



State of Wisconsin  
Governor Tony Evers

**Department of Agriculture, Trade and Consumer Protection**  
Secretary-designee Randy Romanski

August 27, 2021

**Via e-mail**

Luke N. Berg  
Lucas T. Vebber  
Wisconsin Institute for Law & Liberty  
330 East Kilbourn Avenue, Suite 725  
Milwaukee, WI 53202-3141

RE: Response to WILL's July 14, 2021 demand letter regarding Swimply

Dear Mr. Berg and Mr. Vebber:

The Wisconsin Department of Agriculture, Trade and Consumer Protection (Department) writes in response to the Wisconsin Institute for Law and Liberty (WILL) July 14, 2021 demand letter regarding its client, Swimply. WILL asks the Department to clarify its position with respect to public pool licensing requirements for pool owners who offer their pools for public use on the Swimply website. WILL's request is based on an April 5, 2021 email from Department staff to Swimply, indicating that such pools are subject to public pool licensing. On further review of the administrative code, the Department wishes to clarify that, generally, Swimply's model of pool owners offering their pools for public use on the Swimply website would not fall under public pool licensing requirements in Wis. Admin. Code ch. ATCP 76, regulating safety, maintenance, and operation of public pools and water attractions. However, whether any particular pool would be subject to public pool licensing requirements would depend on the facts of the situation for each individual pool.

The Department appreciates your assistance in sharing this communication with Swimply. If you have any questions or concerns, you may contact me at (608) 224-4740 or [Sheri.Walz@WI.gov](mailto:Sheri.Walz@WI.gov).

Sincerely,

A handwritten signature in cursive script that reads "Sheri Walz".

Sheri Walz  
Legal Counsel

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