

Couple sue township official over housing troubles

By JAMES LAWLESS

PLAIN DEALER REPORTER

PAINESVILLE—A Perry Township couple have sued Perry Township Administrator Walter Siegel, claiming he knowingly sold them a house that had a defective septic system.

The suit, filed by James and Susan Hauxhurst in Lake County Common Pleas Court asks for damages of \$85,000 from Walter and Janice Siegel, who owned the property at 3340 Blackmore Rd., Perry Township.

The Hauxhursts bought the house in July 1994 for \$105,000. Siegel, who was then the township zoning inspector, promised to repair the septic system before the sale was complete, the couple said in the suit. Siegel's repair work was described as "illegal or substandard" in their suit.

It also alleged that Siegel either negligently or deliberately misled the Hauxhursts about the septic system's condition.

Susan Hauxhurst said Siegel did put in a new leach line and then later installed a new septic tank, "We should have had the house inspected, but we were buying it from the township zoning inspector, who assured us everything was OK," she said. "We had no reason to doubt him. He said he knew what he was doing."

She said the system seemed to be working properly until a neighbor dug up a piece of ground and hit a sewer for stormwater. "It had sewage in it, and then the sewage backed up into our basement. When I called Siegel, he denied knowing about it."

Asked about the problems, Siegel said, "I didn't do anything." He then stopped and said he would not answer any more questions until he had seen the suit and talked to a lawyer.

Asked why he didn't get a required permit for the work, he said, "They owned the house then," and cut him self off again. "I'm not going to answer any other questions."

Attached to the suit is a 1995 letter from Laura Kuns, supervisor in the Lake County Health District, who handles wastewater issues. She wrote that Siegel installed the septic tank and 300 feet of leach lines without a permit and without any inspection.

Finally she said the work does not meet county regulations.

She called for Siegel to contract with a licensed sewer system installer to correct the problems and to get the proper permits.

Kuns could not be reached for comment about whether the system was ever corrected or if any permits were acquired.

In the letter, Kuns also recommended the Hauxhursts make sure that Siegel had arranged payment.

Also attached is a copy of the state residential property disclosure form, in which Siegel indicated there were no problems with the septic system.

Gerald Patronite, the Hauxhursts' lawyer, said the lawsuit asks that the property be brought up to code, that the system be replaced or that the couple be awarded money to make up for their loses.

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