

## Noah Pyle

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**From:** greggcaley@aol.com  
**Sent:** Friday, April 06, 2018 10:24 AM  
**To:** Noah Pyle  
**Subject:** G's Ice Cream

Hello Noah,

I am appealing the waiver restrictions that were imposed on my business, G's Ice Cream in Eureka Montana on March 29 2018. I have enclosed a copy of this waiver. I have also enclosed the correspondence of what all has transpired from the beginning leading up to this waiver. I have been lied to, rules have been changed whenever Jennifer Nelson and Kathi Hooper from the Health Department felt like changing them, codes have not been followed and enforced equally on my business compared to other businesses, codes have been quoted that did not apply to my business, I have been told I can't do this or that with NO code being quoted etc. etc.

I have been told to do various things to make my water safe, to get it from an approved source and I have done everything that was requested only to have the Sheriff called on me with the threat of closing me down, making me pay fines etc. when Jennifer Nelson changed what she herself told me to do in October! I have enclosed all the proof and correspondence of this.

The original complaint with Jennifer Nelson and Kathi Hooper was that my water was not safe and from an approved source. As you will see, the supporting documents I have sent will show I have complied with their requests, that they have admitted that my water is safe and from an approved source but they have continued to make up new reasons to get me to have to hook back up to the City of Eureka water or shut down. My evidence proves this. Mike Cole agreed that a lot of what they have done is ridiculous.

One example of this which I have enclosed. After Kathi Hooper came to my business in March to look at my water system that was installed by a licensed plumber, she left saying she had to do more "research" to see if it passed. Over 7 weeks went by before her and Jennifer Nelson came back to my business. In those 7 weeks are you telling me that day in March when she was there that if my system wasn't good enough she would not have shut me down immediately or within 24 hours? Her "research" consisted of new ways her and Jennifer could find to shut me down or hook back into the city water. I have enclosed the proof of that as well. It's the document that says I am required to wash my hands a MINIMUM of ten times a day using 1.1 gallons of water each time I wash my hands. I have enclosed my response to that and by the way, no code was quoted that says I need to wash my hands ten times a day.

I am going to give you exactly what the code says for their latest charade. They told me I have to document my daily water usage, that I have to provide receipts showing I have bought water and how much, that I have to sanitize my system not once a year like her documents told me to do but 4 times a year that she just arbitrarily came up with and no code to back any of this up. They also told me if they deem I am not using enough water, that if my water usage is "unreasonably low" that I am required to go back on the city water. All of that correspondence has been enclosed. Here is what the code does say word for word. She quotes MCA 37.110.272 chapter 8 in The Enforcement and Compliance section. It states, "the regulatory authority may require properly prepared plans and specifications for review and approval before issuance of a new license to a new legal business at the change in ownership of an existing food establishment". You see anything in there that says I need to document my water usage, provide receipts and that says I am required to use x amount of water? I have talked to three other businesses that are set up similarly to mine and they laughed at me when I told them what I was being made to do and of course they don't have to do the same things required of me. I could go on and on but all the documents I have enclosed should show you exactly what has been going on. Every single correspondence I have sent you is extremely important for you to be able to get the whole picture of what has been going on leading up to this waiver. I pray you will read every word.

I have lost a ton of business because of Jennifer Nelson and Kathi Hooper's vendetta against me and I have no doubt the proof I have sent you, that you or any common sense and logical person will come to that conclusion.

I look forward to presenting my story to you and hope I am allocated enough time to do so as it will take a little while to go through everything from start to finish. Thank you.

Gregg Caley



COPY

IR:PSRC100;EXIT;IR:MTYP99;EXIT;IR:SPSZ6;STM0;EXIT;

February 7, 2018

Gregg Caley  
G's Ice Cream  
685 River Drive  
Eureka, MT 59917

Hello Gregg,

On January 24, 2018 I sent a letter to the above address informing you that you are operating in violation of the State of Montana's Administrative Rule 37.110.260 and the Federal Food Code 5-101.11 which requires that all retail food establishments obtain water from an approved source, based on the fact that you have disconnected your business, G's Ice Cream, from the Town of Eureka's water supply. I directed you in my letter to cease operations of your business until you had re-established a connection with the town water supply; at which time I would issue your state retail food establishment license.

It has been brought to my attention that you are still operating your business without connecting to the municipal water supply. You are also operating without a valid 2018 State of Montana Retail Food License, which is a violation of MCA 50-50-201. In giving you the benefit of the doubt, I am having a copy of the letter date January 24, 2018 that I sent to your address on file of 685 River Drive, Eureka, MT 59917, served to you at your place of business, G's Ice Cream, in the case that you did not receive the letter sent to your home address two weeks ago.

**Upon receipt of these letters you are required to close your business until you connect your business to the town water supply. Failure to do so will result in a possible injunction and/or misdemeanor charges as allowed by law.**

Sincerely,

Jennifer Nelson, R.S.  
Lincoln County Environmental Health

Attached: Copy of original letter dated 1/24/2018

cc: Town of Eureka

## Noah Pyle

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**From:** greggcaley@aol.com  
**Sent:** Friday, April 06, 2018 10:27 AM  
**To:** Noah Pyle  
**Subject:** Fwd:

-----Original Message-----

From: greggcaley <greggcaley@aol.com>  
To: greggcaley <greggcaley@aol.com>  
Sent: Tue, Feb 13, 2018 8:44 am  
Subject: Re:

I'm sorry you think I have been defiant in keeping my ice cream stand open. I'm sorry you felt the need to send a snitch to spy on me to see if I was still open and to take pictures of my menu. I'm sorry you would not return my phone calls. I'm sorry you feel the need to call the Sheriff on me, embarrass me and hide behind letters so as to leave a trail in case there is a lawsuit which it looks as though there will be one. I followed your last instructions on how to stay open. Imagine my shock you using the Sheriff showing me that I was wrong.

This could have been resolved with a simple phone call or you coming to discuss this with me or better yet, inspect my business. You evidently don't remember telling me during your last inspection that if I bought a cooler with a turn valve emphasizing that it could not be the push button style that my business would be just fine and stating further that that is the minimal requirements for trailers at festivals, fairs etc. and that I would be ok if I did that. I told you then I do not turn the water back on until Spring and you certainly did not object then but something changed. The **FACT** that you reneged on what you told me was ok and lied telling me it was ok with a turn valve cooler is not my fault. Evidently you have the power to change the rules whenever you feel like it. As far as Kendra and I having an agreement that I **HAD** to be hooked up to City water, that is absolutely false. Yes when her and I discussed what I would be doing for water I told her there was city water but there was absolutely no discussion from her or a promise from me to her that I **HAD** to hook up to the city water or that I would. Was that the intention? Yes but that was waaaaay before what happened **AFTER** I told her that which will be explained below and is the rest of the story which you and your new found best friend, the City of Eureka has never told you.

There is a main water shut off valve up on the hill. From there the water flows down hill to another valve behind my building. There WERE two 4 inch pipes on top of the hill, covering the turn on/off valves that came up out of the ground. The City has a T-wrench to stick down through the pipes to get on the valves to turn them off or on. For ten years the 4 inch pipes were left uncovered and as a result, water and snow running down the pipes rusted and froze the valves. The City made it very clear that those valves are beside what is called a curb stop which according to them (although the town judge, Stormy Langston told me otherwise) is the property owners responsibility. I only rent the property. This is very important to remember. The owner of the property told me when I signed the lease that there was water on the property and technically there was **BUT**, the city could not get it turned on because of the valves being rusted shut. The City water Department head at the time, Roger Butler told me that the valves are the property of the City and that no one is allowed to touch them and if they do, the person can be arrested, thrown in jail and fined as this is also a felony. I asked him how the City can have it both ways. That the curb stop is the property owner's responsibility but yet the property owner cannot touch the valves. The City tried and tried to get the water turned on but had no luck. Then, they had the audacity to say it was the property owner's responsibility to get the water turned on plus remember they had just said if the property owner touches the valves they can be arrested!!!!!! How can it be the property owner's fault that the City can't get their valves turned on? No one including the Mayor or Council people could answer me that. The City wanted to dig a new water line at the cost of \$4,000 to the property owner. I left the property owner out of this for as long as I could. I finally had to tell him what was going on and he told me there was no way he was paying for a new water line when it was the City's fault that **THEY** couldn't get their water turned on. I actually agreed with him (as did Judge Langston) but I'm not a lawyer. Do you even remotely understand or care what I was going through at this point? I went down to my shop on a Saturday and prayed for two hours on what to do. Do I file a lawsuit against the property owner or the City to get me the water? I thought about suing the property owner but my morals and conscience would not allow me to because in my heart I felt the property owner was right. That this was the City's responsibility and I did not have enough money left to pay for a new

water line and it sure as heck wasn't right that I have to be the one to pay for it anyway. I called the property owner back and told him rather than sue him for not putting in a new water line that I had called someone to move the building to my house and that I wouldn't be opening an ice cream stand after all. That should tell you something about me, my truthfulness and my character. I had every right to sue him. Even though I agreed with him that it was the City's fault for not getting the water turned on that was there, he is the property owner and he was the one that told me there was water on the property. Here I should have been opened two weeks ago, I'm the one without the water but yet I am fighting the property owner's battle with the City AND I am also fighting the City at the same time. The City made it VERY clear that a new water line had to be dug. Period. Roger Butler told me that's the way it is and that's the way it's going to be. He also told me he wasn't going to take a chance of turning the valves any more because he feared the valves would break. He told me AGAIN, "It's a new line or your done". Let me pause and ask you if you were in my shoes, what would YOU have done? It gets better.

I let a few days go by. Prayed some more. I finally decided to go talk to Roger Butler one more time. I told him I was going up on the hill where the valves were and that I was going to dig a hole directly down to the valves bypassing the 4 inch pipes coming up out of the ground. I told him you can arrest me or do whatever you want but I need water and since you won't help me and since you are claiming it's the property owner's responsibility to turn YOUR valves on, that's what I am going to do. Eight hours later after digging through nothing but rock and totally destroying my shovel and pretty much destroying a pick ax, I got a hole dug down to the valves. Yes, obviously, the water got turned on BUT, it gets even better if you can believe it. Roger Butler after 4 weeks of trying to get the water turned on and failing, he told me there was a \$150 turn on fee. By the way, do you Jennifer, do you think that maybe, just maybe the City should have been digging the hole that I dug? Of course when I asked them about doing the digging I was told to take a flying you know what. It was exactly two days after the water got turned on I get the not \$150 bill but \$180 bill!! I asked since I dug THEIR hole and since I was the one who basically got the water turned on the least they could do was wave the turn on fee. I even talked to a City councilman and the Mayor about it. Guess how that went over? So then I asked why did you lie to me telling me the turn on bill was \$150 but you charge me \$180? The answer? Because the piddly 4x 4 post the meter is mounted to cost 30 bucks! I asked them what was wrong with the post that was already there and that furthermore if they weren't going to use it, I had a treated post at home they could have used. You think those bastards would even wave the extra \$30? Of course not. Believe it or not, it gets better and this is most important as to why the water gets shut off in the winter.

After ALL of this, and notice he waits until the water is turned on and they get their turn on fee, Roger Butler comes to me and says, "hey by the way, just so you know, "YOU" need to shut the water off before winter so the pipes won't freeze". Notice he said YOU. I had no idea what he was talking about. I asked him why they would freeze. His answer? The hill right behind my building is where there is another tun on valve and from there the pipes run into my building. Roger Butler told me that those pipes weren't buried deep enough and that they would freeze and probably burst. I asked him why it was my fault that the City didn't bury them deep enough so they wouldn't freeze. His answer? "I'm just telling you that if YOU don't have the water shut off and the pipes burst it will cost YOU 5 to 10,000 bucks to have them fixed!!!! He suggested I, did you read that? That I haul some dirt in, make it two feet thick, pack it up against where the pipes are and to call him to inspect it to see if it will be good enough that the pipes won't freeze. I asked if the City would at least pay for the dirt. What do you think his answer was? Once again I not only do the City's work, I pay for it AND, the faucet that was on this pipe needed to be extended so it would stick out past the now extra two feet of dirt I added. I payed for that as well as the city told me they wouldn't pay for that either. So all this time you obviously think I have been defiant, it is the City's fault why the water is turned off not mine but of course they haven't ever told you that have they? By the way, did I add enough dirt so the pipes won't freeze? I honestly don't know because rather than risk the huge bill they told me I would be liable for if the pipes burst, I have (obviously) never taken the chance to keep the water on through the winter to find out. I did what the City TOLD me to do. I shut the water off in the winter time. To bad there is no compassion in your soul for the circumstances the City created and put me through. Again I ask you, what would you have done in my shoes?

Is any of this your fault? Of course not. Yeah I know, you are just enforcing the codes right? Your just out to protect the public right? But as I will prove in a minute, you don't treat everyone fairly or in the same way. I just want to know why you and the City have tried to keep me from opening in the first place and why you and the City have this vendetta against me. I wonder why you harass me. Discriminate against me and why you don't and have never liked me. I wonder why you and the City have so incessantly wanted to shut me down and put me out of business from day one. Not true? Here are examples. There are four, four places that are in the CITY just like me and have access to City water per your letter but you don't make them hook into the City water lines. I was told I HAD to have a restroom. It drove the cost of the building I had built through the roof but by God no one else has to have a restroom do they? Why? Because you and every other Health Inspector in this State let trailers, movable buildings and temporary structures slide if they have permission to use a nearby business's rest room. Do I care? Heck no but it is against "code" that you so want to vehemently enforce on me but not others. I know what the codes say on toilet facilities and water supply and every single coffee building I have ever seen violates the very codes you accuse me of not abiding by. I called three other Health Inspectors and believe me, it was like pulling teeth but every single one of them admitted that they are at least in violation of the toilet codes. The very first time you came to my shop you told me you would not have allowed me to open had you been in charge instead of Kendra because of my floors. Out of respect to you and because I wanted desperately to get along with you, play by the rules, show good faith and even though you didn't tell me to, I spent two days Jennifer, two days on my hands and knees

filling in the grooves you didn't like. When you were at my shop the last time, you pretty much accused me of lying to you on two things neither of which were true. You didn't like where my gloves were and said, "when I see gloves in a place like that, it makes me think they aren't being used". I understand that but just because you think something, that doesn't make it true or factual plus you were wrong. I do wear the gloves. Then you asked me THREE times if the coverings I had on the top of two of my freezers to keep them from getting scratches on them or banged up were being used for "preparation". You also didn't like the duct tape holding them in place. By asking me three times that pretty much says you didn't believe me when I told you no the freezers are not being used for preparation. Then you moved on for the second time in two years complaining that I don't use cone holders even though the cones come in a wrapped box that even you admitted pass code. You were upset that I don't buy the cones that are wrapped because everyone else does (although that is not true) as if that's any of your business but I politely told you wrapped cones cost 25 bucks more per box and again your look said I was a liar. Plus, if you knew anything about dipping ice cream you would know that those "jacketed cones" don't protect your entire hand from touching part of the cone. Ut oh, when that happens the cones are obviously no good now as they have been contaminated. By the standards you impose on me, they should be thrown out, you should write them threatening letters, withhold their retail license and send the notice via the Sheriff to let them and the City know they will have an injunction put against them and that they will be fined and shut down!! Outrageous. Amazing Jennifer, that my gloves actually protect the cone better than the one's that are wrapped but you would never accept that or admit it would you? Then you didn't like that I weigh my cones and asked me why I do that. Again if that's any of your business. You stated I "was the only one you knew of who does that". So what. I told you it keeps my costs down and so that there is consistency. I told you when sister Johnny and Sally get an ice cream cone one won't get mad at the other thinking one or the other's cone has more ice cream in it and believe me that happens. You looked at me like I was stupid but I would make a very strong case that it's the people who don't weigh their cones as being the stupid one's. By the way, just for your information, every Dairy Queen I have ever been in weighs their ice cream including cones, banana splits, parfaits and sundaes!! Then you told me you were worried about there not being a barrier between the scale and the ice cream cone which I clearly showed you there is a barrier and I showed you how I put the barrier in place. Again, out of respect for you and to try and show you good faith and even though you didn't tell me to, I bought new covers for the freezers AND I got rid of the duct tape to hold them in place. The gloves? I built a special holder for them and put them in a way more accessible place. I bought a clorox cleaner to make sure I was getting the scale, table etc. sanitized correctly but I will admit I don't know if it's good enough or not. I did the best I could. It says on the label it kills 99.999% of germs. I have bent over backwards to try and respect you and to meet codes that no one else has to obey but you surely don't respond or treat me in kind. I have been to the Exxon station at Four Corners. Bought an ice cream cone and guess where they sat it down? On top of the counter with NO barrier!! Sweet Peaks in Kallispell and Whitefish the same thing. My point is, it's absolutely one thousand per cent impossible to follow the "code" each and every single time and you know it. Do you know how many restaurants I have been to in Eureka where the silverware is wrapped in napkins and the napkins don't cover the entire fork, spoon or whatever and that fork or spoon touches the table or counter top? Would that be a violation? Would that silverware be contaminated? The way you have graded me of course it would be. Shut'em down by God. Send the Sheriff and make sure all the customers see him and tell the City Town Hall all about it so they can spread the word and their business can be destroyed like mine. Three times a season in addition to mopping my floor all the time I get on my hands and knees with a brush and bucket of lysol and scrub my floors. The places you pass, Vons hamburgers and Valley Pizza to name two are a dirty rotten absolute filthy mess but they don't seem to get threatening letters and harassed. They don't get discriminated against. They don't get shut down. I don't go to either of those places any more they are so filthy. Soiled dirty rotten carpet and all. And don't even get me started how many times I have seen dogs in restaurants and no they aren't service dogs either. Talk about a reason to shut someone down. Talk about breaking codes. The time before last you didn't like my wash cloths. Told me to buy new one's. I told you the one's you were looking at were already pretty new. Again your look to me was that this time I HAD to be lying. I told you that's how much the "approved" water sucks in Eureka. I told you Dorothy next door refuses to drink the water and she only uses the City water to water her plants. I took you to my restroom and showed you my toilet and told you I had just thoroughly cleaned it two days ago but it looked like it had been a year. Then I got busy with a customer and you Jennifer, went to get some water and mentioned how you could not believe the quality of it. You thought it was so bad that you told me you were going mention it to the City which I would bet my life you never did did you? At least I felt some vindication on this point that you knew I wasn't lying about this one. And by the way, per your request, I kissed your butt again and went out and bought new wash cloths. The last time you showed up I showed you how I washed my hands and everything was ok until I grabbed the gallon jug to rinse my hands and you told me I just contaminated my washed hands. I put all of three fingers on that jug but that sure was a gotcha moment wasn't it? Even though I showed you after grabbing the jug I went over to put a glove on so even IF my three fingers were contaminated weren't they protected by the glove? Apparently not and I have a question. When you wash your hands using the "approved" sink, don't your hands get contaminated all over again when you put your hands or fingers on the faucet handles to shut the water off? I find it amazing the water I was bringing in meets every code you can think of. Federal standards too and you told me that was good enough. AND even then as I showed you, I sterilized the water that meets every standard and code on the planet with Stera Sheen. It's even food safe!! Then unbeknownst to you, I started bringing in water from an approved source and still sterilized it with Stera Sheen!!! I eat my own ice cream every single day. You act as if I don't care if my ice cream and everything else is contaminated or poisoned. Do you really think I am going to take a chance on sanitation? All it would take is one screw up

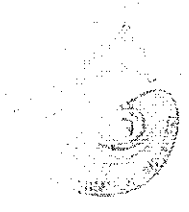
and I would be done in this town. My business would never recover from someone getting sick. All I want is to be treated like everyone else and I'm not. I'm not asking for special treatment. In fact I told you several, several times I want to play by the rules but the rules are way different for me than for everyone else not to mention you keep changing the rules. I often wonder how everyone else passes inspection but I don't.

Now to the real issue here. The water. If you or your snitch had bothered to and had the decency to actually come inside my business to settle this issue with civility, respect or gee, maybe a phone call instead of sending the Sheriff and hiding behind gutless threatening letters and not returning my phone calls, you would have found out I am in full compliance with every water code you can dig up. My water is from an "**APPROVED**" source per your own letter. Yes it's pressurized, to every faucet and sink. Yes it will run for 15 seconds straight. Yes it meets the per gallon requirement. Yes it's hot enough to meet code just like before. Yes unlike everyone else you pass and let slide against code, it even goes to my toilet. My building is "temporary" and "movable" just like everyone else's. Three other Health Inspectors in this State assured me and believe me, I grilled the daylights out of them, that my system is just fine. Again Jennifer, out of respect for you, I one upped you when you told me that if I got a cooler with a turn valve that that would be ok, I even went out and got a whole new system!! On top of everything else, do you realize how much water I even use in a month? Even in the summer it's ridiculously low. Yeah if you think I'm lying about that too I'll be more than happy to show you my water bills.

Finally, your comment about me violating the law by having no retail license and that you are prepared to get an injunction and fine me is outrageous and just wrong. Of course I have no license. You kept it even though you had no right to and you cashed my check. I am a very forgiving person. You owe me one huge apology which I will accept. Truthfully? I am very sad not that you care. Because of your pride, your vendetta and prejudice against me and not being able to admit you are wrong, this will come down to a law suit. I can't even begin to tell you how upset my stomach has been and how much sleep I have lost because of the unethical person you are. You and the City have already cost me money because of the negative publicity. It's a small town in case you haven't noticed. You two have made it very clear that you are hell bent on putting me out of business even though I have complied with every code and have done everything and way more than you have asked me for and had you stopped in, you would have found this out for yourself. How sad. This has gotten ridiculous. This is incredibly immature.

I wonder, truly, how you sleep with a clear conscience. My business meets code and I will not shut it down. Send me my retail license. You have absolutely no right withholding it. If you want to come and inspect my business fine, but I prefer someone other than you if possible. I will treat anyone who comes to my business including you with respect even though you don't even come close to deserving it.

Gregg Caley



IR:PSRCL00;EXIT;IR:MTYP99;EXIT;IR:spz6;stm0;exit;

April 4, 2018

Hello Gregg,

This letter is my response to the e-mail I received from you sent Friday, March 30, 2018. During Kathi's and my visit on Friday, March 23, we talked about the need to sanitize the water system on occasion, and using your water purchase receipts to determine water usage, in addition to maintaining a minimum of 40 gallons of water in the premises for cleaning and sanitation purposes. Kathi specifically told you, at least twice, that after having inspected your water system we would discuss the system and provide you with our expectations to permit you to use the alternative water system long term. We are not telling you how much water to use, we are trying to determine what your water needs are to operate your business in a safe and sanitary fashion. We are telling you that you need to sanitize every three months, or four times a year based off recommendations that RV owners should sanitize twice a year. They are not operating a retail food business as you are, so four times a year is reasonable. As you said yourself when we discussed it in your shop, it is easy to do.

The burden of proof is yours to show that you can operate a sanitary and safe food establishment using the alternative water system. As the regulatory agency that approves your retail food license, we do have the authority to establish the parameters to measure and determine sufficient water usage; parameters that were developed in conjunction with the staff at DPHHS/FCSS in Helena. You do not have to agree with the terms, but you do have to abide by them if you wish to use the alternative water system. You will find the authority for these terms in MCA 37.110.272 which references Chapter 8 of the 2013 FDA Model Food Code, specifically section 8-1, Compliance and Enforcement.

In addition to meeting the terms of the waiver, you will be required to certify as a food protection manager. This is a requirement that went into effect in 2015 with the adoption of the FDA Model Food Code, the year you opened your business. You can find the requirement in MCA 37.110.262 which references Chapter 2, section 102.12 of the code. Your business does not meet the exemption guidance provided by the state to sanitarians in 2016 (attached). I was mistaken to have told you otherwise when I did the annual inspection of your business in 2015. The state has confirmed that a food protection manager is required for your business.

I brought copies of the inspections reports you requested when we came to inspect the water system, however I forgot to give them to you before we left. You were given copies of your inspections at the time you were inspected except for the last inspection which I did not issue to you. I decided that based on the information regarding the unapproved water source that it was invalid, and I reissued it. I have enclosed the copies of the pre-opening inspection and years 2015, 2016 and the reissued 2017 inspection with this letter. We do not have a copy of the plan review. Either you did not submit one or it was lost when Kendra retired and her office was cleaned out. We do have documentation that she sent you the paperwork for the review plan from the email she placed in your folder. Please provide us with a copy of it if you have one. I have also included a copy of your Retail Food License Application that Kendra approved with use of the public water system clearly marked, and the copies of the service documents with this letter.

In closing, you have the following choices regarding your business- a.) you can accept the conditions laid out in the waiver dated 3/29/2018 and work with us to establish the validity of the system and your plan to operate in a safe and sanitary manner, b.) you can reconnect to the municipal water system, or c.) you can close your business.

You may appeal the conditions of your waiver to the Lincoln County Board of Health. They will meet on April 11, 2018. An appeal does not release you from the conditions of the waiver. You will need to meet the conditions prior to the meeting and while the appeal is under consideration, until a determination has been made. Contact Noah Pyle at 283-2446 no later than Friday, April 6<sup>th</sup> if you would like to be on the agenda for the April meeting.

Whatever action you decide to take, we will continue to work with you to protect public health and in compliance with the rules of the State of Montana.

Sincerely,

Jennifer Nelson, R.S.

IR:PSRC100;EXIT;IR:IMTY99;EXIT;IR:SPSZ6;STM0;EXIT;



## Noah Pyle

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**From:** gregg caley <greggcaley@yahoo.com>  
**Sent:** Friday, April 06, 2018 10:30 AM  
**To:** Noah Pyle  
**Subject:** Fw: Water system waiver

On Thursday, April 5, 2018 11:32 PM, gregg caley <greggcaley@yahoo.com> wrote:

Some of the things you stated are outright lies and you and Kathi both know it. Receipts were absolutely one hundred per cent never discussed and had they been discussed I would have strongly objected and never agreed to it and you know it. I have talked to three other businesses that do not have to do what you are telling me to do. Why is that? This is why I wanted to know when you were coming to visit me so I could have a witness as to what would be said. I in fact stated right before you left that "if all I need to do is have 40 gallons of water on hand then I am thrilled with that". Then we all shook hands and I mistakenly thought we had a deal. I did say that it is not hard to sanitize but I absolutely NEVER agreed to do it 4 times a year nor was that EVER discussed. Part of your revenge is to make me sanitize four times a year so it will cost me more to buy water and you know it. Even by YOUR guidelines you sent and using your own words to follow this procedure I refer you to where it says, every six months but you now demand that I do it 4 times a year not once or twice. Why do I need to sanitize that much anyways? Because I run a food establishment you say? Why does that matter? No one else that has a food establishment that has the same or similar system as me has to sanitize that many times a year. In fact, they told me they sanitized once when you came to inspect them and it has never been done again!! Since you told me to follow the guidelines of what you sent, I'll take it that that's ok. Reminds me of in October when you told me to get the cooler with the turn valve and not the push button type for my water and that you would be fine with that and then call the Sheriff on me telling me to close or that you would file an injection against me, fine me for every day I remained opened and then close me down because you decided to just change the rules of what you yourself ok'd!! Kathi never said you would go back and "discuss" what expectations there would be to allow me to operate long term. She obviously thought it has been ok for about two months now. By the way, is that not long enough to qualify as "long term"? What a joke. What was discussed was the 40 gallon minimum right before you both walked out the door. That's it. YOU Jennifer even said, I had to have the 40 gallon minimum and the only thing Kathi said was, "let me check on **THAT** before we write it up". You now saying Kathi told me at least twice that there was more to come other than the 40 gallon minimum is an outright lie and you know it. She thought the system was just fine two months ago and Mike Cole, you and everyone else know that if it wasn't ok she would have shut me down on the spot or for sure the next day. She never said anything about more rules to come then either. She did say "I'll do some more research" and that consisted of the ten times a day washing my hands and the 1.1 gallons of water to do it. Why didn't you come up with all these newest stipulations then? You only had six or seven weeks to do it. You didn't do it then because you weren't as mad as you are now.

You not telling me how much water to use is another outright lie. Go back and read your very own letter. At the end YOU TELL me that if you decide my water usage is an "unreasonably low amount of water" you have the "right" and "responsibility" to MAKE me go back on the City of Eureka water. Oh sure, you didn't say I need to use x amount of gallons. You were smart in the way you worded it by saying "unreasonably low usage". Who determines what gallon amount constitutes low usage? Well of course it's you!!! Then when I don't meet what YOUR opinion is of what constitutes low usage, you can shut me down. Telling me you are trying to determine what my water needs are to "operate your business in a safe and sanitary fashion" is another lie. What criteria are you using to determine my water needs? The customer determines how much water I use not me you or anyone else. No customers no water usage. Pretty simple formula isn't it? I told you how much water I use and even offered you at least twice to come work for a day at my shop to see for yourself but apparently my word on how much water I use is not good enough. I could use ten million gallons of water a day but if YOU deem that is low usage it's back on the city water isn't it? Providing you with documentation of my water usage every day and providing you receipts is not going to prove anything as far as showing if I'm using enough water or not. How can anyone possibly know how much water I need to use to make my business safe? How much water usage have you deemed to be enough or safe enough for other businesses? Bet I got ya there don't I? You or no one else knows how many times I need to wash my hands. I'll go back to your other argument when you said I needed to wash my hands a MINIMUM of ten times a day. You never did answer that letter on what you based that on or how you came up with such a ridiculous amount because as I stated, what if I don't have any customers for four hours? What am I suppose to do, wash my hands 5 times during that time so I can satisfy Jennifer that because she says I need to wash them that many times that means I have to do as she says?

Your making an issue of my new system but I'm sure you would agree it's a helluva lot better than the turn valve cooler you ok'd and then rejected in October when you then called the Sheriff on me. You talk about the burden of proof. Kathi thought the system was just fine to let me operate for what, 5 weeks before you both came two weeks ago for a total of around 7 weeks? My system is better than the gravity systems that have been ok'd all over the State of Montana aren't they? The truth is, you want me to document my water usage so that when it doesn't meet what YOU deem is high enough usage, you can shut me down and that by providing you with receipts it will show you I am actually buying the water and it will back up that I am only using let's say 2 gallons a week and then you can fall back on, "well Gregg, that's an unreasonable amount of low usage in our book so it looks like you have to go back on the city water". Any idiot can see through that. And by the way, per your letter stating, if I am using an "unreasonably low amount of water", what the heck is making me go back on the city water going to do to make a difference? This is so laughable. Like if I am made to go back on the city water, my usage is going to go from using 2 gallons of water on my alternative system to 500 gallons on the city water. Seriously, do I need to show any more proof to the Commissioners or the Health Board that your real motive unlike the lie you and Kathi are spreading is that hell or high water you are bent on getting me back on the city water? You are now getting your revenge by making me take the food course, making me show receipts and documenting how much water I use every day with the date written down because you know you are wrong. Saying you misspoke about the food course is another lie. Your mad as hell that you haven't been able to force me to go back on city water but you keep coming up with these ridiculous no common sense or logic reasons to keep fighting me to make me go back on the city water. Washing my hands a minimum of ten times a day, using 1.1 gallons of water each time I do so is ridiculous like everyone has a meter on their faucet to even measure how much water they are using to wash their hands. This is proof you want me gone.

As far as the burden of proof being on me, I can handle that and agree with that. But you act like I have had people complaining that my place isn't safe. You act like I haven't been doing this for three years already starting my fourth. Perhaps your biggest lie is when you said right before you left is, "we're here to help you Gregg, to STAY in business. To help your business. You have done a wonderful job with what you have done with this lot and what you are doing for the community". That statement almost made me throw up because all you have done is to try and put me out of business and you know it. I have way more than "**PROVED**" my business is safe and sanitary and you know it. You and Kathi both admitted that my place "was very clean, very organized".

You still per my other letters don't treat me fairly. No other business has to document their water usage and provide receipts and they use ten times the water I use. I don't even use my water for public consumption like they ALL do!! The only water I even use at all is to sanitize my ice cream machine and wash a few dishes ONLY WHEN I make ice cream which in the summer is once a week and not at all in the winter!! I use a lousy spray bottle to squirt some water on the counters to sanitize and this is ridiculously low because again if I have no customers I don't need to sanitize much. The one thing I am shocked at is that you haven't tried to shut me down because you say I don't use the restroom enough which by the way, you still have never answered me why no one else has to have a restroom or toilet facilities. Talk about violating codes. So do I have to go ten times a day to satisfy you on that like the ten times a day I am suppose to wash my hands? You think I'm being smart here but look at what you have used for excuses to shut me down. Ten times a day washing my hands? Seriously? Do I have to provide receipts to show you what I buy for the rest of my business?

There is absolutely **NOTHING** in the code or chapter 8 you quote that says I need to document my water usage every day and by date and provide receipts showing how much and when I buy water. **ABSOLUTELY NOTHING!!** The code does mention the 40 gallons which I have already bought. As far as saying these parameters were developed with the State in Helena, you are trying to make it sound as if that makes the parameters official and enforceable when in fact it does not. This also and again proves you make up rules to satisfy whatever you decide to come up with. Ed and Christine from the State both told me they cannot make up the rules. They told me they can make suggestions but they have to go by what the code and law says as well. All along your original complaint was my water is not safe or from an approved source. Period. Look at what this has morphed into. Any reasonable person, judge or court with common sense and logic can go back and read every correspondence we have ever had and see what the truth is. That you don't and have never liked me, that you change the rules, make up the rules as you see fit, that you don't enforce the codes fairly (Toilets), that your main goal is to make me go back on the city water, put me out of business and just make my business and my life a miserable hell. This has absolutely nothing to do with making my business safe. If it wasn't safe you would have shut me down a long time ago. The sad thing is I have no idea why you treat me like this. My lawyer has no doubt that any court would agree that you have tried to put me out of business, that I have satisfied any and all doubt about my sanitary methods, that my water is safe and from an approved source, has satisfied all codes, and that you treat me far differently and unfairly from everyone else. Not to mention ALL the customers that will testify that they heard I had been shut down by you and the City because my business was unsanitary and how you have practically destroyed what's left of my business. I can prove that since this all started in December my business is off over 40%.

Since you have stated that you can make me go on city water if you deem my water usage is unreasonably low and that I HAVE to abide by that to use my alternative water system which you have never defined either, what constitutes an alternative water system, then you should be made to say exactly how many gallons of water you deem to be sufficient

and site the code to back you up. I will do what you tell me to when you make everyone else do the exact same thing.

Gregg

On Thursday, April 5, 2018 8:35 AM, Jennifer Nelson <jnelson@libby.org> wrote:

Hello Gregg,

Please see the attached documents in response to your e-mail below.

Jennifer A. Nelson, R.S.  
Lincoln County Environmental Health  
(406)283-2441

-----Original Message-----

From: gregg caley [mailto:[greggcaley@yahoo.com](mailto:greggcaley@yahoo.com)]  
Sent: Friday, March 30, 2018 10:23 PM  
To: Jennifer Nelson <[jnelson@libby.org](mailto:jnelson@libby.org)>  
Cc: [townofeureka@interbel.net](mailto:townofeureka@interbel.net); Mike Cole <[mcole@libby.org](mailto:mcole@libby.org)>  
Subject: Re: Water system waiver

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On Thu, 3/29/18, Jennifer Nelson <[jnelson@libby.org](mailto:jnelson@libby.org)> wrote:

Subject: Water system waiver  
To: "gregg caley" <[greggcaley@yahoo.com](mailto:greggcaley@yahoo.com)>  
Cc: "Town of Eureka" <[townofeureka@interbel.net](mailto:townofeureka@interbel.net)>, "Mike Cole" <[mcole@libby.org](mailto:mcole@libby.org)>  
Date: Thursday, March 29, 2018, 12:21 PM

Can you give me the code or law that says you have the right to tell me how much water to use, how many times I need to sanitize and that I have to provide you receipts. I emailed Kathi to send me my site plan and all of my grades for my business including the one I never got for last year. Please stop ignoring this request and send me the copies. I would also like a copy of the letter you gave to the Sheriff that was delivered by him to me in January. Do other businesses have to document their water usage and keep their receipts to show you how much water they have bought? Finally, you tell me to follow the sanitation of my water system per the copy you sent me for rv's which clearly states to sanitize once every six months but yet you want me to sanitize every three months. Why? You and Kathi clearly told me when you were at my business last Friday that as long as I kept 40 gallons of water in my business at all times that was good enough. I clearly stated if that was all you need I was fine with that. Then both of you had the audacity to want to shake my hand. I was skeptical and didn't really want to shake either of your hands because I didn't trust you but thought maybe, just maybe we had started a new page. I should have stuck with my gut knowing you would stab me in the back but one more time. It never ceases to amaze me how you can change the rules whenever you want. You

are still bent on putting me on city water and putting me out of business. You have no idea how much water I use and I have even invited you to come to my business and work for a day to see how little water I use but somehow you get to be judge jury and executioner that if I don't use what you deem to be enough water you can just arbitrarily shut me down. Outrageous. Happy Easter you say? What a sick joke.

Gregg

Hi Gregg,

Please see the new waiver attached. If you have questions, please give me a call.

Happy Easter,

Jennifer A. Nelson,  
R.S.  
Lincoln County  
Environmental Health  
(406)283-2441

## Noah Pyle

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**From:** gregg caley <greggcaley@yahoo.com>  
**Sent:** Friday, April 06, 2018 10:38 AM  
**To:** Noah Pyle  
**Subject:** Fw: G's Ice Cream Waiver for operation of alternative water system

On Monday, March 19, 2018 5:55 AM, gregg caley <greggcaley@yahoo.com> wrote:

On Monday, March 12, 2018 10:14 PM, gregg caley <greggcaley@yahoo.com> wrote:

By the way, how do you determine how many times I need to wash my hands? You say a minimum of ten times. How do you determine that? Wouldn't you have to see how much business I am doing to know how many times I need to wash my hands? What happens when I don't have any customers for four hours (it happens) when I'm only there for maybe 7? Are you telling me you can MAKE me wash my hands 5,6, 7 times during that four hours so that will put me over the limit as to be in violation of my water capacity? Seriously? Your hanging your hat on that? And I had no idea you HAVE to use 1.1 gallons to wash your hands properly. Can you give me the code for that please? And do you stand over every person who has a business and watch them every single time they wash their hands to make sure they are using exactly 1.1 gallons of water. And if they use 1.0 gallons are you going to shut them down like you are me? So even if I do use that much, what, am I not allowed to fill my water tank up until it runs dry? That's what you are saying based on my capacity of 11 gallons which by the way is 12 gallons. If you count what's in the lines it's probably at least 14 or more. You are saying I would not have enough water if I washed my hands ten times a day and maybe that's true but you are assuming very wrongly I might add that the water tank NEVER gets filled up in between each hand washing. That's a pretty stupid argument don't you think? Why do I even have to wash my hands when I have the gloves? I do but why do you have to wash them if you are using the gloves? And by the way, after you have washed your hands aren't they getting all contaminated again by grabbing the glove and putting them on? The alternative system per Christine is approved when done by a STATE LICENSED plumber by the way. How else is the state going to approve it if it's not done by a state licensed plumber? Someone from the Federal Government? Once again you have changed the rules. You tell me for THREE years I can't sanitize with water and now you tell me I don't have enough water capacity to sanitize with water!! Which is it? And is there a law that says my original site plan can't be changed because if there is I want to see the proof. What happens if someone moves their building? You going to tell me they have to stick with what their original site plan said? I don't believe that if you say yes. I want proof. This better get resolved this week because I'm sick of being bullied and you changing the rules every time we talk or you visit my business. I have done everything you have asked me to do only to have you change the rules so you can "get me on that one". You and the town of Eureka have constantly looked for ways to put me out of business and I've had it. You treat me way different than everyone else. I'm tired of my customers asking me why my business has been shut down. Do you know how much money I lost today because I can't make ice cream cakes? And for what reason? It sure as hell isn't because my water isn't safe is it? Kathi was at my place three weeks ago and she knows damn good and well you could have eaten off my floors. I'm tired of having my stomach in knots because you constantly change the rules. You were going to inspect me weeks ago and the reason you haven't is because if you do and it passes you can't make me go back on the city water so you keep putting the inspection off getting me closer and closer to April 1st so then I have no choice but to go back on the city. There is no way I could ever get a fair inspection from you and you know it. I will be looking for ways to make sure you never step foot in my business (what's left of it) again.

On Monday, March 12, 2018 3:26 PM, Jennifer Nelson <jnelson@libby.org> wrote:

Hello Gregg,

Yes, the restrictions on your 2018 license are the same restrictions that Kathi discussed with you at length over the phone last month, and which you received by email at that time. The restrictions on your license were developed through discussions that Kathi and I had on the following factors:

- 1.) You are operating outside of your approved plan review and license which was developed and issued by the state as a retail food establishment (for which Lincoln County acts as the agent).
- 2.) You installed an alternative water system without approval of the state (for which Lincoln County acts as the agent).
- 3.) The Federal Food Code states in 5-103.11(a) The water source and system shall be of sufficient capacity to meet the peak water demands of the Food Establishment.
  - a. The alternative system does not meet the capacity requirements of a stationary food establishment which is what you have been licensed for since you opened. It also doesn't meet the capacity requirements of a mobile food establishment (which you are not). This is based on your water usage from the city records.
  - b. The capacity of your alternative system does not allow for proper sanitation. Your system pumps 3.3 gals per minute. If you are properly washing your hands, you will use 1.1 gals of water at each washing. Based on the information that you gave us, you have approximately 11 gals of water at any given time in your system. That would allow for 10 hand washings, but no other type of cleaning or sanitizing, or toilet flushing. This is the absolute minimum amount of handwashing that might occur during the low season. When you are busy during the warmer months your cleaning and handwashing would be expected to be much, much more frequent. This is also why making of ice cream is not allowed while you are using the alternate system.
- 4.) The restrictions allow you to keep operating until which time Kathi and I will inspect your system to deem if it is sufficient to keep you operating during the winter months.

Jennifer A. Nelson, R.S.  
Lincoln County Environmental Health  
(406)283-2441

**From:** gregg caley [mailto:greggcaley@yahoo.com]  
**Sent:** Monday, March 12, 2018 2:11 AM  
**To:** Jennifer Nelson <jnelson@libby.org>  
**Subject:** Re: G's Ice Cream Waiver for operation of alternative water system

Can you tell me why there are restrictions and what the restrictions are based on?  
Gregg

On Thursday, February 15, 2018 4:46 PM, Jennifer Nelson <jnelson@libby.org> wrote:

Hello Gregg,

Please find attached a copy of the waiver from our office allowing you to use the pressurized water system you installed this week.

Because your license was issued with the previously discussed conditions I have asked the state to reissue the license with the new conditions.

You may continue your operations while we await the reissued license. I will call or email you in a couple of weeks to arrange a date to come up and inspect the newly installed system.

Jennifer A. Nelson, R.S.  
Lincoln County Environmental Health  
(406)283-2441

## Noah Pyle

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**From:** greggcaley@aol.com  
**Sent:** Friday, April 06, 2018 10:40 AM  
**To:** Noah Pyle  
**Subject:** Fwd: G's Ice Cream Waiver for operation of alternative water system

-----Original Message-----

From: gregg caley <greggcaley@yahoo.com>  
To: gregg caley <greggcaley@aol.com>  
Sent: Wed, Mar 14, 2018 6:32 am  
Subject: Fw: G's Ice Cream Waiver for operation of alternative water system

On Monday, March 12, 2018 7:00 PM, gregg caley <[greggcaley@yahoo.com](mailto:greggcaley@yahoo.com)> wrote:

You information is totally incorrect. What the city records don't show is that 95% of the water used is for watering my grass and the flowers. That's a really cheap shot thinking every drop of water per the city water records was used ONLY for sanitizing etc. I suggest you come work with me for one day and you'll see for yourself how ridiculous the amount of water I use in my business. I even have a scoop in every tub to hold down the water usage. You use the city records to play gotcha for sanitizing but yet you have no clue, not even an ounce of what the water I use is even used for.

2. The approved plan has nothing to do with the code you sight. The code clearly says the water shall be from an approved source. That HAS ALWAYS been your complaint. That my water was not approved and not safe. It is now and I even had it tested at the Lab. This is such a technicality and besides, it's amazing after my last letter to you and Kathi you can find absolutely no sympathy that after my site was approved using city water, that I can't be given one lousy break because of what I found out AFTER per my letter to you guys of what I went through with the city. As I told Kathi when she was here two weeks ago and in my letter to you guys that had I known I was going to have the problems I have had with the city water BEFORE, BEFORE my plan was approved, I know Kendra would have let me use the system I now have and you both know it too. You sure don't mind giving other people a pass on not hooking into the city water's system though or looking the other way when it comes to their toilet facilities. Why do other people get a break and I get crucified for one lousy what you both know is a technicality. Isn't the main goal safe water? And you know what else? My water for the love of God isn't even consumed for drinking like everyone else's!!!

3. I talked to 4 other "State Health Inspectors" and they sure have no problems with what was done with the "alternate system". Every single one of them said they would have approved what was done as long as it was done by a Licensed Plumber which you both know was.

4. My system easily meets the peak demands. This one is almost laughable as when Kathi was here about two weeks ago I told her I use maybe, maybe a gallon of water a week. If the system I have isn't good enough to be approved by the State, why wasn't I shut down when she was here? This one is also ridiculous because as soon as I wash my hands you assume I can't and don't refill the tank until it's empty. I refill it as soon as I use two cups worth of water. As far as sanitizing goes, you have told me every time you have been here that I shouldn't be sanitizing with water anyway! You told me I should be using a bleach cleaner of some type so I went out per my letter to you and Kathi and bought clorox so I don't hardly even use any water for sanitizing. My usage as I told Kathi two weeks ago might, might go up by one gallon a week in what you call the peak season. Also, who says what constitutes peak demand, when that peak demand is and who says what that capacity is suppose to be? What is the gallon amount suppose to be? If that's your problem, fine, tell me how big of a tank I'm suppose to have and I'll have it installed not that I need it.

5. I'm glad you brought up the toilet, you know, the one you and every other state inspector doesn't make everyone else have like you do me. Sure, I know how you and every state inspector have all allowed people to use other business's toilet facilities if they have that agreement with them but that's not what the CODE says is allowed. The code clearly states everyone is to have their own toilet facility of some kind. When I pressed EVERY one of the four other inspectors on this, they agreed if any coffee kiosk anywhere in the state doesn't have their own toilet, rather it be a rent a jon or what then it is NOT meeting code. You going to make all of the other business's in Eureka get their own toilet? I'll be watching. I will also be watching to see if you make them hook up to the city water system like you are making me do. They are in the city



and they have access. If you use the excuse their plan was approved without hooking up to the city then why was it approved that way? And they sure as heck aren't a mobile establishment like I'm sure THEIR plan was approved. The one has been in the exact same spot for 15 years that I know of! And that "mobile trailer" up by the old car wash, the one that is supposed to be moved what, every 45 days? Well he's been there without moving for at least 6 months. You going to make him move? By the way, I don't even use the toilet. It's a total waste even having it in the building but I'm sure if I took it out you would shut me down for that too wouldn't you but everyone else gets away without having one.

Finally, the conversation Kathi and I had on the phone was left this way. She said MAYBE what we'll do is let you use your new system in the winter and make you go back on the city in the summer. I said, if it's good enough in the winter, why is not good enough in the summer? Her response? "Well, let me work on one thing at a time for right now". We hung up and at the end of the day I get stabbed in the back with what I have now. Restrictions. Then when she was here, why didn't she say then that my new system wouldn't pass? She had all the info then from the plumber. In fact what she did say is, "let me do some more research". Translation? Let me see if Jennifer and I can find some new ways we can put you out of business. There is no reason I can't be making ice cream right now. Not one. My water is safe. I don't even use water to make ice cream anyway!!!!!!!!!!!! And by the way, as I told her, this is all about you acting as an agent to get revenue for the town of Eureka with you sending copies to the town Hall all the time. This is absolutely none of their business and I wonder why they don't care that they aren't getting their money from everyone else too. It has NOTHING to do with my water being safe which is the original beef you had and have always had. Now that you know the water is safe you are moving on trying to find this and that wrong. If you and Kathi thought for a minute my water wasn't safe and that my sanitizing methods were wrong she would have shut me down in a heart beat when she was here two or three weeks ago and you both know it. That proves this isn't about safe water or sanitizing practices. I was told by Christine that it's the Health Department that makes the call who gets to open a retail establishment, not the city or town so why do you continue to keep them informed if this is not about money? I have the names, addresses and phone numbers of people to contact who will testify that they do not come to my business any more because they heard I was unsanitary and that I had been shut down by the Health Department and The City. I have lost tons of money not to mention you guys have destroyed my reputation. For what? To pursue your vendetta? To continue to discriminate against me? To put me out of business? One thing sure is factual. My water is safe and you never showed up when you said you would to inspect me.

On Monday, March 12, 2018 3:26 PM, Jennifer Nelson <[jnelson@libby.org](mailto:jnelson@libby.org)> wrote:

Hello Gregg,

Yes, the restrictions on your 2018 license are the same restrictions that Kathi discussed with you at length over the phone last month, and which you received by email at that time. The restrictions on your license were developed through discussions that Kathi and I had on the following factors:

- 1.) You are operating outside of your approved plan review and license which was developed and issued by the state as a retail food establishment (for which Lincoln County acts as the agent).
- 2.) You installed an alternative water system without approval of the state (for which Lincoln County acts as the agent).
- 3.) The Federal Food Code states in 5-103.11(a) The water source and system shall be of sufficient capacity to meet the peak water demands of the Food Establishment.
  - a. The alternative system does not meet the capacity requirements of a stationary food establishment which is what you have been licensed for since you opened. It also doesn't meet the capacity requirements of a mobile food establishment (which you are not). This is based on your water usage from the city records.
  - b. The capacity of your alternative system does not allow for proper sanitation. Your system pumps 3.3 gals per minute. If you are properly washing your hands, you will use 1.1 gals of water at each washing. Based on the information that you gave us, you have approximately 11 gals of water at any given time in your system. That would allow for 10 hand washings, but no other type of cleaning or sanitizing, or toilet flushing. This is the absolute minimum amount of handwashing that might occur during the low season. When you are busy during the warmer months your

cleaning and handwashing would be expected to be much, much more frequent. This is also why making of ice cream is not allowed while you are using the alternate system.

4.) The restrictions allow you to keep operating until which time Kathi and I will inspect your system to deem if it is sufficient to keep you operating during the winter months.

Jennifer A. Nelson, R.S.  
Lincoln County Environmental Health  
(406)283-2441

**From:** gregg caley [<mailto:greggcaley@yahoo.com>]  
**Sent:** Monday, March 12, 2018 2:11 AM  
**To:** Jennifer Nelson <[jnelson@libby.org](mailto:jnelson@libby.org)>  
**Subject:** Re: G's Ice Cream Waiver for operation of alternative water system

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Hello Gregg,

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Because your license was issued with the previously discussed conditions I have asked the state to reissue the license with the new conditions.  
You may continue your operations while we await the reissued license. I will call or email you in a couple of weeks to arrange a date to come up and inspect the newly installed system.

Jennifer A. Nelson, R.S.  
Lincoln County Environmental Health  
(406)283-2441



**Waiver for G's Ice Cream, 501 Dewey Ave, Eureka, MT 59917      3/29/2018**

This waiver allows G's Ice Cream to utilize the pressurized water system installed by licensed plumber Michael Stramer of Stramer and Son Plumbing in Eureka in February 2018.

The following stipulations apply:

- 40 gals of bottled water must be on hand during operations for cleaning and sanitation purposes.
- Water must come from a licensed water wholesaler with a label and expiration date on each bottle.
- Water bottles must have an intact, sealed cap until used.
- Receipts for bottled water purchases must be kept on site and made available to the health inspector.
- Operator must maintain records of water usage by date and make them available to the health inspector.
- Water system will be sanitized at a minimum of once every three (3) months using the attached recommended procedure for RV tank sanitization.
- Dates of system sanitation will be kept on site and made available to the health inspector.
- If the pressurized water system breaks down, G's Ice Cream will close until repairs are made.

If the above stipulations are not followed by the operator, if sanitation issues develop due to insufficient water supply, or water usage is unreasonably low, Lincoln County Environmental Health has the right and responsibility to revoke usage of the alternative system and require a water connection with the Town of Eureka water system.

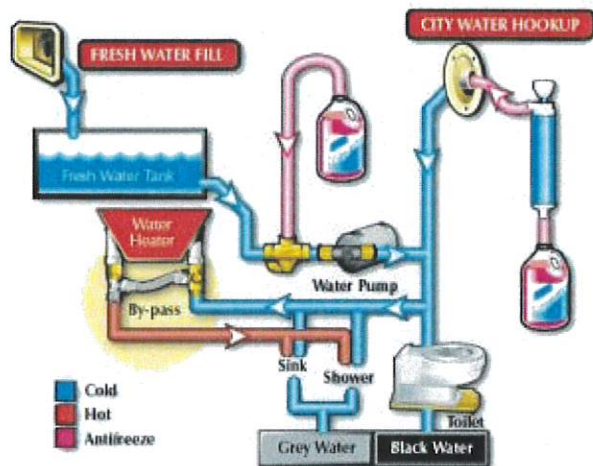
Furthermore, this waiver only applies to operations under Gregg Caley and will become invalid upon the change of ownership or operations of G's Ice Cream.

Jennifer Nelson, R.S.  
Lincoln County Environmental Health

cc: Town of Eureka

# How to Sanitize Your RV Water System

Buying Guide, Maintenance



Here are the steps to sanitize your RV fresh water tank and associated fresh water lines. Your RV's fresh water tank and lines need to be sanitized at least once every six months. It should be part of every RV's maintenance schedule. Sanitizing your RV's fresh water tank and associated fresh water lines is easy – but it does take a little time. The most important thing is to wait the appropriate amount of time for the tank to be properly sanitized.

Some things to consider before you start.

- You need at least 5 to 10 hours to complete this task.
- Do you have internal and or external water filters? If so, you should change the filters after you have finished sanitizing the RV system.
- Do you have a hot water tank? If you do, now might be a good time to flush out your hot water tank.
- **Read through all the instructions BEFORE you start!**

**— Turn off Water Heater and allow the water to cool down! —**

# Sanitization Procedure



**Put Chlorine in RV Water Tank.** Chlorine must be diluted before being put in your RV water tank. The suggested mix of chlorine should be about 1/4 cup of chlorine for each 15 gallons of your RV water tank capacity. For a 75 gallon fresh water tank, approximately 1 1/4 cups of chlorine (e.g., Clorox works just fine) is needed to adequately sanitize the tank.

**Caution:** Do not pour the chlorine directly from the bottle into your fresh water tank! First, find an old gallon jug or plastic bottle and mix the chlorine with about a gallon of fresh water. (I like to shake the jug just a bit to be sure that the water and chlorine are mixed together.) Then pour the entire bottle of diluted chlorine solution into your fresh water tank. Most RVs have a location on the side of the RV where fresh water can be added without being connected to a hose.

**Fill Water Tank With Fresh Water.** Now, fill your fresh water tank with fresh water until it is full. The electrical gauges give you an idea of the water level in the tank, but I prefer to fill the tank until it starts to overflow. (Then, you know for sure that it is completely full.)

**Shut Off Fresh Water Supply and Turn on Water Pump.** The next step is to be sure that you turn off the fresh water spigot or hose, so that no water enters the RV from an outside source. Then be sure to turn on your RV water pump (since you will be using it for almost all of the sanitizing procedure).

At this point, you should have a full fresh water tank that has a properly diluted amount of chlorine in it, the fresh water supply from outside the coach is shut off, and the RV water pump is turned on. So far, so good.

**Flush Out RV Water Pipes.** One at a time, open either the hot water faucet or the cold water faucet on the kitchen sink and the bathroom lavatory. Let each faucet run until you can smell the chlorine. It won't hurt to let the faucet run longer. Continue with each faucet (both hot and cold), until all the faucets have been opened.

It is not really necessary to worry about the toilet or the shower, but some of the ladies may feel more comfortable if the shower is also fully sanitized.

**Let the Chlorine Sit in the Pipes.** Once all the RV piping has been filled with the chlorine solution, let the chlorine sit in the pipes for at least six hours (12 hours is better). Some folks find it easiest to start the process in the evening and let the pipes "soak" over night. For those of you always in a hurry, a three-hour soak period can be adequate, but the longer period gives most folks a better sense of comfort.

Since you will end up having to drain the fresh water tank, I usually just turn on all the faucets, one at a time, letting the water pump empty the fresh water tank of the remaining chlorine solution.

**Drain the Water Heater.** Now for the more difficult part of the process. Your RV water heater needs to be drained of the chlorine solution. On some RV water heaters there is a separate drain valve; on other RV water heaters you need to unscrew a large nut-like bolt that is also the anode rod for inhibiting corrosion. Open the drain valve or remove the anode rod and let the water heater drain completely.

If you have the type of water heater that has an anode rod, now is also the time to be sure that all of the loose particles of gunk are flushed out of your water heater. (You can buy a small copper wand used for just this purpose from your favorite camping supply store.)

When the water heat has been fully drained, don't forget to close the drain valve or re-insert the anode rod and tighten it.

Once the fresh water tank is empty, and the water heater has been drained, refill the water tank with fresh water and let the water heater also be refilled from an outside fresh water source, (a city water source is better). Then, remember to once again turn off the outside water source. When refilling the water heater, I briefly open the pressure-relief valve near the top of the water heater to let any air escape as the tank is refilled.

**Flush Out All RV Pipes and Water Heater.** Once the fresh water tank is again filled with fresh water, it is time to repeat just about the whole process—to flush your water system with fresh water. Be sure to turn off the outside source of fresh water, and be sure that your RV water pump is still turned on.

Turn on each faucet, one at a time, and let the fresh water rinse out the pipes—until there is no chlorine smell coming out with the water. After all the faucets have been "rinsed" and you can no longer smell any chlorine, I usually continue the procedure until the fresh water tank is again empty. (I usually find that it is more difficult to get the chlorine out of the hot water pipes and water heater, so don't be surprised if it takes longer to get rid of the chlorine smell.)

Once you are satisfied that the chlorine smell is gone, go ahead and turn the outside fresh water source back on. I usually like to always have about 1/4 of a tank of fresh water, so that we can wash our hands or flush the toilet while we are rolling down the road. After the above procedure, we usually fill the fresh water tank to about 1/4 full. **Remember to turn your water heater back on!**

COPY

IR:PSRCL100;EXIT;IR:IMTYP99;EXIT;IR:ISPSZ6;STM0;EXIT;

TO: LINCOLN COUNTY SHERIFF

PRAECIPE

THIS FORM MUST BE FILLED OUT TO THE BEST OF THE REQUESTING PERSON'S KNOWLEDGE. IT MUST BE DATED AND SIGNED BY THE REQUESTING PARTY AND MUST ACCOMPANY ANY PAPERWORK TO BE SERVED. USE BACK IF YOU NEED MORE ROOM.

PLEASE MARK DOCUMENTS TO BE SERVED

- SUMMONS AND COMPLAINT       WRIT OF EXECUTION
- LANDLORD / TENANT ACTIONS       NOTICE TO VACATE  
(3 DAY) (14 DAY) (30 DAY)
- SMALL CLAIMS COURT
- OTHER \_\_\_\_\_  LETTER \_\_\_\_\_

James Robert ...  
 (DEFENDANT / RESPONDENT(S) NAME / PHYSICAL ADDRESS / PHONE NUMBER APPROX. AGE)

James Robert ...  
 (DEFENDANT / RESPONDENT(S) NAME / PHYSICAL ADDRESS / PHONE NUMBER APPROX. AGE)

...  
 (ANY OTHER INFORMATION)

Dated this 7<sup>th</sup> day of Jan, 2018

...  
 (SIGNATURE)      PHONE NUMBER

...  
 (PRINTED NAME / TITLE OF PERSON / ENTITY REQUESTING SERVICE)

...  
 (FULL MAILING ADDRESS      CITY      STATE      ZIP CODE)

\$50.00 FLAT FEE FOR EVERY PERSON OR ENTITY SERVED (UNLESS RECEIVE FEE WAIVER FROM COURT)

\$150.00 FEE FOR SHERIFF'S SALE PLUS THE COST OF NEWSPAPER AD AND ANY CERTIFIED MAILINGS

FEES ARE PRE-PAY & NON REFUNDABLE

## Noah Pyle

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**From:** gregg caley <greggcaley@yahoo.com>  
**Sent:** Friday, April 06, 2018 11:21 AM  
**To:** Noah Pyle  
**Subject:** Fw: G's Ice Cream Waiver for operation of alternative water system  
**Attachments:** G's Ice Cream Waiver.docx

On Thursday, February 15, 2018 4:46 PM, Jennifer Nelson <jnelson@libby.org> wrote:

Hello Gregg,

Please find attached a copy of the waiver from our office allowing you to use the pressurized water system you installed this week. Because your license was issued with the previously discussed conditions I have asked the state to reissue the license with the new conditions. You may continue your operations while we await the reissued license. I will call or email you in a couple of weeks to arrange a date to come up and inspect the newly installed system.

Jennifer A. Nelson, R.S.  
Lincoln County Environmental Health  
(406)283-2441





**Waiver for G's Ice Cream, 501 Dewey Ave, Eureka, MT 59917**

This waiver allows G's Ice Cream to utilize a pressurized water system install by licensed plumber Michael Stramer of Stramer and Son Plumbing in Eureka, between the dates of February 15 and March 31, 2018. No ice cream shall be produced during this time period using the pressurized system. Water from the Town of Eureka's municipal water system is required to be used from April 1 through September 30, 2018 for all operations, including the making of ice cream.

Water used in the system must come from a wholesale water supplier with their label and must remained sealed until used.

Jennifer Nelson, R.S.  
Lincoln County Environmental Health

cc: Town of Eureka

## Noah Pyle

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**From:** gregg caley <greggcaley@yahoo.com>  
**Sent:** Friday, April 06, 2018 11:22 AM  
**To:** Noah Pyle  
**Subject:** Fw: G's Ice Cream Waiver for operation of alternative water system

On Friday, February 16, 2018 3:48 AM, gregg caley <greggcaley@yahoo.com> wrote:

I have to tell you I was stunned getting this email. This is NOT what I was told in my last phone call with Kathi. None of these dates were even talked about. She did mention in the phone call before last that she was looking into letting me operate the new system through the winter. I said if it's good enough for the winter then it should be good enough for always. She said let me work on one thing at a time. Her last phone call she said I could use the new system per your email and that when the new inspection is done in March we'll see how it goes. Nothing, absolutely nothing was even talked about the dates from April one through September and that I could not make any ice cream until April 1. I want to know what code allows me to only be able to use this system in the winter. As I said in my long letter to both of you, I want to be treated like everyone else and I'm not. No one else has these type of restrictions. The code clearly states I need an approved water source. Period. The count is now up to four other State Inspectors that would approve my system. Again as I stated, you guys have this vendetta against me and you discriminate against me. This latest proposal is absolutely not acceptable to me. I'm getting a lawyer.

On Thursday, February 15, 2018 4:46 PM, Jennifer Nelson <jnelson@libby.org> wrote:

Hello Gregg,

Please find attached a copy of the waiver from our office allowing you to use the pressurized water system you installed this week. Because your license was issued with the previously discussed conditions I have asked the state to reissue the license with the new conditions. You may continue your operations while we await the reissued license. I will call or email you in a couple of weeks to arrange a date to come up and inspect the newly installed system.

Jennifer A. Nelson, R.S.  
Lincoln County Environmental Health  
(406)283-2441

## Noah Pyle

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**From:** gregg caley <greggcaley@yahoo.com>  
**Sent:** Friday, April 06, 2018 11:22 AM  
**To:** Noah Pyle  
**Subject:** Fw: G's Ice Cream Waiver for operation of alternative water system  
**Attachments:** G's Ice Cream waiver.pdf

On Friday, February 16, 2018 7:54 AM, Jennifer Nelson <jnelson@libby.org> wrote:

Yes, Gregg. This is what Kathi and I discussed and worked on yesterday. After I spoke with the plumber and we received the specs for the pump that runs your system, we felt this was the best course of action. However, I sent you the unsigned version of the waiver. The signed version is attached to this message.

Jennifer A. Nelson, R.S.  
Lincoln County Environmental Health  
(406)283-2441

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**From:** gregg caley [mailto:greggcaley@yahoo.com]  
**Sent:** Friday, February 16, 2018 7:50 AM  
**To:** Jennifer Nelson <jnelson@libby.org>  
**Subject:** Re: G's Ice Cream Waiver for operation of alternative water system

Is this what Kathi told you to send me?

On Thursday, February 15, 2018 4:46 PM, Jennifer Nelson <[jnelson@libby.org](mailto:jnelson@libby.org)> wrote:

Hello Gregg,

Please find attached a copy of the waiver from our office allowing you to use the pressurized water system you installed this week. Because your license was issued with the previously discussed conditions I have asked the state to reissue the license with the new conditions. You may continue your operations while we await the reissued license. I will call or email you in a couple of weeks to arrange a date to come up and inspect the newly installed system.

Jennifer A. Nelson, R.S.  
Lincoln County Environmental Health  
(406)283-2441

## Noah Pyle

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**From:** gregg caley <greggcaley@yahoo.com>  
**Sent:** Friday, April 06, 2018 11:23 AM  
**To:** Noah Pyle  
**Subject:** Fw: G's Ice Cream Waiver for operation of alternative water system

On Monday, March 12, 2018 12:10 AM, gregg caley <greggcaley@yahoo.com> wrote:

Can you tell me why there are restrictions and what the restrictions are based on?  
Gregg

On Thursday, February 15, 2018 4:46 PM, Jennifer Nelson <jnelson@libby.org> wrote:

Hello Gregg,

Please find attached a copy of the waiver from our office allowing you to use the pressurized water system you installed this week.  
Because your license was issued with the previously discussed conditions I have asked the state to reissue the license with the new conditions.  
You may continue your operations while we await the reissued license. I will call or email you in a couple of weeks to arrange a date to come up and inspect the newly installed system.

Jennifer A. Nelson, R.S.  
Lincoln County Environmental Health  
(406)283-2441



· 418 Mineral Avenue · Libby, MT 59923 · Phone: (406) 283-2442 · Fax: (406) 293-5640 ·

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**Waiver for G's Ice Cream, 501 Dewey Ave, Eureka, MT 59917**

This waiver allows Gregg Caley, owner of G's Ice Cream located at 501 Dewey Ave, Eureka, MT to utilize a pressurized water system install by licensed plumber Michael Stramer of Stramer and Son Plumbing in Eureka, between the dates of February 15 and March 31, 2018. No ice cream shall be produced during this period using the pressurized system. Water from the Town of Eureka's municipal water system is required to be used from April 1 through September 30, 2018 for all operations, including the making of ice cream.

Water used in the system must come from a wholesale water supplier with their label and must remained sealed until used.

A handwritten signature in blue ink that reads "Jennifer Nelson R.S." with a stylized flourish at the end.

Jennifer Nelson, R.S.  
Lincoln County Environmental Health

cc: Town of Eureka