



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of:
Rose Real Estate Properties, Inc.,
Respondent.

Docket No. TSCA-05-2011-0004

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ORDER GRANTING COMPLAINANT'S MOTION FOR LEAVE TO WITHDRAW PORTIONS OF COMPLAINT AND FOR LEAVE TO FILE AN AMENDED COMPLAINT

Complainant filed a Complaint against Rose Real Estate Properties, Inc. ("Respondent") on March 11, 2011, alleging multiple violations of the regulations promulgated under Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d. See 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. The Complaint alleges that owns and offered for lease a single-family dwelling, and entered into contracts to lease that dwelling on June 1, 2007 and June 7, 2009. The Complaint alleged ten counts of violation arising from these two leases.

On June 20, 2011, the undersigned issued a prehearing order directing the parties to prepare prehearing exchanges of information. Complainant states that while preparing its prehearing exchange, it discovered that its copy of the June 1, 2007, lease is incomplete. As of July 21, 2011, Complainant has been unable to locate a complete copy of this lease. On that date, Complainant filed a Motion For Leave to Withdraw Portions of Complaint and for Leave to File an Amended Complaint ("Motion") requesting leave to withdraw all portions of its Complaint that refer to the June 1, 2007 lease, including Counts 1, 3, 5, 7, and 9. Complainant also seeks permission to file an Amended Complaint reflecting these changes. Complainant states that Respondent does not object to these requests.

Rule 22.14 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits allows Complainant to withdraw any part of the complaint, and/or amend the complaint, upon motion granted by the Presiding Officer. 40 C.F.R. § 22.14(c)-(d). Because Complainant seeks to withdraw claims that it admits are not supported by the evidence, Complainant's unopposed Motion is **GRANTED**.



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Susan L. Biro  
Chief Administrative Law Judge

Dated: July 26, 2011  
Washington, D.C.

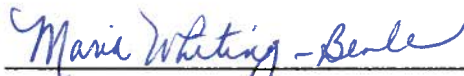
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In the Matter of Rose Real Estate Properties, Inc., Respondent  
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CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Complainant's Motion For Leave to Withdraw Portions Of Complaint And For Leave To File An Amended Complaint**, dated July 26, 2011, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: July 26, 2011

Original And One Copy By Pouch Mail To:

La Dawn Whitehead  
Regional Hearing Clerk  
U.S. EPA  
77 West Jackson Boulevard, E-19J  
Chicago, IL 60604-3590

Copy By Pouch Mail To:

John Matson, Esquire  
Associate Regional Counsel  
U.S. EPA  
77 West Jackson Boulevard, C-14J  
Chicago, IL 60604-3590

Copy By Regular Mail To:

Reverend Floyd E. Rose  
1619 North Lee Street  
Valdosta, GA 31602

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