97(1), for the violations described herein;

2. The 26% penalty surcharge pursuant to Wis. Stat. § 814.75(18), the 10% environmental surcharge pursuant to Wis. Stat. § 814.75(12), the \$25.00 court costs pursuant to Wis. Stat. § 814.63(1), the \$13.00 crime laboratories and drug law enforcement surcharge pursuant to Wis. Stat. § 814.75(3), the \$68.00 court support services surcharge pursuant to Wis. Stat. § 814.75(2), the 1% jail surcharge pursuant to Wis. Stat. § 814.75(14), and the \$21.50 justice information system surcharge pursuant to Wis. Stat. § 814.75(15);

3. With regard to the solid and hazardous waste violations, the reasonable and necessary expenses of the prosecution, including attorney fees, pursuant to Wis. Stat. §§ 289.96(3)(b) and 291.97(3).

Dated this 20th day of November, 2012

J.B. VAN HOLLEN
Attorney General



MARY BATT
Assistant Attorney General
State Bar #1017859

Attorneys for Plaintiff, State of Wisconsin

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-1001
(608) 266-2250 (Fax)
battmd@doj.state.wi.us

STATE OF WISCONSIN

CIRCUIT COURT

PRICE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 11-CX-1

11-CX-1A

11-CX-1B

11-CX-1C

OTTO VYSKOCIL,
DUANE A. VYSKOCIL,
RANDALL E. VYSKOCIL,
and DARREN J. VYSKOCIL,

Defendants.

STIPULATION AND ORDER FOR JUDGMENT

The plaintiff State of Wisconsin brought this action against the defendants, Otto Vyskocil, Duane A. Vyskocil, Randall E. Vyskocil, and Darren J. Vyskocil, for solid waste and hazardous waste violations. The plaintiff and defendants wish to settle this matter by agreement and avoid further litigation, and, therefore, enter into this stipulation.

NOW, THEREFORE, the parties to this stipulation hereby agree as follows:

1. The parties to this stipulation are the plaintiff State of Wisconsin and the defendants, Otto Vyskocil, Duane A. Vyskocil, Randall E. Vyskocil, and Darren J. Vyskocil.

2. The Court has jurisdiction over the parties and the subject matter of this action.

3. Except as between the parties to this action, nothing contained in this stipulation and order for judgment shall be construed as an admission of liability by the defendants in any proceeding now pending or hereafter commenced.

4. This stipulation and order for judgment as approved by the Court shall apply to and be binding on the parties to this stipulation and their successors and assigns.

5. Otto Vyskocil, Duane A. Vyskocil, Randall E. Vyskocil, and Darren J. Vyskocil, will pay and judgment will be entered against them in favor of the State of Wisconsin in the total amount of \$25,000.00 for the violations described in the Amended Complaint and the Complaint.

6. The total sum of \$25,000.00 is comprised of forfeitures, statutory surcharges, costs and attorney fees as follows: forfeitures of \$15,965.33 under Wis. Stat. § 291.97(1) and 289.96(3)(a) plus the 26% penalty surcharge of \$4,150.99 under Wis. Stat. § 814.75(18), the 10% environmental surcharge of \$1,596.53 under Wis. Stat. § 814.75(12), the 1% jail surcharge of \$159.65 under Wis. Stat. § 814.75(14), the \$25.00 court costs under Wis. Stat. § 814.63(1), the \$13.00 crime laboratories and drug law enforcement surcharge under Wis. Stat. § 814.75(3), the \$68.00 court support services surcharge under Wis. Stat. § 814.75(2), the \$21.50 justice information system surcharge under Wis. Stat. § 814.75(15), and attorney fees of \$3,000.00 under Wis. Stat. § 291.97(3).

7. Otto Vyskocil, Duane A. Vyskocil, Randall E. Vyskocil, and Darren J. Vyskocil, will pay \$4,000.00 by November 1, 2012, by check payable to the Price County Clerk of Circuit Court and delivered to the Clerk of Court, Price County

Courthouse, 126 Cherry Street, Phillips, Wisconsin 54555-1249, along with a cover letter to the Court identifying the case by name and number. A copy of the cover letter and check shall be simultaneously mailed as proof of payment to Assistant Attorney General Mary Batt. Otto Vyskocil, Duane A. Vyskocil, Randall E. Vyskocil, and Darren J. Vyskocil, will pay \$3,000.000 for attorney fees, by check payable to the Wisconsin Department of Justice, and delivered to Assistant Attorney General Mary Batt, Wisconsin Department of Justice, 17 West Main Street, Post Office Box 7857, Madison, Wisconsin 53707-7857, by November 1, 2012.

8. The remaining payment of \$18,000.00 shall be made according to the following schedule: Otto Vyskocil, Duane Vyskocil, Randall Vyskocil, and Darren Vyskocil will each pay \$1,500.00 on November 1, 2013, November 1, 2014 and November 1, 2015, by checks payable to the Price County Clerk of Circuit Court and delivered to the Clerk of Court, Price County Courthouse, 126 Cherry Street, Phillips, Wisconsin 54555-1249, along with a cover letter to the Court identifying the case by name and number. A copy of the cover letter and check shall be simultaneously mailed as proof of payment to Assistant Attorney General Mary Batt.

9. If any defendant fails to comply with any deadline in this stipulation relating to payment of money, that defendant shall be in default of the stipulated judgment, and all financial obligations remaining or outstanding under this stipulation for that defendant, shall be accelerated and shall be immediately due and payable and interest shall be added to the balance due, pursuant to Wis. Stat. § 815.05(8), from the date of entry of judgment.

10. This stipulation takes into consideration the Vyskocils expenditures of \$8,585.97 to bring their facility into compliance with the DNR administrative code.

11. The accompanying 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).

12. The parties waive their right to appeal the final Order in this case.

Dated this 20th day of November 2012.

J.B. VAN HOLLEN
Attorney General



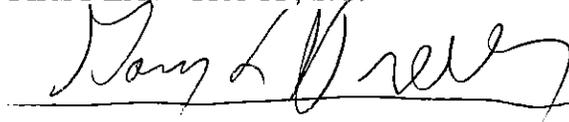
MARY BATT
Assistant Attorney General
State Bar #1017859

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Wisconsin Department of Justice
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Madison, Wisconsin 53707-7857
(608) 266-1001
(608) 267-2250 (fax)
battmd@doj.state.wi.us

Dated this 17th day of July, 2012.

FIRST LAW GROUP, S.C.



GARY L. DREIER
State Bar # 1016656

Attorneys for Defendants Otto Vyskocil, Duane
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Vyskocil

First Law Group, S.C.
2900 Hoover Road, Suite A
Stevens Point, Wisconsin 54481-5678
(715) 341-7855
dreier@firstlawgroup.com

Dated this _____ day of _____, 2012.

OTTO VYSKOCIL, Defendant

Dated this _____ day of _____, 2012.

DUANE A. VYSKOCIL, Defendant

Dated this _____ day of _____, 2012.

RANDALL E. VYSKOCIL, Defendant

Dated this _____ day of _____, 2012.

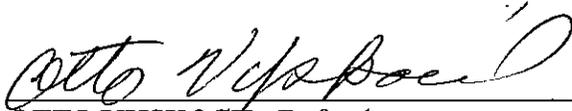
FIRST LAW GROUP, S.C.

GARY L. DRIER
State Bar # 1016656

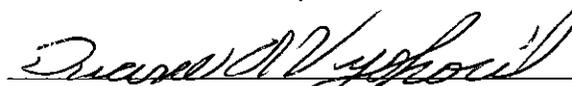
Attorneys for Defendants Otto Vyskocil, Duane
A. Vyskocil, Randall E. Vyskocil, and Darren J.
Vyskocil

First Law Group, S.C.
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dreier@firstlawgroup.com

Dated this 12th day of July, 2012.


OTTO VYSKOCIL, Defendant

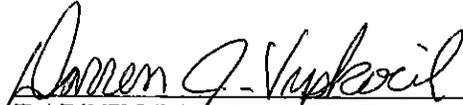
Dated this 12 day of July, 2012.


DUANE A. VYSKOCIL, Defendant

Dated this 13th day of July, 2012.


RANDALL E. VYSKOCIL, Defendant

Dated this 12 day of July, 2012.



DARREN J. VYSKOCIL, Defendant

ORDER FOR JUDGMENT

The Court approves the terms of the foregoing stipulation in *State of Wisconsin v. Otto Vyskocil, Duane A. Vyskocil, Randall E. Vyskocil, and Darren J. Vyskocil*, Case Nos. 11-CX-0001, 11-CX-0001A, 11-CX-0001B, and 11-CX-0001C under which defendants shall pay a total of \$25,000.00 in forfeitures, statutory surcharges, costs, and attorney fees, and 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 _____ day of _____, 2012.

BY THE COURT:

The Honorable Douglas T. Fox
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT

PRICE COUNTY

STATE OF WISCONSIN
17 West Main Street
Post Office Box 7857
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and

DARREN J. VYSKOCIL
W2778 Trappers Road
Phillips, Wisconsin 54555,

Defendants.

JUDGMENT

Based on the Stipulation between the plaintiff and the defendants, and on the Court's order, the terms of both of which are incorporated into this judgment in their entirety, Judgment is granted in favor of the plaintiff, State of Wisconsin, and against the defendants, Otto Vyskocil, Duane A. Vyskocil, Randall E. Vyskocil, and Darren

Vyskocil, in the amount of \$25,000.00. This amount is comprised of forfeitures, statutory surcharges, costs and attorney fees as follows: forfeitures of \$15,965.33 under Wis. Stat. § 291.97(1) and 289.96(3)(a) plus the 26% penalty surcharge of \$4,150.99 under Wis. Stat. § 814.75(18), the 10% environmental surcharge of \$1,596.53 under Wis. Stat. § 814.75(12), the 1% jail surcharge of \$159.65 under Wis. Stat. § 814.75(14), the \$25.00 court costs under Wis. Stat. § 814.63(1), the \$13.00 crime laboratories and drug law enforcement surcharge under Wis. Stat. § 814.75(3), the \$68.00 court support services surcharge under Wis. Stat. § 814.75(2), the \$21.50 justice information system surcharge under Wis. Stat. § 814.75(15), and attorney fees of \$3,000.00 under Wis. Stat. § 291.97(3).

Otto Vyskocil, Duane A. Vyskocil, Randall E. Vyskocil, and Darren J. Vyskocil, will pay \$4,000.00 by November 1, 2012, by check payable to the Price County Clerk of Circuit Court and delivered to the Clerk of Court, Price County Courthouse, 126 Cherry Street, Phillips, Wisconsin 54555-1249, along with a cover letter to the Court identifying the case by name and number. A copy of the cover letter and check shall be simultaneously mailed as proof of payment to Assistant Attorney General Mary Batt. Otto Vyskocil, Duane A. Vyskocil, Randall E. Vyskocil, and Darren J. Vyskocil, will pay \$3,000.000 for attorney fees, by check payable to the Wisconsin Department of Justice, and delivered to Assistant Attorney General Mary Batt, Wisconsin Department of Justice, 17 West Main Street, Post Office Box 7857, Madison, Wisconsin 53707-7857, by November 1, 2012.

The remaining payment of \$18,000.00 shall be made according to the following schedule: Otto Vyskocil, Duane Vyskocil, Randall Vyskocil, and Darren Vyskocil will each pay \$1,500.00 on November 1, 2013, November 1, 2014 and November 1, 2015, by checks payable to the Price County Clerk of Circuit Court and delivered to the Clerk of Court, Price County Courthouse, 126 Cherry Street, Phillips, Wisconsin 54555-1249, along with a cover letter to the Court identifying the case by name and number. A copy of the cover letter and check shall be simultaneously mailed as proof of payment to Assistant Attorney General Mary Batt.

If any defendant fails to comply with any deadline in this stipulation relating to payment of money, that defendant shall be in default of the stipulated judgment, and all financial obligations remaining or outstanding under this stipulation for that defendant, shall be accelerated and shall be immediately due and payable and interest shall be added to the balance due, pursuant to Wis. Stat. § 815.05(8), from the date of entry of judgment.

This judgment is final for purposes of appeal.

Dated this _____ day of _____, 2012.

BY THE COURT:

The Honorable Douglas T. Fox
Circuit Court Judge