



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 5**  
**77 WEST JACKSON BOULEVARD**  
**CHICAGO, IL 60604-3590**

**April 21, 2021**

**VIA ELECTRONIC EMAIL**

Mr. Scott S. Yaldo  
Esquire  
500 South Old Woodward Avenue  
Birmingham, Michigan 48009  
Email: [scottyaldo@gmail.com](mailto:scottyaldo@gmail.com)

Consent Agreement and Final Order – In the Matter of:  
Mr. John Mansour, Docket No. TSCA-05-2021-0006

Dear Mr. Yaldo:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on April 21, 2021 with the Regional Hearing Clerk.

The civil penalty in the amount of \$3,580 is to be paid in the manner described in paragraphs 29 and 30. Please be certain that the docket number is written on both the transmittal letter and on the check.

Thank you for your cooperation in resolving this matter.

Sincerely,

Saldivar,  
Christina

Digitally signed by  
Saldivar, Christina  
Date: 2021.04.14  
14:33:00 -05'00'

Christina Saldivar  
Pesticides and Toxics Compliance Section

Enclosure

cc: Thomas Williams, (C-14J)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>Docket No. TSCA-05-2021-0006</b>
	)	
<b>John Mansour</b>	)	<b>Proceeding to Assess a Civil</b>
<b>West Bloomfield, Michigan</b>	)	<b>Penalty Under Section 16(a) of the</b>
	)	<b>Toxic Substances Control Act,</b>
<b>Respondent.</b>	)	<b>15 U.S.C. § 2615(a)</b>
	)	

**Consent Agreement and Final Order**

**Preliminary Statement**

1. This is an administrative action commenced and concluded under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA), Region 5.

3. Respondent is Mr. John Mansour, a sole proprietor with a place of business located at 1570 Sugar Maple Way, West Bloomfield, Michigan 48324.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

### **Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

### **Statutory and Regulatory Background**

9. Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (the Lead Act), 42 U.S.C. § 4852d, requires the Administrator of EPA to promulgate regulations for the disclosure of lead-based paint hazards in target housing that is offered for sale or lease.

10. 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) pursuant to 42 U.S.C. § 4852d.

11. 40 C.F.R. § 745.103 defines target housing as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling.

12. 40 C.F.R. § 745.103 defines “lessor” as any entity that offers target housing for lease, rent, or sublease, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes and nonprofit organizations.

13. 40 C.F.R. § 745.103 defines “lessee” as any entity that enters into an agreement to lease, rent or sublease target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes and nonprofit organizations.

14. 40 C.F.R. § 745.113(b) requires that each contract to lease target housing include, as

an attachment or within the contract: a lead warning statement; a statement by the lessor disclosing the presence of any known lead-based paint and/or lead-based paint hazards or the lack of knowledge of such presence; a list of any records or reports available to the lessor regarding lead-based paints and/or lead-based paint hazards in the target housing or a statement that no such records exist; a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (3) and the Lead Hazard Information Pamphlet; and the signatures and dates of signature of the lessor and lessee certifying the accuracy of their statements.

15. Under 42 U.S.C. § 4852d(b)(5) and 40 C.F.R. § 745.118(e), failure to comply with the Disclosure Rule violates Section 409 of TSCA, 15 U.S.C. § 2689, which may subject the violator to administrative civil penalties under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), 42 U.S.C. § 4852d(b)(5), and 40 C.F.R. § 745.118(f).

16. Under 42 U.S.C. § 4852d(b)(5), 15 U.S.C. § 2615(a), and 40 C.F.R. Part 19, the Administrator of EPA may assess a civil administrative penalty of up to \$18,149 for each violation of 42 U.S.C. § 4852d and Section 409 of TSCA, 15 U.S.C. § 2689, that occurred after November 2, 2015.

### **Factual Allegations and Alleged Violations**

17. Between April 10, 1995 and June 15, 2020, Respondent owned a residential condominium unit at 1651A Cass Lake Road, Keego Harbor, Michigan 48320 (Respondent's Property).

18. Respondent's Property is "target housing" as defined in 40 C.F.R. § 745.103.

19. On the following dates, Respondent entered into the following lease agreement (contract) with an individual for the lease of Respondent's Property:

Address	Date of Lease
1651A Cass Lake Road, Keego Harbor, Michigan 48320	May 16, 2016

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20. The contract referred to in paragraph 19, above, covered a term of occupancy greater than 100 days.

21. Respondent is a “lessor,” as defined in 40 C.F.R. § 745.103, because he offered the target housing referred to in paragraph 19, above, for lease.

22. The individual who signed a lease to pay rent in exchange for occupancy of the target housing referred to in paragraph 19, above, became a “lessee” as defined in 40 C.F.R. § 745.103.

23. Respondent failed to include a lead warning statement, either within the contract or as an attachment to the contract for the lease of Respondent’s Property, in violation of 40 C.F.R. § 745.113(b)(1), 15 U.S.C. § 2689, and 42 U.S.C. § 4852d(b)(5).

24. Respondent failed to include a statement disclosing either the presence of any known lead-based paint and/or lead-based paint hazards in the target housing or a lack of knowledge of such presence, either within the contract or as an attachment to the contract for the lease of Respondent’s Property, in violation of 40 C.F.R. § 745.113(b)(2), 15 U.S.C. § 2689, and 42 U.S.C. § 4852d(b)(5).

25. Respondent failed to include a list of any records or reports available to the lessor regarding lead-based paint and/or lead-based paint hazards in the target housing that have been provided to the lessee or a statement that no such records are available, either within the contract or as an attachment to the contract for the lease of Respondent’s Property, in violation of 40 C.F.R. § 745.113(b)(3), 15 U.S.C. § 2689, and 42 U.S.C. § 4852d(b)(5).

26. Respondent failed to include a statement by the lessee affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and (3) and the Lead Hazard Information

Pamphlet required under 15 U.S.C. § 2696, either within the contract or as an attachment to the contract for the lease of Respondent's Property, in violation of 40 C.F.R. § 745.113(b)(4), 15 U.S.C. § 2689, and 42 U.S.C. § 4852d(b)(5).

27. Respondent failed to include the signatures of the lessor and the lessee certifying to the accuracy of their statements and the dates of such signatures, either within the contract or as an attachment to the contract for the lease of Respondent's Property, in violation of 40 C.F.R. § 745.113(b)(6), 15 U.S.C. § 2689, and 42 U.S.C. § 4852d(b)(5).

### **Civil Penalty**

28. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), Complainant determined that an appropriate civil penalty to settle this action is \$3,580. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, and, with respect to Respondent, ability to pay, effect on ability to continue to do business, any history of such prior violations, the degree of culpability. Complainant also considered EPA's Section 1018 – Disclosure Rule Enforcement Response and Penalty Policy, dated December 2007.

29. Within 30 days after the effective date of this CAFO, Respondent must pay a \$3,580 civil penalty for the TSCA violations by one of the following methods:

a. for checks sent by regular U.S. Postal Service mail, by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

b. for checks sent by express mail, by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank  
Government Lockbox 979077 U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, Missouri 63101

The check must state Mr. John Mansour and the docket number of this CAFO.

c. for electronic funds transfer, by making electronic funds transfer payable to

“Treasurer, United States of America,” and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read:  
“D 68010727 Environmental Protection Agency”

In the comment or description field of the electronic funds transfer, state Mr. John Mansour and the docket number of this CAFO.

d. for Automated Clearinghouse (ACH) also known as REX or remittance express ACH electronic funds transfer, making the transfer payable to “Treasurer, United States of America,” and sent to:

US Treasury REX / Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking

In the comment area of the electronic funds transfer, state Mr. John Mansour and the docket number of this CAFO.

e. for on line payment, by entering [www.pay.gov](http://www.pay.gov) in the internet browser. Use the Search Public Forms option on the tool bar and enter SFO 1.1 in the search field. Open the form and complete the required fields.

30. Respondent must send a notice of payment that states Respondent's name and the case docket number ~~TSCA CAFOs 2014-2016~~ to the following addresses (via regular mail or electronic mail) when it pays the penalty:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
[r5hearingclerk@epa.gov](mailto:r5hearingclerk@epa.gov)

Christina Saldivar (ECP-17J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
[saldivar.christina@epa.gov](mailto:saldivar.christina@epa.gov)

Thomas Williams (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
[williams.thomas@epa.gov](mailto:williams.thomas@epa.gov)

31. This civil penalty is not deductible for federal tax purposes.

32. If Respondent does not pay timely the civil penalty, EPA may refer this matter to the Attorney General, who will recover such amount, plus interest, in the appropriate district court of the United States under Section 16(a) of TSCA, 15 U.S.C. § 2615(a). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

33. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.



### **General Provisions**

34. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: [williams.thomas@epa.gov](mailto:williams.thomas@epa.gov) (for Complainant), and [scottyaldo@gmail.com](mailto:scottyaldo@gmail.com) (for Respondent).

35. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

36. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

37. This CAFO does not affect Respondent's responsibility to comply with the Lead Act and the Disclosure Rule and other applicable federal, state and local laws.

38. Respondent certifies that he is complying with the Lead Act and the Disclosure Rule.

39. The terms of this CAFO bind Respondent, and his successors and assigns.

40. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

41. Each party agrees to bear its own costs and attorney's fees in this action.

42. This CAFO constitutes the entire agreement between the parties.

**Consent Agreement and Final Order**  
**In the Matter of: Mr. John Mansour**  
**Docket No. TSCA-05-2021-0006**

**Mr. John Mansour, Respondent**

4/5/21  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Mr. John Mansour

**Consent Agreement and Final Order**  
**In the Matter of: Mr. John Mansour**  
**Docket No. TSCA-05-2021-0006**

**United States Environmental Protection Agency, Complainant**

**MICHAEL HARRIS** Digitally signed by MICHAEL  
HARRIS  
Date: 2021.04.16 09:46:00 -05'00'

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Michael D. Harris  
Director  
Enforcement and Compliance Assurance Division

**Consent Agreement and Final Order**  
**In the Matter of: Mr. John Mansour**  
**Docket No. TSCA-05-2021-0006**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

**ANN COYLE** Digitally signed by ANN COYLE  
Date: 2021.04.21 13:58:29  
-05'00'

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Ann L. Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5

**Consent Agreement and Final Order**  
**In the Matter of: Mr. John Mansour**  
**Docket Number: TSCA-05-2021-0006**

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, which was filed on April 21, 2021, this day in the following manner to the addressees:

Copy by e-mail to  
Attorneys of Respondent:

Scott S. Yaldo, Esq.  
Yaldo Law, PLLC  
[scottyaldo@gmail.com](mailto:scottyaldo@gmail.com)

Copy by e-mail to  
Attorney of Complainant:

Thomas Williams  
[williams.thomas@epa.gov](mailto:williams.thomas@epa.gov)

Copy by e-mail to  
Regional Judicial Officer:

Ann Coyle  
[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

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LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5