

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
901 N. 5<sup>th</sup> STREET  
KANSAS CITY, KANSAS 66101

09 APR 29 PM 2:39  
ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

In the Matter of: )  
)  
TELMA ABATE & HOSSEIN FADAVI ) Docket No. TSCA-07-2009-0014  
d/b/a 5803-07-11 CABANNE LLC, )  
)  
Respondent. )

RESPONSE TO COMPLAINT

Come now Telma Abate and Hossein Fadavi and 5803-07-11 Cabanne LLC and for their response to the Complaint of the U.S. Environmental Protection Agency state as follows:

1. Respondent 5803-07-11 Cabanne LLC (hereinafter referred to as "Cabanne LLC") admits the allegations of paragraph 7 of Count I of Complainant's Complaint;
2. Respondent Cabanne LLC admits that it is the lessor as defined by 40 C.F.R. § 745.103 of the properties set forth in Complainant's Complaint. Respondent denies that Telma Abate and Hossein Fadavi are doing business as 5803-07-11 Cabanne LLC since said entity is a limited liability company organized under and existing by virtue of law;
3. Respondent Cabanne LLC admits the allegations contained in paragraph 9 of Count I of Complainant's Complaint.
4. Respondent Cabanne LLC admits the allegations contained in paragraph 10 of Count I of Complainant's Complaint;
5. Respondent Cabanne LLC admits the allegations contained in paragraph 11 of Count I of Complainant's Complaint;
6. Respondent Cabanne LLC admits the allegations contained in paragraph 12 of Count I

of Complainant's Complaint;

7. Respondent Cabanne LLC denies the allegations contained in paragraph 13 of Count I of Complainant's Complaint. Respondent states that it was acting in reliance of advice received from the building inspector of the City of St. Louis, and any failure to disclose by means of using the wrong pamphlet was inadvertent and not intentional;

8. Respondent Cabanne LLC admits that the use of the wrong pamphlet is a violation as alleged by paragraph 14 of Count I;

9. Respondent Cabanne LLC admits the allegations of paragraph 15 of Count I of Complainant's Complaint;

10. Respondent Cabanne LLC re-states the allegations of paragraphs 1 through 10 as set forth above;

11. Respondent Cabanne LLC states that it gave out a pamphlet but, in reliance on information obtained from the City of St. Louis, gave out the wrong pamphlet;

12. Respondent Cabanne LLC admits that its actions constitute a technical violation as alleged in paragraph 18 of Count II of Complainant's Complaint;

13. Respondent Cabanne LLC admits the allegations of paragraph 19 of Count II of Complainant's Complaint;

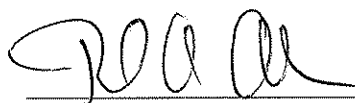
14. Respondent Cabanne LLC denies that the proposed penalty of \$58,120.00 is appropriate.

15. Respondent Cabanne LLC requests an informal settlement conference to resolve the violations and to determine an appropriate remedy;

16. Respondent Cabanne LLC is proposing that it enter into a consent order providing that it will remediate lead covered windows in a target property owned by Respondent and that

the cost of replacing the windows be credited against any potential fine assessed in this matter. Respondent further proposes to pay the difference between the credit for replacement of the windows and the total amount of an agreed upon fine.

WHEREFORE, Respondent Cabanne LLC requests that an informal settlement conference be scheduled between Complainant and Respondent, together with such other relief as this Agency may deem to be just and proper.

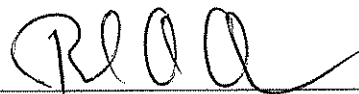


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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Response to Complaint was served on the Regional Hearing Clerk for the U.S. Environmental Protection Agency and Chris Muehlberger, Attorney for the U.S. Environmental Protection Agency, by depositing true copies thereof in the U.S. mail, first class postage prepaid, and addressed to them at their addresses as disclosed in the pleadings herein on this 27<sup>th</sup> day of April, 2009.



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BETTER ROOFING MATERIALS CO. DATE: 4/1/09 JOB# INV.#:

1825 Pennsylvania Ave., St. Louis, MO 63133 (314) 726-1010 OR (800) 441-7051 OR (314) 726-3974

SOLD TO: HOSS TADAY FAX: 569-3807

ADDRESS: 790 DIELMAN

CITY: OLIVETTE STATE: MO ZIP: 63132 PREPARED BY:

PHONE: FAX#: P.O.# APPROVED BY:

JOB NAME: ADDRESS: CITY: STATE: ZIP: NAIL FIN  
 YES  
 NO

PHONE: COLOR:  WHITE  1/2 SCREEN  OTHER  
 ALMOND  OTHER  
 FULL SCREEN

WORK: SPECIES: OLI GENTEK  OPEN  EXACT

LINE	UNIT	TYPE	SIZE	THICK	WIDE	CL	QTY	UNIT PRICE	TOTAL
1	12	DN	NO	30	62	CL	92	99.99	1199.88
2	42	DN		34	62	CL	96	99.99	4199.58
3	12	DN		20 1/2	25	CL	96	99.99	1199.88
4	30	DN		33	62	CL	94	99.99	2999.70
5	6	DN		24	49	CL	73	99.99	599.94
6	12	DN		40	62	CL	102	109.70	1316.40
7	6	DN		24	62	CL	86	99.99	599.94
8	6	DN		24	53	CL	77	99.99	599.94
9									
10	126 UNITS								
11									
12									
13									
14									
15									
16									

SUBTOTAL 12715.26

SALES TAX 963.18

LABOR

TOTAL 13678.44

ACCEPTED BY: DATE:

Visions Environmental & Development LLC  
P.O.Box 8374  
St. Louis, Mo 63108

**Date: April 18, 2009**

**Job: Lead Paint Abatement Project**

**Job Address: 5909 Cates, St,louis, Mo**

**Bid Proposal: 1231**

**License: # LC0797424**

Job Description: Lead window replacement and enclosure the outside of the window, which will include labor and cost. Total Price. \$15660 Dollars

**Lead window Replacement \$8000**

**Lead Window Enclosure: \$7660**

**Harold C. Fields**

President of Operations

**All Work Will Be Inspected And Approved By EPA For  
Final Payment**

















