

In the Matter of: Ronald H. Hunt, et al.

18
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U.S. E.P.A.
TSCA Appeal No. 05-01
2005-02-17
13-03-05

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ENVIRONMENTAL APPEALS BOARD**

In the Matter of:

RONALD H. HUNT, *ET AL.*

Docket No. TSCA-03-2003-0285

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)
) **TSCA Appeal No. 05-01**
)
)
)

Complainant's Status Report: Potential Witness Issue

Complainant- Appellee, U.S. EPA Region III, is filing this Status Report with the Environmental Appeals Board ("Board") concerning its Notice of Potential Witness Issue ("Notice") filed on November 18, 2005. As stated in this Notice, Complainant had been advised that week that there were potential licensing issues for some Lead Safe Richmond lead paint inspectors.

Complainant contacted the Virginia Department of Professional and Occupational Regulation ("VDPOR") and requested it to provide Complainant with a detailed License Transcript of Mr. Sims' lead inspector licenses.¹ This transcript, included herein as Attachment A, documents that Mr. Sims received a lead paint inspector license on March 25, 2004, shortly after being rehired by Lead Safe Richmond that January. Mr. Sims had previously worked for Lead Safe Richmond from 1995-1998 and the License Transcript identifies various Lead Inspector licenses held by Mr. Sims dating back to July 1996.² This is consistent with Mr. Sims' testimony at hearing (see pages 154 - 173 of the hearing transcript).

¹Complainant had contacted the schools of higher education attended by Mr. Sims and the Lead Safe Richmond personnel office concerning Mr. Sims credentials prior to the hearing in this matter.

²The VDPOR also maintains a licensing website. The website may not always have complete information as it listed Mr. Sims initial lead inspector's license as dating from September 19, 2004 (Attachment B) - two weeks after the administrative hearing in this matter. This website listing contributed to Complainant's decision to file the November 18, 2005 Notice. Complainant has since alerted the VDPOR that the website entry for Mr. Sims may need to be updated with the lead paint inspector license information contained in the License Transcript it prepared for Mr. Sims.

Complainant is still investigating certain ancillary issues with the VDPOR and expects to submit a Final Status Report to the Board and Respondents no later than December 20, 2005 regarding the resolution of these associated issues.

Respectfully submitted,

Date: 12/8/05

By: James Heenehan
James Heenehan
Joseph J. Lisa III
Senior Assistant Regional Counsels
U.S. EPA Region III

ATTACHMENT A



COMMONWEALTH of VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

3600 West Broad Street, Richmond, Virginia 23230-4917

Telephone: (804) 367-8500 TDD: (804) 367-9753

<http://www.dpor.virginia.gov>

LOUISE FONTAINE WARE
DIRECTOR

SANDRA WHITLEY RYALS
CHIEF DEPUTY

DEPUTY DIRECTORS:

KAREN W. O'NEAL
Licensing & Regulation

NICK A. CHRISTNER
Compliance & Investigations

STEVEN L. ARTHUR
Administration & Finance

November 28, 2005

Jim Heenehan
Office of Regional Counsel (3RC30)
EPA - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Lonnie Dean Sims,
License #3356000175 & #3355000437

Dear Mr. Hennehan:

Per the instructions of David Dick, Executive Director, Board for Asbestos, Lead and Home Inspectors, enclosed is a license transcript regarding each of the above-referenced license numbers. If you have any questions, feel free to call (804) 367-8583.

Sincerely,

Alexina M. Borkey
Public Records Manager
Policy, Planning and Public Records Systems

Enclosures



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LOUISE FONTAINE WARE
DIRECTOR

SANDRA WHITLEY RYALS
CHIEF DEPUTY

DATE: 11-21-2005

LICENSE TRANSCRIPT

DEPUTY DIRECTORS:

KAREN W. O'NEAL
Licensing & Regulation

NICK A. CHRISTNER
Compliance & Investigations

STEVEN L. ARTHUR
Administration & Finance

BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

LICENSE #: 3355000437
NAME: LONNIE DEAN SIMS
ADDRESS: 6616 LAKE POINT DR
CITY, STATE, ZIP CODE: PRINCE GEORGE, VIRGINIA 23875
PERIOD COVERED: INITIAL THROUGH PRESENT

03-25-2004 COMPUTER RECORD INDICATES ORIGINAL INTERIM LEAD INSPECTOR LICENSE ISSUED TO LONNIE DEAN SIMMS, 7431 TRAILING ROCK ROAD, PRINCE GEORGE, VIRGINIA 23875.
02-13-2004 COMPUTER RECORD INDICATES NAME CORRECTED TO LONNIE DEAN SIMS.
09-02-2004 COMPUTER RECORD INDICATES ADDRESS CHANGED TO 6616 LAKE POINT DR, PRINCE GEORGE, VIRGINIA 23875.
09-30-2004 INTERIM LICENSE EXPIRED.
03-02-2005 COMPUTER RECORD INDICATES ORIGINAL LEAD INSPECTOR LICENSE ISSUED TO LONNIE DEAN SIMS, AFTER PASSING A WRITTEN EXAMINATION, 6616 LAKE POINT DR, PRINCE GEORGE, VIRGINIA 23875.
03-31-2006 LICENSE EXPIRES.

I, THE UNDERSIGNED, PURSUANT TO THE PROVISIONS OF SECTION 54.1-112 OF THE CODE OF VIRGINIA, AS AMENDED, AND AS CUSTODIAN OF THE RECORDS FOR THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION, FOR THE PURPOSE OF CERTIFYING AND AUTHENTICATING AS PROVIDED IN SAID SECTION, DO HEREBY CERTIFY THIS DOCUMENT AS A TRUE COPY OF THE ORIGINAL DOCUMENT IN THE DEPARTMENT.

Adrienne Mayo
Office Manager

Board for Asbestos, Lead, and Home Inspectors.

I, THE UNDERSIGNED, PURSUANT TO THE PROVISIONS OF SECTION 54.1-112 OF THE CODE OF VIRGINIA, AS AMENDED, AND THE PERSON TO WHOM THE CUSTODIAN REPORTS FOR THE PURPOSE OF CERTIFYING AND AUTHENTICATING AS PROVIDED IN SAID SECTION, DO HEREBY CERTIFY THIS DOCUMENT AS A TRUE COPY OF THE ORIGINAL DOCUMENT IN THE DEPARTMENT.

Joseph C. Kossan
Regulatory Boards Administrator
Board for Asbestos, Lead, and Home Inspectors



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LICENSE TRANSCRIPT

DEPUTY DIRECTORS:

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Licensing & Regulation

NICK A. CHRISTNER
Compliance & Investigations

STEVEN L. ARTHUR
Administration & Finance

DATE: 11-21-2005

BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

LICENSE #: 3356000175
NAME: LONNIE DEAN SIMS
ADDRESS: 6616 LAKE POINT DR
CITY, STATE, ZIP CODE: PRINCE GEORGE, VIRGINIA 23875
PERIOD COVERED: INITIAL THROUGH PRESENT

07-17-1996 COMPUTER RECORD INDICATES ORIGINAL INTERIM LEAD INSPECTOR/RISK ASSESSOR LICENSE ISSUED TO LONNIE DEAN SIMMS, 7431 TRAILING ROCK RD, PRINCE GEORGE, VIRGINIA 23875.

12-31-1996 INTERIM LICENSE EXPIRED.

01-02-1997 COMPUTER RECORD INDICATES INTERIM LEAD INSPECTOR/RISK ASSESSOR LICENSE ISSUED TO LONNIE DEAN SIMMS, 7431 TRAILING ROCK RD, PRINCE GEORGE, VIRGINIA 23875.

02-28-1997 INTERIM LICENSE EXPIRED.

07-23-1997 COMPUTER RECORD INDICATES INTERIM LEAD INSPECTOR/RISK ASSESSOR LICENSE ISSUED TO LONNIE DEAN SIMMS, 7431 TRAILING ROAD RD, PRINCE GEORGE, VIRGINIA 23875.

12-31-1997 INTERIM LICENSE EXPIRED.

01-15-1998 COMPUTER RECORD INDICATES LEAD INSPECTOR/RISK ASSESSOR LICENSE ISSUED TO LONNIE DEAN SIMMS, AFTER PASSING A WRITTEN EXAMINATION, 7431 TRAILING ROCK RD, PRINCE GEORGE, VIRGINIA 23875.

04-30-1998 LICENSE EXPIRED.

02-23-2001 COMPUTER RECORD INDICATES LEAD INSPECTOR/RISK ASSESSOR LICENSE ISSUED TO LONNIE DEAN SIMMS, AFTER PASSING A WRITTEN EXAMINATION, 7431 TRAILING ROCK RD, PRINCE GEORGE, VIRGINIA 23875.

10-31-2001 LICENSE EXPIRED.

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08-31-2005 INTERIM LICENSE EXPIRED.

10-06-2005 LEAD INSPECTOR/RISK ASSESSOR LICENSE ISSUED TO LONNIE DEAN SIMS, AFTER PASSING A WRITTEN EXAMINATION, 6616 LAKE POINT DR, PRINCE GEORGE, VIRGINIA 23875.

02-28-2006 LICENSE EXPIRES.



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LICENSE TRANSCRIPT

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STEVEN L. ARTHUR
Administration & Finance

DATE: 11-21-2005

BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

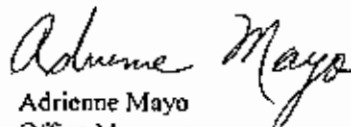
LICENSE #:	3356000175
NAME:	LONNIE DEAN SIMS
ADDRESS:	6616 LAKE POINT DR
CITY, STATE, ZIP CODE:	PRINCE GEORGE, VIRGINIA 23875
PERIOD COVERED:	INITIAL THROUGH PRESENT
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02-28-2006 LICENSE EXPIRES.

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects • Board for Asbestos, Lead, and Home Inspectors • Board for Barber and Cosmetology • Board for Branch Pilots • Board for Contractors • Board for Geology • Board for Hearing Aid Specialists • Board for Opticians • Board for

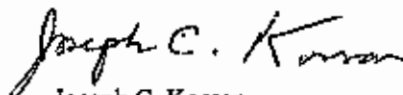
LONNIE DEAN SIMS
LICENSE #3356000175
11-21-2005
PAGE 2

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Adrienne Mayo
Office Manager
Board for Asbestos, Lead, and Home Inspectors

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Joseph C. Kossan
Regulatory Boards Administrator
Board for Asbestos, Lead, and Home Inspectors

ATTACHMENT B



Search Criteria

Name:	lonnie sims	Zip:	Records Found:	2
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Click on any column for additional information

Board	Number	Name	Location
LEAD	3355000437	SIMS, LONNIE DEAN	PRINCE GEORGE, VA 23875
INDIVIDUAL			
LEAD	3356000175	SIMS, LONNIE DEAN	PRINCE GEORGE, VA 23875
INDIVIDUAL			

[Search Licensees](#)[Virginia Department of Professional and Occupational Regulation](#)[Go to the Virginia Home Page](#)

© Commonwealth of Virginia, 1999

Lead Individual License	
NAME:	SIMS, LONNIE DEAN
LICENSE TYPE:	LEAD INSPECTOR
LICENSE:	3355000437
CITY, STATE:	PRINCE GEORGE, VA
INITIAL CERTIFICATION DATE:	SEPTEMBER 29, 2004
EXPIRATION DATE:	MARCH 31, 2006



Department of
Professional and
Occupational
Regulation
Virginia Board for
Asbestos, Lead, and
Home Inspectors

Open Enforcement Cases: 0

File Number

NONE

"Open Enforcement Cases" reflect only those complaints for which a departmental investigation has determined that sufficient evidence exists to establish probable cause of a violation of the law or regulations. Only those cases that have proceeded through an investigation to the adjudication stage are displayed. Complaints involving allegations of criminal activity, and cases subject to Alternative Dispute Resolution, are not subject to disclosure and therefore are not displayed.

State law prohibits the disclosure of any information about open enforcement cases [Code of Virginia Section 54.1-108]. Members of the public may review official records and obtain copies only after a complaint investigation is closed.

Closed Enforcement Cases: 0

File Number

Disposition

Date Case Closed

NONE

"Closed Enforcement Cases" reflect complaints closed since 1990. Cases closed without disciplinary action are purged after three years in accordance with DPOR's record retention policy. Complaints involving allegations of criminal activity, and cases subject to Alternative Dispute Resolution, are not subject to disclosure and therefore are not displayed.

To inquire about any disciplinary actions prior to 1990, contact the department's Public Records Section at (804) 367-8583 or RecordsMgt@dpor.virginia.gov.

Note: The official record copy of the data obtained from this search is maintained by the specific board offices at the Department of Professional and Occupational Regulation (DPOR). [Click here for telephone and email contact information for DPOR licensing boards.](#) [Click here for information on how to file a complaint,](#) or contact the Compliance and Investigations Division at 804-367-8504. This website information was last posted on November 18, 2005.

[Search Licensees](#)

[DPOR Home](#)

[Virginia Home](#)

© Commonwealth of Virginia, 1999

Lead Individual License	
NAME:	SIMS, LONNIE DEAN
LICENSE TYPE:	LEAD RISK ASSESSOR
LICENSE:	3356000175
CITY, STATE:	PRINCE GEORGE, VA
INITIAL CERTIFICATION DATE:	APRIL 27, 2005
EXPIRATION DATE:	FEBRUARY 28, 2006



**Department of
Professional and
Occupational
Regulation**
**Virginia Board for
Asbestos, Lead, and
Home Inspectors**

Open Enforcement Cases: 0

File Number

NONE

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[Search Licenses](#)

[DPOR Home](#)

[Virginia Home](#)

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I mailed by federal express the original and five true and correct copies of *Complainant's Status Report: Potential Witness Issue* (TSCA Appeal No. 05-01) to:

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
Colorado Building
1341 G. Street, NW, Suite 600
Washington, D.C. 20005

I also certify that on the date provided below, I served true and correct copies of *Complainant's Status Report: Potential Witness Issue* (TSCA Appeal No. 05-01) on the following parties in the manner set forth below:

Hand-Delivery: Regional Hearing Clerk
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Federal Express: The Honorable Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges
U. S. Environmental Protection Agency
Mail Code 1900L
1099 14th St., N.W., Suite 350
Washington, D.C. 20460

and

Bradley P. Marrs, Esq.
Christopher Hill, Esq.
Meyer, Goergen & Marrs, PC
7130 Glen Forest Dr., Suite 305
Richmond, Va 23226

Respectfully submitted

Date: 12/8/05

By: James Heenehan
James Heenehan
Joseph J. Lisa III
Senior Assistant Regional Counsels
U.S. EPA Region III