



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
August 31, 2009

REPLY TO THE ATTENTION OF  
E-19J

Honorable Susan L. Biro, Chief ALJ  
Office of Administrative Law Judges  
U. S. Environmental Protection Agency  
Ariel Rios Building, Mailcode: 1900L  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

RE: In The Matter of: **Mardaph II, LLC, Mardaph III, LLC and Vinnie Wilson**  
Docket No.: **TSCA-05-2008-0019**  
Complaint Date: **August 4, 2008**  
Total Proposed Penalty: **\$91,090.00**

Dear Judge Biro:

Enclosed is a copy of the Answer for Mardaph II, LLC, Mardaph III, LLC and Vinnie Wilson in Cincinnati, Ohio.

Please assign an Administrative Law Judge for this case.

If you have questions contact me at (312) 886-3713.

Sincerely,

A handwritten signature in black ink that reads "La Dawn Whitehead". The signature is fluid and cursive, with a long horizontal line extending to the right.

La Dawn Whitehead  
Regional Hearing Clerk

Enclosure

cc: Vinnie Wilson  
P.O. Box 317639  
Cincinnati, Ohio 45231  
(513) 616-1025

Peter Felitti, Esquire  
Associate Regional Counsel  
Office Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd., C-14J  
Chicago, Illinois 60604-3590  
(312) 886-5114

IN THE UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY REGION (5)

IN THE MATTERS OF  
VINNIE B. WILSON,  
RESPONDENT

DOCKET NO. TSCA-05-2008-  
0019

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MAY 26 2009

REGIONAL HEARING CLERK  
USEPA  
REGION 5

ANSWER AND/OR AFFIRMATIVE  
DEFENSES OF CONTRIBUTORY NEGLIGENCE  
BY THE RESPONDENT TO THE COMPLAINT

NOW COMES THE SAID RESPONDENT  
VINNIE B. WILSON HEREIN AND AFTER RE-  
FERRED TO AS "PROSE" RESPONDENT WILSON,  
WHO HEREBY RESPECTFULLY STATES AS "  
FOLLOWS FOR (HER) ANSWER, AND/OR PLEADS  
THE AFFIRMATIVE DEFENSES OF CONTRIBUTORY  
NEGLIGENCE THE SAID COMPLAINT FILED AGAINST  
PROSE RESPONDENT WILSON," ON THE DATE OF  
AUGUST 4, 2008. BY THE ADMINISTRATIVE  
COMPLAINANTS (U.S. EPA), COLLECTIVELY,  
REFERRED TO HEREAFTER AS "COMPLAINANT'S  
ACCORDINGLY.

## FIRST DEFENSE

1. PRO'SE RESPONDENT "WILSON, IS WITHOUT SUFFICIENT INFORMATION AND/OR ANY KNOWLEDGE TO ADMIT OR DENY THE ALLEGATIONS STATED IN THE ADMINISTRATIVE COMPLAINT FILED ON AUGUST 4, 2008, AGAINST (HER) U.S. (EPA) COMPLAINANTS.
2. IN RESPONSE, THE SAID COMPLAINANTS, (U.S. EPA), ALLEGED (47) VIOLATION OF THE TOXIC SUBSTANCES CONTROL ACT (T.S.C.A) AGAINST PRO'SE RESPONDENT "WILSON" AS THE OWNER AND/OR AGENT FOR THE OWNER OF SAID RESIDENTIAL RENTAL UNITS OF (11) HOUSES FOR FAILURE TO PROVIDE THE "TENANT LESSEES WITH THE SAID REQUIRE DISCLOSURES FORM PAMPHLETS.
3. ANSWERING, FURTHER REGARDING SERVICES TO THE RENTAL TENANT LESSEES WITH PAMPHLETS DISCLOSURE OF THE POTENTIAL PRESENCE OF LEAD-BASED PAINT AND/OR LEAD PAINT HAZARDS AT THE CO-APPLICANTS' RENTAL LESSEES (TENANTS) RESIDENCE PROPERTIES OF HOUSING UNITS OF (11) SEPARATE HOMES.

4. PRO'SE RESPONDENT "WILSON" DENIES THE SAID ALLEGATIONS STATED IN THE COMPLAINT ALLEGING (47) VIOLATIONS OF THE TOXIC SUBSTANCES CONTROL ACT (T.S.C.A) OF THE "U.S EPA'S) COMPLAINT.

5. PRO'SE RESPONDENT "WILSON" DENIES THE SAID ALLEGATIONS STATED IN PARAGRAPHS (2) AND (3) OF (HER) ANSWER, AND/OR AFFIRMATIVE DEFENSES OF CONTRIBUTORY NEGLIGENCE DEFENSE CLAIM.

(6) PRO'SE RESPONDENT "WILSON" RESPECTFULLY ADMITS THAT AS THE OWNER AND/OR AGENT FOR THE OWNER OF ALL SAID MENTIONED OF RENTAL PROPERTIES OF THE SAID UNITS (11) HOMES ENTERED INTO AN AGREEMENT (CONTRACT) WITH THE CINCINNATI METROPOLITAN HOUSING AUTHORITY, SECTION (8) DIVISION, AND RELIED UPON THEIR APPROVED INSPECTION BEFORE ANY OF THE CO-APPLICANTS WERE ALLOWED TO RESIDE AT THE HOUSING UNITS AS TENANT LESSEES.

(7) PRO'SE RESPONDENT "WILSON" FURTHER ADMITS, THAT SHE RELIED UPON REPRESENTATIVES OF THE CINCINNATI METROPOLITAN HOUSING AUTHORITY SECTION (8) INSPECTOR AGENTS FOR

APPROVED INSPECTION BEFORE ANY OF THE (3) SAID LEASE TENANTS (INDIVIDUALS) COULD RESIDE WITHIN "RESPONDENT" LEASE UNITS IN THE SAID APARTMENT BUILDINGS AND FAMILY DWELLING HOUSES RESIDENTIAL RENTAL PROPERTIES AS IDENTIFIED IN THE COMPLAINT " (11) HOUSING UNITS, THROUGH (TRIPPLE) CONTRACT AGREEMENTS.

## SECOND DEFENSE

COMPLAINANT'S "E.S. (EPA), ADMINISTRATIVE COMPLAINT FAILS TO STATE A CLAIM AGAINST PRO'SE RESPONDENT'S WILSON UPON WHICH RELIEF CAN BE GRANTED BECAUSE OF (HER) INABILITIES TO MAKE DUE FOR THE ALLEGED PENALTIES VIOLATIONS IN THE SUM AMOUNTS OF \$91,090) SOUGHTED AGAINST SAID PRO'SE RESPONDENT.

## THIRD DEFENSE

PRO'SE RESPONDENT (WILSON'S) WHEREBY, ACCORDINGLY, SINCE SHE ENTERED INTO SAID WRITTEN CONTRACTS AGREEMENTS WITH "CINCINNATI METROPOLITAN HOUSING AUTHORITY SECTION (8) DIVISION AS THE MANAGER OF THE RESIDENTIAL RENTAL PROPERTIES OF (11) HOUSING UNITS, SHE RELIED UPON (C.M.H.A)'S SECTION (8) PROFESSIONAL AGENCY HOUSING INSPECTIONS TO LEASE ABOVE NUMBER LISTED UNITS FOR RENT.

## FOURTH DEFENSE

RESPONDENTS, MARDAPH II, MARDAPH III, L.L.C.; AND "PROISE" RESPONDENT WILSON, AS THE MANAGER OF THE RESIDENTIAL RENTAL PROPERTIES OF (11) UNIT HOUSING DWELLINGS, OFFERED FOR (LEASE UNITS) TO THE CINCINNATI METROPOLITAN HOUSING AUTHORITY SECTION (8) INDIVIDUAL FAMILIES AND ENTERED INTO A-WRITTEN SIGNED CONTRACTS ON THE DATE LISTED IN PARAGRAPHS (25) AND (26), STATED IN THE COMPLAINT (U.S. EPA'S) COMPLAINT, WHICH (C.M.H.A.) SECTION (8) ABOVE, BECAME A "CONTRACT LESSOR".

STATING FURTHER: "PROISE RESPONDENT" WILSON, RESPECTFULLY SAYS THAT THE CINCINNATI METROPOLITAN HOUSING AUTHORITY SECTION (8) DIVISION OF FAMILY HOUSING UNIT LOCATIONS, FOR INDIVIDUAL CO-APPLICANTS, WHO SIGNED A-LEASE CONTRACT TO MAKE MONTHLY PAYMENTS FOR RENT IN AN EXCHANGE FOR FAMILY "OCCUPANCIES OF HOUSING UNITS WITH "PROISE RESPONDENT" WILSON". NOTWITHSTANDING, (C.M.H.A.) SECTION (8) NEGLECTED TO INFORM "PROISE RESPONDENT" TO SERVE TO RENTOR TENANTS DISCLOSURE OF REQUIRED PAMPHLET REGARDING POTENTIAL PRESENCE INFORMATION OF LEAD (PAINT) BASED HAZARDS.

WHEREFORE, FOR ALL OF THE ABOVE SUBSTANTIAL REASONS, AND IN THE "LIGHT OF ALL FACTS AND/OR MITIGATING CIRCUMSTANCES, THE SAID PROSE RESPONDENT (WILSON) ACCORDINGLY, PLEADS THE AFFIRMATIVE DEFENSE OF CONTRIBUTORY NEGLIGENCE BY LACK OF PERSONAL KNOWLEDGE THAT THE COMPLAINT ALLEGED THAT THE (TWO) SAID CORPORATIONS AS LESSORS AND (MIS WILSON) AS THE OWNER AND/OR AGENT FOR THE OWNER OF RENTAL UNITS FOR (11) HOUSING DWELLINGS FAILED TO PROVIDE IT LESSEES WITH THE REQUIRED DISCLOSURES REGARDING THE POSSIBLE PRESENCE OF LEAD PAINT BASED HAZARDS.

FURTHER STATING, THE COMPLAINT ALLEGED THAT A TOTAL OF (77) VIOLATIONS WERE COMMITTED BY THE RESPONDENT AT TEN (10) RESIDENTIAL UNITS OF PROSE RESPONDENT. NOTWITHSTANDING, THE SUPPORTED WRITTEN CONTRACT AGREEMENT BETWEEN (MIS WILSON) AND THE CINCINNATI METROPOLITAN HOUSING AUTHORITY SECTION (8) DIVISION (INSPECTOR AGENT) APPROVED ALL OF THE SAID INSPECTION, AND BECAME A SUB-LESSOR TO CO-APPLICANTS.

ACCORDINGLY, SINCE PROSE RESPONDENT HAS IN FACT, ALWAYS RELIED UPON C.M.H.A, SECTION (8), APPROVAL OF HOUSING UNITS INSPECTION BY THEIR PROFESSIONAL INSPECTOR, CERTIFIED TO CONDUCT THE INSPECTIONS OF THE PROSE RESPONDENT'S (WILSON) HOUSES FOR FAMILIES CO-APPLICANTS (TENANT LESSEES.) ~~WILSON~~ AS A SUB-LESSOR (C.M.H.A) SECTION (8) HAD A DUTY TO DISCLOSE AND PROVIDE TO TENANT LESSEE / CO-APPLICANTS WITH AN U.S. EPA)

APPROVED LEAD HAZARD INFORMATION PAMPHLETS SINCE, PROBE RESPONDENT WILSON WAS WITHOUT ANY PERSONAL KNOWLEDGE OF U.S. EPA'S REQUIREMENTS, AND THE C.M.H.A.'S SECTION (8) BECAME AN AGENT WHO ENTERED INTO A SIGNED WRITTEN CONTRACT WITH THE PROBE RESPONDENT (WILSON.) HAD A DUTY TO DISCLOSE TO THE TENANT LESSEES). PAMPHLETS REGARD THE LEAD HAZARD INFORMATION, AS WELL.

PROBE RESPONDENT WILSON HAS SUCCESSFULLY COMPLETED AN APPROVED LEAD TRAINING COURSE FOR CONTRACTORS, AND FURTHER, STILL IS BEING TREATED BY A MEDICAL FAMILY DOCTOR FOR ANXIETY AND DYSTHYMIA HEALTH CONDITIONS.

PROBE RESPONDENT WILSON, RESPECTFULLY STATES, THAT THE STATEMENTS OF CHANGES, OF (HER) INCOME, FINANCIAL POSITION, AND MAINTENANCE TO (HER) APARTMENTS AND HOUSING DWELLINGS ARE CLEARLY BEYOND THE AFFORDABLE FINANCIAL ABILITY TO PAY AT THIS TIME, IN QUESTION, UNTIL THESE UNDER CIRCUMSTANCES CHANGE, PROBE RESPONDENT WILSON REQUESTS AN EXTENSION OF TIME TO SETTLE HER PROBLEMS WITH SAID UNITS HOUSING DWELLINGS.



CONCLUSION,

THEREFORE, TO CONCLUDE, PROSE RESPONDENT (WILSON) PRAY THAT UPON RECONSIDERATION OF THE FILES, RECORDS AND AFFIDAVIT SUBMITTED WITH SEVERAL EXHIBITS TO SUPPORT (HER) ANSWER AND/OR MITIGATION FACTORS AND CIRCUMSTANCES) "A COPY OF FEDERAL, STATE, AND LOCAL TAX RETURN FOR 2007, MINIMIZED, OR MITIGATE THE PENALTIES BASE UPON PROSE RESPONDENT'S INABILITY TO PAY SAID PENALTIES REGARDING VIOLATIONS WITHOUT HAVING PERSONAL KNOWLEDGE OF THE U.S.(EPA) POLICY ACCORDINGLY.

FURTHER PRAY THAT THE U.S. EPA, GRANTS, ANY SUCH OTHER RELIEF IT SEEMS JUSTLY, AT LAW, OR IN EQUITY, AND MOST APPROPRIATED, FOR WHICH PROSE RESPONDENT WILSON MAY BE ENTITLED.

RESPECTFULLY SUBMITTED

*Vinnie B. Wilson*  
VINNIE B. WILSON  
P.O. BOX NUMBER 317639  
CINCINNATI, OHIO 45231

PROSE RESPONDENT

RECEIVED

MAY 26 2009

REGIONAL HEARING CLERK  
USEPA  
REGION 5

IN THE UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY REGION (5)

(8)

IN THE MATTERS OF  
VINNIE B. WILSON  
RESPONDENT

DOCKET NO. TSCA-05-2008  
0019.

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MAY 26 2009

REGIONAL HEARING CLERK  
USEPA  
REGION 5

VERIFICATION

I, VINNIE B. WILSON, SAID AFFIANT  
BEING FIRST DULY SWORN AND CAUTIONED, TO  
THE LAW, DEPOSES AND STATES, THAT I DECLARE  
UNDER ALL PENALTIES OF PERJURY, THAT I HAVE  
READ AND EXAMINED ALL OF THE INFORMATION ON  
THE ACCOMPANIED ATTACHED ANSWER, AND/OR  
AFFIRMATIVE DEFENSE OF CONTRIBUTORY NEGLIGENCE  
AS PROSE RESPONDENT TO THE COMPLAINT IN CASE  
NUMBER DOCKET TSCA-05-2008-0019.


I FURTHER BELIEVES THAT THE INFORMATION  
AND STATEMENTS CONTAINED ARE TRUE AND CORRECT  
TO THE BEST OF MY KNOWLEDGE OR BELIEF AS  
VERIFIED.

AFFIANT FURTHER SAYETH NAUGHT.

X 

(AFFIANT) VINNIE B. WILSON

PUBLIC, IN MY PRESENCE, ON THIS 18<sup>th</sup> DAY OF MAY  
2009.

  
NOTARY PUBLIC:

MARY R. CHILDRES  
Notary Public, State of Ohio  
My Commission Expires Feb. 12, 2012

CERTIFICATE OF SERVICE

I, VINNIE B. WILSON PROSE RESPONDENT HEREBY CERTIFY THAT ONE (1) ORIGINAL AND/OR TWO (2) A- PHOTOGRAPHIC COPIES OF HER " ANSWER DEFENSE TO THE ADMINISTRATIVE COMPLAINT OF THE U.S. EPA'S COMPLAINANTS WERE SERVED UPON THIS 18<sup>th</sup> DAY OF May 2009 BY VIA U.S. FIRST CLASS POSTAL DELIVERY MAIL SERVICES, TO THE REGIONAL HEARING CLERK OF THE U.S. EPA'S OFFICE REGION(S) E-19-J, AT 77 WEST JACKSON BOULEVARD, CHICAGO, ILLINOIS, 60604.

FURTHER COPIES WERE SERVED TO: MR. PETER FELITTI, ASSISTANCE REGIONAL COUNSEL C-14-J, U.S. EPA, REGION(S) 77 WEST JACKSON BOULEVARD, CHICAGO, ILLINOIS 60604. ALSO, A COPY WAS SERVED ON (MS) MARCY A. TONEY, REGIONAL JUDICIAL OFFICER C-14-J- 77 WEST JACKSON BOULEVARD, U.S. EPA REGION(S) CHICAGO, ILLINOIS 60604

X [Signature]  
VINNIE B. WILSON  
PROSE RESPONDENT  
P.O. BOX NUMBER # 317639  
CINCINNATI, OHIO 45231  
(513) 616-1025"

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MAY 26 2009  
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USEPA  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

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U.S. EPA REGION 5

2009 AUG 31 PM 12:17

In the Matter of: )  
)  
Mardaph II, LLC, Mardaph III, )  
LLC, and Vinnie Wilson, )  
Cincinnati, Ohio )  
)  
Respondents. )  
\_\_\_\_\_ )

Docket No. TSCA-05-2008-0019

**ORDER DIRECTING REGIONAL HEARING CLERK TO  
FORWARD CASE TO CHIEF ADMINISTRATIVE LAW JUDGE**

This is an administrative action alleging that Respondents Mardaph II, LLC, Mardaph III, LLC, and Vinnie Wilson violated the Toxic Substances Control Act (“TSCA”) in failing to provide its lessees with the required disclosures regarding the possible presence of lead paint at the rental units. The record in this matter reflects that Vinnie Wilson is the President of Mardaph II and Mardaph III.<sup>1</sup> She is appearing in this matter *pro se*.

Complainant previously moved for entry of a default order against Respondent Wilson. That motion, however, was denied and Ms. Wilson has filed an answer. Complainant then moved for entry of a default order against Respondents Mardaph II, LLC, and Mardaph III, LLC, for their failure to file an answer in this matter.

Respondents Mardaph II and III have filed responses to Complainant’s motion and the Presiding Officer’s Order to Show Cause dated July 1, 2009. Neither of these responses was denominated as an answer. Each response, however, does contain denials of the allegations contained in the Complaint.<sup>2</sup> Respondents appear to dispute the proposed penalty, as Ms. Wilson has submitted copies of her tax returns. Finally, the response dated July 23, 2009, appears to request a hearing.<sup>3</sup>

Given Ms. Wilson’s *pro se* status, and her apparent denial of the allegations contained in the Complaint, I am construing the Mardaph responses as an answer for purposes of Consolidated Rule 22.21(a). 40 C.F.R. § 22.21(a). I hereby direct the

<sup>1</sup> See Complainant’s *Brief in Support of Motion for Default* (filed June 10, 2009) at Exh. 1 Att. C.

<sup>2</sup> See Respondent’s pleading filed July 6, 2009, at 4, 9; Respondent’s pleading filed July 23, 2009, at 5.

<sup>3</sup> See Respondent’s pleading filed July 23, 2009, at 6.

Regional Hearing Clerk to forward copies of all documents filed in this proceeding to the Chief Administrative Law Judge for further proceedings in accordance with that rule.

IT IS SO ORDERED.

Date: August 31, 2009

A handwritten signature in cursive script that reads "Marcy A. Toney". The signature is written in black ink and is positioned to the right of the typed name.

Marcy A. Toney  
Regional Judicial Officer

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U.S. EPA REGION 5  
2009 AUG 31 PM 12:17

In the Matter of Mardaph II, LLC, Mardaph II, LLC, and Vinnie Wilson, Respondents.  
Docket No. TSCA-05-2008-0019

CERTIFICATE OF SERVICE

I certify that the foregoing Order, dated August 31, 2009, was sent this day in the following manner:

Original hand delivered to:

Regional Hearing Clerk  
U.S. Environmental Protection  
Agency, Region 5 (E-19J)  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

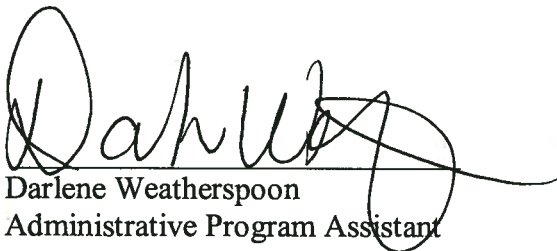
Copy hand delivered to  
Attorney for Complainant:

Peter Felitti  
U. S. Environmental Protection  
Agency, Region 5 (C-14J)  
Office of Regional Counsel  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Copy by U.S. Mail to:

Ms. Vinnie Wilson  
P.O. Box 317639  
Cincinnati, Ohio 45231

Dated: 8/31/09

By:   
Darlene Weatherspoon  
Administrative Program Assistant