**MEMO**

**From: Jack A. Nolish, Director, LEO/WDCA**

**To: Joint Committee on Administrative Rules**

**Re: 2020-31 WDCA General Rule Set Corrections**

Immediately after the General Rule Set (MOAHR number 2021-31)was posted for JCAR review, it was found that there was a significant error in Rule 14 and a request for permission to withdraw the rule set was sent to JCAR. The withdrawal was approved by letter dated 10/7/21. Upon additional document review, a cross-reference designation in Rule 15b typographical error was identified.

1. **Rule 14(6)(c).** This rule determines attorney fees. In the most common type of redemption (settlement) of contested cases, the total contingent attorney fees have historically been approved using a two-tier set of percentages that decline as the value of the redemption increases. The calculation is done on net proceeds of the settlement after deduction for specified costs. An error regarding the means of calculation was found in the previously submitted final version of the rule. The erroneous language inadvertently changed the calculation to a completely different method (either 20% of $100,000 or 15% of any amount over $100,000) which contradict past practice and impose unintended limitations. The wording in the revised final draft corrects the rule to continue the process two-tier declining percentage calculation, with the new percentages, to make the total fee 20% of the first $100,000 and 15% of any amount over $100,000).
2. **Rule 15b(c)** has a cross reference to R408.45a(4) but the submitted rule set incorrectly identified the cross reference as 408.15(a) instead of **R408.45a(4).** This has been corrected in the new final version.