



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

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SENT VIA E-MAIL

June 9, 2017

Nicole Larsen  
Deputy City Attorney  
Racine City Hall  
730 Washington Avenue, Room 201  
Racine, WI 53403

Re: Patrick Fagan – Relocation Complaint

Dear Attorney Larsen:

This is in response to your June 9th correspondence regarding the Department's relocation determination. You asked how we arrived at the conclusion that Mr. Fagan's lease was in effect as of December 2015. Mr. Fagan's tenancy at 615 Marquette Street is supported by the lease signed in June 2008, which contains the following provision: "This lease shall be for 1 year commencing on June 1, 2008. Thereafter the lease automatically renews every year on its anniversary until such time a termination notice is given in writing 60 days before the end of term." Further, Attorney Sutton Ekes admits in her December 17, 2015, letter that Mr. Fagan was, at that time, a tenant with personal property at that location. Our conclusion is based on this renewal provision and Attorney Sutton Eke's admission.

When property is acquired for a public project, a displacee is entitled to certain benefits and services. An agency's obligations under relocation laws cannot be avoided by encouraging or requiring a property owner to terminate existing tenants prior to acquisition.

Lastly, you requested a copy of our file in this matter. I will process your request under our open records procedures. You may contact me directly with any questions about that process or to inquire about the status.

The Department has issued its determination pursuant to Wis. Admin. Code § Adm 92.18(3). As previously indicated, the Department is willing to assist with further resolution of this matter if requested. If the parties are unable to come to an agreement as to specific types of relocation payments that may apply, or amounts thereof, Mr. Fagan has the right to pursue legal action under Wis. Stat. § 32.20.

Sincerely,

Tracy Smith  
Paralegal-Confidential

cc: Patrick Fagan