

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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U.S. EPA REGION 5

2009 AUG 31 PM 12:17

In the Matter of:)
) Docket No. TSCA-05-2008-0019
Mardaph II, LLC, Mardaph III,)
LLC, and Vinnie Wilson,)
Cincinnati, Ohio)
)
Respondents.)
_____)

**ORDER DIRECTING REGIONAL HEARING CLERK TO
FORWARD CASE TO CHIEF ADMINISTRATIVE LAW JUDGE**

This is an administrative action alleging that Respondents Mardaph II, LLC, Mardaph III, LLC, and Vinnie Wilson violated the Toxic Substances Control Act ("TSCA") in failing to provide its lessees with the required disclosures regarding the possible presence of lead paint at the rental units. The record in this matter reflects that Vinnie Wilson is the President of Mardaph II and Mardaph III.¹ She is appearing in this matter *pro se*.

Complainant previously moved for entry of a default order against Respondent Wilson. That motion, however, was denied and Ms. Wilson has filed an answer. Complainant then moved for entry of a default order against Respondents Mardaph II, LLC, and Mardaph III, LLC, for their failure to file an answer in this matter.

Respondents Mardaph II and III have filed responses to Complainant's motion and the Presiding Officer's Order to Show Cause dated July 1, 2009. Neither of these responses was denominated as an answer. Each response, however, does contain denials of the allegations contained in the Complaint.² Respondents appear to dispute the proposed penalty, as Ms. Wilson has submitted copies of her tax returns. Finally, the response dated July 23, 2009, appears to request a hearing.³

Given Ms. Wilson's *pro se* status, and her apparent denial of the allegations contained in the Complaint, I am construing the Mardaph responses as an answer for purposes of Consolidated Rule 22.21(a). 40 C.F.R. § 22.21(a). I hereby direct the

¹ See Complainant's *Brief in Support of Motion for Default* (filed June 10, 2009) at Exh. 1 Att. C.

² See Respondent's pleading filed July 6, 2009, at 4, 9; Respondent's pleading filed July 23, 2009, at 5.

³ See Respondent's pleading filed July 23, 2009, at 6.

Regional Hearing Clerk to forward copies of all documents filed in this proceeding to the Chief Administrative Law Judge for further proceedings in accordance with that rule.

IT IS SO ORDERED.

Date: August 31, 2009

A handwritten signature in cursive script, reading "Marcy A. Toney". The signature is written in dark ink and is positioned to the right of the "IT IS SO ORDERED." text.

Marcy A. Toney
Regional Judicial Officer

In the Matter of Mardaph II, LLC, Mardaph II, LLC, and Vinnie Wilson, Respondents.
Docket No. TSCA-05-2008-0019

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CERTIFICATE OF SERVICE

I certify that the foregoing Order, dated August 31, 2009, was sent this day in the following manner:

Original hand delivered to:

Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 5 (E-19J)
77 West Jackson Boulevard
Chicago, IL 60604-3590

Copy hand delivered to
Attorney for Complainant:

Peter Felitti
U. S. Environmental Protection
Agency, Region 5 (C-14J)
Office of Regional Counsel
77 West Jackson Boulevard
Chicago, IL 60604-3590

Copy by U.S. Mail to:

Ms. Vinnie Wilson
P.O. Box 317639
Cincinnati, Ohio 45231

Dated: 8/31/09

By: 

Darlene Weatherspoon
Administrative Program Assistant