

MUNICIPALITY OF ANCHORAGE  
Appeals to the Three-Member Panel and the  
Board of Building Regulation Examiners and Appeals

JUN 08 2022

Development Services  
Municipality of Anchorage

Date 6/7/2022 Building Board Case No. BC-A-01-22 Permit No. N/A

Appeal Emanating from Action of the Building Official

Appeal Emanating from Action of the Fire Official

I (we) \_\_\_\_\_  
Appellant Telephone Number Email

of 16533 Old Glenn Hwy #38 Chugiak AK 99567  
Mailing Address City State Zip Code

request a determination be made by the Building Board on the case of:

a. \_\_\_\_\_ permit denial  
(type)

b. Notice to Vacate Code Violation 23.70.702(5) (other)  
(please state)

Street Address of Project: 16533 Old Glenn Hwy Chugiak AK 99567

Legal Description: \_\_\_\_\_

Between Cross Streets: \_\_\_\_\_ and \_\_\_\_\_

Status of Project: (check applicable boxes)

- a. Construction has \_\_\_\_\_ has not \_\_\_\_\_ started.
- \_\_\_\_\_ b. Construction was suspended more than six months ago.
- \_\_\_\_\_ c. Construction is in progress but a stop-work order has been issued by the Municipality.
- \_\_\_\_\_ d. Construction is pending.
- e. Other Notice to Vacate  
(please state)

This appeal is based on the action of the Building Official or Fire Official, who claims that:  
(check one or more)

- \_\_\_\_\_ a. Materials(s) chosen (is) (are) not appropriate for intended use.
- \_\_\_\_\_ b. Type(s) or method(s) of construction (is) (are) not permitted.
- \_\_\_\_\_ c. A Fire/Life Safety deficiency exists for the intended type of occupancy, which takes precedence over the plans as submitted and approved for permit.
- d. Other Mobile homes are dangerous buildings per AMC 23.70.702(13)(15)  
(please state)

I, (we) the undersigned contend that the decision of the code enforcement official is without reasonable grounds or adequate consideration of the current circumstances and that reliability on and interpretation of AMC 23.70.702(13) (15) is incorrect, incomplete or inconsistent and also does not conform with AMC 21.70, 21.70.140, Responsibility for compliance, 21.70.150, Non-Conforming Mobile Home Parks, 21.13.040 - Nonconforming structures among other ordinances which preclude this action against homeowners.

On May 9, 2022, a Notice to Vacate pursuant to code violation, 23.70.702(5) Dangerous Buildings was posted on the mobile homes located at 16533 Old Glenn Highway, Chugiak, AK 99567.

The Notice to Vacate does not demonstrate how the resident owned mobile homes violate 23.70.702 (13) (15) or what makes the homes dangerous buildings under the code. It is of particular note that the majority of mobile homes within Forest Park underwent and passed code compliance inspections in the past 16 months, performed by code enforcement officer Bill Peterson, which is in direct opposition to the Notice to Vacate signed and posted by code enforcement officer Bill Peterson.

The underlying notice of violation was prepared and presumably issued on or about October 27, 2020. However, a copy of the notice was not served on the mobile homeowners who reside at the site address that appears on the notice of violation as required by AMC 23.70.704 (1) (3). Furthermore, the mobile home owners are not required nor in the position, financially or legally, to comply with a code violation that is clearly directed at the owner of the property not the individual homeowners.

The October 27, 2020, notice of violation is 18 months old and none of the conditions outlined in the notification exist at this time. It is unknown if at anytime in the past 18 months the code compliance officer undertook specific code compliance inspections to ensure the violation had been corrected and water restored to *"mobile homes 7, 8, 26, 27, 28, 29, & 45 or that the remaining mobile homes had adequate water service per the 2012 Uniform Plumbing Code section 608.1."* (See Notice of Violation dated Oct 27, 2020)

After the 2018 earthquake the water distribution system that served the mobile home park had catastrophic damages to the water distribution system leaving residents with no water for a period of months in 2020. To address this unexpected disastrous situation, beginning in December 2020 thru the first week February of 2021 a licensed professional with the highest ADEC certification for water systems and water distribution systems constructed a temporary overland water distribution system. This overland system was ADEC pre-approved for construction and is material compliant and certified for use with potable water and has served the resident homeowners for two winters now with minimal issues, loss of water and more than adequate water flow to all occupied mobile homes within the mobile home park.

At this time and for the past 16 months homeowners at the site address of the violation have had adequate water and water flow to meet the requirements of the 2012 Uniform Plumbing Code section 608.1; especially as it relates to sanitation, as demonstrated by the engineer's report dated October 15, 2021. (See attached engineer's report)

Homeowners at the site are fully aware of the State of Alaska's boil water notice and have acknowledged such in an amendment to their rental agreements with the lessor of the property. It should also be recognized that dozens of boil water requirements exist in communities across the state of Alaska as do dry cabins within the Municipality of Anchorage. (See attached ADEC map) The residents' drinking water is tested monthly and throughout the year on a schedule developed by the ADEC Alaska Drinking Water Watch Program to insure the water is safe. Sampling results are posted to the State of Alaska website which can be accessed online at the following link: <https://dec.alaska.gov/dww>

Clearly, the temporary system is just that, temporary, while on-going plans are developed and funds secured to install a more permanent distribution system. Still, the overland water distribution system and its operator have proven its successful delivery of potable water to every occupied mobile home in Forest Park for at least the past 16 months.

It is also important to point out that an employee with the Municipality of Anchorage, Code Enforcement Department unlawfully advised residents of Forest Park in late 2020 and early 2021 to stop paying the monthly space rent, despite there being no legal order from any entity or court stating that all residents were relieved from paying monthly space rent. This interference in the business operations of the mobile home park contributed to and directly correlates to the unfortunate situation placed on the homeowners within Forest Park today as funding opportunities became unavailable due to absence of monthly revenue.

Forest Park Mobile Home Court is a small 45 space community in Chugiak providing safe sustainable housing for a minimalized population of homeowners, older adults and working families with children. Forest Park rents space for housing, the mobile homes belong to the residents who pay space rent for these services, space, water, sewer and trash service. Sustainable housing continues to be an issue within the Municipality and forcing homeowners from their homes without cause does not appear to conform with the Municipality's plans to address lack of affordable housing in the Anchorage area.

The Municipality's cause of action is with the property owners not the individual resident mobile homeowners as they cannot be held responsible for compliance with 2012 Uniform Plumbing Code section 608.1 or the property owner's non-compliance per AMC 21.70.140. This appeal is supported by all the homeowners within Forest Park and I, (we) therefore ask that the arbitrary and capricious notice to vacate be immediately rescinded.

Cindy Johnson  
Signature of Appellant

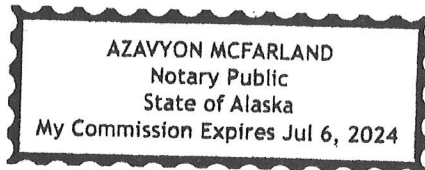
907696-5167  
Telephone

16533 Old Glenn Hwy #38  
Address

matherniccargel@yahoo.com  
Email

Chugiak AK 99567  
City, State, Zip Code

Subscribed and sworn to before me this 7<sup>th</sup> day of June, 2022



[Signature]  
Notary Public in and for State of Alaska  
My commission expires: Jul 06, 2024

Attachments:

Code inspections for mobile homes – Bill Peterson

- Attachment 1                      Garness Engineer's Report
- Attachment 2                      Boil water notice
- Attachment 3                      ADEC Map of Boil Water Notices currently in effect state-wide
- Attachment 4                      Addendum or Amendment to GTL Services Lease dated 10/01/2021 or later
- Attachment 5                      Affidavits from mobile homeowners

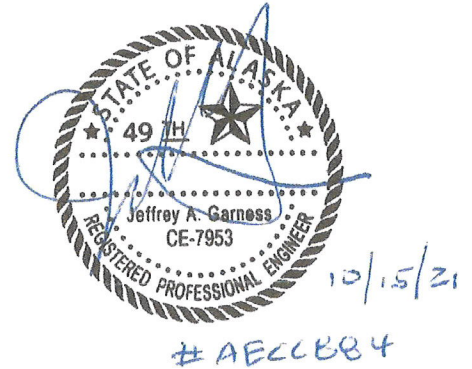


# GARNESS ENGINEERING GROUP, Ltd

ENGINEERING • SALES • CONSULTING

October 15, 2021

Valerie Ritz c/o  
Ingaldson Fitzgerald, P.C.  
813 W 3<sup>rd</sup> Avenue  
Anchorage, Alaska 99501



Re: **Forest Park Trailer Court – Temporary Water System**

Ms. Ritz:

Per the request of your attorney, Kevin Fitzgerald, we performed an assessment of the temporary water distribution system serving the residents of the subject trailer court, to determine if the water being served to the residents is “potable”.

Our evaluation consisted of performing two (2) site visits (assessing what can be seen on the ground surface), reviewing information provided to us by the person who “constructed” the temporary water distribution system (Guy Miller), limited review of ADEC/MOA correspondence/records, and product research for NSF compliance. The following is a summary of our findings and some pertinent facts:

- The installer of the temporary water distribution system was Guy Miller. Mr. Miller is certified by the State of Alaska as a Level IV operator for both “Water Treatment” and “Water Distribution”
- Source Well: Based upon our site visits, statements from Guy Miller, and ADEC/MOA correspondence, the trailer court is served solely by the “Church Well” located on the west side of the old Glenn Highway.
- The well located in the trailer court appears to have been disconnected from the water distribution system but has not yet been decommissioned. ADEC has corresponded with Jim Sullivan (Arctic Well and Pump Services) regarding the proper method of decommissioning the well.
- Guy Miller conveyed to us that he installed a pressure monitoring system in the old well house, that is located near the highest point in the trailer court. Per Mr. Miller he installed a LOGit model LPT data logger with LOGit LLSU software. The unit specifications indicate it is accurate to plus/minus 3 psi. Mr. Miller provided sample data that was reportedly taken between 7:00 PM on 9/20/21 and 5:56 PM on 9/26/21. There was a total of 8576 data points taken at 1-minute intervals. Upon performing a search of the database, we noted 20 events where the pressure was less than 23 psi. The lowest pressure noted was 20.1 psi. Given the limited accuracy of the data logger (plus/minus 3 psi) it is possible that the lowest pressure reading could have been as low as 17.1 psi. Per 18 AAC 80.205 (5), (Drinking Water Regulations), a minimum pressure of 20 psi should be maintained in the distribution main at the highest elevation in the system. It is our understanding that Mr. Miller is going to providing additional pressure data.
- A site visit was performed by GEG Consultant Jody Maus on 10/1/21 to visually inspect the pipe/fitting materials. His findings are noted in the attached email. Please note that an NSF marking does necessarily mean it is suitable for potable water applications, it must be labeled NSF-61, NSF-PW, or otherwise certified to comply with “NSF-61 health effects requirements”. It appears that the pipe observed (by GEG Consultant Jody Maus) is NSF-61, NSF-PW, or otherwise NSF-61 material compliant. However, there is less certainty regarding several of the fittings used to connect the piping. One of the brass fittings was labeled “LF” (lead free), but no NSF labeling was observed. There were several brass fittings, and some black plastic fittings used to connect the PEX piping, that had no observable NSF labeling. Mr. Miller said the black fittings used to connect the PEX pipe are

"Sharkbite" Poly Expansion fittings, which GEG confirmed are advertised as being NSF-61 certified in the "Sharkbite" product literature. Per the installer (Guy Miller) all of the pipe/fittings used were suitable for contact with potable water (NSF-61, NSF-PW, or NSF lead free).

- We noted that Mr. Miller had not provided an air gap where the distribution pipe discharges (wastes water to prevent pipe freezing) from a tank in the well house. He provided a temporary "fix" and sent us a picture. Mr. Miller said he will provide a more permanent solution for the air gap within the next few days.
- Guy Miller referred me to the ADEC "Drinking Water Watch" website for information regarding bacteria sampling that has been performed. Per the subject database, at least 9 bacteria samples have been taken since April 5, 2021, and all tested "Absent" for Coliform Bacteria.
- The system is equipped with valves at several locations that can be opened, during sub-zero temperatures, to allow a portion of the water to be wasted onto the ground, ideally preventing the distribution piping from freezing. A portion of this "wasted" water is also being discharged (at the well house) into the old (leaking) water distribution piping.

The subject water distribution system is a temporary solution because its exposure to the elements make it vulnerable to structural damage and freezing. What can be stated at this time is:

1. The system was constructed by a person that is an ADEC certified Level IV operator for both "water treatment" and "water distribution". This is the highest level of certification issued by the State of Alaska.
2. The majority of the pipe/fittings have been confirmed to be certified for use with potable water (NSF-61 or NSF-PW), or material compliant in regard to NSF-61 "material health effects requirements". Guy Miller (State Certified Operator) conveyed to us (Jody Maus and Jeff Garness) that all of the pipe/fittings he used to construct the distribution system are NSF approved for contact with potable water.
3. Six (6) days of pressure data was collected/recorded by Guy Miller. The lowest pressure recorded by the datalogger during the monitoring period was 20.1 psi (at the old well house) . Given the accuracy of the datalogger (plus or minus 3 psi), it is uncertain whether a minimum of 20 psi was maintained. With that said, there is no data indicating that the pressure has been less than 20 psi.
4. Per ADEC's "Drinking Water Watch", all Coliform bacteria samples since April 2020 have indicated the absence of Coliform bacteria. In short, the water appears to be bacterially safe.

If you have any question, please contact me.

Best Regards,



Jeffrey A. Garness, P.E., M.S.  
President

APP05

# PUBLIC NOTICE

## Forest Park Trailer Court Water System

PWSID #: AK2210794

Since April 2018, the Department of Environmental Conservation has been notified of a pressure loss in the Forest Park Trailer Court Water System. The cause of the loss of pressure has not been determined. A water pressure loss can potentially contaminate and compromise the water system through backsiphonage and precaution must be exercised immediately.

Due to the water system's pressure loss, this **Boil Water Notice** is being issued. Use of a water source contaminated by backsiphonage or backflow may be harmful to your health. Please take the necessary precautions by boiling any water used for human consumption at least two minutes before using.

**DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil for two minutes or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation until further notice. Boiling kills most bacteria and other organisms in the water. Harmful microbes in drinking water can cause diarrhea, cramps, nausea, headaches, or other symptoms. Inadequate disinfection may pose a special health risk for infants, young children, some elderly, and people with severely compromised immune systems. The symptoms above are not just caused by organisms in drinking water. Disease symptoms may be caused by a number of factors other than the drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.

A Boil Water Notice is a public announcement advising water system users that they should boil their tap water for drinking and other domestic purposes. It is intended to protect the public's health from waterborne infectious agents that could be present in the community's drinking water supply whenever the water system is compromised. The health risks associated with ingesting water that has not been treated properly or boiled are hard to estimate. Until the public water system has fixed the pressure issues in the distribution system, this notice remains in effect.

The State of Alaska has set an enforceable drinking water standard for total coliform bacteria to reduce the risk of these adverse health effects. Under this standard all drinking water samples must be free of these bacteria. Drinking water that meets this standard is associated with little or none of this risk and should be considered safe with respect to total coliform.

**The Alaska Department of Environmental Conservation has issued a "BOIL WATER NOTICE" to this public water system. All water used for drinking or cooking must undergo a rapid boil for 2 minutes before use.**

**This "BOIL WATER NOTICE" is in effect until further notice.**

# **BOIL WATER NOTICE**

Forest Park Public Water System, AK2210794, has had numerous complaints of loss of pressure in the distribution system.

This **BOIL WATER NOTICE** is issued effective 05/15/2018. This notice shall remain in effect and posted until the Department rescinds it.

**Boil water 2 minutes (minimum)  
before drinking.**

For more information call the Alaska Dept. of Environmental Conservation in Anchorage AK, at (907) 269-7517.

**Alaska DEC Drinking Water Boil Water Notices**





GTL Service's Forest Park Rental Agreement

Amendment to Rental Agreement

WATER SYSTEM: BOIL WATER NOTICE: (See attached notice)

Forest Park operates a Class A Public water system with State of Alaska Department of Environmental Conservation Services (ADEC) oversight.

Due to damage to the water distribution system caused by the 2018 earthquake, Forest Park has abandoned its older underground system and is currently operating a temporary over ground distribution system constructed by a person that is an ADEC certified Level IV operator for both 'water treatment' and 'water distribution.' This is the highest level of certification issued by the State of Alaska.

Forest Park's water is tested monthly and throughout the year on a schedule developed by ADEC annually. Results are posted to the Alaska Drinking Water Watch Program which can be accessed at the following link: <https://dec.alaska.gov/dww>

Dated this 18<sup>th</sup> day of January 2022

**Addendum or Amendment to the Lease dated 10/01/2021 or later**

Date \_\_\_\_\_ In reference to the Lease Agreement between: GTL Management and \_\_\_\_\_, the Lessees, and GTL Management, the Lessor, dated after 10/01/2021, covering the real property commonly known as: Street Address: 16533 Old Glenn Highway Space # \_\_\_\_\_, Chugiak, AK 99567 and the Legal address is (the Property): TR A Witman.

The undersigned Lessee(s) and Lessor hereby agree to the following (check only one):

\_\_\_\_ Addendum – to be used when more space is needed on the Lease Agreement

X  Amendment – to be used only when changing an existing Lease Agreement

**The Lessee and Lessor agree to the following:**

To continue to live at the property known as Forest Park Mobile Home Court with the address of 16533 Old Glenn Highway, Chugiak, AK 99567 under the currently existing condition to include:

1. Long term Boil Water notice.
  2. Each occupant will make their own choice to boil water coming into the space in which I reside.
  3. With the current above ground water system and the water being supplied by the West Well located at 16430 Old Glenn Highway, Chugiak, AK 99567.
  4. To accept the water test results supplied by a Lab that is approved by the State of Alaska.
  5. To agree that the water and the wastewater supplied by the Park represents no more than \$ \_\_\_\_\_ per month of the monthly rent amount.
  6. To continue to pay the monthly rent amount in a timely manner of approximately every 30 days.
- All other terms and conditions to remain the same.

To the extent any provision of this Addendum/Amendment is inconsistent with the provisions of the Lease Agreement, the terms of this Addendum/Amendment shall control. All other Terms and Conditions to remain the same. This Addendum/Amendment does not expire until both parties agree in writing.

Date: \_\_\_\_\_ Lessee or Lessor

1: \_\_\_\_\_ 2: \_\_\_\_\_ 3: \_\_\_\_\_

upon execution by both parties or their representatives, this agreement becomes an integral part of the referenced Lease Agreement.

Date: \_\_\_\_\_ Lessee or Lessor

1: \_\_\_\_\_ 2: \_\_\_\_\_ 3: \_\_\_\_\_

My name is Michele  
Murphy, my husband  
Ben and I bought our  
trailer Aug 18 for \$27,500  
and spent \$7,000 remodeling  
the inside. We took out a  
York loan to buy our trailer  
and payments still come out  
of my husband's checks  
twice a month. Last year  
we had the inspector come  
out and inspected our trailer  
and he said it was in good  
shape passing the inspection  
and could be moved. The  
issue we're having is the  
age of the trailer and the  
artic entry. Both anchorage  
and valley do not accept  
either our trailer's year or

the artic entry. If the entry is removed we will have a 10 foot wall completely open to the outside elements! We are in alaska and that is ridiculous to expect that.

The legal paperwork we were given states that all of our homes are condoned how can you condemn something you have never been inside, under or anything? And the paper also says we can't move or sell our homes. so at this point you are telling me that me and my family will be tossed out homeless. But hundreds of drugies, get all this help @ the arena for years.

We do not drink, smoke  
or do drugs so that means.  
What...? I ~~do~~ love our  
home. I am happy that we  
now have water. Why are  
we being punished for something  
that isn't our fault? How dare  
someone who has never taken  
10 min to knock @ our doors  
and talk to us directly  
and see + hear our wants  
and needs...? decide them  
for us? You do realize  
1/2 the owners here are  
elderly there's no way  
they can pay for anything  
else. This entire situation  
is a class action lawsuit  
in the making. We have  
done nothing wrong, we have  
not broken any laws.

What is the plan? Are

you going to let us and  
our families move in with  
you and your fancy homes?  
How dare someone lie  
and tell people we are  
hosting refugees here and  
that we live in a 3<sup>rd</sup> world  
country. What is wrong  
with you? The shape of  
this park is a direct  
result of owners who  
think they are ~~are~~ above  
the law. Not our fault  
and I understand the neighbor  
works thing. But there  
are ppl like us who don't  
qualify. What are you  
going to do for us? I am  
the person who was on the  
news and exposed this who  
situation and I have already

Spoken to them again and  
I have no problem letting  
the world know how  
you treat trailer home  
owners. Because let's face  
it we are innocent  
and being treated like  
were horrible humans  
UNEXCEPTABLE in the united  
states of american in the  
year 2022!

Ben + Michele  
Murphy

16533 Old Glenn Hwy #10  
Chugiak AK 99567

MM 803 476-7002

BM 907 887-1144

State of Alaska )  
 )ss.  
Third Judicial District, Anchorage )

I, Cindy Johnson, am a homeowner resident in the Forest Park mobile home court in Chugiak, Alaska. I own a three bedroom 16x70 mobile home with 2 full baths and approximately 1200 square feet; I have a front and back yard. I have resided in Forest Park since October 2007.

At this time and for over a year now I have had running water to my home. I can cook, clean, do laundry, take showers and flush my toilet; sometimes several of these things at the same time. The water flow is better than I've enjoyed the entire time I have lived in Forest Park. I understand the water system is under a boil water order and that my water is tested monthly.

Due to disabilities I am on a fixed monthly budget. In Forest Park my rent and utilities are less than \$1000 per month. If I had to move my monthly expenses would likely double and reduce my quality of life. I wouldn't be able to afford my monthly prescriptions or gas to get to my many doctor appointments.

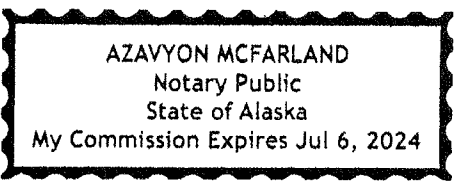
It is unfair for the Municipality of Anchorage to hold me responsible for things that are out of my control, like an earthquake that damages the parks water system. My home is not a dangerous building and has taken care of me for over 15 years now. I hope to enjoy many more years in my home.

It is with all due respect that I ask the Municipality to withdraw its Notice to Vacate served on May 9, 2022 because today my home does not meet the municipal codes definition of a dangerous building.

I, Cindy Johnson, affirm that I wrote the foregoing statement and believe all declarations made in the document are true.

*Cindy Johnson*  
Cindy Johnson  
16533 Old Glenn Hwy #38  
Chugiak, AK 99567

SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of June, 2022.



*Azavyon McFarland*  
Notary Public in and for Alaska  
My commission expires: Jul 06, 2024



Me and my 3 kids have made this home  
and have done alot of work to it too  
make it our home, we are very  
comfortible here. It's a great place to  
live and safe place! Everyone here are  
great people to! And are very willing to  
help each other out!! ~~Me~~ and my kids  
are very scared if we can't stay here  
we have no where else to go and don't  
want to be homeless!!!

Jeremiah  
Odegard and  
kids

#43

Hayna Odegard

Isiah Odegard

Raiden Odegard

STATEMENT OF RONALD G. CALUGAN

My name is Ronald G. Calugan, born December 19, 1957 in Kodiak Alaska. I have lived and worked in Alaska all my life. Presently I live in a Mobile Home owned by me located in Space 18 in Forest Park Trailer Court at 16533 Old Glenn Highway, Chugiak, Alaska. My home is not out of repair and is not dangerous. I live here with four family members. It is not a dangerous house to live in. We have hot and cold running water, with sewer connections. To move from here is not an option for me. I have been diagnosed with rhumatoid arthritis by doctors at the Alaska Native Health Center. Both my knees and ankles and back give me pain. I am looking to get both knees replaced in the near future.

This is the only place economical for myself and family to live. It is safe and comfortable and all the facilities work.

SIGNED: Ronald G. Calugan  
RONALD G. CALUGAN

DATED: 06/02/2022

WITNESS: Larry L. Ledlow  
LARRY L. LEDLOW

DATED: June 2, 2022

AFFIDAVIT OF LARRY LEDLOW

Comes now Larry Ledlow, under oath who states that he is 89 years old and a diabetic with knee injuries sustained from a fall on ice. Orthopedic Surgeons of Alaska have examined and x-rayed my knee and agreed to perform surgery to repair my knee. They performed surgery and replaced my knee. Surgery was performed on March 3, 2021. I am writing to get this frivolous VACATE NOTICE vacated. I do not live in a dangerous building. I have lived here many years and wish to continue my residence here. At my age, who will finance property knowing that I will not live long enough to pay it off. I have sold or used up all my resources just to live in peace and quiet my lingering days. To VACATE is not an option for me. I live alone and have running water with flush toilet. I have public gas supplied by Enstar for cooking and a hot water tank that works. What more could I ask for?

Signed: *Larry Ledlow*  
LARRY LEDLOW

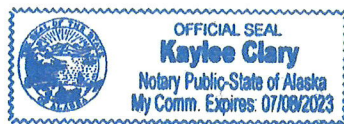
State of Alaska  
Third Judicial District, Anchorage, Alaska

THIS IS TO CERTIFY that on the 27<sup>th</sup> day of May of 2022,  
LARRY LEDLOW, known to me to be the individual named by the Affidavit of Defendant personally appeared before me and acknowledged that he signed said document freely and voluntarily for the uses and purposes stated within.

GIVEN UNDER MY HAND and official seal:

DATED: May 27<sup>th</sup> 2022

*Kaylee Clary*  
Notary Public for the State of Alaska  
My Commission Expires 07/08/2023



June 4, 2022

16533 Old Glenn Highway #8  
Chugiak, AK 99567

We do NOT have an issue with the water. We know about it. And, we want to stay. This is our home. You might not like it but this is a stepping stone to somewhere better. We work full time + school.

If we have to leave, no one will accept our dogs. My son is 8, he loves it here.

PLEASE RECONSIDER - THIS IS OUR HOME!

Thank you.

Brittney Demintoff

+

Kylee Demintoff

~~Brittney Demintoff~~

~~Kylee Demintoff~~

(907) 203-1791

(907) 671-4564

6/6/2022

space 21

To Whom It May Concern

I Cameron Pargament, Home Owner of a 3 bedroom 1 bath 12x70 mobile home that resides in Forest Park with my Family (Brandy, Lilyth, Noah, Magnolia, and mother-in-law Lori) since June 2021.


Moving to Alaska has been our Dream. In 2019 we started to sell most of our belongings, in early 2021 I accumulated just enough of my 401k to cover our move. After moving family from our rental and mother-in-law from her Hud apartment in March 2021, we landed in Anchorage. We were stuck in a single hotel room for 3 months, and during that time we struggled to find rentals that would accept our family. Due to COVID regulations and the size of our family, we were not successful.

After a long search, we were blessed to find our home and on June 21, 2021, we became first-time homeowners. Since we moved in, we have had running water with good pressure to be able to shower, do laundry, cooking, do dishes, and flush our toilet. Our home has met all our needs adequately and we are content with our living situation, as soon as we settled in, we started prepping for our first Alaska winter by applying for the Rural Cap Leveling and Weatherization program which was put on pending status due to the Municipality of Anchorage.

Furthermore, our home was inspected by the State of Alaska Senior & Disabilities Services CAT unit. The home passed an Environmental Assessment for Lori Lucero on 9-14-2021, thus allowing Brandy to continue caring for her disabled mother Lori, and autistic son Noah as a PCA.

In closing, we believe the Municipality of Anchorage's decision that our home is a dangerous building and that the notice to vacate is unjust. Due to the limited resources and no available options from Neighborworks Alaska for relocation assistance. The Municipality of Anchorage's actions would severely reduce the quality of life for my family and me and would put us in financial turmoil. We humbly ask that the Municipality of Anchorage resend its notice to vacate that was served on May 9 2022 because our home is not a dangerous building.

Sincerely,

  
Cameron Pargament  
Family

APP21



# Rural CAP

Supporting Alaska's Rural Communities

731 E. 8<sup>th</sup> Avenue  
Anchorage, AK 99501  
907.279.2511  
[www.ruralcap.org](http://www.ruralcap.org)

Cameron Pargament  
16533 Old Glen Sp. #21  
Chugiak, AK 99567

October 20, 2021

Dear Cameron,

Your application for the Weatherization Program has been put on pending status.

We have been notified that The Municipality of Anchorage is working with The Salvation Army Alaska Division, Service Extension & Emergency Disaster on the trailers in the Forest Park. We are not able to process any applications for homes in the Forest Park mobile home park until any and all issues with the parks status have been resolved.

If you have, any questions please feel free to contact me.

Sincerely,

Marla Tombleson  
Grant Administrator  
Email: [mtombleson@ruralcap.com](mailto:mtombleson@ruralcap.com)  
Phone: (907) 538-2003



# Rural CAP

— rural Alaska's largest provider of affordable housing —

731 E. 8<sup>th</sup> Avenue  
Anchorage, AK 99501  
907.279.2511  
[www.ruralcap.org](http://www.ruralcap.org)

Cameron Pargament  
16533 Old Glen Sp. #21  
Chugiak, AK 99567

October 20, 2021

Dear Cameron,

Your application for the Mobile Home has been put on pending status.

We have been notified that The Municipality of Anchorage is working with The Salvation Army Alaska Division, Service Extension & Emergency Disaster on the trailers in the Forest Park. We are not able to process any applications for homes in the Forest Park mobile home park until any and all issues with the parks status have been resolved.

If you have, any questions please feel free to contact me.

Sincerely,

Marla Tombleson  
Grant Administrator  
Email: [mtombleson@ruralcap.com](mailto:mtombleson@ruralcap.com)  
Phone: (907) 538-2003

# BOIL WATER NOTICE

Forest Park Public Water System, AK2210794, has had numerous complaints of loss of pressure in the distribution system.

This **BOIL WATER NOTICE** is issued effective 8/7/2020. This notice shall remain in effect and posted until the Department rescinds it.

**Boil water 2 minutes (minimum)  
before drinking.**

For more information call the Alaska Dept. of Environmental Conservation in Anchorage AK, at (907) 269-7619.

## PUBLIC NOTICE

Forest Park Trailer Court Water System  
PWSID #: AK2210794

Since April 2018, the Department of Environmental Conservation has been notified of a pressure loss in the Forest Park Trailer Court Water System. The cause of the loss of pressure has not been determined. A water pressure loss can potentially contaminate and compromise the water system through backsiphonage and precaution must be exercised immediately.

Due to the water system's pressure loss, this **Boil Water Notice** is being issued. Use of a water source contaminated by backsiphonage or backflow may be harmful to your health. Please take the necessary precautions by boiling any water used for human consumption at least two minutes before using.

**DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil for two minutes or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation until further notice. Boiling kills most bacteria and other organisms in the water. Harmful microbes in drinking water can cause diarrhea, cramps, nausea, headaches, or other symptoms. Inadequate disinfection may pose a special health risk for infants, young children, some elderly, and people with severely compromised immune systems. The symptoms above are not just caused by organisms in drinking water. Disease symptoms may be caused by a number of factors other than the drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.

A Boil Water Notice is a public announcement advising water system users that they should boil their tap water for drinking and other domestic purposes. It is intended to protect the public's health from waterborne infectious agents that could be present in the community's drinking water supply whenever the water system is compromised. The health risks associated with ingesting water that has not been treated properly or boiled are hard to estimate. Until the public water system has fixed the pressure issues in the distribution system, this notice remains in effect.

The State of Alaska has set an enforceable drinking water standard for total coliform bacteria to reduce the risk of these adverse health effects. Under this standard all drinking water samples must be free of these bacteria. Drinking water that meets this standard is associated with little or none of this risk and should be considered safe with respect to total coliform.

The Alaska Department of Environmental Conservation has issued a "BOIL WATER NOTICE" to this public water system. All water used for drinking or cooking must undergo a rapid boil for 2 minutes before use.

This "BOIL WATER NOTICE" is in effect until further notice.





Through their ownership and operation of a public water system at Forest Park Trailer Court, Defendants have violated numerous statutes and regulations designed to protect public health and the environment. Nonetheless, during the multi-year pendency of this action, Defendants have continued to disregard the most basic requirements for a public water system, despite the preliminary injunction issued by this Court on August 12, 2020.

All Defendants defaulted with the exception of Valerie Ritz, who proceeded to trial. A bench trial was held by Zoom from October 25, 2021 to November 15, 2021. Having considered the testimony of parties and witnesses and the exhibits admitted at trial, the Court now finds in favor of the State on all counts. The Court further finds that Valerie is jointly and severally liable to the State as an owner-operator of the Forest Park Water system. Finally, the Court enjoins all Defendants from committing further violations under AS 46.03.765.<sup>2</sup>

---

<sup>2</sup> AS 46.03.765 reads in its entirety:

“The superior court has jurisdiction to enjoin a violation of this chapter, AS 46.04, AS 46.09, AS 46.14, or of a regulation, a lawful order of the department, or permit, approval, or acceptance, or term or condition of a permit, approval, or acceptance issued under this chapter, AS 46.04, AS 46.09, or AS 46.14. In actions brought under this section, temporary or preliminary relief may be obtained upon a showing of an imminent threat of continued violation, and probable success on the merits, without the necessity of demonstrating physical irreparable harm. The balance of equities in actions under this section may affect the timing of compliance, but not the necessity of compliance within a reasonable period of time.”

## II. Background

Defendant Ritz Consulting Forest Park LLC owned<sup>3</sup> 16533 Old Glenn Highway, Chugiak AK 99567 on which the Forest Park Trailer Park and its public water system (henceforth "FPWS") was located. Defendant Ritz Consulting One Limited Partnership, with general partners Paul and Valerie Ritz, owned that entity. Paul and Valerie Ritz are the partners and corporate shareholders of both entities.

In addition to controlling the entities owning the FPWS, Paul and Valerie, by their own admission, were the operators of the system.<sup>4</sup> Paul and Valerie Ritz purchased Forest Park on May 3, 2005<sup>5</sup> and the FPWS has "operated continuously from the 1980s."<sup>6</sup> The FPWS source is groundwater, and by Alaska law it is defined as a community water system due to its size.<sup>7</sup>

---

<sup>3</sup> Given the time that has passed, this Court's ruling addresses the facts as presented at trial.

<sup>4</sup> Defendants' Answer at 1.

<sup>5</sup> Exhibit 1051 at 5.

<sup>6</sup> Exhibit 1041 at 1.

<sup>7</sup> Exhibit 1039 at 13; Exhibit 1041 at 1; 18 AAC 80.1990(18).

18 AAC 80.1990(18) reads:

"community water system" means a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents."

### III. Discussion

#### A. Standard of Review and Standard of Proof

The “standard of proof” refers to the standard by which a party must prove and persuade.<sup>8</sup> “Ordinarily, the burden in a civil case is the preponderance of the evidence standard,” meaning that something is “more likely true than not true.”<sup>9</sup> In a bench trial, the Court’s conclusions of law are reviewed *de novo*, and its findings of fact are reviewed for clear error.<sup>10</sup>

#### B. The Six Violations

##### 1. Defendants Violated AS 46.03.720 and 18 AAC 80.20

AS 46.03.720 codifies that “[a] person may not construct, extend, install, or operate a public water supply system, or any part of a public water supply system, until plans for it are submitted to ADEC for review and the department approves them in writing.”<sup>11</sup> 18 AAC 80.20 details the specific procedures for water system classifications and plan approval.<sup>12</sup>

---

<sup>8</sup> *Buntin v. Schlumberger Technology Corporation*, 487 P.3d 595, 601 n.25 (Alaska 2021) (citing BLACK’S LAW DICTIONARY (11<sup>th</sup> ed. 2019)).

<sup>9</sup> 2.04 CLOSING INSTRUCTIONS - DEFINITION OF PREPONDERANCE OF THE EVIDENCE, AK Pattern Jury Ins. - Civ. 2.04

<sup>10</sup> *U.S. v. Temkin*, 797 F.3d 682, 687 (9<sup>th</sup> Cir. 2015) (citing *OneBeacon Ins. Co. v. Haus Indus., Inc.*, 634 F.3d 1092, 1096 (9<sup>th</sup> Cir. 2011)).

<sup>11</sup> AS 46.03.720(b).

<sup>12</sup> 18 AAC 80.200 details in its entirety:

“(a) The department will classify each public water system as a community water system, non-transient non-community water system, or transient non-community water system, based on information

(1) submitted by the owner of the system; and

(2) compiled by the department.

Valerie, along with the other Defendants, clearly violated AS 46.03.720 and 18 AAC 80.200 by altering and operating the FPWS without the required approval since 2005. Defendants, and this Court emphasizes, Valerie herself, have repeatedly stated to this Court that they are operators of the Forest Park water system,<sup>13</sup> and have also stated

---

(b) Subject to (c), (d), (f), and (g) of this section, to construct, install, alter, renovate, improve, or operate a community water system, non-transient non-community water system, or transient non-community water system, or a part of one, the owner must have prior written approval of engineering plans that comply with 18 AAC 80.205.

(c) Prior written approval under this section is not required for an emergency repair or routine maintenance of a public water system or for a single-service line installation or modification. In the case of an emergency repair, the notification requirements in 18 AAC 80.057 apply.

(d) The design of a public water system in existence on or before October 1, 1999 and that did not receive plan approval by the department must conform to standard sanitary engineering principles and practices and adequately protect the public health. If the system does not conform to standard sanitary engineering principles and practices, the owner may seek department approval for an alternate design for the system by submitting a report that justifies the alternate design. The report must

(1) be signed and sealed by a registered engineer;

(2) include considerations of soil type, surface water influence, groundwater, surface topography, geologic conditions, data showing the capability of the water system source to meet minimum water consumption needs, storage capacity, the production capability of the water treatment plant, well logs, well yield test results, and other conditions considered by the department as important in establishing the adequacy of the system to reliably protect public health;

(3) include a set of engineering plans of the existing system with an accurate description, including the number and location, of potential sources of contamination, water bodies, water sources in the area, and service connections; and

(4) include the name, address, telephone number, and facsimile number of the owner.

(e) If a public water system described in (d) does not adequately protect the public health, the department will require the system to be redesigned and approved in accordance with this chapter.

(f) If the department approves an alternate design under (d) of this section, the owner shall

(1) ensure that the system

(A) continues to meet the primary MCLs set by 18 AAC 80.300(b); and

(B) meets the secondary MCLs as required in 18 AAC 80.300(c); and

(2) in addition to monitoring required for the contaminants for which MCLs are set under 18 AAC 80.300, perform any contaminant monitoring that the department determines necessary to serve the interests of public health.

(g) Written approval under this section is not required for a project that is approved to demonstrate an innovative technology or device in a public water system under 18 AAC 80.225, provided the project does not exceed one year from the date of installation to the date that the demonstration ends."

<sup>13</sup> Exhibits 1040 and 1041.

that the water system has been in continuous operation since prior to the date Defendant took ownership of the property in 2005. The only other element for this violation is the absence of approval to operate, and the ADEC has *never* granted Defendants that approval. The Court has seen throughout this case how Defendants' own correspondence and documents explicitly acknowledge that they lacked approval to operate the water system, yet they still continued to do so.

Similarly, Valerie also admitted to repeatedly modifying that system without approval. The evidence demonstrating these admissions includes Valerie's own arguments in this case, the testimony of Mr. Miller and Mr. Garnett, and earlier incomplete submittals by Paul,<sup>14</sup> all of which demonstrate that Valerie, along with the other Defendants, has continually altered the water system without approval since Defendants took over ownership of the system in 2005.

While Valerie argues that the contested modifications were always part of the system, these assertions are contradicted by the site visit reports,<sup>15</sup> as well as by Paul's own prior statements to ADEC,<sup>16</sup> where he both asked for permission to add a second well, and included engineering diagrams from Mr. Garnett showing that the well, which would eventually become the second well, was abandoned.

---

<sup>14</sup> Exhibit 1004.

<sup>15</sup> Exhibit 1027.

<sup>16</sup> Exhibits 1004 A and B.

The evidence of this violation is clear, and the Court finds the State's argument for damages compelling. The Court finds all Defendants violated AS 46.03.720 and 18 AAC 80.200.

## 2. Defendants Failed to Maintain Sanitary Separation Distances Under 18 AAC 80.020.

The Court finds that Valerie, along with the other Defendants, failed to maintain sanitary separation distances within their water system in violation of 18 AAC 80.020.<sup>17</sup> Not only have Defendants collectively admitted that the well on Forest Park property is impermissibly close to the sewer lines and other sources of contamination,<sup>18</sup> but the Court also heard credible testimony about site visits attesting to this same fact. Plaintiff

---

<sup>17</sup> 18 AAC 80.020 states: "[a] person may not construct, install, maintain, or operate a public water system unless the minimum separation distances in Table A, in this subsection, are maintained between a potential source of contamination and a drinking water source for the public water system."

**Minimum Separation Distances Between Drinking Water Sources and Potential Sources of Contamination**

(Measured horizontally in feet)

Type of Drinking Water System

Potential Sources of Contamination

Community Water Systems, Nontransient

Non-Community Water Systems, and

Transient Non-Community Water Systems

Wastewater treatment works, wastewater disposal system, pit privy, sewer manhole, lift station, cleanout

200

Community sewer line, holding tank, other potential sources of contamination

200

Private sewer line, petroleum lines and storage tanks, drinking water treatment waste

100."

<sup>18</sup> Exhibit 1039B.

also provided photographs of a sewer vent just yards from a system,<sup>19</sup> further evidence supporting the Court's conclusions.

Instead of remedying these violations or conducting the necessary work to prove the well safe, Defendants have spent years ignoring ADEC's repeated requests for correction, exposing their low-income tenants' drinking water to contamination from sewer lines and abandoned wells. Defendants' own witness, Mr. Miller, testified that the failure of the well *was a good thing*, because it was a problematic well to put into service, and the failure meant that it could finally be disconnected.

### 3. Defendants Failed to Maintain Water Pressure Pursuant to 18 AAC 80.205 and 18 AAC 80.015

Valerie, along with the other Defendants, failed to maintain water pressure within their water system under 18 AAC 80.205<sup>20</sup> and 18 AAC 80.015.<sup>21</sup> The Court is familiar

---

<sup>19</sup> Exhibits 1030A and 1016.

<sup>20</sup> 18 AAC 80.205(a)(5) states: "a specification that at least 20 psi of service pressure at the highest elevation or pressure zone of a distribution main be maintained under peak design demand."

<sup>21</sup> 18 AAC 80.015(b) states the minimum requirements that must be met:

"(1) the casing on a cased well must

(A) have a sanitary seal; and

(B) terminate at least one foot above ground level or at least one foot above the level of the well house floor, whichever offers the most protection from contamination;

(2) a cased well must be grouted in a watertight manner, using cement grout, sealing clay, bentonite, or an equivalent material as follows:

(A) at least 10 feet of continuous grout within the first 20 feet below the ground surface; or if a pitless adapter will be used, at least 10 feet of continuous grout within the first 20 feet below the pitless adapter; or

(B) for an existing well, an alternative to grouting, if the department determines that the alternate method

(i) serves the interest of public health; and

(ii) achieves protection equivalent to that provided under (A) of this paragraph;

(3) a well must be adequately protected against flooding;

(4) well pits are prohibited; however, the department will allow an existing well pit to remain if



with this violation from Defendants' testimony at prior hearings and prior rulings on this matter, as well as testimony about ADEC site visits (as memorialized in the State of Alaska's Memorandum dated August 26, 2019)<sup>22</sup> demonstrating that many residents had no water at all.

Valerie reinforced these facts by having Guy Miller credibly testify that the families relying on the trailer park owners for potable water were at times left without any water at all. The water pressure issue has been an ongoing issue since at least May 15, 2018, as demonstrated by the Boil Water Notice<sup>23</sup> that had to be posted. The boil water notice remained an issue even by the trial date. And the lack of pressure is of particular concern because the testimony of Guy Miller and others established that low pressure can act as a vacuum and pull in surrounding contamination. This issue is troubling because of the aforementioned proximity issues between the water and sewer system, and it certainly poses a real risk to the trailer park residents in a global pandemic.

- 
- (A) the department determines that doing so serves the interest of public health; and
  - (B) a registered engineer demonstrates that the pit is adequately protected from flooding;
  - (5) for at least 10 feet in all directions around the well, the surface must be sloped or contoured to drain away from the well; if the department determines that the potential exists for a well to become contaminated by surface water, the department may require an impervious surface extending at least two feet laterally in all directions from the well;
  - (6) before use, a newly constructed or reworked well must be flushed of sediment and disinfected as specified in ANSI/AWWA Standard C654-03, Disinfection of Wells, adopted by reference in 18 AAC 80.010(b);
  - (7) a drain pipe from a well house must not be connected to a sewer system; and
  - (8) organic drilling fluid may be used on a public water well only if the fluid is approved for that use by the NSF International through a listing in NSF Listings: Drinking Water Treatment Chemicals and System Components - Health Effects, adopted by reference in 18 AAC 80.010(b)."

<sup>22</sup> Exhibit 1042.

<sup>23</sup> Exhibit 1036.

Valerie spent a great deal of the trial arguing that she has cured this violation with the impromptu above-ground water network, but this argument has two major flaws. First, even if the water pressure issues had been corrected, the report relied upon by Valerie was completed mere weeks before closing argument, and Defendants have been in violation of pressure requirements since at least May of 2018, with sporadic reports of pressure loss dating back over a decade.

Finally, Defendants, including Valerie, have still failed to make the necessary showing that the system can be removed from the boil water notice, because they have not been able to affirmatively demonstrate that the system is able to maintain at least 20 psi of water pressure as required. Even using the very small data set provided by Mr. Miller, Mr. Garnett, Defendant's own engineer, was unable to state that the system was consistently able to maintain the sanitary pressure required.

#### 4. Defendants Failed to Make Emergency Reports Pursuant to 18 AAC 80.057.

Valerie, along with the other Defendants, failed to make emergency reports as required by 18 AAC 80.057.<sup>24</sup> The State of Alaska has shown that ADEC has never

---

<sup>24</sup> 18 AAC 80.057 states:

"The owner or operator of a community water system, non-transient non-community water system, or transient non-community water system shall report an emergency to the department, by telephone or electronic mail, as soon as possible but not later than 24 hours after the emergency is known to the owner or operator, including situations in which

- (1) the lack of operation results in inadequate treatment;
- (2) an event occurs that threatens the public health or water quality;
- (3) the water treatment works floods; or
- (4) any part of the water treatment works is bypassed during equipment breakdown."

received any of the required emergency reports for any of the aforementioned dangerous conditions. There were no reports covering any of these conditions in any ADEC records on the matter. The evidence conclusively demonstrates that when the ADEC received complaints about the systems' pressure and reached out to Valerie to investigate, she told them that she was unaware of any such issues.

But Valerie's own exhibits and testimony, combined with the statements by residents,<sup>25</sup> demonstrate that Valerie's residents were actively complaining to her about pressure issues while she was denying any knowledge of those issues to the ADEC. Valerie herself told ADEC that she was *evicting* people who complained to ADEC rather than reporting the environmental health complaints as environmental health emergencies as required by law.

#### **5. Defendants Failed to Appropriately Test Their Water System as Required by Law.**

Valerie, along with the other Defendants, failed to test the water systems as required by 18 AAC 80, and the sections of 40 CFR 141 adopted therein.<sup>26</sup> Despite the

---

<sup>25</sup> Exhibit 1049.

<sup>26</sup> This Court seeks to prevent further environmental catastrophes, to include the amount of extra paper necessary to fully and exhaustively list every testing requirement codified by every applicable law.

18 AAC 80.225(b)-(c)(6)(B), for instance, states that when an owner of a public water system proposes a change, they shall submit quality assurance information, to include "a plan for monitoring raw water quality, pretreatment effluent water quality, and finished water quality to verify and ensure that assumptions for the design of the treatment equipment are met."

18 AAC 80.010 adopts by reference countless federal requirements from the Code of Federal Regulations, which are applicable here. These include monitoring and analytical requirements under 40 C.F.R. 141.29, monitoring of consecutive public water systems, which reads:

numerous codified requirements for testing, Defendants have failed to test for contamination on hundreds of occasions, and each of those tests was intended to cover a period of up to three years. The Court heard credible, reliable testimony in detail from Cindy Christian, the ADEC Drinking Water Program Manager, on the complex process of how each of the Defendants' sampling violations is checked and rechecked for accuracy and reviewed extensive records of how ADEC tracks such violations.<sup>27</sup> The Court notes that Valerie does not dispute that ADEC has a complete record of submitted sampling results or that those records demonstrate that required samples were not sufficiently taken.

Valerie's counterargument, that there have been no documented violations of water contaminant regulations, holds no merit. It is clear to this Court that documentation of contamination cannot exist without water system management self-administering water sample tests as outlined in the applicable statute. The Court cannot conclude that violations never occurred based on non-existent test results. Given the facts at hand, Valerie has provided no valid argument against her failure to conduct proper sampling.

---

"When a public water system supplies water to one or more other public water systems, the State may modify the monitoring requirements imposed by this part to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes. Any modified monitoring shall be conducted pursuant to a schedule specified by the State and concurred in by the Administrator of the U.S. Environmental Protection Agency."

<sup>27</sup> Exhibit 1067.

## 6. Defendants Failed to Properly Decommission Wells

Finally, Valerie, along with the other Defendants, failed to properly decommission four wells under 18 AAC 80.015,<sup>28</sup> despite more than a decade of notices that the failure to do so endangered, and continued up until the end of trial to endanger, the public drinking water aquifer. The State provided photographs of each of these abandoned wells.<sup>29</sup> Valerie herself noted that these wells have been abandoned since 2005. The Court also learned from Mr. Robertson that these abandoned wells are yet another source of contamination for the Forest Park water system and expose the entire area's drinking water aquifer to contamination.

Despite the severity of the situation, and the magnitude of harm that would occur if this aquifer were contaminated – to include the multiple public water systems as well as private wells that rely on it – Valerie, along with the other Defendants, has failed to

---

<sup>28</sup> 18 AAC 80.015(e) reads:

“A person who decommissions a well, including a public water supply well, an observation well associated with testing a public water system supply well, a private water well, or a monitoring well, shall document that the well was decommissioned using a method described in this subsection; for a public water supply well, the documentation includes a well log that describes the decommissioning and that is submitted to the department not later than 45 days after decommissioning is completed; decommissioning methods include the following:

- (1) a method that conforms to ANSI/AWWA Standard A100-06, Water Wells, and Appendix H to ANSI/AWWA Standard A100-06 (Decommissioning of Test Holes, Partially Completed Wells, and Abandoned Completed Wells), adopted by reference in 18 AAC 80.010(b); or
- (2) an alternate method that has been presented to and approved by the department as protective of public health; the department will, as the department considers necessary to serve the interest of public health, require that an alternative plan submitted under this paragraph be signed and sealed by a registered engineer;
- (3) a method that is publicly identified by the department as an approved best management practice for well decommissioning; for this alternative method, the department does not require the plan to have prior department approval or to be signed and sealed by a registered engineer.”

<sup>29</sup> Exhibit 1027.

remedy the situation. Defendants have received numerous notices over several years, including the pendency of this case, and have taken virtually no steps to remedy the situation.

Furthermore, addressing these wells is a project separate from that of repairing the water system. The testimony at trial leads this Court to conclude that its scale is far smaller and simpler. While Valerie testified that she took steps to provide the tenants with bottled water and set up the above-ground water system to alleviate the public health hazard, the Court finds that the facts demonstrated by the evidence requires the Court to find her liable for her actions and her failure to act, jeopardizing the health of the tenants, and the public at large.

### C. Valerie's Defenses

#### 1. Valerie's Ownership of the Corporations and Status as an Owner/Operator

"In the strict sense of the term, a 'shareholder' is a person who has agreed to become a member of a corporation or company, and with respect to whom all the required formalities have been gone through."<sup>30</sup> Most of the litigation regarding ownership of a corporation revolves around disputes and power differentials between minority and majority shareholders.<sup>31</sup>

---

<sup>30</sup> *Shareholder*, BLACK'S LAW DICTIONARY (2.d Ed.).

<sup>31</sup> See Richard A. Booth, WHO OWNS A COPRORATION AND WHO CARES?, 77 Chi.-Kent L. Rev. 147 (2001)

Few would dispute that a 50% shareholder of a company, which had two shareholders each possessing 50% of the shares, was an owner of the company. Valerie argues that she somehow is less of an owner or operator of the business than Paul, and thus shielded from liability. But since 2006, she has been a 50% shareholder of Ritz Consulting Forest Park LLC.<sup>32</sup> Additionally, she provided a certificate of completion of the Small Untreated Water Systems Online Course alongside Paul Ritz and Cindy Johnson, which demonstrates her intent to share equally in the related responsibilities and duties that operating a small untreated water system might entail.<sup>33</sup>

Other actions Valerie has taken which firmly establish her ownership and operation include: taking samples, signing and certifying the accuracy of operating documents in the name of the system, hiring contractors, negotiating prices, and communicating directly with tenants about the water system. Furthermore, in her own testimony she has demonstrated that she has control over the systems operation and that her husband Paul had no special control over the water system. At one point, she even hired contractors and turned the water system back on, in direct defiance of the wishes of her husband Paul.

Finally, in *Valerie Ritz's Responses to Plaintiff's First Discovery Requests to Defendant Valerie Ritz*, Valerie admits: (1) "that she is a general partner for Ritz Consulting One;" (2) "that she is an organizer, of Ritz Consulting Forest Park LLC," and that Ritz

---

<sup>32</sup> Exhibit 1002.

<sup>33</sup> Exhibit 1002.

Consulting One is the sole member of Ritz Consulting Forest Park LLC; (3) that she received at a minimum the majority of the notices issued by ADEC; and (4) “Defendants admit that they own or control Ritz Consulting 1741 E 53<sup>rd</sup>, LLC.” In fact, Valerie goes on to admitting to jointly own a large number of different corporations with Paul. For these reasons, the Court rejects Valerie’s argument that she is not an owner or operator.

## 2. Divisibility

In tort law, “several liability” distinguishes the amount owed by one defendant from the amount owed by another.<sup>34</sup> “Joint and several liability is a creature of tort law, which allows a plaintiff to recover up to the full amount of his judgment from any defendant if multiple Defendants are legally responsible for the harm.”<sup>35</sup> “Joint liability means that each wrongdoer owes the victim the full amount of the damages.”<sup>36</sup> A defendant asserting a divisibility defense in a tort action must show by a preponderance of the evidence, including all logical inferences, assumptions, and approximations, that there is a reasonable defense basis on which to apportion the liability for a divisible harm.<sup>37</sup>

---

<sup>34</sup> *United States v. Thompson*, 990 F.3d 680, 688 (9<sup>th</sup> Cir. 2021).

<sup>35</sup> *United States v. Thompson*, 990 F.3d 680, 688 (9<sup>th</sup> Cir. 2021) (citing *Honeycutt v. US.*, 137 S.Ct. 1626, 1630 (2017)).

<sup>36</sup> *United States v. Thompson*, 990 F.3d 680, x (9<sup>th</sup> Cir. 2021) (citing Restatement (Third) of Torts § 10 (Am. Law Inst. 2000)).

<sup>37</sup> *Pakootas v. Teck Cominco Metals, Ltd.*, 905 F.3d 565, 589 (9<sup>th</sup> Cir. 2018) (citing Restatement (Second) of Torts § 433A cmt. d; *U.S. v. Hercules, Inc.*, 247 F.3d 706, 719 (8<sup>th</sup> Cir. 2001); *Matter of Bell Petroleum Servs., Inc.*, 3 F.3d 889, 904 n.19 (5<sup>th</sup> Cir. 1993)).



The divisibility analysis this Court uses comes from the relevant case of *Pakootas v. Teck Cominco Metals, Ltd.*,<sup>38</sup> where the court found that defendant Teck Cominco Metals was *not* entitled to a divisibility defense when the company failed to establish that the environmental harm caused by dumping waste in the Columbia River was theoretically capable of apportionment. This divisibility analysis involves two steps: (1) first, the Court considers “whether the environmental harm is theoretically capable of apportionment; and (2) second, “if the harm is theoretically capable of apportionment,” the Court as fact-finder “determines whether the record provides a ‘reasonable basis’ on which to apportion liability, which is *purely* a question of fact.”<sup>39</sup>

At both steps, the defendant asserting the divisibility defense bears the burden of proof.<sup>40</sup> “This burden is ‘substantial’ because the divisibility analysis is ‘intensely factual.’”<sup>41</sup> “The necessary showing requires a ‘fact-intensive, site-specific’

---

<sup>38</sup> *Pakootas v. Teck Cominco Metals, Ltd.*, 905 F.3d 565 (9<sup>th</sup> Cir. 2018).

<sup>39</sup> *Pakootas v. Teck Cominco Metals, Ltd.*, 905 F.3d 565, 588 (9<sup>th</sup> Cir. 2018) (citing Restatement (Second) of Torts § 434 cmt. d; *United States v. Burlington N. & Santa Fe Ry. Co.*, 520 F.3d 918, 942 (9<sup>th</sup> Cir. 2008) (*Burlington Northern I*), rev'd on other grounds, 556 U.S. 599, 129 S.Ct. 1870, 173 L.Ed.2d 812 (2009); *United States v. NCR Corp.*, 688 F.3d 833, 838 (7<sup>th</sup> Cir. 2012); *U.S. v. Hercules, Inc.*, 247 F.3d 706, 718 (8<sup>th</sup> Cir. 2001); *Matter of Bell Petroleum Servs., Inc.*, 3 F.3d 889, 896 (5<sup>th</sup> Cir. 1993); Restatement (Second) of Torts §§ 433A(1)(b), 434 cmt. d; *Burlington Northern II*, 556 U.S. at 615, 129 S.Ct. 1870; *NCR*, 688 F.3d at 838) (italics added by the Court).

<sup>40</sup> *Pakootas v. Teck Cominco Metals, Ltd.*, 905 F.3d 565, 589 (9<sup>th</sup> Cir. 2018) (citing Restatement (Second) of Torts § 433B(2)).

<sup>41</sup> *Pakootas v. Teck Cominco Metals, Ltd.*, 905 F.3d 565, 589 (9<sup>th</sup> Cir. 2018) (quoting *United States v. Alcan Aluminum Corp.*, 964 F.2d 252, 269 (3d Cir. 1992)).

assessment... generating ‘concrete and specific’ evidence,” although this does not mean the proof “must rise to the level of absolute certainty.”<sup>42</sup>

Here, the State of Alaska points to the lack of evidence sufficient to support either step of the divisibility defense. In order to prevail on her argument that she should not be held equally accountable alongside the remaining Defendants, Valerie must furnish the Court with evidence showing both that the harm in this case is theoretically capable of apportionment, and that there exists a reasonable basis for apportioning liability. Specifically, Valerie would have to submit “evidence of the appropriate dividend and divisor,” or more clearly, the overall harm, and then her apportioned share.<sup>43</sup> Valerie has summarily failed to do either of these things.

First, this Court has not received adequate evidence to demonstrate even the theoretical possibility of separating the damages caused by Valerie specifically with that of the remaining Defendants – who to reiterate, are her husband Paul, and the various corporations in which the two of them are the stakeholders.

Second, as a matter of fact, there is no reasonable basis on which to apportion liability. While most of the facts have been addressed, the Court also notes that duration of the various violations which Defendants have collectively accumulated is significant. This Court as fact-finder cannot begin to separate the actions of these two people and

---

<sup>42</sup> *Pakoatus v. Teck Cominco Metals, Ltd.*, 905 F.3d 565, 589 (9<sup>th</sup> Cir. 2018) (quoting *PCS Nitrogen Inc. v. Ashley II of Charleston LLC*, 714 F.3d 161, 182 (4<sup>th</sup> Cir. 2013); *U.S. v. Hercules, Inc.*, 247 F.3d 706, 718 (8<sup>th</sup> Cir. 2001); citing *Burlington Northern II*, 556 U.S. at 618, 129 S.Ct. 1870).

<sup>43</sup> *Pakoatus v. Teck Cominco Metals, Ltd.*, 905 F.3d 565, 590 (9<sup>th</sup> Cir. 2018) (quoting Steve C. Gold, *Dis-Jointed? Several Approaches to Divisibility After Burlington Northern*, 11 Vt. J. Envtl. L. 307, 332 (2009)).

their entities. Assuming *arguendo* that it would be possible to do so, Valerie has failed to show how that might happen, other than to leave her out altogether.

But rather than arguing that she was only responsible for a portion of the harm, Valerie has argued throughout trial that she is merely a helpless victim, swept along by Paul's malfeasance. She further frames her involvement as redemptive, arguing that without her efforts, the total damages would have been far worse. The Court does not agree, and the evidence serves to support the State's position that she is both jointly and severally at fault.

The Court does not exhaustively reference all of the evidence that shows why Valerie cannot possibly extract herself or cordon herself off from the wrongdoing in this case. The burden to establish that *possibility* lies with Valerie. In that light, the Court has noted throughout the evidence in support of this Court's holding that Valerie is jointly and severally liable with all other Defendants.

#### IV. Conclusion

For the reasons stated above, the Court holds that Defendants, and specifically *Valerie Ritz*, jointly and severally, are accountable for the full amount of damages incurred as a result of their gross and wanton disregard of Alaska's legislative requirements, which exist to protect the safety of Alaskans and Alaska's clean drinking water. Valerie, along with the other Defendants, risked the health and safety of the public, as well as their tenants. These parties were given countless opportunities to

correct documented violations after proper notice and failed to do so. Until the commencement of this litigation, Defendants failed to mitigate any of the damages, opting for buckets and bottles over compliance with known regulations.

For all these reasons, the Court finds in favor of Plaintiff State of Alaska on all alleged violations of law. Because Plaintiff is in the best position to calculate the total dollar amount owed by Defendants, Plaintiffs shall submit a proposed judgment to this Court within thirty (30) days of the date of this order.

SO ORDERED this 18<sup>th</sup> day of April, 2022, at Anchorage Alaska.

  
UNA S. GANJIBHIR  
Superior Court Judge

I certify that on 4/18/22  
a copy of the above was mailed/emailed to  
each of the following at their address  
of record:

  
R. Davis, Judicial Assistant

# MUNICIPALITY OF ANCHORAGE



DEVELOPMENT SERVICES DEPARTMENT  
BUILDING SAFETY DIVISION

(907) 343-8301  
FAX (907) 343-8200

<https://www.muni.org/Departments/OCPD/development/BSD/Pages/Codes.aspx>

Date of Order: 05/09/2022

Parcel ID #: 051-261-04-000

Legal Description: Witman Tr A

## NOTICE AND ORDER

### Anchorage Municipal Code - Title 23.70 Abatement of Dangerous Buildings

#### LOCATION OF VIOLATION

16533 Old Glenn Highway  
To include all Manufactured Homes  
on the property.

#### RECORDED OWNER

Ritz Consulting Forest Park LLC &  
% Valerie Ritz

#### INITIAL VIOLATION DATE

Notice of Violation issued 10/27/20.  
Notice to Vacate issued 05/09/2022

**23.70.703.5 Abatement of dangerous buildings.** All buildings or structures or portions thereof determined after inspection by the code official to be dangerous or unlawful as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, demolition, or removal in accordance with this code.

#### CODE OFFICIAL FINDINGS –

Water service required per the 2018 Uniform Plumbing Code section 601.2. Sewer service required per Uniform Plumbing code section 713.0. The Building Official has determined that all manufactured homes located on property meet the definition of a Dangerous Building per AMC 23.70.702 #13 and # 15. Building Code violations, civil penalty, are subject to fines per AMC 23.10 Table 3-O of \$100 - \$500 per day per violation.

**23.70.702 - #13.** Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this Municipality, as specified in the code, or of any law or ordinance of this state or Municipality relating to the condition, location, or structure of buildings.

**23.70.702 - #15.** Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the code official to be unsanitary, unfit for human occupancy or in such a condition it is likely to cause sickness or disease.

Page 1 of 3

#### REQUIRED ACTION FOR VIOLATOR –

- 1) Secure all abandoned or vacant manufactured homes per Title 15.20.105 Vacant buildings and abandoned real property; registration; duties to sign, secure, and maintain.
- 2) Provide DEC approved septic system to all occupied manufactured homes.
- 3) Provide DEC approved potable water to all occupied manufactured homes.
- 4) Reimburse Development Services / Building Safety for all costs, accrued to date, with this property including providing potable water to tenants until permanent systems are installed.

- 5) New tenants, or units, are strictly forbidden. Any violation of this stipulation will result in an immediate issuance of a Notice to Vacate, by the MOA, potentially applicable to all tenants per AMC 23.70.705.3.

**AMC 23.70.705.3. No occupancy compliance.** Whenever such notice is posted, the code official shall include a notification thereof in the notice and order issued under section 704, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building or structure so posted, except entry may be made to repair, demolish, or remove such building or structure under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal are completed and a certificate of occupancy issued pursuant to the provisions of the code. The code official may assess fines as per 23.10. Table 3-M for each building code violation and the hourly rate for the code officials time as per the code abatement fee for failure to comply.

- 6) All manufactured homes must be vacated within six months from date of this posting.

**23.70.704.3 - A.** If the code official has determined the building or structure must be repaired or removed, the order shall require all required permits be secured therefore and the work physically commenced within sixty (60) days from the date of the order. The repairs shall be completed within such time as the code official shall determine is reasonable under all the circumstances and specified in the Notice and Order.

#### **PERFORMANCE OF WORK, REPAIR, DEMOLITION OR REMOVAL BY OWNER**

**23.70.707.1 Repair, demolition, or removal by owner.** The following standards shall be followed by the code official in allowing the owner to complete the repair, demolition or removal of any dangerous building or structure:

1. Any building or structure declared a dangerous building or structure under this chapter shall be made to comply by the owner with the following:
  - a. The building or structure shall be repaired in accordance with the code applicable to the type of substandard conditions requiring repair. All work shall be permitted and inspected according to the code; or
  - b. The building or structure shall be demolished at the option of the owner. A demolition permit shall be obtained prior to the work being performed; or
  - c. The building or structure shall be removed at the option of the owner. If building or structure is to be moved to another location within the Municipality, a code compliance inspection shall be performed prior to the removal.
  - d. Any vacated mobile homes left behind will be removed by the Building Official authority and all cost associated with the removal of all mobile homes will be the responsibility owner of the owner. A lien will be placed against the property for all cost accrued by the Building Official.

#### **ACTION BY THE MUNICIPALITY OF ANCHORAGE**

**Notice to Vacate issued to legal property owner per AMC 23.70.705, dated 05/09/2022**

**23.70.705.1 Notice to vacate.** The code official may post a building or structure with a notice to vacate if the building or structure is determined by the code official to contain an imminent or immediate life safety violation or condition. A notice to vacate shall be served under the same requirements for a notice and order as section 704.

**23.70.703.5 Abatement of dangerous buildings.** All buildings or structures or portions thereof determined after inspection by the code official to be dangerous or unlawful as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, demolition, or removal in accordance with this code.

**23.70.704.1 Commencement of proceedings.** When the code official has inspected a building or structure and determined it is a dangerous or unlawful building, the code official shall commence proceedings to cause the repair, demolition, or removal of the building or structure.

### **APPEAL INFORMATION**

**Anchorage Dangerous Building Code, Section 23.70.706.1 - Form of appeal.** Any person entitled to service under sections 704 or 705 may appeal any notice and order or any action of the code official under this chapter by submitting an application and the filing fee for an appeal to the Board of Building Regulation Examiners and Appeals at the office of the code official. The appeal shall be filed within thirty (30) days from the date of the service of such order or action of the code official; provided, however, if the building or structure is in such condition as to make it immediately dangerous to the life, limb, health, morals, property, safety or welfare of the general public or their occupants and is ordered vacated and is posted in accordance with section 705, such appeal shall be filed within ten (10) days from the date of the service of the notice and order of the code official.

Page 2 of 3

### **FAILURE TO APPEAL**

Your choice not to appeal this Notice and Order will constitute a waiver of all rights to a Building Board appeal.

#### **23.70.708 - Enforcement by code official.**

**23.70.708.1 General.** After any notice and order, board of appeals decision, contract agreement, or extension has been finalized, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order.

**23.70.708.2 Failure to obey order.** If, after any notice and order, board of appeals decision, contract agreement, or extension has been made final, the person to whom such order is directed shall fail, neglect, or refuse to comply with such order, the code official may institute any appropriate action to abate such building or structure as a public nuisance.

#### **23.70.708.3 Failure to commence work.**

1. Whenever the required repair, demolition or removal of building or structure is not commenced within time specified under the notice and order, appeals board action, contract agreement or extension the following becomes effective:

a. The code official shall cause the building or structure described in such notice and order to be vacated as per section 705. b. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the code

official are completed and a certificate of occupancy issued pursuant to the provisions of this code.

c. The code official may, in addition to any other remedy provided herein, cause the building or structure to be repaired, demolished, or removed according to this chapter. The cost of any such repairs, demolition, or removals shall be recovered in the manner provided in this chapter.

**23.70.708.4 Personal property.** After reasonable notice and prior to the time of repair, demolition or removal, the code official has the authority to enter the dangerous building or structure to make an inspection for any personal property of value abandoned on the premises. If such property is discovered, an inventory shall be taken and made part of the case file. If the owner fails to remove the discovered property prior to the demolition, the owner may redeem said property only under the conditions set forth below. At the time of demolition, the demolition contractor has the authority to remove the inventoried abandoned property from the premises and store the same safely. The record owner of the demolished property may, within thirty (30) days after the date of demolition, redeem the stored property upon the payment of a reasonable storage fee to the demolition contractor. If the record owner of the demolished building or structure fails to redeem

the stored property, it shall become the property of the demolition contractor who shall have no recourse against the record owner of the demolished building or structure or the Municipality for any storage charges.

**23.70.708.5 Repair, demolition, or removal by code official.** When any work, repair, or demolition is to be done pursuant to section 708.3, the code official shall cause the required work to be accomplished by personnel of this Municipality or by private contract. All necessary permits shall be obtained prior to any work. If any part of the work is to be accomplished by private contract, standard Municipality contractual procedures shall be followed.

**23.70.708.6 Interference with repair, demolition or removal work prohibited.** No person shall obstruct, impede, or interfere with the code official engaged in the work of repairing, demolishing, or removing any such building or structure, pursuant to the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this chapter.

**23.70.709 - Emergency abatement by code official. 23.70.709.1 Summary abatement.** The code official, with written approval of the city manager, may abate any public nuisance without notice in an emergency where the lives or safety of the public is endangered and where immediate action is necessary and timely notice cannot be given. All other abatement proceedings, except the necessity and the manner and method of giving notice shall apply to the nuisance summarily abated, including the recovery of the costs of the summary abatement.

**23.70.710 - Recovery of costs by code official.**

**23.70.710.1 Responsibility for payment.** The responsibility for payment of the charges for all expenses incurred during abatement by code official as set forth in this chapter shall rest solely upon the owners of the property upon which the abatement occurred. Owners, as used in this section, includes the record owner upon the date of service of notice and order as served under section 704, jointly and severally with any subsequent owner until all costs assessed under this chapter are paid in full.

**23.70.710.2 Enforcement.** The Municipality shall have the right to bring suit for the collection of charges for abatement as set forth in this chapter plus costs and attorney's fees against any or all of the parties responsible for payment.

**23.70.710.3 Account of expense.** 1. The code official shall cause to be kept an account of the cost, including incidental expenses, incurred by the Municipality in the repair, demolition or removal of any building or structure done pursuant to the provisions of this chapter. Upon the completion of the work for repair, demolition or removal of the building or structure, the code official shall forward one or more bills for collection to the record owner as identified in this chapter, specifying the nature and costs of the work performed. Such costs shall be considered charges against the property and may be collected pursuant to this chapter or through any other legal means. 2. The term "incidental expenses" shall include, but not be limited to, the actual expenses and costs of the Municipality in the preparation of notices, specifications, and contracts, overhead for account work, work inspection, and the cost of printing and mailing notices required hereunder. 3. If the bill for collection remains unpaid thirty (30) days after mailing of notice to the record owner(s), the Municipality shall be entitled to late fees on the amount billed from the date of mailing until paid at the rate prescribed by law for delinquent real property taxes. Any payments made or received shall be first applied to accumulated late fees.

**23.70.710.4 Lien procedure.** Charges for the repair, demolition, or removal of any building or structure done pursuant to the provisions of this chapter become a lien upon the real property upon which the building or structure is or was located. The code official shall record a claim of lien at the Anchorage District Recorder's Office. The Lien placed shall meet all Alaska Statutes and municipal codes.

**23.70.710.5 Bill to collections.** When charges for the repair, demolition or removal of any building or structure remain unpaid after thirty (30) days from the date the code official forwards an invoice for payment to the record owner as identified



in this chapter, the code official shall forward the bill to collections as per Municipality policies and procedures.

**23.70.710.6 Collection of abatement charges.** The lien created herein may be enforced as provided in Alaska Statute. The enforcement of the lien is a cumulative remedy and does not bar the collection of the charges for abatement as provided in section 709.

**23.70.704.6 Recordation of Notice and Order.**

1. If the order has not been complied with in the time specified therein, and no appeal has been properly and timely filed, the code official shall file in the Anchorage District Recorder's Office a certificate describing the property and certifying:
  - a. The building or structure is a dangerous or unlawful building; and
  - b. The owner has been so notified.
2. When the corrections ordered have been completed or the building or structure demolished so it no longer exists as a dangerous or unlawful building or structure on the property described in the certificate, the code official shall file a new certificate with the Anchorage District Recorder certifying the building or structure has been removed, demolished or all required repairs have been made so the building or structure is no longer dangerous or unlawful.

**23.70.704.7 Transfer of ownership.** It shall be unlawful for the owner of any building or structure who has received a notice and order or notice of violation to sell, transfer, mortgage, lease or otherwise dispose of such building or structure to another until the provisions of the notice and order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice and order or notice of violation issued by the code official and shall furnish the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice and order or notice of violation fully accepting the responsibility without condition for making corrections or repairs required by such notice and order or notice of violation.

**PENALTIES AND REMEDIES**

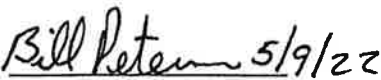
**23.10.103.7.1 - Violation penalties.** Any person violating a provision of this code or failing to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law including but not limited to those in Table 3 of this code.

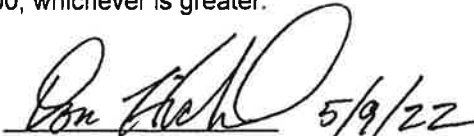
Be advised, the property must be appealed within 30 days from the date of this Notice and Order. The fines and fees, as authorized per AMC 23.10 Table 3-N and 3-O, are calculated from the initial date of violation.

AMC 23.10 Table 3-N (#7)-Code Abatement fee \$175 per hour, one hour minimum.

AMC 23.10 Table 3-O (#1)- Fine, building code violations, civil penalty, fine per day per violation \$100-\$500.

AMC 23.10 Table 3-O (#3) Investigation fee for work begun without proper permit(s), in addition to all permit fees required by this code. Double permit fee required by this code, or \$1,000, whichever is greater.

 5/9/22  
Code Abatement Officer  
Building Safety Division  
Development Services Dept  
Municipality of Anchorage  
Desk: 907-343-8328  
Email: william.peterson@anchorageak.gov

 5/9/22  
Acting Chief of Inspections  
Building Safety Division  
Development Services Dept  
Municipality of Anchorage  
Desk: 907-343-8325  
Email: donald.hickel@anchorageak.gov

**REFERENCE**

Kevin T. Fitzgerald  
kevin@impc-law.com

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
PAUL RITZ, VALERIE RITZ,	)	
RITZ CONSULTING FOREST PARK,	)	
LLC, and RITZ CONSULTING ONE	)	
LIMITED PARTNERSHIP,	)	
	)	
Defendants.	)	
	)	Case No. 3AN-18-04515 CI

**DEFENDANT VALERIE RITZ'S MOTION FOR RECONSIDERATION/  
MOTION FOR CLARIFICATION**

COMES NOW Defendant, Valerie Ritz, by and through counsel, Ingaldson Fitzgerald, P.C., and hereby submits the following Motion for Reconsideration and associated Motion for Clarification. Both motions are brought pursuant to ARCP 77. Valerie Ritz's Motion for Reconsideration is made pursuant to ARCP 77(k)(1)(i)-(iii). Ms. Ritz moves for reconsideration of various legal and factual findings made by the Court in its order dated April 18, 2022. These points are as follows:

**I. JOINT AND SEVERAL LIABILITY**

**1. "Owner-Operator"**

State of Alaska v. Paul Ritz, et al.  
Case No. 3AN-18-04515 CI  
Defendant Valerie Ritz's Motion for Reconsideration/Motion for Clarification

INGALDSON  
FITZGERALD,  
P.C.  
Lawyers  
813 W. 3<sup>rd</sup> Avenue  
Anchorage,  
Alaska  
99501-2001  
(907) 258-8750  
FAX: (907) 258-  
8751

The Court found Ms. Ritz jointly and severally liable to the State as an "owner-operator" of the Forest Park water system ("FPWS"). However, there is not a single document in excess of the 20,000 which the State produced wherein Ms. Ritz is identified as an "owner-operator" of the FPWS. Nor was the State able to present a single document that ADEC ever considered Ms. Ritz the "operator" of the public water system as opposed to Paul Ritz or even Cindy Johnson, much more that Ms. Ritz was the "certified operator of the public water system". Instead, the Court opines that Ms. Ritz provided a certificate of completion of the Small Untreated Water Systems online course in 2006 as demonstrating "her intent to share equally in the related responsibilities and duties that operating a small untreated water system might entail".<sup>1</sup> Given the extensive record established at trial as well as Ms. Ritz's testimony this opinion is baseless. Indeed, the record is replete that the State recognized Paul Ritz as the "operator" of the PWS. In fact, as late as 2020, the State recognized Paul Ritz as the "certified" operator of the PWS.<sup>2</sup> Shortly thereafter, in approximately January 2021, Guy Miller became the recognized operator of the Forest Park PWS.<sup>3</sup>

## 2. "Operator"

---

<sup>1</sup> Order at p. 15.

<sup>2</sup> Exhibit 3013, VR 000409 - VR 000410.

<sup>3</sup> Exhibit 1055. See also Exhibit 1066.

State of Alaska v. Paul Ritz, et al.

Case No. 3AN-18-04515 CI

Defendant Valerie Ritz's Motion for Reconsideration/Motion for Clarification

The Court relies on a number of pro se Answers filed jointly by Paul Ritz and Valerie Ritz<sup>4</sup> and various corporate entities<sup>5</sup> for the proposition that Ms. Ritz admitted to being an "operator". However, there is no evidence that in the context of the superfluous "Background" section in the pro se Answers that the references to "operate" serves as an admission by Ms. Ritz that she was an "operator" in the legal or technical sense. In fact, as noted above, the evidence and record is to the contrary.

### 3. Owner

The Court has also erred with respect to Ms. Ritz's percentage of ownership. Ms. Ritz has always identified herself as an owner of the property in a corporate capacity.<sup>6</sup> The Court maintains that Ms. Ritz was a 50% owner of the entity owning the property and suggests she was a 50% owner of the FPWS. The Court is wrong on both scores. Exhibits 3010 through 3012 demonstrate that Ritz Consulting Corporation, a corporation in good standing, is 99% owned by Paul Ritz and 1% owned by Valerie Ritz. Ritz Consulting Forest Park, LLC, a limited liability company in good standing, is wholly owned by Ritz Consulting One Limited Partnership. That partnership, also in good standing, is 99% owned by general partner, Paul Ritz, and 1% owned by limited

INGALDSON  
FITZGERALD,  
P.C.  
Lawyers  
813 W. 3<sup>rd</sup> Avenue  
Anchorage,  
Alaska  
99501-2001  
(907) 258-8750  
FAX: (907) 258-  
8751

---

<sup>4</sup> Exhibit 1041.

<sup>5</sup> Exhibit 1040.

<sup>6</sup> Exhibit 1012.

State of Alaska v. Paul Ritz, et al.

Case No. 3AN-18-04515 CI

Defendant Valerie Ritz's Motion for Reconsideration/Motion for Clarification

Page 3 of 14

APP51

partner Valerie Ritz. Rather than rely on Exhibits 3010 through 3012, which were admitted, and are the corporate documents filed with the State, the Court relied on an application for the PWS and not the controlling corporate documents. In any event, the Court is wrong about Ms. Ritz being a 50% owner of the corporate entities. Further, the State conceded that the owner of a public water system could be held in the name of an entity and could not deny that an entity could also be an "operator".

The Court compounded these errors by failing to acknowledge, much less address the fact that the State failed to provide any evidence that would serve to pierce the corporate veil under any theory for piercing the corporate veil provided under State law.

## II. DIVISIBILITY

The Court erred in presenting a new formula for divisibility that neither party raised, argued, or briefed. In its order the Court expresses that it was unable to apportion liability between Valerie Ritz, Paul Ritz, and the entities in whose name the property and the public water system was owned and operated. But there was a clear formula for apportioning liability. First, as noted above, both the property and the public water system were in the names of corporate entities. The State never did pierce the corporate veil. Second, the official corporate documents reflect that Ms. Ritz's ownership of the respective corporations

State of Alaska v. Paul Ritz, et al.  
Case No. 3AN-18-04515 CI  
Defendant Valerie Ritz's Motion for Reconsideration/Motion for Clarification

was either .5% or 1% as compared to Paul Ritz. If the State were able to pierce the corporate veil, this would be an easy formula to apply vis-a-vis Paul and Valerie Ritz individually. Further, this methodology had the benefit of tracking the record as it related to who was in fact, actually, "operating" the public water system and/or recognized by the State as the "certified operator".

Between 2005 through 2013 the actual operator(s) of the FPWS were either Paul Ritz or on-site manager, Cindy Johnson. Between 2013, when Paul Ritz arrived in the State, through 2019 Paul Ritz was the recognized certified operator of the FPWS. However, beginning in 2018, Paul Ritz began abdicating his responsibility as operator, requiring Valerie Ritz to become more involved including retaining Guy Miller, who in approximately January 2021 became the recognized "operator" of the Forest Park public water system, even in the eyes of ADEC.

Rather than employ this legally and factually supported methodology for determining apportionment, the Court relied on *United States v. Thompson*<sup>7</sup> and *Pakootas v. Teck Cominco Metals, Ltd.*<sup>8</sup> The Court's reliance is seriously misplaced for several reasons. First, *Thompson* concerned federal criminal forfeiture and is readily distinguishable on both the law and facts present

INGALDSON  
FITZGERALD,  
P.C.  
Lawyers  
813 W. 3<sup>rd</sup> Avenue  
Anchorage,  
Alaska  
99501-2001  
(907) 258-8750  
FAX: (907) 258-  
8751

<sup>7</sup> 990 F.3d 680, 688 (9th Cir. 2021).

<sup>8</sup> 905 F.3d 565 (9th Cir. 2018).

State of Alaska v. Paul Ritz, et al.

Case No. 3AN-18-04515 CI

Defendant Valerie Ritz's Motion for Reconsideration/Motion for Clarification

in the instant matter. Second, *Pakootas* was an action under CERCLA, the federal Comprehensive Environmental Response, Compensation, and Liability Act. CERCLA liability is ordinarily joint and several, except in rare cases where the environmental harm to the site is shown to be divisible.<sup>9</sup> *Pakootas*, too, is readily distinguishable on both its law and facts. What's more under CERCLA the analysis for divisibility in the rare case that it might apply relies on the Restatement (Second) of Torts. Third, joint and several liability is a creature of tort law. This is not a tort case. Finally, no party relied on the methodology or tests employed by *Thompson* or *Pakootas* or provided either case as authority.

In *State v. Ranstead*,<sup>10</sup> the Alaska Supreme Court wrote: "Our adversary system of justice is designed around the premise that the parties know what is best for them, and are responsible for advancing the facts and arguments entitling them to relief".<sup>11</sup> If a court decides an issue on a ground that neither party raised, the losing party is denied the opportunity "to marshal evidence and argument" in response.<sup>12</sup>

INGALDSON  
FITZGERALD,  
P.C.  
Lawyers  
813 W. 3<sup>rd</sup> Avenue  
Anchorage,  
Alaska  
99501-2001  
(907) 258-8750  
FAX: (907) 258-  
8751

---

<sup>9</sup> *Id.* at 588.

<sup>10</sup> 421 P.3d 15 (Alaska 2018).

<sup>11</sup> *Id.* at 21 (internal quotation marks and footnote omitted).

<sup>12</sup> *Id.*

State of Alaska v. Paul Ritz, et al.

Case No. 3AN-18-04515 CI

Defendant Valerie Ritz's Motion for Reconsideration/Motion for Clarification

In *State v. Howard*,<sup>13</sup> Court of Appeals Chief Judge Mannheimer, joined by Senior Judge Andrews, wrote a lengthy concurring opinion expressly to "caution judges against [the] practice" of "issu[ing] a ruling based on a factual or legal theory that the parties did not raise, and that they did not litigate".<sup>14</sup>

### III. THE VIOLATIONS

Remarkably, while the Court notes the "violations" it fails to address or acknowledge the defenses raised.

**1. Defendants violated AS 46.03.720 and 18 AAC 80.020.**

The liability defense articulated by Valerie Ritz was waiver. But the Court failed to acknowledge or address this defense in its order... at all.

**2. Defendants failed to maintain sanitary separation distances under 18 AAC 80.020.**

The liability defense was that this deficiency had been resolved and was moot. See Exhibit 3020A, which states in language approved by ADEC, "[t]he deficiency pertaining to separation distance issues cannot be resolved or returned to compliance as it pertains to WL002 which was shut down as of 1/23/2021. This deficiency is resolved as there is no longer an

INGALDSON  
FITZGERALD,  
P.C.  
Lawyers  
813 W. 3<sup>rd</sup> Avenue  
Anchorage,  
Alaska  
99501-2001  
(907) 258-8750  
FAX: (907) 258-  
8751

<sup>13</sup> 357 P.3d 1207 (Alaska App. 2015).

<sup>14</sup> *Id.* at 1213 (Mannheimer, C.J., and Andrews, S.J., concurring) (footnote omitted).

State of Alaska v. Paul Ritz, et al.

Case No. 3AN-18-04515 CI

Defendant Valerie Ritz's Motion for Reconsideration/Motion for Clarification



active well on Forest Park property." Again, the Court does not address this liability defense... at all.

**3. Defendants failed to maintain water pressure pursuant to 18 AAC 80.205 and 18 AAC 80.015.**

There is no dispute that beginning in 2018 the antiquated underground system began failing which created problems with water pressure. These issues were exacerbated by the subsequent earthquake in November 2018 and later complete failure of the east well located on the property itself which resulted in the implementation of the overland system constructed and implemented by Guy Miller in the winter of 2020-2021. As a result, the water being provided through the overland system came from the west well located on the church property, a long-established well with a long-established history free of any sampling violations. Evidence demonstrates that ADEC was at least aware if not involved in the implementation of this overland system beginning in November 2020 and certainly by January 2021.<sup>15</sup> Further, as of April 2021 all of the trailers were hooked up to the overland system which was being supplied by water from the west well. In June the 2020 consumer confidence report provided as follows, again in language approved by ADEC: "the deficiency pertaining to water pressure issues, has been temporarily resolved by the installation of above ground distribution lines. This deficiency

INGALDSON  
FITZGERALD,  
P.C.  
Lawyers  
813 W. 3<sup>rd</sup> Avenue  
Anchorage,  
Alaska  
99501-2001  
(907) 258-8750  
FAX: (907) 258-  
8751

---

<sup>15</sup> Exhibit 1055.

State of Alaska v. Paul Ritz, et al.

Case No. 3AN-18-04515 CI

Defendant Valerie Ritz's Motion for Reconsideration/Motion for Clarification

can only be resolved with the installation of a DEC approved, permanent distribution system".<sup>16</sup> [Emphasis added]

The record is that since April 2021 the overland system has provided bacteria-free water at more than adequate pressures. The Court's observation that engineer Garness's report of October 15, 2021 fails to demonstrate that the overland system is consistently able to maintain the sanitary pressure as required is simply wrong. Indeed, the report itself demonstrates of the 8,576 data points logged, not a single reading was less than the 20 psi required. Finally, since the report was submitted in October 2021 the EPA has continued to regularly monitor water pressures with the result that since October 2021 there has not been a single pressure reading below 20 psi at the highest point of the distribution system and throughout peak times. The overland system is now, and has been since at least April 2021, delivering potable water at more than adequate pressure. This is a fact.

**4. Defendants failed to make emergency reports pursuant to 18 AAC 80.057.**

The order is more than vague about this claim. Still, presumably it relates to the period of time associated with the failure of the PWS when ADEC recognized Paul Ritz as not only the operator but the certified operator of the public water system.

INGALDSON  
FITZGERALD,  
P.C.  
Lawyers  
813 W. 3<sup>rd</sup> Avenue  
Anchorage,  
Alaska  
99501-2001  
(907) 258-8750  
FAX: (907) 258-  
8751

---

<sup>16</sup> Exhibit 3020A.  
State of Alaska v. Paul Ritz, et al.  
Case No. 3AN-18-04515 CI  
Defendant Valerie Ritz's Motion for Reconsideration/Motion for Clarification

In further support the Order cites improperly to Exhibit 1049, a report which was not admitted for its content, but to demonstrate the personal animus of ADEC representative Roy Robertson in filing a complaint against Paul Ritz's engineer's license with the Division of Corporations, Business and Professional Licensing on September 30, 2020.

**5. Defendants failed to appropriately test their water system as required by law.**

There is no argument that over the course of time there have been technical sampling violations related to the timing of when the samples have been taken of the east well. But the fact that there has been no documented violation for the presence of contaminants is a fact. Further, since April 2021 when the overland system was fully implemented and drawing water from the west well, there has been no sampling violations, even technical ones. Again, the west well is a long-established well with an unblemished record of providing bacteria-free water, which the monthly results from well before April 2021 attest. Indeed, this is still the case.

Of course, the Court's ill-defined look-back raises the issue of the Statute of Limitations, another defense the Court did not address or consider... at all.

**6. Defendants failed to properly decommission wells.**

State of Alaska v. Paul Ritz, et al.  
Case No. 3AN-18-04515 CI  
Defendant Valerie Ritz's Motion for Reconsideration/Motion for Clarification  
Page 10 of 14

INGALDSON  
FITZGERALD,  
P.C.  
Lawyers  
813 W. 3<sup>rd</sup> Avenue  
Anchorage,  
Alaska  
99501-2001  
(907) 258-8750  
FAX: (907) 258-  
8751

Admitted, but Ms. Ritz's defense here was there has been no demonstration of damage.

#### IV. DAMAGES

Though Valerie Ritz certainly articulated liability defenses, many of which were not addressed by the Court in its order, Ms. Ritz's main defense was against any showing of any actual or statutory damages. Indeed, much of the trial related to the fact that the State had not and could not prove actual damages or damages pursuant to AS 46.03.760. That provision provides that reasonable damages must be proven by the State and assessed by the court. Despite efforts to do so at trial, the State was unable to demonstrate any damages pursuant to AS 46.03.760. So the Court's deferral<sup>17</sup> to the State of Alaska to calculate damages owed by Defendants constitutes a complete abdication of this Court's obligation under AS 46.03.760 and serves to provide the State with a second bite at the apple to unilaterally determine damages which they could not prove at trial.

#### MOTION FOR CLARIFICATION

The Court makes reference to the Defendants having clearly violated AS 46.03.720 and 18 AAC 80.200 by operating the PWS

INGALDSON  
FITZGERALD,  
P.C.  
Lawyers  
813 W. 3<sup>rd</sup> Avenue  
Anchorage,  
Alaska  
99501-2001  
(907) 258-8750  
FAX: (907) 258-  
8751

---

<sup>17</sup> "Because Plaintiff is in the best position to calculate the total dollar amount owed by Defendants, Plaintiff shall submit a proposed judgment to this Court within thirty (30) days of the date of this order".  
State of Alaska v. Paul Ritz, et al.

Case No. 3AN-18-04515 CI

Defendant Valerie Ritz's Motion for Reconsideration/Motion for Clarification

without the required ADEC approval since 2005. The Court also made reference to its preliminary injunction issued on August 12, 2020. At trial it was demonstrated that the claimed deficiency pertaining to water pressure was temporarily resolved but can "only be resolved with the installation of a DEC approved, permanent distribution system".<sup>18</sup> Since the trial in this matter Valerie Ritz and Guy Miller have been cooperating with and working closely with the EPA which is actively monitoring the overland system. Guy Miller is not only the recognized operator of the Forest Park public water system but is also now managing the park through a lease. Since the trial in this matter, the residents of Forest Park have continued to receive bacteria-free water at sufficient water pressures to both utilize their utilities as well as to prevent contamination from back siphonage.

Still, Valerie Ritz/Guy Miller are cognizant that until a permanent distribution system is approved by ADEC the operation of the overland system constitutes a continuing violation. While Valerie Ritz and Guy Miller have been working with the EPA for a permanent solution, such a solution is a long way off and will be enormously costly. Current estimates for permanently resolving the problem range from between \$1,000,000 - \$32,000,000.

INGALDSON  
FITZGERALD,  
P.C.  
Lawyers  
813 W. 3<sup>rd</sup> Avenue  
Anchorage,  
Alaska  
99501-2001  
(907) 258-8750  
FAX: (907) 258-  
8751

---

<sup>18</sup> Exhibit 3020A, VR 001562.  
State of Alaska v. Paul Ritz, et al.  
Case No. 3AN-18-04515 CI  
Defendant Valerie Ritz's Motion for Reconsideration/Motion for Clarification  
Page 12 of 14

Given all of this, this Court must advise Valerie Ritz whether the overland system, which has been providing bacteria-free water to the residents of Forest Park at adequate pressures since April 2021, will be deemed a continuing violation. Valerie Ritz also seeks clarification as to whether this Court is ordering the overland system to be discontinued because it is not a DEC approved permanent distribution system. In either instance, both the PWS and Forest Park will need to be shut down. Valerie Ritz requests clarification on these points from the Court immediately.

Dated the 28th day of April, 2022 at Anchorage, Alaska.

INGALDSON FITZGERALD, P.C.  
Attorneys for Defendant  
Valerie Ritz

By: s/Kevin T. Fitzgerald  
Kevin T. Fitzgerald  
ABA No. 8711085

INGALDSON  
FITZGERALD,  
P.C.  
Lawyers  
813 W. 3<sup>rd</sup> Avenue  
Anchorage,  
Alaska  
99501-2001  
(907) 258-8750  
FAX: (907) 258-  
8751

//

//

State of Alaska v. Paul Ritz, et al.  
Case No. 3AN-18-04515 CI  
Defendant Valerie Ritz's Motion for Reconsideration/Motion for Clarification  
Page 13 of 14

APP61

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 28th day of April, 2022, a copy of the foregoing was sent to the following via:

- U.S. Mail, First Class
- Hand-Delivery
- Fax
- E-Mail

Garrison A. Todd  
Cody B. Doig  
State of Alaska, Dept. of Law  
1031 W. 4th Avenue, Suite 200  
Anchorage, Alaska 99501

Paul Ritz (pro se)  
Ritz Consulting Forest Park, LLC (pro se)  
Ritz Consulting One Limited Partnership (pro se)  
6801 Tall Spruce Drive  
Anchorage, Alaska 99502

s/ Kevin T. Fitzgerald  
W:\2648.002\Pleading\Motion for Reconsideration 1.doc

INGALDSON  
FITZGERALD,  
P.C.  
Lawyers  
813 W. 3<sup>rd</sup> Avenue  
Anchorage,  
Alaska  
99501-2001  
(907) 258-8750  
FAX: (907) 258-  
8751

State of Alaska v. Paul Ritz, et al.  
Case No. 3AN-18-04515 CI  
Defendant Valerie Ritz's Motion for Reconsideration/Motion for Clarification  
Page 14 of 14

APP62

# BOIL WATER NOTICE

**Forest Park Public Water System, AK2210794, has had numerous complaints of loss of pressure in the distribution system.**

**This BOIL WATER NOTICE is issued effective 8/7/2020. This notice shall remain in effect and posted until the Department rescinds it.**

**Boil water 2 minutes (minimum)  
before drinking.**

**For more information call the Alaska Dept. of Environmental Conservation in Anchorage AK, at (907) 269-7619.**

## PUBLIC NOTICE

**Forest Park Trailer Court Water System  
PWSID #: AK2210794**

Since April 2018, the Department of Environmental Conservation has been notified of a pressure loss in the Forest Park Trailer Court Water System. The cause of the loss of pressure has not been determined. A water pressure loss can potentially contaminate and compromise the water system through backsiphonage and precaution must be exercised immediately.

Due to the water system's pressure loss, this **Boil Water Notice** is being issued. Use of a water source contaminated by backsiphonage or backflow may be harmful to your health. Please take the necessary precautions by boiling any water used for human consumption at least two minutes before using.

**DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil for two minutes or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation until further notice. Boiling kills most bacteria and other organisms in the water. Harmful microbes in drinking water can cause diarrhea, cramps, nausea, headaches, or other symptoms. Inadequate disinfection may pose a special health risk for infants, young children, some elderly, and people with severely compromised immune systems. The symptoms above are not just caused by organisms in drinking water. Disease symptoms may be caused by a number of factors other than the drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.

A Boil Water Notice is a public announcement advising water system users that they should boil their tap water for drinking and other domestic purposes. It is intended to protect the public's health from waterborne infectious agents that could be present in the community's drinking water supply whenever the water system is compromised. The health risks associated with ingesting water that has not been treated properly or boiled are hard to estimate. Until the public water system has fixed the pressure issues in the distribution system, this notice remains in effect.

The State of Alaska has set an enforceable drinking water standard for total coliform bacteria to reduce the risk of these adverse health effects. Under this standard all drinking water samples must be free of these bacteria. Drinking water that meets this standard is associated with little or none of this risk and should be considered safe with respect to total coliform.

The Alaska Department of Environmental Conservation has issued a "BOIL WATER NOTICE" to this public water system. All water used for drinking or cooking must undergo a rapid boil for 2 minutes before use.

**This "BOIL WATER NOTICE" is in effect until further notice.**



State of Alaska )  
 )ss.  
Third Judicial District, Anchorage )

Affidavit of Authenticity

I, Cindy Johnson swear of affirm that I personally recorded the attached videos identified as video-1657150037 and video-1657150021 on July 6, 2022, at 8:04 p.m.in the kitchen at my home located at 16533 Old Glenn Highway Space 38, Chugiak, AK 99567 also known as the Forest Park Mobile Home Court.

These videos have not been altered or edited in any manner.

7/11/2022  
Date

Cindy Johnson  
Cindy Johnson