

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of: )  
Lester Sykes )  
Respondent )

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Docket No. TSCA-05-2008-0013

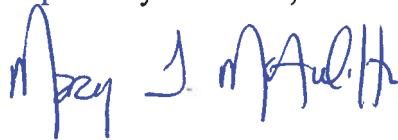
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U.S. EPA REGION 5

**COMPLAINANT'S MOTION FOR DEFAULT ORDER, FINDING OF LIABILITY  
AND PENALTY**

Under Sections 22.16 and 22.17 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the Consolidated Rules), 40 Code of Federal Regulations (C.F.R.) §§ 22.16 22.17, Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region 5, moves the Presiding Officer to find Respondent Lester B. Sykes, in default, resulting in the admission of all fact alleged in the Administrative Complaint (Complaint) and a waiver of Respondent's right to contest such factual allegations. Complainant also moves for a finding that Respondent violated the regulations at 40 C.F.R. Part 745, Subpart F, promulgated under Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. § 4852d, as set forth in the Administrative Complaint (Complaint) filed in this matter. Finally, Complainant moves for the issuance of an Order assessing the full penalty of \$159,310 in conformance with the provisions of the Complaint. Respondent has failed to file an Answer to the Complaint in this matter as required by 40 C.F.R. § 22.15. For the reasons set forth in Complainant's Memorandum in Support of Complainant's Motion for Default Order, Finding of Liability and Penalty, default is appropriate under 40 C.F.R. § 22.17(a).

As Respondent has not timely filed its Answer to the Complaint, under 40 C.F.R. § 22.17(a), Complainant respectfully moves that the Presiding Officer enter a Default Order, establishing liability and assessing a penalty of \$159,310.

Respectfully submitted,



Mary T. McAuliffe  
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(312) 886-6237

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**In the Matter of:**

**Lester Sykes  
Chicago, Illinois,**

**Respondent**

**Docket No. TSCA-05-2008-0013**

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**MEMORANDUM IN SUPPORT OF COMPLAINANT'S  
MOTION FOR DEFAULT ORDER, FINDING OF LIABILITY AND PENALTY**

**I. INTRODUCTION**

Under Sections 22.26 and 22.17 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the Consolidated Rules), 40 Code of Federal Regulations (C.F.R.) §§ 22.16 and 22.17, Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region 5, moves the Presiding Officer to find Respondent Lester B. Sykes, in default, resulting in the admission of all fact alleged in the Administrative Complaint (Complaint) and a waiver of Respondent's right to contest such factual allegations. Complainant also moves for a finding that Respondent violated the regulations at 40 C.F.R. Part 745, Subpart F, promulgated under Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. § 4852d, as set forth in the Complaint filed in this matter. Finally, Complainant moves for the issuance of an Order assessing the full penalty of \$159,310 in conformance with the provisions of the Complaint. As Respondent has failed to file an Answer to the Complaint in this matter as required by 40 C.F.R. § 22.15, default is therefore appropriate under 40 C.F.R. § 22.17(a).

**II. BACKGROUND**

Title X, the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4851 *et seq.*, was added as Title IV to the Toxic Substances Control Act (TSCA) as Title X in the Housing and Community Development Act of 1992. Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. § 4852d, requires the Administrator to promulgate regulations for the disclosure of lead-based paint in target housing which is offered for sale or lease. On March 6, 1996, EPA promulgated regulations at 40 C.F.R. Part 745, Subpart F, Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property (Disclosure Rule) (Exhibit A) under 42 U.S.C. § 4852d. The Disclosure Rule implements the provisions of 42 U.S.C. § 4852d which impose certain requirement on the sale or lease of Target Housing. Under 40 C.F.R. § 745.102(a), an owner of more than four residential dwellings had to comply with Subpart F by September 6, 1996.

At all times relevant to the Complaint, Respondent owned and/or leased residential apartment buildings in Chicago, Illinois, at 7000 - 7002 S. Stewart/405 - 409 W. 70<sup>th</sup> Street (a corner building), and 622 - 624 W. 79<sup>th</sup> Street (Respondent's Properties). Respondent's Properties were constructed before 1978 (see Exhibit J; note this Exhibit includes the property ages for Respondent's Properties at 7000 - 7002 S. Stewart/405 - 409 W. 70<sup>th</sup> Street, constructed in 1925, and 622 - 624 W. 79<sup>th</sup> Street,

constructed 1889 under “Mortgage Record for COOK County”). Therefore, Respondent’s Properties and each apartment unit within Respondent’s Properties are “target housing” as defined in 40 C.F.R. § 745.103.

Respondent resides at 200 E. 96<sup>th</sup> Street, Chicago, Illinois, and is engaged in the business of real estate. On July 25, 2005, representatives of EPA and the U.S. Department of Housing and Urban Development (HUD) attempted to conduct an inspection at Respondent’s place of business at 200 East 96<sup>th</sup> Street, Chicago, Illinois, to monitor Respondent’s compliance with Section 1018 and its implementing regulations at 40 C.F.R. Part 745, Subpart F. Respondent did not appear at the July 25, 2005 pre-agreed inspection appointment.

On August 12, 2005, Complainant issued a TSCA administrative subpoena to Respondent under authority of Section 11 of TSCA, 15 U.S.C. § 2610, seeking, among other things, copies of all rental agreements and lead-based paint disclosure documentation for rental transactions at apartment buildings owned and/or managed by respondent since July 1, 2002 (see Exhibit B). The August 12, 2005 TSCA administrative subpoena was returned to EPA by the United States Postal Service with the word “refused” written on the certified envelope. EPA resent the TSCA Subpoena to Respondent via express mail on October 13, 2005, and EPA sent another letter on January 18, 2006 advising Respondent of his failure to respond (see Exhibit C).

As Respondent continued to ignore EPA’s efforts to serve him with a TSCA Subpoena, EPA asked the United States’ Attorney’s office to assist. As Respondent refused to respond to the U.S. Attorney’s office, on April 10, 2006, the United States District Court for the Northern District of Illinois issued a Summons in a Civil Case (06CV2014) and Petition for Enforcement of a Toxic Substances Control Act Subpoena requiring Respondent to answer the complaint for failure to respond to the August 12, 2005 TSCA administrative subpoena (see Exhibit D). On April 14, 2006, a representative of EPA personally served the Respondent with the summons and complaint, and a copy of the August 12, 2005 TSCA administrative subpoena, as reflected in the Return of Service declaration.

Finally, on April 14, 2006, Respondent provided Complainant with documents responsive to EPA’s August 12, 2005 TSCA administrative subpoena, including information identifying Respondent as the owner of apartment buildings located at 7000 S. Stewart/405-407 West 70<sup>th</sup> Street and 622-624 West 79<sup>th</sup> Street, Chicago, Illinois.

On May 19, 2006, EPA sent Respondent a letter requesting that Respondent provide a fuller response to question number 2 of the August 12, 2005, TSCA administrative subpoena concerning leasing of Respondent’s Properties. On June 2, 2006, EPA received additional information from Respondent. As Respondent failed to provide any records to demonstrate that it had complied with the disclosure of lead-based paint and/or lead-based paint hazard information for each of the 11 rental transactions summarized in Table 1, below, and as explained more fully in the Declaration of Julie Morris included as Exhibit E, Complainant determined that Respondent violated the federal regulations regarding the disclosure of lead-based paint and/or lead based paint hazards at 40 C. F. R. Part 745, and thereby violated Section 409 of TSCA, 15 U.S.C. § 2689.

Based on information obtained from Respondent’s response to the August 12, 2005 TSCA administrative subpoena, Complainant determined that during 2006, Respondent entered into the

following verbal lease agreements (contracts) with individuals for the lease of units in Respondent's apartment buildings in Chicago, Illinois, without retaining information to demonstrate it had provided the disclosures as required by 40 C.F.R. §§ 745.107 and 745.113(b):

**TABLE 1:**

<b>Address</b>	<b>Apt. Unit</b>	<b>Year of Lease</b>
7000 S. Stewart	15	2006
	16	2006
7002 S. Stewart	1	2006
	2	2006
	8	2006
407 W. 70 <sup>th</sup> Street	3	2006
	4	2006
	7	2006
411 W. 70 <sup>th</sup> Street	6	2006
	14	2006
622 W. 79 <sup>th</sup> Street	3	2006

As stated in the preamble to 40 C.F.R. Part 745, Subpart F at 61 Fed. Reg. 9068 (see Exhibit A), the rule excludes housing transactions involving leasing agreements of 100 days or less, where no lease renewal or extension can occur (emphasis added). Thus, if the term of a lease is not limited to less than 100-days by the terms of the contract, then the lessor and agent must comply with Lead Disclosure Rule. As Respondent does not limit his leasing transactions to a term less than 100-days, each of the 11 contracts in Table 1, above, covered a term of occupancy greater than 100-days.

EPA learned that on December 20-21, 1995, the Chicago Department of Public Health conducted an inspection at 411 W. 70<sup>th</sup> Street, 1<sup>st</sup> floor, Chicago, Illinois, which identified existing lead-based paint hazards in violation of the Illinois Lead Poisoning Prevention Act. By letter dated February 17, 1998, referencing the February 5, 1998, order to Respondent to cease and desist lead-based paint mitigation/abatement being improperly conducted, the Chicago Department of Public Health informed Respondent that a mitigation plan complying with the Illinois Lead Poisoning Prevention Act must be developed to properly address the lead-based paint hazards at 411 W. 70<sup>th</sup> Street, 1<sup>st</sup> floor, Chicago, Illinois (see Exhibit F).

EPA also learned that on May 4, 1998, the Chicago Department of Public Health conducted an inspection at 622 W. 79<sup>th</sup> Street, 3<sup>rd</sup> floor, Chicago, Illinois, which identified existing lead-based paint hazards in violation of the Illinois Lead Poisoning Prevention Act. By letter dated June 30, 1998, the Chicago Department of Public Health notified Respondent that the Chicago Department of Public Health was prepared to take legal action for Respondent's failure to address lead-based paint hazards in violation of the Illinois Lead Poisoning Prevention Act (see Exhibit G).

By letter dated April 17, 2008, EPA advised Respondent that EPA was planning to file a civil administrative complaint against Respondent for specific alleged violations of Section 1018 and that the complaint would seek a civil penalty. EPA asked Respondent to identify any factors Respondent thought

EPA should consider before issuing the complaint (see Exhibit H). If Respondent believed there were financial factors which bore on Respondent's ability to pay a civil penalty, EPA asked Respondent to submit specific financial documents.

By April 22, 2008, Respondent received EPA's April 17, 2008 pre-filing notice letter. However, Respondent did not reply to the letter.

### **III. GROUNDS FOR DEFAULT ORDER**

On June 25, 2008, Complainant filed a Complaint against the Respondent in this matter under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a). A copy of this Complaint is included as Attachment A to Exhibit M. The Complaint alleged in 66 counts for 11 rental transactions, Respondent violated TSCA by failing to include, either within the contract or as an attachment to the contract, for six leases of target housing: 1) a Lead Warning Statement before the lessor was obligated under the contract; 2) a statement disclosing either the presence of any known lead-based paints and/or lead-based paint hazards in target housing or a lack of knowledge of such presence; 3) a list of any records or reports available to the lessor regarding lead-based paints and/or lead-based paint hazards in target housing or a statement that no such records exist; 4) a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (3); and 5) the signatures of the lessor and the lessee certifying to the accuracy of their statements to the best of their knowledge along with the date of signatures before the lessees were obligated under the contract to lease the target housing. The Complaint proposed a penalty of \$159,310. The Complaint notified Respondent that he had thirty (30) days from receipt of the Complaint to file an Answer.

40 C.F.R. § 22.5(b)(1) provides that Complainant shall serve on respondent, or a representative authorized to receive service on respondent's behalf, a copy of the signed original of the complaint, together with a copy of the Consolidated Rules. Complainant can serve the complaint personally, by certified mail with return receipt requested, or by any reliable commercial delivery service that provides written verification of delivery. Under 40 C.F.R. § 22.5(b)(1)(ii), Complainant can serve the complaint on a corporation by serving an officer, partner, a managing or general agent, or any other person authorized by appointment or by federal or State law to receive service of process.

On June 25, 2008, Complainant mailed copies of the Complaint via certified mail, return receipt requested, to Mr. Lester Sykes at 200 East 96<sup>th</sup> Street, Chicago Illinois 60628. Because Mr. Sykes did not sign for receipt, the complaint was returned to EPA. On April 21, 2009, Complainant mailed a second copy of the Complaint by Priority Mail to Mr. Lester Sykes at 200 East 96<sup>th</sup> Street, Chicago Illinois 60628. EPA received confirmation of receipt of the priority mailing, which was delivered on April 22, 2009 (see Exhibit I). On April 30, 2009, Mr. Sykes sent a one paragraph letter responding to the Complaint in which he confirmed ownership of the Residential Properties, and stated he had "3 complaints" filed by the City, that he told tenants there was no evidence of any Lead-Based Paint Hazard and only gave leases on request as most tenants only live from 3 to 6 months in his properties. However, Respondent did not file an Answer or otherwise dispute the allegations in EPA's Complaint.

In December 2010, EPA's civil investigator reviewed publicly available information concerning Mr. Sykes, and identified 7 properties and 6 vehicles, including 2 Mercedes automobiles, associated with his and his wife's names (See Exhibit J). On January 18, 2011, EPA sent a letter to Mr. Sykes

advising him that he had failed to file an Answer to the Complaint, reviewed the federal requirements applicable to his transactions, and once again, reminded him to file an Answer (see Exhibit K). On February 15, 2011, Respondent submitted the same limited information provided in his April 30, 2009 letter, along with a copy of his April 30, 2009 letter (see Exhibit L). To date, Respondent has not filed an Answer to the Complaint.

40 C.F.R. § 22.15 provides:

(a) General. Where respondent: Contests any material fact upon which the complaint is based; contends that the proposed penalty, compliance or corrective action order, or Permit Action, as the case may be, is inappropriate; or contends that it is entitled to judgment as a matter of law, it shall file an original and one copy of a written answer to the complaint with the Regional Hearing Clerk and shall serve copies of the answer on all other parties. Any such answer to the complaint must be filed with the Regional Hearing Clerk within 30 days of service of the complaint....

(d) Failure to admit, deny, or explain. Failure of respondent to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegation.

Assuming Respondent was not served prior to April 22, 2009, Respondent had until May 22, 2009, pursuant to the Consolidated Rules, to file a timely Answer to the Complaint.

As demonstrated by the Declaration of the Regional Hearing Clerk attached as Exhibit M, Respondent has not filed an Answer to the Complaint in the Regional Hearing Clerk's Office, Region 5, EPA.

The Consolidated Rules describe the circumstances under which a party may be found to be in default and the effect of default at 40 C.F.R. § 22.17(a):

(a) Default. A party may be found to be in default: after motion, upon failure to file a timely answer to the complaint; upon failure to comply with the information exchange requirements of § 22.19(a) or an order of the Presiding Officer; or upon failure to appear at a conference or hearing. Default by respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the complaint and a waiver of respondent's right to contest such factual allegations.

The Consolidated Rules provide for a Default order at 40 C.F.R. § 22.17(c):

(c) Default order. When the Presiding Officer finds that default has occurred, he shall issue a default order against the defaulting party as to any or all parts of the proceeding unless the record shows good cause why a default order should not be issued. If the order resolves all outstanding issues and claims in the proceeding, it shall constitute the initial decision under these Consolidate Rules of Practice. The relief proposed in the complaint or the motion for default shall be ordered unless the requested relief is clearly inconsistent with the record of the proceeding or the Act. For good cause shown, the Presiding Officer may set aside a default order.

#### IV. ARGUMENT

Respondent has clearly defaulted in this matter because Respondent has, with no justification, failed to file an Answer. Moreover, the Complaint establishes the legal and factual bases for imposition of the proposed penalty. Complainant respectfully requests that this Court should therefore issue an order finding the Respondent in default and assessing the proposed penalty identified in the Complaint.

##### **A. Default Is Appropriate Because Respondent Failed to File an Answer**

Under the Part 22 Rules, failure to timely file an Answer is grounds for default, and “[d]efault by respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the complaint and a waiver of respondent’s right to contest such factual allegations.” 40 C.F.R. § 22.17(a). As described above, the Answer was due in this matter not later than May 22, 2009. On January 18, 2011, Complainant reminded Respondent of its obligation to file his Answer. Respondent has still failed to file an Answer.

When a Presiding Officer determines that a default has occurred, “. . . he shall issue a default order against the defaulting party as to any or all parts of the proceeding unless the record shows good cause why a default order should not be issued.” 40 C.F.R. § 22.17(c).

In ruling on a motion to set aside a default decision in *In re: Pyramid Chemical Company*, 11 E.A.D. 657, 2004 WL 3214481 (E.P.A. Sep. 16, 2004) (RCRA-HQ-2003-0001) the Environmental Appeals Board (EAB) did not find good cause to excuse Respondent’s failure to timely respond to a Complaint. Under the totality of the circumstances, the EAB found there was no “good cause” for Respondent’s failure to file a timely answer to the Complaint, and no strong likelihood of Respondent proving success on the merits. Thus, no procedural unfairness results from entering a default judgment against Respondent.

In considering the totality of the circumstances, EPA and the U.S. Attorney’s office have already expended significant resources in this matter. When Complainant first inquired into Respondent’s compliance with Section 1018 requirements, Respondent refused to cooperate, and EPA was compelled to issue a TSCA Subpoena, and ultimately had to seek assistance from the U.S. Attorney’s office to even get compliance with EPA’s subpoena. Following the filing of a Complaint, Complainant again had to make multiple attempts to serve Respondent who refused to accept a certified mailing from EPA. When Respondent sent a letter but failed to respond to the allegations in the Complaint and failed to follow proper procedures to respond to the Complaint, Complainant sent a letter to Respondent advising Respondent how to comply. To date, Respondent has failed to file its Answer.

Since the filing of the Complaint, Respondent has filed nothing purporting to justify its failure to Answer (see Exhibit M, Declaration of Regional Hearing Clerk). The record therefore does not show good cause why a default order should not be issued. In accordance with 40 C.F.R. § 22.17(a), Complainant respectfully requests that the Presiding Officer issue a default order under 40 C.F.R. § 22.17(c).

**B. The Proposed Penalty Is Appropriate Considering the Facts in the Case and the Penalty Factors**

40 C.F.R. § 22.17(b) provides that a movant seeking default in a penalty action must, “state the legal and factual grounds for the relief requested.”

In addition, 40 C.F.R. § 22.27(b), provides in pertinent part that:

If the Presiding Officer determines that a violation has occurred and the complaint seeks a civil penalty, the Presiding Officer shall determine the amount of the recommended civil penalty based upon the evidence in the record and in accordance with any civil penalty criteria in the Act. The Presiding Officer shall consider any civil penalty guidelines issued under the Act. The Presiding Officer shall explain in detail in the initial decision how the penalty to be assessed corresponds to any penalty criteria set forth in the Act ... If the respondent has defaulted, the Presiding Officer shall not assess a penalty greater than that proposed by complainant in the complaint, the prehearing information exchange or the motion for default, whichever is less.

Where liability is found in a default order, a penalty may also be assessed. *In re Fulton Fuel Company*, 2010 WL 3885544 (E.P.A. Sep. 09, 2010) (EAB ruling on motion to set aside default orders).

A detailed explanation of how the penalty was calculated in accordance with the applicable statutory factors and the applicable penalty policy, Section 1018 - Disclosure Rule Enforcement Response and Penalty Policy, dated December 2007 (see Exhibit N, Penalty Policy) is provided in Exhibit E, Declaration of Julie Morris.

In summary, Section 1018(b)(5) of the Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. § 4852d(b)(5), authorizes the imposition of a civil penalty of up to \$10,000 for each violation of a requirement of Section 1018 of that Act and its implementing regulations at 40 C.F.R. Part 745, Subpart F, to be assessed under Section 16 of TSCA, 15 U.S.C. § 2615. This figure has been adjusted upward by 10% pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, such that penalties of up to \$11,000 per violation after January 30, 1997.

Complainant has relied on the Penalty Policy (Exhibit N), in the calculation of the proposed penalty in this matter. The Penalty Policy is based on the statutory factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), which are the nature, circumstances, extent, and gravity of the violations, and with respect to the violator, ability to pay, effect of ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require. The Penalty Policy was developed under the general framework established by the Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy, 45 Fed. Reg. 59770 (1980) (TSCA Civil Penalty Guidelines). Penalty Policy at page 9.

As discussed more fully in Ms. Morris' Declaration (Exhibit E), based upon an evaluation of the facts alleged in the Complaint, and after considering the nature, circumstances, extent and gravity of the violations, the violator's ability to pay and continue in business, prior history of violations, degree of



culpability, and any other matters that justice requires, the Complaint proposed that the Administrator assess a civil penalty against Respondent of \$159,310.

#### V. PRAYER FOR RELIEF

As Respondent has not timely filed its Answer to the Complaint, under 40 C.F.R. §§ 22.16 and 22.17(a), Complainant respectfully moves that the Presiding Officer enter a Default Order, resulting in the admission of all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual allegations. Complainant further requests finding that Respondent violated the regulations at 40 C.F.R. Part 745, Subpart F, promulgated under Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. § 4852d, as set forth in the Complaint filed in this matter. Finally, Complainant moves for the issuance of an Order assessing the full penalty of \$159,310 in conformance with the provisions of the Complaint.

Respectfully submitted,



Mary T. McAuliffe  
Associate Regional Counsel  
EPA, Region 5  
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Chicago, Illinois 60604  
(312) 886-6237

## LIST OF EXHIBITS

- A. 61 Fed. Reg. 9068 (March 6, 1996) Preamble to 40 C.F.R. Part 745, Subpart F
- B. August 12, 2005 TSCA Administrative Subpoena
- C. October 13, 2005 and January 18, 2006 letters regarding failure to respond to Subpoena
- D. April 10, 2006 District Court Summons to Respond to EPA's Subpoena
- E. Declaration of Julie Morris
- F. Mitigation Notice dated January 22, 1996,, showing the Chicago Department of Public Health conducted an inspection identifying lead hazards at or 411 W. 70<sup>th</sup> Street, 1<sup>st</sup> floor, Chicago, Illinois
- G. Mitigation Notice dated May 4, 1998, showing the Chicago Department of Public Health conducted an inspection identifying lead hazards at 622 W. 79<sup>th</sup> Street, 3<sup>rd</sup> floor, Chicago, Illinois
- H. EPA's April 17, 2008 letter regarding intent to file Complaint against Respondent
- I. Priority Mail confirmation of mailing of second copy of Complaint to Respondent on April 21, 2009
- J. December 2010 civil investigator summary of publicly available information concerning Mr. Lester B. Sykes
- K. January 18, 2011 letter from EPA to Respondent advising, among other things, of failure to file an Answer to the Complaint
- L. February 15, 2011 letter and April 30, 2009 letter from Respondent to EPA
- M. Declaration of Regional Hearing Clerk, including Attachment A, Administrative Complaint *In the matter of Lester Sykes*, Docket No. TSCA-05-2008-0013, and Attachment B, Docket Sheet *In the matter of Lester Sykes*, Docket No. TSCA-05-2008-0013.
- N. Section 1018 - Disclosure Rule Enforcement Response and Penalty Policy, dated December 2007

In the Matter of: Lester Sykes  
Docket No. TSCA-05-2008-0013

**CERTIFICATE OF SERVICE**

On the 20 day of October, 2011, I certify that I hand-delivered the original and one copy of Complainant's Motion for Default Order, Finding of Liability and Penalty, and accompanying Memorandum and Exhibits, to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency.

I also mailed a copy of Complainant's Motion for Default Order, and accompanying Memorandum and Exhibits, by United Parcel Service express mail, addressed as follows:

Mr. Lester Sykes  
200 East 96th Street  
Chicago, Illinois 60628

I also certify that I forwarded intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J  
Mary McAuliffe, Counsel for Complainant/C-14J



Charles Rodriguez  
Student Aide  
U.S. EPA, Region 5  
Office of Regional Counsel

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