

FILED
11-13-2023
Anna Maria Hodges
Clerk of Circuit Court
2023CV008601
Honorable J. D. Watts-15
Branch 15

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

JAWANN HOLT
2632 West Wells Street, Unit 302
Milwaukee, WI 53233

-and-

TANEA WILKINSON
2632 West Wells Street, Unit 302
Milwaukee, WI 53233

*On Behalf Of Themselves And
All Others Similarly Situated,*

Plaintiffs,

v.

BRINSHORE DEVELOPMENT, L.L.C.
1603 Orrington Avenue, Suite 450
Evanston, IL 60201

MAURES DEVELOPMENT GROUP, LLC
c/o CT Corporation System, *Its Registered Agent*
301 South Bedford Street, Suite 1
Madison, WI 53703

SOHI COMMERCIAL, LLC
c/o Business Filings Incorporated, *Its Registered Agent*
8020 Excelsior Drive, Suite 200
Madison, WI 53717

LINSDAY NSP, LLC
c/o Business Filings Incorporated, *Its Registered Agent*
8020 Excelsior Drive, Suite 200
Madison, WI 53717

-and-

FICTITIOUS DEFENDANTS A-C
Addresses Unknown

Defendants.

Case No.: _____

Case Codes: 30301, 30405, 35002

SUMMONS

THE STATE OF WISCONSIN, to each person or entity named above as a Defendant:

You are hereby notified that the Plaintiffs in the above-captioned action have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action. Within **45 days** of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes.

Your answer must be sent or delivered to the Court and Plaintiffs' counsel, whose respective addresses are set forth below:

MILWAUKEE COUNTY CIRCUIT COURT

901 North 9th Street
Milwaukee, Wisconsin 53233

BARTON CERJAK S.C.

Michael J. Cerjak, Esq.
313 North Plankinton Avenue, Suite 207
Milwaukee, Wisconsin 53203

You may have an attorney help you or represent you. If you do not provide a proper answer within **45 days**, the Court may grant a judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint.

A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

[SIGNATURE BLOCK ON FOLLOWING PAGE]

Dated this 13th day of November, 2023.

BARTON CERJAK S.C.

/s/ Electronically signed by Michael J. Cerjak

Michael J. Cerjak (SBN: 1056777)

Email: mjc@bartoncerjak.com

James B. Barton (SBN: 1068900)

Email: jbb@bartoncerjak.com

Dustin T. Woehl (SBN: 1036759)

Email: dtw@bartoncerjak.com

Joshua S. Greenberg (SBN: 1107959)

Email: jsg@bartoncerjak.com

313 North Plankinton Ave., Ste. 207

Milwaukee, WI 53203

T: (414) 877-0690

F: (414) 877-3039

*Attorneys for Plaintiffs, Jawann Holt,
Tanea Wilkinson & the Putative Class*

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COMPLAINT

NOW COME Plaintiffs, Mr. Jawann Holt (“Holt”) and Ms. Tanea Wilkinson (“Wilkinson”) (together, “Plaintiffs”), by and through their attorneys, Barton Cerjak S.C., on behalf of themselves and all others similarly situated, and for their Class Action Complaint against Defendants, Brinshore Development, L.L.C. (“Brinshore”), Maures Development Group, LLC (“Maures”), SoHi Commercial, LLC (“SHC”), Lindsay NSP, LLC (“Lindsay”), and Fictitious Defendants A–C (collectively, “Defendants”), allege and state as follows:

OVERVIEW

1. Through no fault of their own, residents of sixteen apartment units at SoHi Lofts (“SoHi”) have been displaced from their homes for months.
2. The residents face this extreme inconvenience as well as significant out-of-pocket expenses as the result of an entirely preventable reason: When Defendants were specifically advised of structural violations at the building—including severely corroded and deteriorated exterior stairs—that presented substantial risk to the health and safety of tenants, Defendants did not repair the problem for years.
3. This action now seeks to hold Defendants accountable for the entirely predictable economic and noneconomic damages caused by their own malfeasance.

THE PARTIES

4. Plaintiff, Jawann Holt, is an adult resident of the state of Wisconsin whose principal residence is located at 2632 West Wells Street, Unit 302, Milwaukee, Wisconsin 53233.
5. Plaintiff, Tanea Wilkinson, is an adult resident of the state of Wisconsin whose principal residence is located at 2632 West Wells Street, Unit 302, Milwaukee, Wisconsin 53233.

6. On information and belief, Defendant, Brinshore Development, L.L.C., is a foreign limited liability company organized under the laws of the state of Illinois, with its principal place of business located at 1603 Orrington Avenue, Suite 450, Evanston, Illinois 60201.

7. According to the Wisconsin Department of Financial Institution's records, Defendant, Maures Development Group, LLC, is a domestic limited liability company with its principal place of business located at 1420 West Center Street, Suite 2, Milwaukee, Wisconsin 53206.

8. According to the Wisconsin Department of Financial Institution's records, Defendant, SoHi Commercial, LLC, is a domestic limited liability company with its principal place of business located at 1603 Orrington Avenue, Suite 450, Evanston, Illinois 60201.

9. According to the Wisconsin Department of Financial Institution's records, Defendant, Lindsay NSP, LLC, is a domestic limited liability company with its principal place of business located at 1603 Orrington Avenue, Suite 450, Evanston, Illinois 60201.

10. On information and belief, Fictitious Defendants A, B, & C are unknown parent, subsidiary, or affiliate entities and/or corporate predecessors of the other named-Defendants in this action that participated in the design, renovation, development, marketing, and leasing of apartments at SoHi. Pursuant to Wis. Stat. § 807.12(2), the pleadings of this action will be amended once the true identities of these entities are revealed.

JURISDICTION AND VENUE

11. On information and belief, this Court has personal jurisdiction over Brinshore pursuant to Wis. Stat. §§ 801.05(1)(d), (4)(a), & (6) because, *inter alia*: (i) it is engaged in substantial, non-isolated activities within this state; (ii) this action concerns foreign acts and

omissions committed by Brinshore that caused Plaintiffs and the Class (defined *infra*) to sustain injuries in this state; and solicitation or service activities were carried on in this state by or on Brinshore's behalf; and (iii) the case involves rental property located within this state.

12. On information and belief, this Court has personal jurisdiction over Maures, SHC, and Lindsay pursuant to Wis. Stat. §§ 801.05(1)(c), (1)(d), (3) & (6) because, *inter alia*: (i) they are domestic limited liability companies; (ii) they engage in substantial, non-isolated activities within this state; (iii) this action concerns their local acts and omissions that caused Plaintiffs and the Class to sustain injuries in this state; and (iv) the case involves rental property located within this state.

13. Venue is proper in Milwaukee County pursuant to Wis. Stat. §§ 801.50(2)(a), (b) & (c) because it is the county where Plaintiffs and the Class's claims arose, the real property which is the subject of the claims is situated, and Defendants conduct substantial business in this county through their redevelopment and marketing of this real property.

FACTUAL ALLEGATIONS COMMON TO ALL CLASS MEMBERS

SoHi Lofts - A Brief History

14. SoHi is a sixteen-unit apartment complex that is the residential component of a mixed-use development located at 2632 West Wells Street, Milwaukee, Wisconsin 53223 on the corner of 27th and Wells on Milwaukee's near-westside:



15. Built in 1916¹ and formerly known as the West Pointe building,² the property was vacant for years and declared a nuisance by the City until acquired by West End Development Corp. (“West End”), a now-defunct non-profit organization, in 2001.³

16. West End aimed to renovate the property into condominiums to promote affordable housing as part of an urban revitalization initiative in the area.⁴ Due to project delays and the downturn of the real estate market during the Great Recession, however, West End dissolved in 2009, and the project was never completed.⁵

¹ Jeramey Jannene, “City Evacuates 27th Street Building Over Safety Concerns,” URBAN MILWAUKEE, <https://urbanmilwaukee.com/2023/09/12/eyes-on-milwaukee-city-evacuates-27th-street-building-over-safety-concerns/> (Sept. 12, 2023, 5:50 PM).

² Georgia Pabst, “Hope rises along with Sohi Lofts,” MILWAUKEE JOURNAL SENTINEL, <https://archive.jsonline.com/news/milwaukee/hopes-rise-along-with-sohi-lofts-p45i7m4-154315145.html> (May 25, 2012).

³ *Id.*

⁴ *Id.*

⁵ *Id.*; see also Jannene, note 1, *supra*.

17. In 2010, the property was purchased by Local Initiatives Support Corp. (“LISC”), one of the lenders for the West End project.⁶ LISC then sold the property to Brinshore and Maures in August 2011 for approximately \$400,000.⁷

18. Armed with over \$1MM in tax credits and federal funding, Maures and Brinshore renovated West Pointe into a mixed-use development and renamed the building SoHi Lofts.⁸

19. On information and belief, Maures and Brinshore organized SHC and Lindsay in 2011 as the entities through which they own and operate the property.

20. Renovations were completed in 2012 and to date, the property consists of commercial space on the first floor and sixteen one-to-three bedroom apartment units on the upper three floors, ranging from 800–2,000 square feet in size.⁹

The City Tells Defendants To Fix The Property For Years, But They Never Do

21. On July 19, 2021, the City of Milwaukee’s Department of Neighborhood Services (“DNS”) inspected SoHi and ordered Defendants to repair multiple areas of concern by August 31, 2021, including “all levels of the steel and concrete egress path walkways on the [exterior] east side of the building,” depicted below:

⁶ Joe Yovino, “West Pointe foreclosure reveals plight of non-profits,” THE DAILY REPORTER, <https://dailyreporter.com/2010/02/26/west-pointe-foreclosure-reveals-plight-of-nonprofits/> (Feb. 6, 2010).

⁷ Pabst, note 2, *supra*.

⁸ *Id.*

⁹ *Id.*



Attached hereto as **Exhibit A** is a true and correct copy of DNS's July 2021 Inspection Report. The report further ordered Defendants to provide DNS with an engineering report on the condition of the overall structure of the building. (See Ex. A, at 1.)

22. To that end, Defendants hired BCM, LLC ("BCM"), a general contractor based in Chicago, to oversee repairs. On August 30, 2021, BCM emailed DNS on Defendants' behalf, providing the City copies of their professionally-licensed engineer, K2N Crest's ("K2N"), inspection report and engineering proposal, and well as a copy of the July 2021 Report:

From: Michael Plumer
Sent: Monday, August 30, 2021 8:14 AM
To: asolom@milwaukee.gov
Cc: LaQuita Bridges <lbridges@leasing-mgmt.com>; Michael Plumer <mplumer@bcmcontractors.com>
Subject: Lindsay NSP LLC-2632 W Wells ST- Violation correction Response

Inspector Solomon,

Let me introduce myself, my name is Mike Plumer, I am a Construction Superintendent for BCM, LLC. I work for Mr. Michael Cornell, President of BCM, LLC, and Agent for the Lindsay NSP, LLC Project. I am forwarding electronically the following documents, but I will also try and call you this am, to schedule a covenant time to deliver you a set of hard copies. Attached will be the following :

1. Owner letter head Statement
2. Copy of Official Notice of violation
3. K2N Crest (K2N) Wisconsin Licensed Engineer Property inspection report
4. Copy of K2N Crest Engineering Services Proposal
5. Completed Repair documents and photos of unit 304 wall and door repairs.

Please feel free to contact me at any time. My immediate cell is listed below. E-mail is mplumer@bcmcontractors.com I am looking forward to meeting with you. Thank you.

Mike Plumer
Superintendant

23. Important here, BCM also provided a letter dated August 31, 2021, on Lindsay's letterhead addressed to DNS, in which Lindsay acknowledged the issues at the building, and stated that "Ownership has retained K2N to design the shoring system that will be installed to both secure the existing exterior walkways and facilitate the necessary repairs at this location." Attached hereto as **Exhibit B** is a true and correct copy of this correspondence.

24. Lindsay further represented that "[a]s it pertains to the repairs of the exterior walkways, Ownership is actively engaged in screening contractors to perform the required work and will provide updates to the City of Milwaukee as we progress. All local ordinances, including permitting, will be adhered to during this process and we look forward to open communication with the City of Milwaukee." (See Ex. B (emphasis added).)

25. Indeed, repairs were critical to SoHi's well-being, as K2N identified "severe deterioration of select structural steel members, composite decking, and metal stairs that requires immediate

shoring and future repair,” in its engineering proposal. Attached hereto as *Exhibit C* is a true and correct copy of K2N’s proposal.

26. K2N’s inspection report provided an even bleaker picture of the property. After it examined the property on August 9, 2021, K2N concluded that the steel-framed walkways on the rear, east side of the building were severely corroded and deteriorating, as evinced by these exemplar photographs of the walkways K2N included in its report:



Attached hereto as *Exhibit D* is a true and correct copy of K2N’s report.

27. K2N concluded that “[t]he exterior walkways are deteriorated throughout with members having diminished structural capacity,” and recommended “rebuilding the walkways within the next 6

months (as soon as possible) since we expect deterioration to accelerate.” (See Ex. D, at 3 (emphasis added).)

28. K2N further explained that SoHi’s exterior stairs were also “*deteriorating with visible corrosion of the tread–stringer connections that requires repair.*” KSN thus recommended “*replacing the stairs within the next 6 months in conjunction with the exterior walkways.*” (*Id.* at 4 (emphasis added).)

29. Although Defendants installed scaffolding to shore up the exterior walkways that year, they never repaired the walkway or stairs as required.¹⁰

30. Accordingly, when DNS inspected the property again in September 2021, it issued another inspection report and order violation, demanding that Defendants repair the exterior walkways and stairs pursuant to K2N’s report by March 31, 2022. Attached hereto as *Exhibit E* is a true and correct copy of the September 2021 Report.

31. Again, however, Defendants never completed these repairs.

32. In the following two years, Defendants never provided DNS a plan to fix SoHi’s exterior walkways and stairs, despite DNS visiting the property “20 to 30” more times since the Fall of 2021.¹¹

33. The issues with the exterior walkways and stairs were far from the only deficiencies with the building, as stairs elsewhere on the premises fell and the elevator and one of the entrance

¹⁰ Madison Moore, “Tenants of SoHi Lofts won’t be able to move back in for months,” WISN 12 ABC <https://www.wisn.com/article/milwaukee-sohi-lofts-tenants-wont-be-able-to-move-back-in-months/45098655>, (last updated Sept. 12, 2023, 5:52 PM).

¹¹ See Yukare Nakayama, “Owners of Milwaukee’s SoHi Lofts, deemed unfit for habitation, speak out,” CBS58, <https://www.cbs58.com/news/owners-of-milwaukee-s-sohi-lofts-deemed-unfit-for-human-habitation-speak-out> (Sept. 12, 2023, 4:01 PM).

doors broke.¹² Like the walkways and stairs at the back of the building, these issues were never repaired.¹³

***The City Orders An Immediate Evacuation Owing To
Safety Concerns, Displacing Tenants For Months-On-End***

34. On August 31, 2023, DNS was informed that several stairs on the rear-east side of the building had collapsed, and that SoHi's property managers blocked off the stairwell.¹⁴

35. DNS visited the property that day, finding that the exterior walkways and stairs were structurally unsound and that the lack of sufficient exits created a fire-safety hazard, as the collapsed stairs left only one usable emergency exit at the building.

36. DNS thus issued an emergency repair order commanding Defendants to correct the issue by September 5, 2023. Attached hereto as **Exhibit F** is a true and correct copy of DNS's August 2023 Report, declaring a state of emergency at the property.

37. Just as before, Defendants did not remedy the issue.¹⁵ Accordingly, on September 5, DNS placarded the property, declaring SoHi "*unfit for human habitation*" because the lack of more than one exit created a fire-safety hazard,¹⁶ and ordering tenants to vacate the premises by the very next day, September 6 at 10:00 a.m. Attached hereto as **Exhibit G** is a true and correct copy of DNS's placard notice.

¹² See Emily Pfahl, "SoHi Lofts tenants still stranded, alderman demands answers," WISN 12 ABC, <https://www.wisn.com/article/sohi-lofts-tenants-still-stranded-alderman-demands-answers/45056340> (last updated Sept. 8, 2023, 10:51 PM).

¹³ Spencer Tracy, "Milwaukee apartment evacuated, 26th and Wells, 'it's an eyesore,'" FOX6 NEWS, <https://www.fox6now.com/news/milwaukee-apartment-evacuated-26th-wells> (last updated Sept. 6, 2023, 4:42 PM).

¹⁴ See Nakayama, note 11, *supra*.

¹⁵ Bruce Harrison, "Lofts owner to meet with city after building violations lead to evacuation," TMJ4 MILWAUKEE, <https://www.tmj4.com/news/local-news/lofts-owner-to-meet-with-city-after-building-violations-lead-to-evacuation> (last updated Sept. 8, 2023, 5:16 PM).

¹⁶ See Pfahl, note 12, *supra*.

38. In total, sixteen households were displaced from their homes, as all units were occupied at the time.¹⁷

39. Accordingly, SoHi residents were uprooted from their homes on less than 24-hours' notice. Given the severity of the situation, residents had a limited amount of time to collect their belongings,¹⁸ leaving many things behind, including clothing, furniture, and family heirlooms.¹⁹

40. Although Defendants moved residents to temporary housing in hotels, first to a hotel downtown, then to another in Glendale, Wisconsin a few days later, and then back to another hotel downtown,²⁰ they have not been given a specific timeline on when they will be able to return home.²¹

41. DNS has explained that no one can return to the property until the exterior walkways and stairs are fixed.²² Defendants estimate that the requisite repairs—estimated to cost well-over \$1MM—will take approximately two months to complete.²³ Because any repairs are subject to permit requirements and City approval, however, repairs could take much longer than

¹⁷ Sophie Carson, “Milwaukee apartment building SoHi Lofts evacuated for unstable structure, fire risk,” MILWAUKEE JOURNAL SENTINEL, <https://www.jsonline.com/story/news/local/2023/09/08/sohi-lofts-in-milwaukee-evacuated-for-unstable-structure-fire-risk/70795533007/> (last updated Sept, 8, 2023, 3:11 PM).

¹⁸ See Emily Pfahl, “Milwaukee apartment building evacuated, deemed a ‘danger to life,’” WISN 12 ABC, <https://www.wisn.com/article/milwaukee-apartment-building-evacuated-deemed-a-danger-to-life/45042089> (last updated Sept. 8, 2023, 11:43 AM) (stating that tenants “only had time to grab a few necessities before being forced from their homes”).

¹⁹ See Emily Pfahl, “SoHi Lofts tenants demand answers from building management,” WISN 12 ABC, <https://www.wisn.com/article/sohi-lofts-tenants-demand-answers-from-building-management/45163913> (last updated Sept. 15, 2023, 10:51 PM) (SoHi resident stating they did not receive any “coordination” from Defendants on this issue).

²⁰ See Pfahl, note 18 (hotel downtown), *supra*; see also Pfahl, note 19, *supra* (hotel in Glendale).

²¹ Tracy, note 13, *supra*; see also Pfahl, note 12, *supra* (stating Defendants “would not clarify how long the hotel stay would be”).

²² Tracy, note 13, *supra*.

²³ Jannene, note 1, *supra*.

anticipated and have already been extended,²⁴ leaving residents displaced and without a home for an indefinite amount of time.

42. As a City Alderman aptly put it, the SoHi residents have been left “high and dry”²⁵ by property owners who knew about the needed repairs and numerous City Code violations for *more than two years* before residents were evacuated from the property. Indeed, Brinshore’s principal has gone on record admitting that he was “*aware of the situation that [SoHi’s exterior walkways and stairs] needed repair.*”²⁶

FACTUAL ALLEGATIONS SPECIFIC TO THE NAMED PLAINTIFFS

Holt, Wilkinson, and Their Family’s Evacuation

43. Holt and Wilkinson have been tenants at SoHi for many years. They live in Unit 302 with their two children.

44. On or about September 6, 2023, Holt was walking down the exterior stairs as he normally did when a stair collapsed because the building’s rear elevator was broken. Fortunately, he was not seriously injured, but later, he learned that he and his family would be required to evacuate the premises almost immediately.

45. Since then, Holt and his family have been shuttled between temporary hotels. Oftentimes, he and his wife are separated from their children. Rather than have his seventeen-year-old son and twelve-year-old daughter sleep together on a couch with a pull-out bed in their hotel room, the children have stayed with a grandparent.

²⁴ See Pfahl, note 19, *supra* (Defendants admitting that repairs “could take months”).

²⁵ Harrison, note 15, *supra*.

²⁶ Nakayama, note 11, *supra*.

46. At SoHi, Holt and Wilkinson had a host of amenities—such as a dishwasher, oven, multiple bedrooms and bathrooms, in-unit washer and dryer, and secure parking—but since being displaced, Holt and Wilkinson have faced a host of other challenges in getting through basic activities of daily life: They cannot afford to pay the thirty-dollars-per-day charge to park each of their vehicles at the hotel; with no oven and limited access to kitchen accessories, they have been unable to prepare their own meals and eat out far more often; they have had increased expenses and stress in getting to and from work and getting their children to and from school in Shorewood, Wisconsin; they face significant costs and inconvenience in getting their laundry done; they have been unable to use many of their personal belongings; they do not have their mail delivered and must go to the downtown post office to retrieve mail; and they have been unable to gather and host at their home.

47. Like others who have been displaced, Holt and Wilkinson were never advised as to any structural deficits or code violations by Defendants.

48. Like others who have been displaced, Holt and Wilkinson have no idea as to when the disruption to their lives will end. They hope to be home for the holidays, but aren't counting on it at this point.

CLASS ACTION ALLEGATIONS

49. Plaintiffs brings this action pursuant to Section 803.08(2)(a), (2)(b), and (2)(c) of the Wisconsin Statutes on behalf of themselves and the members of the following proposed class:

The Class: Anyone who resided in the residential apartments at SoHi on September 5, 2023.

50. Subject to additional information that will be obtained through further investigation and discovery, the foregoing class and any potential subclasses (collectively, the

“Class” unless otherwise noted) may be expanded or narrowed by an amendment to the pleadings.

The following parties, however, are specifically excluded from the Class: Defendants; any of Defendants’ parent companies, subsidiaries, affiliates, dealers, successors, assigns, officers, directors, legal representatives, employees, agents, family members, and/or co-conspirators; all governmental entities, and any judge, justice, or judicial officer presiding over this matter.

51. **Numerosity**: Members of the Class are so numerous that joinder of all members is impracticable pursuant to Wis. Stat. § 803.08(1)(a). The Class is composed of more than thirty residents of SoHi who have been displaced. Although the exact number of Class members is not yet known, the Class is readily identifiable from information and records in Defendants’ possession, custody, and control and can be ascertained through appropriate discovery.

52. **Commonality**: There are questions of law or fact common to the Class pursuant to Wis. Stat. § 803.08(1)(b). Such legal or factual questions include but are not limited to:

- i. Whether the Defendants maintained habitable premises as required by law;
- ii. Whether the Defendants knew about and violated safety rules with regard to structural conditions at the premises;
- iii. Whether any lease obligations tenants face are enforceable under Wisconsin law;
- iv. Whether Plaintiffs and the Class have experienced out-of-pocket and/or pecuniary losses as a result of Defendants’ conduct; and
- v. Whether Plaintiffs and the Class are entitled to damages and/or other monetary relief and, if so, in what amount or form should it take.

53. **Typicality**: Plaintiffs’ claims are typical of the claims of the Class pursuant to Wis. Stat. § 803.08(1)(c) because all Class members are similarly affected by Defendants’ conduct: indeed, Plaintiffs and the Class: (i) resided at SoHi; (ii) have been displaced; (iii) have, are, or will suffer the same or similar economic and noneconomic harms as a result of being displaced; and

(iv) are all residents of the state of Wisconsin where the events described herein occurred.

Accordingly, Plaintiffs' and the Class's claims are subject to Wisconsin law and all Class members may enforce their rights against Defendants pursuant to the claims identified below.

54. **Adequacy**: Plaintiffs will fairly and adequately protect the interests of the Class pursuant to Wis. Stat. § 803.08(1)(d) because: (i) neither Plaintiffs nor their counsel have interests that conflict with the interest of the Class they represent, as all of them, as county residents, want to hold Defendants accountable for the harm to the Milwaukee community; (ii) Plaintiffs are willing and able to vigorously litigate this action on behalf of the Class; and (iii) their proposed class counsel have the qualifications, experience, capabilities, and sufficient resources to handle the case as a class action.

55. Pursuant to Wis. Stat. § 803.08(2)(a), litigating this matter as a class action, as opposed to separate actions brought by individual Class members, alleviates the risk of: (i) inconsistent or varying adjudications that would establish incompatible standards of conduct for Defendants; and/or (ii) adjudications of individual Class members' actions that may, as a practical matter, be dispositive of the interests of other Class members not parties to the individual adjudications, or substantially impair or impede their ability to protect their interests.

56. Pursuant to Wis. Stat. § 803.08(2)(b), Defendants have acted or refused to act on grounds that apply to the Class, thus rendering final injunctive relief, equitable relief, and/or a corresponding declaratory judgment with respect to the Class as a whole appropriate.

57. Pursuant to Wis. Stat. § 803.08(2)(c), the questions of law or fact common to the Class predominate over any questions affecting only individual Class members, thus a class action is superior to other available methods of fairly and efficiently adjudicating this controversy.

58. Treatment of this controversy as a class action is therefore a superior means of effectuating its fair and efficient adjudication. Such treatment will permit a large number of similarly situated Class members to litigate their common claims in a single forum simultaneously, efficiently, and without the unnecessary duplication of evidence, effort, and expense. The benefits of the Class mechanism, including providing injured persons or entities with a method for obtaining redress on claims that might not be practical to pursue individually, substantially outweigh any difficulties that may arise in the management of this class action.

59. Additionally, the amount of monetary damages at issue for each claim is such that the expenses of litigating Plaintiffs and each Class member's claims individually would be cost prohibitive, so much so that proceeding individually would deny Plaintiffs and the Class members a viable remedy. Proceeding by way of class action is therefore the only fair, efficient, economical, and sensible way to vindicate the injuries that Plaintiffs and the Class members have sustained.

60. Plaintiffs know of no difficulty, nor can they foresee any difficulty, that they may have in maintaining this class action that would preclude its maintenance as such.

61. The undersigned counsel for Plaintiffs and the Class request that this Court appoint them to serve as Class counsel, first on an interim basis and then on a permanent basis, pursuant to Wis. Stat. § 803.08(12), as the undersigned counsel has: (i) done substantial work in identifying and investigating the claims brought in this action; (ii) experience handling complex litigation and the types of claims asserted in this action; (iii) knowledge of the applicable law; and (iv) sufficient resources to commit to the representation of the Class. Moreover, the undersigned counsel will fairly and adequately represent the interests of the Class. *See* Wis. Stat. §§ 803.08(12)(b)(1) & (2)(a).

**COUNT I: STATUTORY VIOLATION OF WIS. STAT. § 100.20 &
WIS. ADMIN. CODE ATPCP § 134.04
(Against All Defendants)**

62. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

63. Plaintiffs bring this claim on behalf of the Class identified above.

64. Section 100.20 of the Wisconsin Statutes (“Section 100.20”) prohibits individuals and entities from engaging in unfair trade practices. Wis. Stat. § 100.20(1).

65. To that end, Section 100.20 authorizes Wisconsin’s Department of Agriculture, Trade and Consumer Protection (“DATCP”) to “issue general orders forbidding methods of competition in business or trade practices in business which are determined by the [DATCP] to be unfair.” *Id.* § 100.20(2)(a).

66. The statute vests any person who suffers pecuniary loss stemming from a violation of “any order issued under [Section 100.20]” with a cause of action to sue for damages in a court of competent jurisdiction. *Id.* § 100.20(5).

67. Relevant here, Chapter ATPCP 134 of Wisconsin’s Administrative Code (“ATCP 134”) specifies certain residential rental practice to which a “landlord” must adhere in leasing residential units to Wisconsin consumers. *See* Wis. Admin. Code ATPCP §§ 134.01 *et seq.*

68. ATPCP 134 was adopted under the authority of Section 100.20(2) and is enforceable through a private right of action pursuant to Section 100.20(5). Thus, Plaintiffs may enforce the mandates of ATPCP 134 by way of a Section 100.20(5) claim on behalf of themselves and members of the Class.

69. Applied here, ATCP § 134.04(2) specifies certain disclosure requirements that a “landlord” must make before leasing a residential space, including disclosures of conditions related to habitability:

CODE VIOLATIONS AND CONDITIONS AFFECTING HABITABILITY. Before entering into a rental agreement or accepting any earnest money or security deposit from the prospective tenant, the landlord shall disclose to the prospective tenant:

...

- (a) Any building code or housing code violation to which all of the following apply:

...

1. The landlord has actual knowledge of the violation.
2. The violation affects the dwelling unit that is the subject of the prospective rental agreement or a common area of the premises.
3. The violation presents a significant threat to the prospective tenant’s health or safety.
4. The violation has not been corrected.

...

- (b) The following conditions affecting habitability, the existence of which the landlord knows or could know on basis of reasonable inspection, whether or not notice has been received from code enforcement authorities:

...

4. Any structural or other conditions in the dwelling unit or premises which constitute a substantial hazard to the health or safety of the tenant, or create an unreasonable risk of personal injury as a result of any reasonably foreseeable use of the premises other than negligent use or abuse of the premises by the tenant.

Wis. Admin. Code ATCP § 134.04(2).

70. Applied here, Defendants failed to disclose: (i) the numerous building and housing code violations discussed above, of which Defendants had actual knowledge since as early as August 2021, which affected common area on the premises, the building’s external walkways and stairs, and presented a significant hazard to Plaintiffs that Defendants failed to correct; and (ii) a substantial hazard and unreasonable risk of injury, *i.e.*, injury caused by using unsound walkways

and stairs, and the fire-safety risk presented by limited and unusable exits, to Plaintiffs and the other SoHi residents.

71. Neither Plaintiffs, nor any member of the Class—nor any reasonable, prospective tenant, for that matter—would have resided at SoHi had Defendants been honest and explained the truth; namely, they failed to repair the external walkways and stairs to bring them up to Code for years, subjecting residents to risk of injury anytime they used the walkways or stairs.

72. As a result of Defendants' violations of ATCP 134, Plaintiffs and the Class have suffered pecuniary loss, including but not limited to expenses for parking, food, gas, laundry, inconvenience and loss of use as well as displacement, among other losses.

73. Accordingly, Plaintiffs and the Class bring this claim for Defendants' violations of ATCP 134 through the Class's authority under Wis. Stat. § 100.20 and seek recovery for the losses suffered—in addition to the other remedies set forth under this statute, including exemplary damages and attorneys' fees—in an amount to be determined at trial.

**COUNT II: PRIVATE NUISANCE
(Against All Defendants)**

74. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

75. Plaintiffs bring this claim on behalf of the Class identified above.

76. As discussed above, Defendants rented apartments to Plaintiffs and the Class despite knowing that the exterior walkways and stairs were structurally unsound, posed a fire-safety hazard, and were in need of repair, which DNS had been ordering Defendants to complete for years.

77. But Defendants ignored DNS's orders and continued to expose Plaintiffs and the Class to a life-threatening, hazardous condition at the property, all while collecting rent payments from their at-risk tenants.

78. Not surprisingly, given the safety hazards attendant to the exterior walkways and stairs, DNS ordered an emergency evacuation of SoHi in September 2023, requiring SoHi residents to evacuate their homes on little to no notice and leave the majority of their belongings behind.

79. In the following months, Plaintiffs and the Class were forced to live in multiple hotels far from home, with no definite end in sight.

80. As such, Plaintiffs and the Class's lives were turned upside down; instead of living at a suitable apartment complex, Plaintiffs and the Class were displaced and forced to live without the majority of their belongings and the most-basic amenities for months. Their mental health suffered.

81. Thus, Defendants' failure to repair SoHi's external walkways and stairs and their blatant disregard for their tenants' well-being created a private nuisance, *i.e.*, Defendants interfered with Plaintiffs and the Class's interest in the private use and enjoyment of their homes.

82. Defendants' interference with Plaintiffs and the Class's rights resulted in significant harm. Indeed, any ordinary person would regard the interference—a tenant's months-long displacement brought on by property owners who knew of a safety-hazard on the premises in need of repair, but chose to ignore the problem and DNS's demands that the issue be addressed—as intolerable and substantially offensive.

83. Defendants were negligent, as they failed to exercise the ordinary care any reasonable person would use in similar circumstances. Here, Defendants failed to repair the external walkways and stairs for years despite knowing of the issue and the DNS's repeat orders that they fix the problem. Any reasonable person would recognize that Defendants' actions created an unreasonable risk of interfering with Plaintiffs and the Class's use and enjoyment of their property. Indeed, that is precisely what happened here, as Plaintiffs and the Class were forced to evacuate the premises, live in temporary housing, and were deprived of their belongings and basic amenities for months.

84. Defendants' negligence caused the private nuisance, as Defendants' decision to rent apartment units to Plaintiffs and the Class while simultaneously failing to repair the exterior walkways and stairs at the property, despite knowing of the safety hazards attendant to the building's structure, was a substantial factor in producing the nuisance.

85. Accordingly, Defendants created a private nuisance that has caused Plaintiffs and the Class significant harm, entitling Plaintiffs and the Class to all past and future damages in an amount to be determined at trial.

**COUNT III: BREACH OF THE IMPLIED WARRANTY OF HABITABILITY
IN VIOLATION OF WIS. STAT. § 704.07(4)
(Against All Defendants)**

86. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

87. Plaintiffs bring this claim on behalf of the Class identified above.

88. Wisconsin courts recognize the implied duty of habitability in residential leases between landlord and tenant, which imposes an implied duty on a landlord to ensure that the

premises are fit for human habitation. See *Pines v. Persson*, 14 Wis. 2d 590, 594–96, 111 N.W.2d 409 (1961).

89. The implied warranty of habitability has been codified in Section 704.07(4) of the Wisconsin Statutes, see *Zehner v. Village of Marshall*, 2006 WI App 6, ¶ 24, 288 Wis. 2d 660, 709 N.W.2d 64, which in pertinent part states that:

If the premises become untenantable because of damages by fire, water, or other casualty or because of any condition hazardous to health . . . [and] if the tenant justifiably moves out under this subsection, the tenant is not liable for rent after the premises become untenantable and the landlord must repay any rent paid in advance apportioned to the period after the premises become untenantable.

Wis. Stat. § 704.07(4).

90. Applied here, Defendants breached the implied warranty of habitability by allowing a hazardous safety condition, namely, the structurally unsound exterior walkways and stairs, to go unabated at the property for years, forcing DNS to order a mandatory evacuation of the premises and resulting in SoHi residents being displaced and kept from their homes indefinitely.

91. Because Plaintiffs and the Class left SoHi as of September 6, 2023, owing to Defendants' breach of the implied warranty of habitability, they are not liable to Defendants for any rent after the premises became untenantable, and they are entitled to all damages stemming from the Defendants' breach.

WHEREFORE, Plaintiffs respectfully request the following relief, as allowed pursuant to the above-referenced facts, the applicable caselaw, and the governing statutes:

- (A) Certification of the Class under Section 803.08(3) of the Wisconsin Statutes;
- (B) Appointment of Plaintiffs as class representatives and the undersigned counsel as class counsel, including as pre-certification interim counsel;
- (C) An order that Defendants disgorge all rents, monies, revenues, tax credits, and/or profits they wrongfully obtained as a result of their acts and practices alleged in this Complaint;

- (D) That the Court award Plaintiffs and the Class compensatory, consequential, and/or restitutionary damages;
- (E) That the Court award Plaintiffs and the Class punitive and/or exemplary damages in accordance with applicable law;
- (F) That the Court award Plaintiffs and the Class costs and attorneys' fees incurred in connection with prosecuting this action; and
- (G) That the Court award any other relief it deems just and equitable under the circumstances.

PLAINTIFFS DEMAND A JURY TRIAL ON ALL ISSUES SO TRIABLE

Dated this 13th day of November, 2023.

BARTON CERJAK S.C.

/s/ Electronically signed by Michael J. Cerjak

Michael J. Cerjak (SBN: 1056777)

Email: mjc@bartoncerjak.com

James B. Barton (SBN: 1068900)

Email: jbb@bartoncerjak.com

Dustin T. Woehl (SBN: 1036759)

Email: dtw@bartoncerjak.com

Joshua S. Greenberg (SBN: 1107959)

Email: jsg@bartoncerjak.com

313 North Plankinton Ave., Ste. 207

Milwaukee, WI 53203

T: (414) 877-0690

F: (414) 877-3039

*Attorneys for Plaintiffs, Jawann Holt,
Tanea Wilkinson & the Putative Class*

**Department of Neighborhood Services****Enforcement Section****841 N. Broadway****Milwaukee, WI 53202**

Inspection Date

07/19/2021

ORD-21-09542

Exhibit A

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

LINDSAY NSP LLC
666 DUNDEE ROAD, SUITE 1102
NORTHBROOK IL 60062

Re: 2632 W WELLS ST

Taxkey #: 389-2012-100

A recent inspection of the premises at the above address revealed conditions that violate the Milwaukee Code of Ordinances. You are hereby ordered to correct each violation listed below by date indicated.

Correct By Date: 08/31/2021

1) 200-16.1 Due to the noted structural concerns you are hereby ordered to provide an engineering report on the soundness of the structure. This report must identify any defective areas and note corrective measures to be taken if needed to stabilize the structure. The report must be generated by a State of Wisconsin licensed architect or engineer and be properly stamped to that effect. You are hereby ordered to make all repairs recommended by the State of Wisconsin licensed architect or engineer to bring the building into compliance with accepted standards. The State of Wisconsin licensed architect or engineer must submit repair plan and supervise repairs under a repair permit. You are hereby ordered to provide an evaluation report.

AREA OF CONCERN: ALL LEVELS OF THE STEEL AND CONCRETE EGRESS PATH WALKWAYS
ON THE EAST
SIDE OF THE BUILDING

Correct By Date: 08/31/2021

2) 275-33.3.a Repair defective interior wall and paint so as to provide a cleanable surface. Wall must be properly prepared and repair and painting done in a workmanlike manner.

AREA OF CONCERN: UNIT #304, MAKE PROPER REPAIRS TO CRACK AROUND THE DOOR
FRAME OF REAR ENTRY DOOR AND ENSURE PROPER DOOR OPERATION.

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

Serial #: ORD-21-09542
Inspection Date: 07/19/2021

For any additional information, please phone Inspector **Andrea Solomon at 414-286-3678 or asolom@milwaukee.gov** between the hours of **8:00 a.m. to 10:00 a.m. Monday through Friday.**

Violations can also be viewed on our website at www.milwaukee.gov/lms.

Per Commissioner of Neighborhood Services By -

 *Andrea Solomon*
Inspector

Recipients:

SOHI COMMERCIAL, LLC, BUSINESS FILINGS INCORPORATED, REGISTERED AGENT 8020 EXCELSIOR DR. SUITE 200, MADISON, WI 53717

JANET A DOLNIK, 5708 55TH AVENUE, KENOSHA, WI 53144

SOHI COMMERCIAL LLC, WAYMAN LAWRENCE (RA) 150 E GILMAN ST, MADISON, WI 53703

LINDSAY NSP, LLC, BUSINESS FILINGS INCORPORATED, REGISTERED AGENT 8020 EXCELSIOR DR. SUITE 200, MADISON, WI 53717

LAQUITA BRIDGES, 3390 N MARTIN L. KING JR. DRIVE, MILWAUKEE, WI 53212

LINDSAY NSP LLC, 666 DUNDEE ROAD, SUITE 1102, NORTHBROOK, IL 60062

LINDSAY NSP LLC, 666 DUNDEE ROAD, SUITE 1102, NORTHBROOK, IL 60062

FAILURE TO COMPLY

Failure to correct the violations noted herein within the time set, or failure to comply with the order as modified by an appellant board and maintain compliance, may subject you to prosecution and to daily penalties of \$150.00 to \$10,000 in the manner provided in Section 200-19.

Also, any infraction of this order may result in a citation under Section 200-12-5 of the Milwaukee Code of Ordinances Volume II.

RIGHT TO APPEAL

You may file an appeal within 20 days. The Milwaukee Code of Ordinances requires that a written appeal of this order be received within 20 days of service of this order. If service of this order is made by mail, the appeal shall be received within 30 days or by the compliance date plus 5 days not to exceed 30 days. There is a fee for filing this appeal.

Violations (excluding zoning violations - Chapter 295) must be appealed to the Code Appeals Secretary, Municipal Building, 1st Floor, 841 N. Broadway, Milwaukee, Wisconsin 53202, phone 414 286-2543.

Violations of Chapter 295 of the Milwaukee Code of Ordinances must be appealed to the Board of Zoning Appeals, 809 N. Broadway, 1st floor, Milwaukee, Wisconsin 53202, phone 414-286-2501. All appeal applications must include the required information outlined in sec. 295-311-6.

If an appeal is pursued, it is your responsibility, as the recipient of this order, to file with the appropriate department. Please contact the inspector that issued this order if you are unclear on this issue. Filing an appeal with the incorrect department may render your appeal null and void.

TENANT RENT WITHHOLDING

Uncorrected violations on properties may allow tenants to deposit their rent in an escrow account in the Department of Neighborhood Services under Section 200-22. The Commissioner may withdraw monies from such escrow accounts to make repairs to protect the health, safety and welfare of tenants.

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

Serial #: ORD-21-09542
Inspection Date: 07/19/2021

REINSPECTION FEES

In accordance with Section 200-33-48, a fee may be charged for any reinspection, except no fee shall be charged for the final reinspection when compliance is recorded. **The fee is \$177.80 for the first reinspection, \$355.60 for the second and all subsequent reinspections. These fees include a 1.6% training and technology surcharge. Reinspection fees shall be a lien upon the real estate where the reinspections were made and shall be assessed and collected as a special tax.** If you wish to contest the assessment of a reinspection fee, contact the inspector, and, if necessary, the inspector's supervisor. If no agreement is reached, an appeal form will be mailed to you, which you can complete and send to the City's Administrative Review Appeals Board. Any question regarding the actual appeal process, please contact the Administrative Review Appeals Board at (414) 286-2221. Please be aware that there is a fee required when filing an appeal.

TRADUCCION EN ESPAÑOL

Si Ud, necesite ayuda para la traducción, de esta información, comuníquese con el 'Centro Hispano' Council for the Spanish Speaking, Inc., 614 W. National Avenue, Milwaukee, WI 53204. Teléfono: (414) 384-3700 o Community Advocates, 728 N. James Lovell St., Milwaukee WI, 53233, Teléfono: (414) 449-4777

LUS HMOOB

Yog koj xav tau kev pab txhais cov lus no, thov hu mus rau koomhaum Hmong/American Friendship Association, 3824 West Vliet Street, Milwaukee, WI 53208, xovtooj yog (414) 344-6575.

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

Exhibit B

Lindsay NSP, LLC
666 Dundee Road, Suite 1102
Northbrook, Illinois 60062

August 31, 2021

City of Milwaukee
Department of Neighborhood Services
841 North Broadway
Milwaukee, Wisconsin 53202

RE: 2632 West Wells – So-Hi Lofts
Lindsay NSP, LLC

On July 19, 2021, Inspector Andrea Solomon issued an Inspection Report and Order to Correct Conditions at the above captioned address. That Order required the submission of an evaluation report generated by a Wisconsin licensed architect or engineer to identify and address a plan for required repairs at this location.

K2N CREST (K2N), a Wisconsin licensed engineer performed an inspection of the subject property on August 9, 2021 and prepared the required report which is included as part of this submission. In addition, Ownership has retained K2N to design the shoring system that will be installed to both secure the existing exterior walkways and facilitate the necessary repairs at this location. That contract is also included in this submission.

As it pertains to the repairs of the exterior walkways, Ownership is actively engaged in screening contractors to perform the required work and will provide updates to the City of Milwaukee as we progress. All local ordinances, including permitting, will be adhered to during this process and we look forward to open communication with the City of Milwaukee.

Lastly, we are submitting photographic evidence of the repairs made to Unit #304 as required by the notice, specifically the repair of an interior wall and the rear unit entry door system.



Michael Cornell, Agent
Lindsay NSP, LLC



Exhibit C

August 24, 2021

Mr. Michael Cornell
President
BCM, LLC
666 Dundee Road, Suite 1101
Northbrook, IL 60062

RE: Engineering Services Proposal
So-Hi Lofts, Milwaukee

Email: mcornell@bcmcontractors.com

Dear Mr. Cornell:

K2N Crest (K2N) is pleased to submit this Professional Engineering Services proposal for repairing the exterior walkways at So-Hi Lofts located at 2632 W. Wells Street, Milwaukee, Wisconsin.

Background

K2N prepared a condition survey report, as requested by the City of Milwaukee Department of Neighborhood Services, of the subject property exterior walkways. Our August 3, 2021 report identified severe deterioration of select structural steel members, composite decking, and metal stairs that requires immediate shoring and future repair. K2N and the Owner have discussed a repair program that will generally consist of immediately shoring the structure and performing permanent repairs thereafter.

Scope

K2N proposes to complete this project in the following phases:

1. Shoring
2. Repair Design and Documents
3. Bidding
4. Construction Administration

1. Shoring

K2N will design shoring to support the entire walkway and provide detail drawings for its installation. This will include repairing the tread supports on the metal stairs. K2N will perform one (1) site visit to meet with the installer to review the scope and drawings, and one (1) site visit to observe the completed work.

Shoring is intended to be a stop gap until the permanent repairs are made within the next year.



Mr. Michael Cornell

August 24, 2021

Page 2 of 4

2. Repair Design and Documents

We will prepare Construction Documents, consisting of Drawings and Specifications, to define and quantify the scope of work. At this time, we anticipate the repairs will consist of:

1. Replacing edge channels and their connections, including the pour stop angle.
2. Repairing or replacing sections of the composite deck.
3. Repairing columns and other miscellaneous members.
4. Repairing the metal stairs.
5. Cleaning and coating the steel, coating the concrete.

These documents will be submitted to you for review prior to proceeding with the Bidding Phase.

3. Bidding

Bidding services include:

- Prepare Bidding Documents and work with the client to develop the Bidders List.
- Perform an onsite pre-bid meeting. Prepare addenda and answer questions as necessary.
- Receive bids and provide a Bid Summary with our recommendation for the contract award. Note that this scope item does not include bidder interviews; if requested, this service will be performed at our hourly rates.

4. Construction Administration

Construction phase services will be performed as follows:

- Review product submittals, shop drawings, and schedules.
- Perform two (2) site visits during construction to observe the work is progressing in accordance with the intent of the Contract Documents. Site visits include field observation reports that will be distributed to pertinent parties.
- Review change order requests and change directives, review applications for payment, provide clarifications to the Contract Documents, and track any unit price quantities.
- Perform the Final Inspection when the work is complete and review the Contractor's Final Application for Payment.
- Excludes onsite progress meetings, owner-contractor agreement preparation, and project close-out documents.



Mr. Michael Cornell

August 24, 2021

Page 3 of 4

Fees

K2N proposes to complete the scope of work indicated above for a fixed fee of \$11,780.00, plus reimbursable expenses. The schedule below depicts our fees for this project:

Schedule of Values	
1 Shoring	
Shoring design and 2 site visits	\$4,835
2 Repair Design and Documents	
Design, Drawings, Specifications	\$4,725
3 Bidding	
Pre-bid meeting, bid summary	\$2,220
4 Construction Administration	TBD
Site visits and final inspection	\$3,870
Submittals, shop drawings, project administration	\$1,665
Project Total:	\$11,780

K2N's fees are based upon the amount of work involved. Our 2021 hourly rates are:

Senior Principal	\$260.00 per hour
Principal	\$215.00 per hour
Associate, Roof Consultant	\$185.00 per hour
Senior Architect/Engineer/Project Manager	\$160.00 per hour
Architect/Engineer/Project Manager	\$130.00 per hour
Sr. Technician, Assistant Architect/Engineer	\$115.00 per hour
Architect/Engineer in Training	\$100.00 per hour
Technician, Roof Observer	\$95.00 per hour
Office	\$70.00 per hour

Reimbursable expenses include: travel expenses, mileage, photographs, outside printing services, AIA document license fees, and cost of outside professional services such as testing laboratories or contractor assistance. Out of pocket expenses are billed at our cost, plus 10%.



Mr. Michael Cornell

August 24, 2021

Page 4 of 4

Agreement

If you are in agreement with this proposal, please indicate your acceptance by signing below and returning one original copy to us. Fees for the work are payable upon receipt of our monthly invoice. Additional services, if requested, will be at additional cost. K2N's standard Conditions of the Agreement for Professional Services are included and attached.

We look forward to working with you on this project. We are available at your request to expand upon the above.

Sincerely,

K2N CREST

A handwritten signature in blue ink, appearing to read 'Jared D'Amico'.

Jared D'Amico, P.E., CCS, CCCA
Principal

A stylized handwritten signature in blue ink, appearing to read 'Michael Cornell'.

Authorized Signature

Michael Cornell, President

Name and Title

8/26/21

Date

Conditions of the Agreement for Professional Services**Indemnification**

K2N Crest (K2N) shall hold harmless and indemnify the Client against injury, loss, or damage to the extent arising out of the negligent acts, errors or omissions of K2N.

The Client shall hold harmless K2N against injury, loss, or damage arising out of the acts, errors or omissions of the Client, his Contractors or agents associated with the services of this project.

Copyright Infringement

The Client agrees to defend, indemnify and hold harmless, K2N from any and all copyright infringement claims or any causes relating thereto, resulting from the copying or use of any documents provided by the Client to K2N which relate in any way to the Project.

Limitation of Liability

The Client agrees to limit K2N's liability to the owner and to all his Contractors and Subcontractors associated with the services of this project, due to K2N's negligent acts, errors, or omissions, such that the total aggregate liability of K2N to all those named shall not exceed \$50,000 or K2N's total fee for services rendered on this project, whichever is greater. This limitation shall apply to claims based on breach of contract, tort, or any other theory.

Opinion of Probable Cost (Cost Estimating)

Since K2N has no control over the cost of labor, materials, or equipment, or over the Owner's or Contractor's method of determining prices, or over competitive bidding or market conditions, the opinions of probable construction cost provided herein are to be made on the basis of experience and qualifications. These opinions represent the judgment of K2N. However, K2N cannot and does not guarantee that proposals, bids or the construction cost will not vary significantly from opinions of probable cost.

Standard of Care

K2N will strive to perform services in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions.

Contingent Additional Service

Time and expenses incurred responding to a subpoena or other legal process or appearing at a hearing where the proceeding does not involve allegations of errors or omissions by K2N are additional services.

Payment

Unless provided for otherwise in the Agreement for Professional Services, payment is due upon receipt of invoice from K2N. K2N will invoice client monthly for services accomplished, or upon completion of the services, whichever is sooner. If payment is not received within 25 days of invoice date an additional charge equal to 1.75 percent per month will be incurred by the Client. Adherence to the payment terms is part of the consideration required by K2N for performance of the services. K2N may suspend services in the event that payment of invoices is not maintained on a current basis. The Client agrees to release K2N from any consequences of K2N's suspension of the services due to the Client's nonpayment of K2N's fees.

Permits and Approvals

K2N will assist the Client in applying for and obtaining permits and approvals normally required by law, and prepare research studies, special documentation, or special tests as Additional Services, unless specifically stated otherwise in the Agreement.

Jobsite Safety

Insofar as jobsite safety is concerned, K2N is responsible solely for the activities of K2N and K2N's employees while on the jobsite, but this shall not be construed to relieve the Owner or any Construction Contractors from their responsibilities for maintaining a safe jobsite. K2N shall not be in charge of the Contractor or the work at the project site.

Inspection

Inspection by K2N of work designed by K2N shall consist of visual observations of materials, equipment, or construction work for the purpose of ascertaining that the work is in substantial conformance with the Agreement documents and with the design intent. Such inspection shall not be relied upon by others as acceptance of the work, nor should it be construed to relieve the Contractor in any way from the obligations and responsibilities the Contractor assumes under the construction contract. Specifically, but without limitation, inspection by K2N shall not require K2N to assume responsibilities for the means and methods of construction, nor for safety on the jobsite. K2N shall not have authority or responsibility to stop the work at any time.

Instruments of Service

The Client acknowledges K2N's recommendations and written reports, plans and specifications as instruments of professional service, applied to a particular project. As such the Client agrees not to reuse the recommendations or written documents for other projects, or allow them to be reused by others without the written authorization of K2N.

Claims

In the event that it becomes necessary to bring an action to enforce K2N's rights under this agreement, then the Client shall pay all reasonable attorney's fees, costs and expenses incurred in the enforcement of K2N's rights.

Third-Party Beneficiaries

The Client and K2N agree that the services performed by K2N are solely for the benefit of the Client and other parties specifically named in the Agreement, and are not intended by either the Client or K2N to benefit any other person or entity unless specifically named elsewhere in the Agreement. To the extent that any other person or entity, including without limitation the project Contractor and/or Subcontractors, is benefited by the services performed by K2N pursuant to this Agreement, such benefit is purely incidental and such other person or entity shall not be deemed a third-party beneficiary to this Agreement.

Original Buildings

The Client waives all claims for, and agrees to defend, indemnify and hold K2N and K2N's agents, representatives and employees harmless from and against any and all claims, losses, costs, expenses, and reasonable costs of defense in arising out of the following claims whether or not contributed to by the negligence of the indemnitees:

1. claims that result, in whole or in part, from deficiencies in the condition of the building existing prior to this Agreement.
2. claims arising from the use of the above-referenced design standard in the remedial work; and
3. claims arising out of damage sustained by any portion of the building not redesigned

Hidden Conditions/Verification of Existing Conditions

Inasmuch as the remodeling and/or rehabilitation of an existing building requires that certain assumptions be made regarding existing conditions, and because some of these assumptions cannot be verified without expending additional sums of money or destroying otherwise adequate or serviceable portions of the building, the Client agrees that, except for negligence on the part of K2N, the Client will hold harmless, defend and indemnify K2N for and against all claims, damages, awards and reasonable costs of defense arising out of the professional services provided under this agreement caused in whole or part by hidden or unknown existing conditions, which are not specifically identified as included in the scope of services.



Exhibit D

August 11, 2021

Mr. Michael Cornell
President
BCM, LLC
666 Dundee Road, Suite 1101
Northbrook, IL 60062

RE: 2632 W. Wells Street, Milwaukee, WI
Exterior Walkways, City Violation
K2N: 21280

Email: mcornell@bcmcontractors.com

Dear Mr. Cornell:

On August 9, 2021, K2N Crest (K2N) performed a condition survey of the exterior walkways at 2632 W. West Street, Milwaukee, Wisconsin. The condition survey was ordered by the City of Milwaukee Department of Neighborhood Services (ORD-21-09542) due to reported concerns with the condition of the structure. This report and accompanying photographs describe our findings, conclusions, and recommendations.

Description of Structure

So-Hi Lofts, located at 2632 W. Wells Street, is a four-story residential building with steel-framed exterior walkways on the rear (east) of the building (photos 001, 002). The typical walkway construction consists of:

- Exposed concrete (uncoated) walking surface placed in composite metal deck.
- Exterior steel channels with a pour stop angle, and an angle bolted to the masonry wall to support the composite deck. There is a centerline beam between the channel and angle.
- Structural steel columns supporting the channels. Channels are bolted to columns and bear on seated connections.
- Steel railings formed with angle rails welded to the columns, and steel mesh infill.
- All members are painted mild steel.

There is a concrete block elevator core with storefront windows forming a lobby in the parking lot (photos 003-005). The core is connected to the walkways with similarly constructed framing.

There is a painted steel stair at the northern half of the building. The tread grates are welded to angles that are welded to steel channel stringers. The stairs exit at grade through a concrete block enclosure.



Mr. Michael Cornell

August 11, 2021

Page 2 of 4

Purpose and Scope

K2N was retained to perform a condition survey of the exterior walkways, and provide an opinion of their condition, as ordered by City of Milwaukee Department of Neighborhood Services (ORD-21-09542). Our condition survey consisted of a visual examination performed on August 9, 2021.

Previous engineering reports or original construction drawings were not available for review prior to our investigation.

Discussion of Findings

K2N visually examined the exterior walkways, metal stairs, and elevator core as described below. In general, the deterioration appears to be located along the exterior edges.

We observed the concrete walking surface to be bare concrete (uncoated), with rust staining and surface scaling visible throughout (photo 006). The rust staining is from corrosion of the steel framing above. Concrete scaling appears as "pitting" in the surface and results from deicing chemicals or over-finishing the concrete during its original installation (or both). The lack of a concrete coating allows water (and deicing chemicals) to penetrate the concrete and deteriorate the steel framing.

We observed corrosion along the underside the composite metal deck, with select locations where the metal deck has failed, and the concrete is exposed (photos 007, 008). Composite metal deck relies on composite action between the concrete and metal deck for its strength. Corrosion and section loss of the decking (exposed concrete) diminish the composite action that the system relies on.

There is a pour stop angle on top of the channel along exterior edge. We observed numerous locations of severe delamination or where the pour stop angle has completely corroded away exposing the edge of the composite deck (photo 009).

The composite deck is supported along the building with an angle, along the centerline with a wide flange section, and along the exterior with a channel. The angle and wide flange section are generally without significant deterioration. The exterior channel was observed to be severely corroded and delaminated throughout (photos 010, 011). The bolted connections at the columns are corroded, we observed two severely deteriorated second floor locations that require immediate shoring (photos 012-014). We observed corrosion of the columns that become less severe towards the top of the structure. The columns, while corroded, generally appear to be intact.

The elevator core consists of a concrete block elevator shaft and a storefront window system lobby. The Property Manager reported that the space is unheated, which occasionally effects the elevators



Mr. Michael Cornell

August 11, 2021

Page 3 of 4

and results in condensation. We observed corrosion on the ceiling (underside of the composite metal deck) and staining on the block (photos 015-017).

We walked the metal stair at the northern half of the building to examine its condition. We observed corrosion and delamination of the angles that attach the stringer to the grate treads (photos 018-020). There is a concrete block enclosure at the base of the stairs (grade) where we observed cracked block and corrosion of the metal door frame (photos 021, 022).

Conclusions and Recommendations

Portions of the exterior walkway structure have been compromised by corrosion. We suspect the corrosion is the result of deicing chemicals and exterior exposure, a lack of a concrete coating, and a lack of maintenance (repainting steel). The walkways appear to slope to the exterior edge where water runoff (and deicing chemicals) have impacted the exterior channel, pour stop angle, composite deck, connections, and columns as summarized below:

- The concrete surface scaling is likely from deicing chemicals and/or from over-finishing during the original placement. The scaling results in an irregular surface that could have the potential to become a trip hazard. The walking surface requires repair.
- The composite metal deck is corroded at select locations, with some of those locations resulting in exposed concrete. The strength of the composite deck is diminished at those locations and requires repair.
- The pour stop angle on top of the edge channel is delaminated or corroded away at numerous locations. The pour stop is required during construction (to restrain wet concrete) and is now an aesthetic concern and permits water to further infiltrate the composite deck.
- The edge channels are corroded throughout with visible delamination and section loss. The channels and pour stop angle require replacement.
- The channel connections have been impacted by runoff water and are visibly corroded. Two locations at the second floor of the south section require immediate shoring. The remainder of the channels require replacement.
- Column corrosion becomes more severe towards grade. The columns and the connections to the floor framing require repair.

The exterior walkways are deteriorated throughout with members having diminished structural capacity. We recommend rebuilding the walkways within the next 6 months (as soon as possible) since we expect the observed deterioration to accelerate over the winter, with shoring of suspect members occurring immediately. We recommend the replacement walkways contain corrosion resistant materials, coatings, details, and drainage to be more durable in an exterior environment.



Mr. Michael Cornell

August 11, 2021

Page 4 of 4

The metal stairs at the northern half are deteriorating with visible corrosion of the tread-stringer connections that requires repair. We recommend replacing the stairs within the next 6 months in conjunction with the exterior walkways. The concrete block enclosure at the base of the stair is likely deteriorated from the water runoff and requires repair.

The elevator core has been impacted by condensation since it is unheated. The condensation and tracking in of deicing chemicals from outside have resulted in the observed mild corrosion. We recommend repairing the deterioration in conjunction with the exterior walkway repairs. We also recommend insulating, heating, or ventilating the lobby and core to reduce the potential for condensation.

Disclaimers and Qualifications

This report does not express or imply any warranty to the property, buildings, equipment or systems. It is based upon limited visual observations, reviews of available documents, information provided by others during informal interviews, engineering judgment and experience. There is no claim either stated or implied that all conditions were observed. No physical testing was performed, and no calculations have been made to determine the adequacy of the original design. Observations were made without disturbing floor, wall or ceiling finishes. The following services and responsibilities are specifically excluded in this report:

1. Discovery, testing, monitoring, clean-up or neutralization of pollutants and hazardous substances.
2. Determinations or advisement related to the existence or proportion of asbestos, modification, installation, abatement or removal of a product, material or process containing asbestos.
3. Monitoring, discovery or testing of building air quality.
4. Determinations or advisement related to the Americans with Disabilities Act (ADA).

Sincerely,

K2N CREST

A handwritten signature in blue ink that reads "Jared D'Amico".

Jared D'Amico, P.E., CCS, CCCA

Principal

c:\shared\dropbox (k2n)\team oak brook\21280 2632 w. wells, milwaukee\reports\k2n reports\condition survey\condition survey.docx

Exterior Walkway Condition Survey

2632 W. Wells Street Milwaukee, WI

Photographs

Date Taken: 8/9/21

K2N #: 21280



Photo: 1
Overview of south half



Photo: 2
Overview of north half



Photo: 3
Overview of elevator core



Photo: 4
Elevator core, lobby and walkway



Photo: 5
Elevator core, lobby and walkway



Photo: 6
Typical staining and scaling

Exterior Walkway Condition Survey

2632 W. Wells Street Milwaukee, WI

Photographs

Date Taken: 8/9/21

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**Photo: 7**

Composite deck corrosion

**Photo: 8**

Exposed concrete through composite deck

**Photo: 9**

Pour stop angle loss, exposed concrete

**Photo: 10**

Typical pour stop and channel corrosion

**Photo: 11**

Loose delamination

**Photo: 12**

Typical connection deterioration

Exterior Walkway Condition Survey

2632 W. Wells Street Milwaukee, WI

Photographs

Date Taken: 8/9/21

K2N #: 21280



Photo: 13
Connection requires shoring



Photo: 14
Connection requires shoring



Photo: 15
Staining in elevator lobby



Photo: 16
Corrosion of elevator door frame



Photo: 17
Deck corrosion in elevator lobby



Photo: 18
Typical north stair construction

Exterior Walkway Condition Survey

2632 W. Wells Street Milwaukee, WI

Photographs

Date Taken: 8/9/21

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**Photo: 19**

Corroded tread support angle and connection

**Photo: 20**

Corroded tread support angle and connection

**Photo: 21**

Deteriorated block at stair enclosure

**Photo: 22**

Deteriorated block at stair enclosure

**Department of Neighborhood Services****Enforcement Section****841 N. Broadway****Milwaukee, WI 53202**

Inspection Date

09/01/2021

ORD-21-11739

Exhibit E

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

Department Copy

Re: 2632 W WELLS ST

Taxkey #: 389-2012-100

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Per Commissioner of Neighborhood Services By -

Andrea Solomon
Inspector

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The City of Milwaukee - Department of Neighborhood Services

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SOHI COMMERCIAL, LLC, WAYMAN LAWRENCE (R.A.) 150 E GILMAN ST, MADISON, WI 53703

LINDSAY NSP LLC, 666 DUNDEE ROAD, SUITE 1102, NORTHBROOK, IL 60062

FAILURE TO COMPLY

Failure to correct the violations noted herein within the time set, or failure to comply with the order as modified by an appellant board and maintain compliance, may subject you to prosecution and to daily penalties of \$150.00 to \$10,000 in the manner provided in Section 200-19.

Also, any infraction of this order may result in a citation under Section 200-12-5 of the Milwaukee Code of Ordinances Volume II.

RIGHT TO APPEAL

You may file an appeal within 20 days. The Milwaukee Code of Ordinances requires that a written appeal of this order be received within 20 days of service of this order. If service of this order is made by mail, the appeal shall be received within 30 days or by the compliance date plus 5 days not to exceed 30 days. There is a fee for filing this appeal.

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REINSPECTION FEES

In accordance with Section 200-33-48, a fee may be charged for any reinspection, except no fee shall be charged for the final reinspection when compliance is recorded. **The fee is \$177.80 for the first reinspection, \$355.60 for the second and all subsequent reinspections. These fees include a 1.6% training and technology surcharge. Reinspection fees shall be a lien upon the real estate where the**

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LUS HMOOB

Yog koj xav tau kev pab txhais cov lus no, thov hu mus rau koomhaum Hmong/American Friendship Association, 3824 West Vliet Street, Milwaukee, WI 53208, xovtooj yog (414) 344-6575.

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

**Department of Neighborhood Services****Enforcement Section****841 N. Broadway
Milwaukee, WI 53202**

Inspection Date

09/01/2021

ORD-21-11739

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

LINDSAY NSP LLC
666 DUNDEE ROAD, SUITE 1102
NORTHBROOK IL 60062

Re: 2632 W WELLS ST

Taxkey #: 389-2012-100

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Per Commissioner of Neighborhood Services By -

Andrea Solomon
Inspector

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The City of Milwaukee - Department of Neighborhood Services



Department of Neighborhood Services
Enforcement Section
841 N. Broadway
Milwaukee, WI 53202

Inspection Date

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ORD-21-11739

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

LINDSAY NSP, LLC
BUSINESS FILINGS INCORPORATED, REGISTERED AGENT
8020 EXCELSIOR DR. SUITE 200
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The City of Milwaukee - Department of Neighborhood Services

Serial #: ORD-21-11739

Inspection Date: 09/01/2021

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TRADUCCION EN ESPAÑOL

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LUS HMOOB

Yog koj xav tau kev pab txhais cov lus no, thov hu mus rau koomhaum Hmong/American Friendship Association, 3824 West Vliet Street, Milwaukee, WI 53208, xovtooj yog (414) 344-6575.

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

**Department of Neighborhood Services****Enforcement Section****841 N. Broadway
Milwaukee, WI 53202**

Inspection Date

09/01/2021

ORD-21-11739

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

LAQUITA BRIDGES
3390 N MARTIN L. KING JR. DR.
MILWAUKEE WI 53212

Re: 2632 W WELLS ST

Taxkey #: 389-2012-100

A recent inspection of the premises at the above address revealed conditions that violate the Milwaukee Code of Ordinances. You are hereby ordered to correct each violation listed below by date indicated.

Correct By Date: 03/31/2022

1) 200-16.1 You are hereby ordered to make all repairs recommended by the State of Wisconsin licensed architect or engineer to bring the building into compliance with accepted standards. The State of Wisconsin licensed architect or engineer must submit repair plan and supervise repairs under a repair permit.

AREA OF CONCERN: REAR EGRESS PATH WALKWAYS AND EXTERIOR STAIRS; MAKE ALL REQUIRED REPAIRS TO REPAIR OR REBUILD THE STRUCTURES AS CITED IN THE ENGINEERING REPORT DATED AUGUST 11, 2021 SUBMITTED BY K2NCREST.

Correct By Date: 03/31/2022

2) 200-24 PERMITS REQUIRED. Obtain proper permits for all repairs and alterations. Permit must be issued, inspections conducted, alteration approved and then closed out.

AREA OF CONCERN: REAR EGRESS PATH EXTERIOR WALKWAYS AND EXTERIOR STAIRS;
OBTAIN ALL REQUIRED PERMITS FOR THE REQUIRED REPAIRS CITED IN THE ENGINEERING REPORT DATED AUGUST 11, 2021 SUBMITTED BY K2NCREST.

For any additional information, please phone Inspector **Andrea Solomon** at **414-286-3678** or **asolom@milwaukee.gov** between the hours of **8:00 a.m. to 10:00 a.m. Monday through Friday**.

Violations can also be viewed on our website at www.milwaukee.gov/lms.

Per Commissioner of Neighborhood Services By -

Andrea Solomon
Inspector

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

Recipients:

LINDSAY NSP, LLC, BUSINESS FILINGS INCORPORATED, REGISTERED AGENT 8020 EXCELSIOR DR. SUITE 200,
MADISON, WI 53717
SOHI COMMERCIAL, LLC, BUSINESS FILINGS INCORPORATED, REGISTERED AGENT 8020 EXCELSIOR DR. SUITE 200,
MADISON, WI 53717
LAQUITA BRIDGES, 3390 N MARTIN L. KING JR. DR., MILWAUKEE, WI 53212
JANET DOLNIK, 5708 55TH AVE, KENOSHA, WI 53144
SOHI COMMERCIAL, LLC, WAYMAN LAWRENCE (R.A.) 150 E GILMAN ST, MADISON, WI 53703
LINDSAY NSP LLC, 666 DUNDEE ROAD, SUITE 1102, NORTHBROOK, IL 60062

FAILURE TO COMPLY

Failure to correct the violations noted herein within the time set, or failure to comply with the order as modified by an appellant board and maintain compliance, may subject you to prosecution and to daily penalties of \$150.00 to \$10,000 in the manner provided in Section 200-19.

Also, any infraction of this order may result in a citation under Section 200-12-5 of the Milwaukee Code of Ordinances Volume II.

RIGHT TO APPEAL

You may file an appeal within 20 days. The Milwaukee Code of Ordinances requires that a written appeal of this order be received within 20 days of service of this order. If service of this order is made by mail, the appeal shall be received within 30 days or by the compliance date plus 5 days not to exceed 30 days. There is a fee for filing this appeal.

Violations (excluding zoning violations - Chapter 295) must be appealed to the Code Appeals Secretary, Municipal Building, 1st Floor, 841 N. Broadway, Milwaukee, Wisconsin 53202, phone 414 286-2543.

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TENANT RENT WITHHOLDING

Uncorrected violations on properties may allow tenants to deposit their rent in an escrow account in the Department of Neighborhood Services under Section 200-22. The Commissioner may withdraw monies from such escrow accounts to make repairs to protect the health, safety and welfare of tenants.

REINSPECTION FEES

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Serial #: ORD-21-11739

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The City of Milwaukee - Department of Neighborhood Services

**Department of Neighborhood Services****Enforcement Section****841 N. Broadway
Milwaukee, WI 53202**

Inspection Date

09/01/2021

ORD-21-11739

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

JANET DOLNIK
5708 55TH AVE
KENOSHA WI 53144

Re: 2632 W WELLS ST

Taxkey #: 389-2012-100

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Per Commissioner of Neighborhood Services By -

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Inspector

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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services



Department of Neighborhood Services
Enforcement Section
841 N. Broadway
Milwaukee, WI 53202

Inspection Date

09/01/2021

ORD-21-11739

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

SOHI COMMERCIAL, LLC
WAYMAN LAWRENCE (R.A.)
150 E GILMAN ST
MADISON WI 53703

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Inspector

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The City of Milwaukee - Department of Neighborhood Services

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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

Serial #: ORD-21-11739

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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

**Exhibit F**

Erica R Roberts
Commissioner

Kristen Reed
Operations Manager

Department of Neighborhood Services
Inspectional Services for health, safety and neighborhood improvement

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

JANET DOLNIK
5708 55TH AV
KENOSHA, WI 53144

Inspection Date:08/31/2023

Record ID: ORD-23-10729

Re: 2632 W WELLS ST

Taxkey #: 3892011000

A recent inspection of the premises at the above address revealed conditions that violate the Milwaukee Code of Ordinances.

You are hereby ordered to correct each violation listed below by at 9/5/2023 at 10:00AM.

Emergency order. The Commissioner of the Department of Neighborhood Services finds that an emergency exists which requires immediate action to be taken as necessary to meet the emergency under 200-12.5.

- 1 214-3 IFC 1028.2 Required exit accesses, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency when the areas served by such exits are occupied.**AREA OF CONCERN: STEEL FRAMED EXTERIOR WALKWAYS LOCATED ON THE REAR EAST SIDE OF THE BUILDING.**
- 2 275-32.2 Structural failure noted. All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them. Repair or replace defective structural members - Permit required**AREA OF CONCERN: STEEL FRAMED EXTERIOR WALKWAYS LOCATED ON THE REAR EAST SIDE OF THE BUILDING.**

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

For any additional information, please phone Inspector BRIAN CAMPBELL at 414-286-2823 between the hours of 8:00 a.m. to 4:30 p.m. or check online at <http://milwaukee.gov/lms>.

Per Commissioner of Neighborhood Services By -
BRIAN CAMPBELL

Recipients:

JANET DOLNIK, 5708 55TH AV, KENOSHA, WI 53144

SOHI COMMERCIAL LLC, WAYMAN LAWRENCE(RA) 150 E. GILLMAN ST, MADISON, WI
53703

SOHI COMMERCIAL, LLC, BUSINESS FILINGS INCORPORATED (RA) 8020 EXCELSIOR DR.
SUITE 200, MADISON, WI 53717

ATTENTION: ALL OCCUPANTS OF, 2632 W. WELLS ST, MILWAUKEE, WI 53233

SOHI COMMERCIAL LLC, 1603 ORRINGTON AVE STE 450, EVANSTON, IL 60201

FAILURE TO COMPLY

Failure to correct the violations noted herein within the time set, or failure to comply with the order as modified by an appellant board and maintain compliance, may subject you to prosecution and to daily penalties of \$150.00 to \$10,000 in the manner provided in Section 200-19.

Also, any infraction of this order may result in a citation under Section 200-12-5 of the Milwaukee Code of Ordinances Volume II

RIGHT TO APPEAL

You may appeal to the Commissioner for review of the reasonableness of this order within the time specified for compliance. Contact the Commissioner's Office at 414 286-2543 in order to file an appeal.

RETALIATION

In accordance with Section 200-20.2 no lessor shall take retaliatory action toward any lessee who reports building code violations by raising rents unreasonably or by curtailing services or by eviction. Retaliation shall be presumed if such action occurs within 6 months of the report of code violations, unless the lessor can show evidence of nonpayment of rent, illegal activity on the premises, or that the lessee is in violation of some provision of the rental agreement. Retaliatory action may subject you to issuance of a citation

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

REINSPECTION FEES

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This material is available in alternative formats for individuals with disabilities upon request. Please contact ADA Coordinator, ADACoordinator@milwaukee.gov, 414-286-3475, TTY: 711. Provide a 72 hour advance notice, 7 days for Braille, to ensure accommodation of request.

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services



Erica R Roberts
Commissioner

Kristen Reed
Operations Manager

Department of Neighborhood Services
Inspectional Services for health, safety and neighborhood improvement

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

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WAYMAN LAWRENCE(RA)
150 E. GILLMAN ST
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Inspection Date:08/31/2023

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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services



Erica R Roberts
Commissioner

Kristen Reed
Operations Manager

Department of Neighborhood Services
Inspectional Services for health, safety and neighborhood improvement

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

SOHI COMMERCIAL, LLC
BUSINESS FILINGS INCORPORATED (RA)
8020 EXCELSIOR DR. SUITE 200
MADISON, WI 53717

Inspection Date: 08/31/2023

Record ID: ORD-23-10729

Re: 2632 W WELLS ST

Taxkey #: 3892011000

A recent inspection of the premises at the above address revealed conditions that violate the Milwaukee Code of Ordinances.

You are hereby ordered to correct each violation listed below by at 9/5/2023 at 10:00AM.

Emergency order. The Commissioner of the Department of Neighborhood Services finds that an emergency exists which requires immediate action to be taken as necessary to meet the emergency under 200-12.5.

- 1 214-3 IFC 1028.2 Required exit accesses, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency when the areas served by such exits are occupied. ****AREA OF CONCERN: STEEL FRAMED EXTERIOR WALKWAYS LOCATED ON THE REAR EAST SIDE OF THE BUILDING.****
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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

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Per Commissioner of Neighborhood Services By -
BRIAN CAMPBELL

Recipients:

JANET DOLNIK, 5708 55TH AV, KENOSHA, WI 53144

SOHI COMMERCIAL LLC, WAYMAN LAWRENCE(RA) 150 E. GILLMAN ST, MADISON, WI
53703

SOHI COMMERCIAL, LLC, BUSINESS FILINGS INCORPORATED (RA) 8020 EXCELSIOR DR.
SUITE 200, MADISON, WI 53717

ATTENTION: ALL OCCUPANTS OF, 2632 W. WELLS ST, MILWAUKEE, WI 53233

SOHI COMMERCIAL LLC, 1603 ORRINGTON AVE STE 450, EVANSTON, IL 60201

FAILURE TO COMPLY

Failure to correct the violations noted herein within the time set, or failure to comply with the order as modified by an appellant board and maintain compliance, may subject you to prosecution and to daily penalties of \$150.00 to \$10,000 in the manner provided in Section 200-19.

Also, any infraction of this order may result in a citation under Section 200-12-5 of the Milwaukee Code of Ordinances Volume II

RIGHT TO APPEAL

You may appeal to the Commissioner for review of the reasonableness of this order within the time specified for compliance. Contact the Commissioner's Office at 414 286-2543 in order to file an appeal.

RETALIATION

In accordance with Section 200-20.2 no lessor shall take retaliatory action toward any lessee who reports building code violations by raising rents unreasonably or by curtailing services or by eviction. Retaliation shall be presumed if such action occurs within 6 months of the report of code violations, unless the lessor can show evidence of nonpayment of rent, illegal activity on the premises, or that the lessee is in violation of some provision of the rental agreement. Retaliatory action may subject you to issuance of a citation

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services



Erica R Roberts
Commissioner

Kristen Reed
Operations Manager

Department of Neighborhood Services
Inspectional Services for health, safety and neighborhood improvement

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

ATTENTION: ALL OCCUPANTS OF
2632 W. WELLS ST
MILWAUKEE, WI 53233

Inspection Date: 08/31/2023

Record ID: ORD-23-10729

Re: 2632 W WELLS ST

Taxkey #: 3892011000

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You are hereby ordered to correct each violation listed below by at 9/5/2023 at 10:00AM.

Emergency order. The Commissioner of the Department of Neighborhood Services finds that an emergency exists which requires immediate action to be taken as necessary to meet the emergency under 200-12.5.

- 1 214-3 IFC 1028.2 Required exit accesses, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency when the areas served by such exits are occupied. ****AREA OF CONCERN: STEEL FRAMED EXTERIOR WALKWAYS LOCATED ON THE REAR EAST SIDE OF THE BUILDING.****
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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

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Per Commissioner of Neighborhood Services By -
BRIAN CAMPBELL

Recipients:

JANET DOLNIK, 5708 55TH AV, KENOSHA, WI 53144

SOHI COMMERCIAL LLC, WAYMAN LAWRENCE(RA) 150 E. GILLMAN ST, MADISON, WI
53703

SOHI COMMERCIAL, LLC, BUSINESS FILINGS INCORPORATED (RA) 8020 EXCELSIOR DR.
SUITE 200, MADISON, WI 53717

ATTENTION: ALL OCCUPANTS OF, 2632 W. WELLS ST, MILWAUKEE, WI 53233

SOHI COMMERCIAL LLC, 1603 ORRINGTON AVE STE 450, EVANSTON, IL 60201

FAILURE TO COMPLY

Failure to correct the violations noted herein within the time set, or failure to comply with the order as modified by an appellant board and maintain compliance, may subject you to prosecution and to daily penalties of \$150.00 to \$10,000 in the manner provided in Section 200-19.

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RIGHT TO APPEAL

You may appeal to the Commissioner for review of the reasonableness of this order within the time specified for compliance. Contact the Commissioner's Office at 414 286-2543 in order to file an appeal.

RETALIATION

In accordance with Section 200-20.2 no lessor shall take retaliatory action toward any lessee who reports building code violations by raising rents unreasonably or by curtailing services or by eviction. Retaliation shall be presumed if such action occurs within 6 months of the report of code violations, unless the lessor can show evidence of nonpayment of rent, illegal activity on the premises, or that the lessee is in violation of some provision of the rental agreement. Retaliatory action may subject you to issuance of a citation

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services



Erica R Roberts
Commissioner

Kristen Reed
Operations Manager

Department of Neighborhood Services
Inspectional Services for health, safety and neighborhood improvement

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

SOHI COMMERCIAL LLC
1603 ORRINGTON AVE STE 450
EVANSTON, IL 60201

Inspection Date: 08/31/2023

Record ID: ORD-23-10729

Re: 2632 W WELLS ST

Taxkey #: 3892011000

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Per Commissioner of Neighborhood Services By -
BRIAN CAMPBELL

Recipients:

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The City of Milwaukee - Department of Neighborhood Services

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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services



Erica R Roberts
Commissioner

Kristen Reed
Operations Manager

Department of Neighborhood Services
Inspectional Services for health, safety and neighborhood improvement

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

Department Copy

Inspection Date:08/31/2023

,

Record ID: ORD-23-10729

Re: 2632 W WELLS ST

Taxkey #: 3892011000

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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

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Per Commissioner of Neighborhood Services By -
BRIAN CAMPBELL

Recipients:

JANET DOLNIK, 5708 55TH AV, KENOSHA, WI 53144

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ATTENTION: ALL OCCUPANTS OF, 2632 W. WELLS ST, MILWAUKEE, WI 53233

SOHI COMMERCIAL LLC, 1603 ORRINGTON AVE STE 450, EVANSTON, IL 60201

FAILURE TO COMPLY

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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

**Exhibit G**

Department of Neighborhood Services
Inspectional Services for health, safety and neighborhood improvement

Erica R Roberts
Commissioner
Kristen Reed
Operations Manager

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

SOHI COMMERCIAL LLC
1603 ORRINGTON AVE STE 450
EVANSTON, IL 60201

Re: 2632 W WELLS ST
Taxkey #: 3892011000

Inspection Date: 08/31/2023
Record ID: ENF-2023-29895

Emergency order. The Commissioner of the Department of Neighborhood Services finds that an emergency exists which requires immediate action to be taken as necessary to meet the emergency under 200-12.5.

Inspection of the above premises revealed conditions that violate the Milwaukee Code of Ordinances which cause this premises to be considered a hazard to the safety and welfare of the occupants or the public and is hereby placarded as unfit for human habitation, occupancy and use as is regulated by Section 200-11(5) and 218.01 (S.S.66.0413).

You are hereby ordered to vacate the premises by 9/6/2023 at 10:00 AM and to keep the premises vacated until such time as the following conditions have been corrected and approved in writing by this Department.

Note: Pursuant to 200-42-2-d, any building, structure or premise placarded and found unfit for human habitation or use under any order issued in accordance with this code **shall not be occupied unless and until a certificate of occupancy has been obtained.**

For any additional information, please phone Inspector BRIAN CAMPBELL at 414-286-2823 between the hours of 8:00 a.m. to 4:30 p.m. or check online at <http://milwaukee.gov/lms>.

Per Commissioner of Neighborhood Services By -
BRIAN CAMPBELL
Inspector

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

Recipients:

SOHI COMMERCIAL LLC, 1603 ORRINGTON AVE STE 450, EVANSTON, IL 60201

LINDSAY NSP LLC, 1603 ORRINGTON AVE STE #450, EVANSTON, IL 60201

FAILURE TO COMPLY

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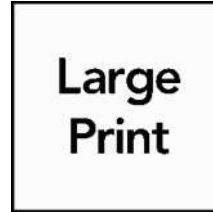
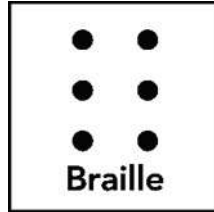
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The City of Milwaukee - Department of Neighborhood Services

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services



Department of Neighborhood Services
Inspectional Services for health, safety and neighborhood improvement

Erica R Roberts
Commissioner
Kristen Reed
Operations Manager

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

LINDSAY NSP LLC
1603 ORRINGTON AVE STE #450
EVANSTON, IL 60201

Re: 2632 W WELLS ST
Taxkey #: 3892011000

Inspection Date: 08/31/2023
Record ID: ENF-2023-29895

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You are hereby ordered to vacate the premises by 9/6/2023 at 10:00 AM and to keep the premises vacated until such time as the following conditions have been corrected and approved in writing by this Department.

Note: Pursuant to 200-42-2-d, any building, structure or premise placarded and found unfit for human habitation or use under any order issued in accordance with this code **shall not be occupied unless and until a certificate of occupancy has been obtained.**

For any additional information, please phone Inspector BRIAN CAMPBELL at 414-286-2823 between the hours of 8:00 a.m. to 4:30 p.m. or check online at <http://milwaukee.gov/lms>.

Per Commissioner of Neighborhood Services By -
BRIAN CAMPBELL
Inspector

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

Recipients:

SOHI COMMERCIAL LLC, 1603 ORRINGTON AVE STE 450, EVANSTON, IL 60201

LINDSAY NSP LLC, 1603 ORRINGTON AVE STE #450, EVANSTON, IL 60201

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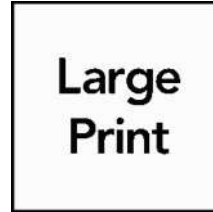
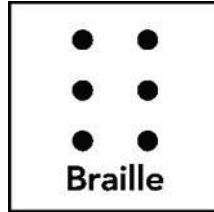
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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services



Department of Neighborhood Services
Inspectional Services for health, safety and neighborhood improvement

Erica R Roberts
Commissioner
Kristen Reed
Operations Manager

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

SOHI COMMERCIAL LLC
1603 ORRINGTON AVE STE 450
EVANSTON, IL 60201

Re: 2632 W WELLS ST
Taxkey #: 3892012100

Inspection Date: 08/31/2023
Record ID: ENF-2023-29895

Emergency order. The Commissioner of the Department of Neighborhood Services finds that an emergency exists which requires immediate action to be taken as necessary to meet the emergency under 200-12.5.

Inspection of the above premises revealed conditions that violate the Milwaukee Code of Ordinances which cause this premises to be considered a hazard to the safety and welfare of the occupants or the public and is hereby placarded as unfit for human habitation, occupancy and use as is regulated by Section 200-11(5) and 218.01 (S.S.66.0413).

You are hereby ordered to vacate the premises by 9/6/2023 at 10:00 AM and to keep the premises vacated until such time as the following conditions have been corrected and approved in writing by this Department.

Note: Pursuant to 200-42-2-d, any building, structure or premise placarded and found unfit for human habitation or use under any order issued in accordance with this code **shall not be occupied unless and until a certificate of occupancy has been obtained.**

For any additional information, please phone Inspector BRIAN CAMPBELL at 414-286-2823 between the hours of 8:00 a.m. to 4:30 p.m. or check online at <http://milwaukee.gov/lms>.

Per Commissioner of Neighborhood Services By -
BRIAN CAMPBELL
Inspector

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

Recipients:

SOHI COMMERCIAL LLC, 1603 ORRINGTON AVE STE 450, EVANSTON, IL 60201

LINDSAY NSP LLC, 1603 ORRINGTON AVE STE #450, EVANSTON, IL 60201

FAILURE TO COMPLY

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Also, any infraction of this order may result in a citation under Section 200-12-5 of the Milwaukee Code of Ordinances Volume II

RIGHT TO APPEAL

You may appeal to the Commissioner for review of the reasonableness of this order within the time specified for compliance. Contact the Commissioner's Office at 414 286-2543 in order to file an appeal.

RETALIATION

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REINSPECTION FEES

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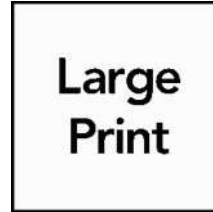
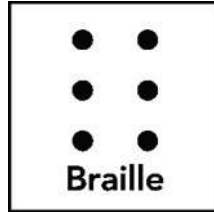
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The City of Milwaukee - Department of Neighborhood Services

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

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OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services



Department of Neighborhood Services
Inspectional Services for health, safety and neighborhood improvement

Erica R Roberts
Commissioner
Kristen Reed
Operations Manager

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

LINDSAY NSP LLC
1603 ORRINGTON AVE STE #450
EVANSTON, IL 60201

Re: 2632 W WELLS ST
Taxkey #: 3892012100

Inspection Date: 08/31/2023
Record ID: ENF-2023-29895

Emergency order. The Commissioner of the Department of Neighborhood Services finds that an emergency exists which requires immediate action to be taken as necessary to meet the emergency under 200-12.5.

Inspection of the above premises revealed conditions that violate the Milwaukee Code of Ordinances which cause this premises to be considered a hazard to the safety and welfare of the occupants or the public and is hereby placarded as unfit for human habitation, occupancy and use as is regulated by Section 200-11(5) and 218.01 (S.S.66.0413).

You are hereby ordered to vacate the premises by 9/6/2023 at 10:00 AM and to keep the premises vacated until such time as the following conditions have been corrected and approved in writing by this Department.

Note: Pursuant to 200-42-2-d, any building, structure or premise placarded and found unfit for human habitation or use under any order issued in accordance with this code **shall not be occupied unless and until a certificate of occupancy has been obtained.**

For any additional information, please phone Inspector BRIAN CAMPBELL at 414-286-2823 between the hours of 8:00 a.m. to 4:30 p.m. or check online at <http://milwaukee.gov/lms>.

Per Commissioner of Neighborhood Services By -
BRIAN CAMPBELL
Inspector

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

Recipients:

SOHI COMMERCIAL LLC, 1603 ORRINGTON AVE STE 450, EVANSTON, IL 60201

LINDSAY NSP LLC, 1603 ORRINGTON AVE STE #450, EVANSTON, IL 60201

FAILURE TO COMPLY

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Also, any infraction of this order may result in a citation under Section 200-12-5 of the Milwaukee Code of Ordinances Volume II

RIGHT TO APPEAL

You may appeal to the Commissioner for review of the reasonableness of this order within the time specified for compliance. Contact the Commissioner's Office at 414 286-2543 in order to file an appeal.

RETALIATION

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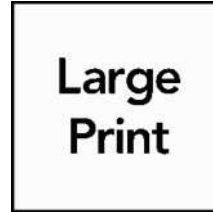
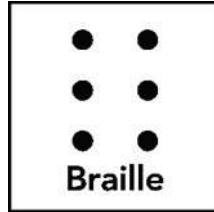
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The City of Milwaukee - Department of Neighborhood Services



Department of Neighborhood Services
Inspectional Services for health, safety and neighborhood improvement

Erica R Roberts
Commissioner
Kristen Reed
Operations Manager

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

Department Copy

Re: 2632 W WELLS ST
Taxkey #: 3892011000

Inspection Date: 08/31/2023
Record ID: ENF-2023-29895

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Per Commissioner of Neighborhood Services By -
BRIAN CAMPBELL
Inspector

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

Recipients:

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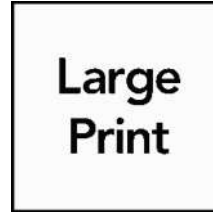
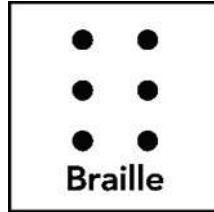
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Department of Neighborhood Services
Inspectional Services for health, safety and neighborhood improvement

Erica R Roberts
Commissioner
Kristen Reed
Operations Manager

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

Department Copy

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Taxkey #: 3892012100

Inspection Date: 08/31/2023
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Per Commissioner of Neighborhood Services By -
BRIAN CAMPBELL
Inspector

OFFICIAL NOTICE OF VIOLATION

The City of Milwaukee - Department of Neighborhood Services

INSPECTION REPORT AND ORDER TO CORRECT CONDITION

Recipients:

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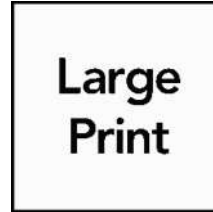
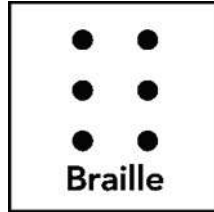
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