

Chapter DFI-Gen 2

SMALL BUSINESS ENFORCEMENT DISCRETION

DFI-Gen 2.01 Purpose.
DFI-Gen 2.02 Definitions.

DFI-Gen 2.03 Discretion.

DFI-Gen 2.01 Purpose. The purpose of this chapter is to disclose, pursuant to s. 227.04, Stats., in advance the discretion the department will follow in the enforcement of rules and guidelines against a small business.

History: CR 08-015; cr. Register June 2008 No. 630, eff. 7-1-08; correction made under s. 13.92 (4) (b) 7., Stats., Register May 2014 No. 701.

DFI-Gen 2.02 Definitions. In this chapter:

(1) “Department” means the department of financial institutions.

(2) “Small business” has the meaning set forth in s. 227.114 (1), Stats.

History: CR 08-015; cr. Register June 2008 No. 630, eff. 7-1-08; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register May 2014 No. 701.

DFI-Gen 2.03 Discretion. (1) Except as provided in sub. (2), the department shall exercise the following discretion in the enforcement of rules and guidelines against a small business:

(a) The department shall provide a reduction or waiver of penalties for a voluntary disclosure, by a small business, of actual or potential violations of rules or guidelines.

(b) The department may consider the small business’s ability to pay when determining the amount of any monetary penalty, assessment, or surcharge.

(2) The department will not exercise discretion in the enforcement of rules or guidelines against a small business in any of the following situations:

(a) The department discovers the violation before the small business discloses the violation.

(b) The violation is disclosed after a department audit or inspection of the small business has been scheduled.

(c) The violation was identified as part of the monitoring or sampling requirements that are consistent with the requirements under an existing permit.

(d) The violation results in a substantial economic advantage for the small business.

(e) The small business has repeatedly violated the same rule or guideline.

(f) The violation may result in an imminent endangerment to the environment, or to public health or safety.

History: CR 08-015; cr. Register June 2008 No. 630, eff. 7-1-08.