

U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

2013 SEP 30 PM 3: 31
UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7

In the Matter of)	
)	Docket No. TSCA-07-2013-0028
Rigoberto Alcala)	
506 West Linn Street)	
Marshalltown, Iowa 50158)	
)	
Respondent)	COMPLAINT AND NOTICE OF
)	OPPORTUNITY FOR HEARING

COMPLAINT

Jurisdiction

1. This Complaint and Notice of Opportunity for Hearing (Complaint) serves as notice that the United States Environmental Protection Agency (EPA), Region 7 has reason to believe that Respondent has violated Section 409 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2689, by failing to comply with the regulatory requirements of 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*, promulgated pursuant to Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d.

2. This administrative action for the assessment of civil penalties is instituted pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and in accordance with the EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of

Permits, 40 C.F.R. Part 22, (Consolidated Rules) a copy of which is enclosed along with this Complaint.

Parties

3. The Complainant, by delegation from the Administrator of the EPA, is the Chief of the Toxics and Pesticides Branch at EPA, Region 7.

4. The Respondent is an individual, Rigoberto Alcala, currently residing at 506 West Linn Street, Marshalltown, IA 50158.

Statutory and Regulatory Background

5. Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992 (the Act), 42 U.S.C. §§ 4851 to 4856, to address the need to control exposure to lead-based paint hazards. The Act amended TSCA by adding Sections 401 to 412, 15 U.S.C. §§ 2681 to 2692. Section 1018 of the Act required EPA and the Department of Housing and Urban Development to jointly issue regulations requiring the disclosure of known lead-based paint and/or lead-based paint hazards by persons selling or leasing housing constructed before the phase out of residential lead-based paint use in 1978. The regulations, issued March 6, 1996, and codified at 40 C.F.R. Part 745, Subpart F, require that sellers and lessors of most residential housing built before 1978: (a) disclose the presence of known lead-based paint and/or lead-based paint hazards in the target housing; (b) provide purchasers and lessees with any available records or reports pertaining to the presence of lead-based paint and/or lead-based paint hazards; (c) provide purchasers and lessees with a federally approved lead hazard information pamphlet; (d) provide purchasers with a 10-day opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards before the purchaser is obligated under any purchase contract; and (e) include certain disclosure and acknowledgment language in the sales

or leasing contract. The failure or refusal to comply with the regulations is a violation of Section 1018 of the Act and Section 409 of TSCA.

General Factual Allegations

6. Respondent is, and at all times referred to herein was a “person” within the meaning of TSCA.

7. Respondent is the “lessor” as defined by 40 C.F.R. § 745.103, for leases of the residences located 504 West Linn Street; 501½ North Center Street, Apt. 1; 501½ North Center Street, Apt. 2; all in Marshalltown, Iowa (the “Properties” when referred to in the plural, or the “Property” when referred to singularly).

8. The Properties were all constructed before 1978 and are all “target housing” as defined by 40 C.F.R. § 745.103.

9. On September 20, 2011, EPA conducted an inspection and evaluation of Respondent’s compliance with the lead-based paint disclosure requirements of TSCA and 40 C.F.R. Part 745, Subpart F, and collected records and information from Respondent as part of that evaluation.

10. The EPA inspection and evaluation showed that on August 23, 2006, the Property at 504 West Linn Street was inspected by the City of Marshalltown Health Department due to a lead poisoned child living there. Lead-based paint hazards were identified and were ordered to be corrected. The EPA inspection and evaluation also showed that follow-up inspections by the Health Department cleared the interior of the Property. No documentation was provided for the clearance on the exterior of the Property. Records of the inspections, clearance and testing results were provided to the Respondent.

11. The EPA inspection and evaluation showed that on November 5, 2008, the Property at 501½ North Center Street, Apt. 2, was inspected by the City of Marshalltown Health Department due to a lead poisoned child living there. Lead-based paint hazards were identified and were ordered to be corrected. The EPA inspection and evaluation also showed that follow-up inspections by the Health Department cleared the interior of the Property. No documentation was provided for the clearance on the exterior of the Property. Records of the inspections, clearance and testing results were provided to the Respondent.

12. The regulations at 40 C.F.R. §§ 745.107(a)(2) provide that the lessor of target housing must disclose to the lessee the presence of any known lead-based paint and/or lead-based paint hazards in the target housing before the lessee becomes obligated under contract to lease the Property.

13. The regulations at 40 C.F.R. §§ 745.107(a)(4) provide that the lessor of target housing must provide the lessee any record or reports pertaining to lead-based paint and/or lead-based paint hazards before the lessee becomes obligated under contract to lease the Property. The regulations also provide that this requirement also includes records or reports regarding common areas; and that this requirement also includes records or reports regarding other residential dwellings in multifamily target housing, provided that such information is part of an evaluation or reduction of lead-based paint and/or lead-based paint hazards in the target housing as a whole.

14. The Properties at 501½ North Center Street, Apt. 1 and 501½ North Center Street, Apt. 2, are multifamily housing located in the same building, and share common areas.

Violations

15. The Complainant hereby states and alleges that Respondent has violated TSCA and federal regulations promulgated thereunder, as follows:

Count 1

16. The facts stated in Paragraphs 1 through 14 above are herein incorporated.

17. On or about December 4, 2009, Respondent entered into a contract to lease the Property located at 504 West Linn Street, Marshalltown, Iowa.

18. Despite the fact that the Property was built prior to 1978 and is defined as "Target Housing" under 40 C.F.R. § 745.103, and Respondent had received records and reports pertaining to lead-based paint hazards at the Property described in this count, Respondent failed to provide the lessee with the records and reports before the lessee became obligated under contract to lease the Property.

19. Respondent's failure to perform the act indicated in paragraph 18 above is a violation of 40 C.F.R. §§ 745.107(a)(4), and in accordance with 40 C.F.R. § 745.118(e), is a violation of Section 1018 of the Act, 42 U.S.C. § 4852d, and Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

20. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and based upon the facts set forth above, it is proposed that a civil administrative penalty in the amount of \$16,000 be assessed against Respondent.

Count 2

21. The facts stated in Paragraphs 1 through 14 above are herein incorporated.

22. On or about December 13, 2010, Respondent entered into a contract to lease the Property located at 504 West Linn Street, Marshalltown, Iowa.

23. Despite the fact that the Property was built prior to 1978 and is defined as "Target Housing" under 40 C.F.R. § 745.103, and Respondent had received records and reports pertaining to lead-based paint hazards at the Property described in this count, Respondent failed to provide the lessee with the records and reports before the lessee became obligated under contract to lease the Property.

24. Respondent's failure to perform the act indicated in paragraph 23 above is a violation of 40 C.F.R. §§ 745.107(a)(4), and in accordance with 40 C.F.R. § 745.118(e), is a violation of Section 1018 of the Act, 42 U.S.C. § 4852d, and Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

25. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and based upon the facts set forth above, it is proposed that a civil administrative penalty in the amount of \$16,000 be assessed against Respondent.

Count 3

26. The facts stated in Paragraphs 1 through 14 above are herein incorporated.

27. On or about September 2, 2011, Respondent entered into a contract to lease the Property located at 501½ North Center Street, Apt. 1, Marshalltown, Iowa.

28. Despite the fact that the Property was built prior to 1978 and is defined as "Target Housing" under 40 C.F.R. § 745.103, and Respondent had received records and reports pertaining to lead-based paint hazards at the Property described in this count, Respondent failed

to provide the lessee with the records and report before the lessee became obligated under contract to lease the Property.

29. Respondent's failure to perform the act indicated in paragraph 28 above is a violation of 40 C.F.R. §§ 745.107(a)(4), and in accordance with 40 C.F.R. § 745.118(e), is a violation of Section 1018 of the Act, 42 U.S.C. § 4852d, and Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

30. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and based upon the facts set forth above, it is proposed that a civil administrative penalty in the amount of \$8,500 be assessed against Respondent.

Count 4

31. The facts stated in Paragraphs 1 through 14 above are herein incorporated.

32. On or about June 5, 2009, Respondent entered into a contract to lease the Property located at 501½ North Center Street, Apt. 2, Marshalltown, Iowa.

33. Despite the fact that the Property was built prior to 1978 and is defined as "Target Housing" under 40 C.F.R. § 745.103, and Respondent had received records and reports pertaining to lead-based paint hazards at the Property described in this count, Respondent failed to provide the lessee with the records and report before the lessee became obligated under contract to lease the Property.

34. Respondent's failure to perform the act indicated in paragraph 33 above is a violation of 40 C.F.R. §§ 745.107(a)(4), and in accordance with 40 C.F.R. § 745.118(e), is a violation of Section 1018 of the Act, 42 U.S.C. § 4852d, and Section 409 of TSCA, 15 U.S.C.

§ 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

35. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and based upon the facts set forth above, it is proposed that a civil administrative penalty in the amount of \$2,840 be assessed against Respondent.

Count 5

36. The facts stated in Paragraphs 1 through 14 above are herein incorporated.

37. On or about November 16, 2009, Respondent entered into a contract to lease the Property located at 501½ North Center Street, Apt. 2, Marshalltown, Iowa.

38. Despite the fact that the Property was built prior to 1978 and is defined as “Target Housing” under 40 C.F.R. § 745.103, and Respondent had received records and reports pertaining to lead-based paint hazards at the Property described in this count, Respondent failed to provide the lessee with the records and report before the lessee became obligated under contract to lease the Property.

39. Respondent’s failure to perform the act indicated in paragraph 38 above is a violation of 40 C.F.R. §§ 745.107(a)(4), and in accordance with 40 C.F.R. § 745.118(e), is a violation of Section 1018 of the Act, 42 U.S.C. § 4852d, and Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

40. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and based upon the facts set forth above, it is proposed that a civil administrative penalty in the amount of \$2,840 be assessed against Respondent.

Relief

41. Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1), provides that any person who violates Section 409 of TSCA, 15 U.S.C. § 2689, shall be liable to the United States for a civil penalty in an amount not to exceed \$25,000 for each such violation. This maximum penalty amount is limited by Section 1018(b)(5) of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d(b)(5), which limits penalties assessed for violations of Section 409 of TSCA to not more than \$10,000 per violation. The Debt Collection Improvement Act of 1996, as implemented by the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, authorizes penalties of up to \$16,000 for violations that occur after January 12, 2009.

42. The proposed penalty of \$46,180 is based upon the facts alleged in this Complaint and upon the factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), including the nature, circumstances, extent and gravity of the violations, and with respect to the Respondent: a) his ability to pay, b) the effect on his ability to continue to do business, c) any history of prior violations, d) the degree of culpability, and e) such other matters as justice may require. The proposed penalty is in accordance with EPA's Section 1018 - Disclosure Rule Enforcement Response and Penalty Policy, dated December 2007. A copy of the policy and a summary of the penalty calculations is enclosed with this Complaint.

43. The proposed penalty is based on the best information available to EPA at the time the Complaint is issued. The penalty may be adjusted if the Respondents establish bona fide issues of ability to pay or other defenses relevant to the appropriate amount of the proposed penalty.

Payment of Proposed Penalty in Full

44. A Respondent may resolve this proceeding at any time by paying the full penalty proposed in the Complaint and filing a copy of the check or other instrument of payment with the Regional Hearing Clerk. Payment of the total penalty, \$46,180 may be made by certified or cashier's check payable to the "Treasurer, United States of America," and remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, Missouri 63197-9000.

Wire transfers should be directed to the Federal Reserve Bank of New York:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

A copy of the check must simultaneously be sent to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219;

and

Robert W. Richards, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency
Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

Checks should reference the name and docket number of this Complaint.

Payment of Proposed Penalty in Lieu of an Answer

45. A Respondent who wishes to resolve a proceeding by paying the proposed penalty in full instead of filing an answer to the Complaint may do so within thirty (30) days of receipt of the Complaint, in accordance with the procedures set forth above. A Respondent who wishes to resolve a proceeding by paying the proposed penalty in full instead of filing an answer but who needs additional time to pay the penalty, may file a written statement with the Regional Hearing Clerk within thirty (30) days of receipt of the Complaint, in accordance with Rule 22.18(a)(1) of the Consolidated Rules. The written statement shall state that Respondent agrees to pay the proposed penalty in full within sixty (60) days of receipt of the Complaint. The written statement need not contain any response to, or admission of, the allegations in the Complaint. A Respondent must then pay the full amount of the proposed penalty within sixty (60) days of receipt of the Complaint. Failure to pay the full penalty within sixty (60) days of receipt of the Complaint may subject a Respondent to default, as set forth below.

NOTICE OF OPPORTUNITY FOR HEARING

Answer and Request for Hearing

46. A Respondent must file a written answer within thirty (30) days of receipt of this Complaint if Respondent: (a) contests any material fact upon which this Complaint is based; (b) contends that the penalty proposed in this Complaint is inappropriate; or (c) contends that it is entitled to judgment as a matter of law. The answer shall clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint with regard to which a Respondent has any knowledge. Where a Respondent has no knowledge of a particular factual allegation, the answer shall so state. Failure to admit, deny or explain any of the factual allegations in the Complaint constitutes an admission of the allegation. The answer shall also

state: (a) the circumstances or arguments which are alleged to constitute the grounds of any defense; (b) the facts that a Respondent disputes; (c) the basis for opposing the proposed penalty; and (d) whether a hearing is requested.

47. The original and one copy of the answer shall be filed with the following, in accordance with Section 22.15 of the Consolidated Rules:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

A copy of the answer shall be sent to:

Robert W. Richards, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency
Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

Default

48. If, within thirty (30) days of receipt of a Complaint, a Respondent fails to: a) submit full payment of the proposed penalty; b) submit a written statement to the Regional Hearing Clerk that Respondent agrees to pay the penalty within sixty (60) days of receipt of the Complaint; or c) file a written answer to the Complaint; a Respondent may be found in default. Default by a Respondent constitutes, for the purposes of this proceeding, an admission of all facts alleged in the Complaint and a waiver of a Respondents' right to contest such factual allegations. A Default Order may thereafter be issued by the Presiding Officer and the civil penalty proposed in the Complaint shall be assessed unless the Presiding Officer finds that the proposed penalty is clearly inconsistent with the record of the proceeding or TSCA.

Informal Settlement Conference

49. The EPA encourages settlement of a proceeding at any time if the settlement is consistent with the provisions and objectives of TSCA and the regulations upon which this action is based. Regardless of whether a Respondent requests a hearing, a Respondent may request an informal settlement conference to discuss the facts of this case, the proposed penalty, and the possibility of settlement. To request an informal settlement conference, please contact:

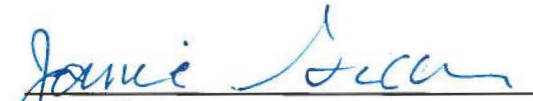
Robert W. Richards, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
Telephone (913) 551-7502.

50. Any settlement which may be reached as a result of such a conference shall be recorded in a written consent agreement signed by all parties or their representatives and shall conform with the provisions of Section 22.18(b)(2) of the Consolidated Rules. No settlement or consent agreement shall dispose of this proceeding without a final order from the Regional Judicial Officer or the Regional Administrator.

51. Please note that a request for an informal settlement conference does not extend the thirty (30) day period during which a written answer must be filed.

Date:

9/30/2013

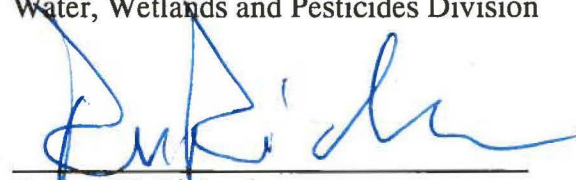


Jamie Green
Chief

Toxics and Pesticides Branch
Water, Wetlands and Pesticides Division

Date:

9/30/2013



Robert W. Richards
Attorney
Office of Regional Counsel

CERTIFICATE OF SERVICE

I hereby certify that the original and one true and correct copy of the foregoing Complaint, Compliance Order, and Notice of Opportunity for Hearing and a summary of the penalty calculations were hand delivered to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219, on 30th day of September, 2013.

A true and correct copy of the foregoing Complaint, Compliance Order, and Notice of Opportunity for Hearing, a copy of EPA's Section 1018 - Disclosure Rule Enforcement Response and Penalty Policy dated December 2007, a summary of the penalty calculations, and a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits were sent by certified mail, return receipt requested, on this 15th day of October, 2013 to:

Rigoberto Alcala
506 West Linn Street
Marshalltown, Iowa 50158


Name _____

§1018 LEAD-BASED PAINT DISCLOSURE RULE CASE REVIEW / PENALTY PANEL DISCUSSION WORKSHEET			
INSTRUCTIONS FOR CASE REVIEWER →		<input checked="" type="checkbox"/> COMPLETE WORKSHEET <input checked="" type="checkbox"/> MAKE COPIES FOR DISTRIBUTION TO ALL CASE REVIEW (OR ENFORCEMENT) MEETING ATTENDEES <input checked="" type="checkbox"/> DESTROY AFTER ENFORCEMENT ACTION IS FINAL	
ENFORCEMENT CONFIDENTIAL - DRAFT/PRE-DECISIONAL - NOT FOIA RELEASABLE			
DATE:	12/08/2011	INSPECTOR	Paul Clark
		CASE REVIEW OFFICER:	Sandra Tucker MARIA MOREY
CASE FILE NAME:	ALCALA, RIGOBERTO AND LEANOR	ATTORNEY	ROBERT RICHARDS
INITIATING ACTION (INSPECTION) DATE:	09/20/2011	INITIATING ACTION TYPE:	<input type="checkbox"/> Random Inspection <input type="checkbox"/> Re-Inspection <input checked="" type="checkbox"/> Tip/Complaint <input type="checkbox"/> Other (specify) _____
DATE INSPECTION REPORT SENT TO RESPONDENT:			Health Dept Referral
BUSINESS TYPE(S):	RENTALS:	<input checked="" type="checkbox"/> Owner (aka Landlord)	<input type="checkbox"/> Property Management Firm
	SALES:	<input type="checkbox"/> Real Estate Agent	<input type="checkbox"/> Real Estate Broker <input type="checkbox"/> Individual Seller
RENTALS			
FOR APARTMENT COMPLEX, LIST NAME/ADDRESS:			
YEAR BUILT:		NUMBER OF MARKET UNITS AT THIS ADDRESS:	
		NUMBER OF HUD/SECTION 8 UNITS AT THIS ADDRESS:	
RENTAL PROPERTY OWNERSHIP INFORMATION			
NAME/ADDRESS OF ALL OWNER(S) ATTACH ADDITIONAL SHEET IF NECESSARY	(A)ALCALA, RIGOBERTO AND LEONOR 506 WEST LINN STREET MARSHALLTOWN, IA 50158		
FOR EACH OWNER, NUMBER OF PROPERTIES OWNED:	(A) 9	NUMBER OF UNITS OWNED:	(A) 9
IS PROPERTY MANAGED BY OWNER?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF NO, PROVIDE THE FOLLOWING INFORMATION	
RENTAL PROPERTY MANAGEMENT INFORMATION			
PROPERTY MGR OR MGMT FIRM:			
NUMBER OF EMPLOYEES AT THIS ADDRESS:		TOTAL NUMBER OF EMPLOYEES AT ALL ADDRESSES:	
DOES OWNER/PROPERTY MGR OWN/MANAGE UNITS IN OTHER CITIES/STATES?	<input type="checkbox"/> YES	IF YES, PROVIDE ADDITIONAL INFO (NUMBERS OF UNITS/PROPERTIES, STATES)	
	<input type="checkbox"/> NO		
SALES			
REAL ESTATE COMPANY (OR SELLER) NAME/ADDRESS			
NUMBER OF SALES PER YEAR		NUMBER OF EMPLOYEES	
COMMENTS			

VIOLATIONS

ADDRESS OF UNIT	NUMBER OF RESIDENTS		BRIEF NARRATIVE DESCRIPTION OF VIOLATION (e.g. "FAILED TO PROVIDE PAMPHLET")	PER ENFORCEMENT RESPONSE POLICY		
	CHILDREN & AGES OF EACH	PREGNANT WOMEN		LEVEL	EXTENT	PENALTY \$
504 West Linn Street Marshalltown, IA (12/13/2010)	2 children- 7 months & 3 yrs old	N A	.107(a)(2)-Failure to disclose to purchaser or lessee the presence of any known lead-based paint and/or lead-based paint hazards in the target housing pursuant	1	Major	16,000
✓ Count # 1			.107(a)(4)-Failure to provide the lessee with any available records or reports pertaining to lead-based paint and/or lead-based paint hazards	1	Major	16,000
			.113(b)(3)-Failure to include, either on an attachment or within the lease contract, a list of any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing which were provided to the lessee or indicating that no such reports or records exist	5	Major	2,840
			.113(b)(4)-Failure to include, either on an attachment or within the lease contract, a statement by the lessee affirming receipt of the information set out of any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing which were provided to the lessee or indicating that no such reports or records exist	4	Major	5,670
307 Bromly Street, Marshalltown, IA 50158 (9/29/2009)	0	N A	.113(b)(3)-Failure to include, either on an attachment or within the lease contract, a list of any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing which were provided to the lessee or indicating that no such reports or records exist	4	Minor	580
			.113(b)(6)-Failure to include, either on an attachment or within the lease contract, the dated signatures of the lessor, agent and lessee certifying to the accuracy of their statements	6	Minor	150
501 1/2 North Center Street, Apt 1, Marshalltown, IA 50158 (09/02/2011)	2 children- 7 & 12 yrs old	N/A	.107(a)(2)-Failure to disclose to purchaser or lessee the presence of any known lead-based paint and/or lead-based paint hazards in the target housing pursuant	1	Significant	8,500
✓ Count # 3			.107(a)(4)-Failure to provide the lessee with any available records or reports pertaining to lead-based paint and/or lead-based paint hazards	1	Significant	8,500
			.113(b)(3)-Failure to include, either on an attachment or within the lease contract, a list of any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing which were provided to the lessee or indicating that no such reports or records exist	5	Significant	1,850
			.113(b)(4)-Failure to include, either on an attachment or within the lease contract, a statement by the lessee affirming receipt of the information set out of any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing which were	4	Significant	3,540

			provided to the lessee or indicating that no such reports or records exist			
			.113(b)(6)-Failure to include, either on an attachment or within the lease contract, the dated signatures of the lessor, agent and lessee certifying to the accuracy of their statements	6	Significant	710
8 North 5 th Street, Apt #1, Marshalltown, IA 50158 (03 01 2011)	0	N A	.113(b)(4)-Failure to include, either on an attachment or within the lease contract, a statement by the lessee affirming receipt of the information set out of any records or reports available to the lessor pertaining to lead-based paint and or lead-based paint hazards in the target housing which were provided to the lessee or indicating that no such reports or records exist	4	Minor	580
			.113(b)(6)-Failure to include, either on an attachment or within the lease contract, the dated signatures of the lessor, agent and lessee certifying to the accuracy of their statements	6	Minor	150
North 5 th Street, Apt #2, Marshalltown, IA 50158 (09 26 2010)	1 child- 6 yrs old	N A	.113(b)(3)-Failure to include, either on an attachment or within the lease contract, a list of any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing which were provided to the lessee or indicating that no such reports or records exist	5	Significant	1,850
			.113(b)(6)-Failure to include, either on an attachment or within the lease contract, the dated signatures of the lessor, agent and lessee certifying to the accuracy of their statements	6	Significant	710
401 South 6 th Street, Marshalltown, IA 50158 (12/28 2009)	3 children- 4, 15, & 16 yrs old	N A	.113(b)(3)-Failure to include, either on an attachment or within the lease contract, a list of any records or reports available to the lessor pertaining to lead-based paint and or lead-based paint hazards in the target housing which were provided to the lessee or indicating that no such reports or records exist	5	Major	2,840
			.113(b)(6)-Failure to include, either on an attachment or within the lease contract, the dated signatures of the lessor, agent and lessee certifying to the accuracy of their statements	6	Major	1,420
501 1/2 North Center Street, Apt2, Marshalltown, IA 50158 (06 05 2009)	0	N/A	.107(a)(2)-Failure to disclose to purchaser or lessee the presence of any known lead-based paint and or lead-based paint hazards in the target housing pursuant	1	Minor	2,840
✓ Court # 4			.107(a)(4)-Failure to provide the lessee with any available records or reports pertaining to lead-based paint and/or lead-based paint hazards	1	Minor	2,840
			.113(b)(3)-Failure to include, either on an attachment or within the lease contract, a list of any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing which were provided to the lessee or indicating that no such reports or records exist	5	Minor	290
			.113(b)(4)-Failure to include, either on an attachment or within the lease contract, a statement by the lessee affirming receipt of the information set out of any records or reports available to the lessor pertaining to	4	Minor	580

			lead-based paint and/or lead-based paint hazards in the target housing which were provided to the lessee or indicating that no such reports or records exist			
			.113(b)(6)-Failure to include, either on an attachment or within the lease contract, the dated signatures of the lessor, agent and lessee certifying to the accuracy of their statements	6	Minor	150
501 1/2 North Center Street, Apt2, Marshalltown, IA 50158 (11/06/2009)	0	N/A	.107(a)(2)-Failure to disclose to purchaser or lessee the presence of any known lead-based paint and or lead-based paint hazards in the target housing pursuant	1	Minor	2,840
✓ <i>Count # 5</i>			.107(a)(4)-Failure to provide the lessee with any available records or reports pertaining to lead-based paint and/or lead-based paint hazards	1	Minor	2,840
			.113(b)(4)-Failure to include, either on an attachment or within the lease contract, a statement by the lessee affirming receipt of the information set out of any records or reports available to the lessor pertaining to lead-based paint and or lead-based paint hazards in the target housing which were provided to the lessee or indicating that no such reports or records exist	4	Minor	580
			.113(b)(6)-Failure to include, either on an attachment or within the lease contract, the dated signatures of the lessor, agent and lessee certifying to the accuracy of their statements	6	Minor	150
8 North 5 th Street, Apt #1, Marshalltown, IA 50158 (05/29/2009)	0	N A	.113(b)(3)-Failure to include, either on an attachment or within the lease contract, a list of any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing which were provided to the lessee or indicating that no such reports or records exist	5	Minor	290
			.113(b)(4)-Failure to include, either on an attachment or within the lease contract, a statement by the lessee affirming receipt of the information set out of any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing which were provided to the lessee or indicating that no such reports or records exist	4	Minor	580
			.113(b)(6)-Failure to include, either on an attachment or within the lease contract, the dated signatures of the lessor, agent and lessee certifying to the accuracy of their statements	6	Minor	150
504 West Linn Street, Marshalltown, IA 50158 (12/04/2009)	2 children- 2 & 5 yrs old	N/A	.107(a)(2)-Failure to disclose to purchaser or lessee the presence of any known lead-based paint and or lead-based paint hazards in the target housing pursuant	1	Major	16,000
✓ <i>Count # 2</i>			.107(a)(4)-Failure to provide the lessee with any available records or reports pertaining to lead-based paint and/or lead-based paint hazards	1	Major	16,000
			.113(b)(3)-Failure to include, either on an attachment or within the lease contract, a list of any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing which were provided to the lessee or indicating that no such reports or records exist	5	Major	2,840

		exist			
		.113(b)(4)-Failure to include, either on an attachment or within the lease contract, a statement by the lessee affirming receipt of the information set out of any records or reports available to the lessor pertaining to lead-based paint and or lead-based paint hazards in the target housing which were provided to the lessee or indicating that no such reports or records exist	4	Major	5,670
		.113(b)(6)-Failure to include, either on an attachment or within the lease contract, the dated signatures of the lessor, agent and lessee certifying to the accuracy of their statements	6	Major	1,420
TOTAL (ACCORDING TO ENFORCEMENT REPSONSE POLICY) \$					111,950 127,950
PENALTY PROPOSED BY CASE REVIEW OFFICER AND ATTORNEY \$					62,480
IF THE TOTAL PENALTY CALCULATED USING THE ERP IS GREATER THAN THE PROPOSED PENALTY, EXPLAIN WHY (e.g., % MITIGATED AND REASON) AND PROVIDE ANY OTHER PERTINENT INFORMATION (e.g., WHAT WILL THEIR DEFENSE BE?)					
<div style="border: 1px solid black; border-radius: 50%; width: 100px; height: 100px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> 46,180 </div>					

