

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KS 66219

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7

2014 DEC 23 AM 8:32

BEFORE THE ADMINISTRATOR

In the Matter of)	DOCKET NO. TSCA-07-2014-0022
)	
Ryan Reinke)	
5200 N. 20th Street)	
Lincoln, Nebraska 68521)	
)	RESPONDENT'S ANSWER TO
)	ENVIRONMENTAL AGENCY'S
Respondent)	COMPLAINT
)	

COMES NOW Respondent, Ryan Reinke, by and through his attorney, John P. Weis, and for his Answer to the Agency's Complaint, states and alleges as follows:

1. Respondent admits Paragraphs 1-3, 5, and 8, of the Agency's Complaint.
2. Respondent admits Paragraph 9 of the Agency's Complaint to the extent that the Agency began an evaluation of whether lead-based paint disclosure information was provided to tenants of certain "target housing" but denies the remainder of the allegations contained in Paragraph 9 of the Agency's Complaint.
3. Respondent generally denies each and every other allegation contained in the Agency's Complaint except for those statements that constitute admissions against the Agency's interests.
4. Respondent affirmatively alleges that Agency representatives agreed to allow the Respondent named herein an extension of time to file this Answer pending settlement discussions. The Agency informed Respondent's counsel of its intent to move forward with prosecution of the Complaint, and Respondent immediately filed this Answer.

5. Respondent affirmatively alleges that the Agency has the wrong party in interest identified as the Respondent in this action.

6. Respondent affirmatively alleges that Respondent in the above captioned matter is not the “lessor” of the “target housing” identified in Paragraph 7 of the Agency’s Complaint.

7. Respondent affirmatively alleges that this Agency lacks jurisdiction to compel the appearance of, require an Answer by, or conduct a hearing and assess any penalty against the Respondent in the above captioned matter.

8. Respondent affirmatively alleges that prior to the Agency’s investigation, he was unaware of the existence of any records or reports indicating the presence of lead-based paint hazards for any of the “target housing” identified in Paragraph 7 of the Agency’s Complaint.

9. Additionally, Respondent affirmatively alleges that the “target housing” identified in Paragraph 7 of the Agency’s Complaint did not contain any lead-based paint hazards.

10. Respondent affirmatively alleges that the Agency’s proposed penalty is excessive and inappropriate, particularly in light of the fact that the Respondent named herein is not the lessor of the “target housing” identified in Paragraph 7 of the Agency’s Complaint.

11. Respondent respectfully requests that a hearing be scheduled and conducted to allow the Respondent the opportunity to be heard and present evidence in support of his affirmative defenses and in opposition to the Agency’s allegations as set forth in its Complaint.

WHEREFORE, the Respondent requests, after hearing and consideration, that the Agency’s Complaint be dismissed as a matter of law and for such further relief as may be just and equitable.

DATED this 17th day of December, 2014.

RYAN REINKE, Respondent.

By: 

John P. Weis, #19618
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 17, 2014, the original and one copy of the foregoing **Respondent's Answer to Environmental Agency's Complaint** was served upon the following by FedEx overnight mail:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 7
11201 Renner Boulevard
Lenexa, KS 66219

The undersigned also certifies that on December 17, 2014, one copy of the foregoing was served upon the following by FedEx overnight mail:

Jennifer Trotter, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency
Region 7
11201 Renner Boulevard
Lenexa, KS 66219


John P. Weis