



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

December 12, 2012

REPLY TO THE ATTENTION OF
E-19J

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

RECEIVED
DEC 12 2012

RE: In The Matter of: Lester Sykes
Docket No.: TSCA-05-2008-0013
Complaint Date: June 2, 2008
Total Proposed Penalty: \$159,310.00

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Dear Judge Biro:

Enclosed is a copy of the November 8, 2012 courtesy to Respondent Lester Sykes, Complaint, U.S. EPA, Region 5, filed Respondent's Answer for Lester Sykes in Chicago, Illinois.

Please assign an Administrative Law Judge for this case. If you have questions contact me at (312) 886-3713.

Sincerely,

La Dawn Whitehead
Regional Hearing Clerk

Enclosure

cc: Mr. Lester Sykes
200 East 96th Street
Chicago, Illinois 60628

Mary T. McAuliffe, Esquire
Associate Regional Counsel
Office Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd., C-14J
Chicago, Illinois 60604-3590
(312) 886-0558



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

VIA HAND DELIVERY

REPLY TO THE ATTENTION OF:

December 12, 2012

LaDawn Whitehead
Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

RECEIVED
DEC 12 2012

Re: In the Matter of Lester Sykes
Docket No. TSCA-05-2008-0013

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Dear Ms. Whitehead:

On November 8, 2012, as a courtesy to Respondent Lester Sykes, Complainant, U.S. Environmental Protection Agency, Region 5, filed Respondent's Answer, which is correspondence dated February 15, 2011, from Respondent to Complainant's Enforcement Officer Scott Cooper.

Please note that Complainant also filed a Certification of Service and Proof of Service of Complaint in a separate filing made on the same date of November 8, 2012.

Thank you for your attention to this matter.

Sincerely,

Mary T. McAuliffe
Associate Regional Counsel

cc: Mr. Lester Sykes (via U.S. Mail)
200 East 96th Street
Chicago, Illinois 60628

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)
)
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Lester Sykes)
Chicago, Illinois,)

Respondent)
)
)

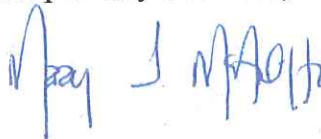
Docket No. TSCA-05-2008-0013

FILING OF ANSWER

Attached is correspondence dated February 15, 2011 from Respondent Lester Sykes to Complainant's Enforcement Officer Scott Cooper in the above-captioned matter. Upon review of the correspondence in this matter, Complainant noted that Respondent captioned this correspondence, "Answer to Docket No. TSCA-05-2008-0013."

Lester Sykes's Answer is filed more than three years after the deadline set forth in the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (Consolidated Rules of Practice), 40 C.F.R. § 22.15(a). Taking into consideration Respondent's lack of legal counsel, Complainant believes that justice will be best served by allowing the Answer to be filed.

Respectfully submitted,



Mary T. McAuliffe
Associate Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd. (C-13J)
Chicago, Illinois 60604
(312) 886-6237
mcauliffe.mary@epa.gov

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FEBRUARY 15, 2011

MR. SCOTT COOPER
PESTICIDES AND TOXICS COMPLIANCE SECTION (LC-8J)
U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL. 60604

DEAR MR. COOPER,

ANSWER TO DOCKET NO. TSCA-05-2008-0013

IN RESPONSE TO THE ADMINISTRATIVE COMPLAINT THAT YOU SENT ME I DID RESPONSE BY SENDING YOU A LETTER. I AM ENCLOSING A COPY OF THE LETTER THAT I SENT YOU.

THE PROPERTIES: 7002 SOUTH STEWART, AND 622-24 WEST 79TH STREET, I HAVE ONLY HAD (3) THREE COMPLAINTS. AS I AFOREMENTIONED I WENT TO COURT FOR THOSE COMPLAINTS, CITY INSPECTORS CAME AND INSPECTED THOSE PROPERTIES, AND FOUND NO EVIDENCE OF RESIDENTIAL LEAD-BASED PAINT HAZARDS. ALSO, EACH TIME A UNIT WAS RENTED TO A TENANT, THE TENANT WAS INFORMED THAT THERE WAS NO EVIDENCE OF ANY LEAD-BASED PAINT HAZARDS.

RESPECTFULLY,

LESTER SYKES, LANDLORD

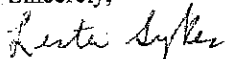
April 30, 2009

Mr. Scott Cooper
Pesticides And Toxics Compliance Section (LC-8J)Reply
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Dear Mr. Scott Cooper,

In response to your complaint, since I have been the Landlord of these properties: 7002 South Stewart, and 622-24 West 79th Street, in the twenty (20) years that I have been a Landlord, I have only had three(3) complaints. I went to Court for those complaints, city Inspectors came and inspected these properties and found no evidence of Residential Lead- Based Paint Hazards. Also, each time a unit was rented to a tenant the tenant was informed that there was no evidence of any Lead-Based Paint Hazard. Most tenants only live in these Apartments from three (3) to six(6) months. Therefore I only give Leases on request.

Sincerely,



Lester Sykes

In the Matter of: Lester Sykes
Docket No. TSCA-05-2008-0013

CERTIFICATE OF SERVICE

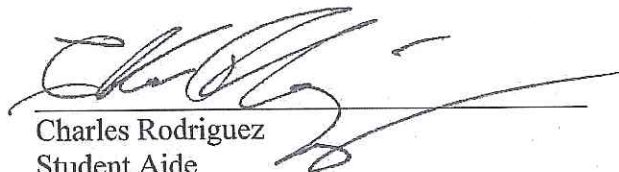
On this 8th day of November, 2012, I certify that I hand-delivered the original and one copy of Complainant's Filing of Answer to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency.

I also mailed a copy of Complainant's Filing of Answer, via first class mail, addressed as follows:

Mr. Lester Sykes
200 East 96th Street
Chicago, Illinois 60628

I also certify that I forwarded an intra-Agency copy to:

Ann Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Blvd (C-14J)
Chicago, Illinois 60604


Charles Rodriguez
Student Aide
U.S. EPA, Region 5
Office of Regional Counsel

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)
)
)

Lester Sykes)
Chicago, Illinois,)

Respondent)
)
)

Docket No. TSCA-05-2008-0013

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**FILING OF CERTIFICATION OF SERVICE AND
FILING OF PROOF OF SERVICE OF COMPLAINT**

40 C.F.R. § 22.5(a)(3) provides that a certificate of service be attached to the complaint. 40 C.F.R. § 22.5(b)(1)(i) provides that service of a complaint shall be made by, among other things, any reliable commercial delivery service that provides written verification of delivery. 40 C.F.R. § 22.5(b)(iii) provides that proof of service of the complaint shall be made by a properly executed receipt, and shall be filed with the Regional Hearing Clerk immediately upon completion of service.

In the Chief Administrative Law Judge's decision In the Matter of Burnham Associates, Inc., Docket No. MPRSA-01-2010-0078, 2010 WL 7127648 (EPA ALJ, Dec. 21, 2010), the Chief Administrative Law Judge (ALJ) considered a Motion to Dismiss filed by Respondent where Complainant had failed to file a properly executed receipt of delivery of the complaint in that matter sent to Respondent's attorney. In her December 21, 2010 "Order Denying Respondent's Motion to Dismiss and Directing Complainant to File Proof of Service of the Complaint," the Chief ALJ ordered Complainant to file proof of service of the complaint.

As ordered by the Chief ALJ, on the same day, December 21, 2010, Complainant promptly filed the United Parcel Service (UPS) Shipping Document with tracking number, and the UPS Internet Tracking Information, including the "Proof of Delivery" page, for that tracking number, to show that on October 28, 2010, Complainant had mailed the complaint that was delivered to Respondent's counsel's address on October 29, 2010, and thus served Respondent's counsel with the complaint in that matter. A copy of the filed Proof of Service in that matter is available on EPA's Office of ALJ's website at:
<http://yosemite.epa.gov/oa/rhc/epaadmin.nsf/7b598669425eac47852575400050b7e2/adb2608452be4bfb852577bb001b82ce!OpenDocument>.

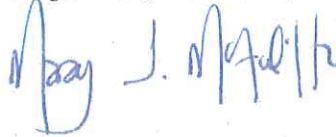
Consistent with the Chief ALJ's Order in Burnham Associates, in the matter at hand, Complainant hereby files the following:

1. Certification of Service of the administrative complaint prepared on April 21, 2009 by Complainant's Enforcement Officer Scott Cooper in the above-captioned matter.

In his Certification of Service, Mr. Cooper certifies that the Complaint in this matter was sent on April 21, 2009 by U.S. Postal Service, priority mail, delivery confirmation No. 0308 0070 0000 4820 2310, to Respondent Lester Sykes;

2. U.S. Postal Service Delivery Confirmation Receipt for Priority Mailing to Respondent Lester Sykes; and
3. U.S. Postal Service confirmation of delivery for Receipt Number 0308 0070 0000 4820 2310, showing the Complaint was delivered on April 22, 2009.

Respectfully submitted,



Mary T. McAuliffe
Associate Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd. (C-13J)
Chicago, Illinois 60604
(312) 886-6237
mcauliffe.mary@epa.gov

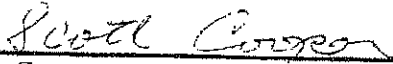
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CERTIFICATION OF SERVICE

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

I hereby certify that on this 21st day of April, 2009, a second copy of the civil administrative complaint In the Matter of Lester Sykes, Docket No. TSCA-05-2008-0013 was served by U.S. Postal Service, priority mail, delivery confirmation No. 0308 0070 0000 4820 2310, by placement in the U.S. Environmental Protection Agency mail room at 77 W. Jackson Blvd., Chicago, Illinois, to the following individual:

Lester Sykes
200 East 96th Street
Chicago, IL 60628



Scott Cooper
Pesticides and Toxics Compliance Section (LC-8J)
EPA, Region 5

Cooper LC-8J
U.S. Postal Service™ Delivery Confirmation™ Receipt

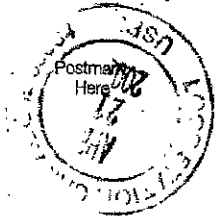
Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

Mr. Lester Sykes
200 East 96th Street
Chicago, IL 60628

DELIVERY CONFIRMATION NUMBER:

0304 0070 0000 4820 2310



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In the Matter of: Lester Sykes
Docket No. TSCA-05-2008-0013

CERTIFICATE OF SERVICE

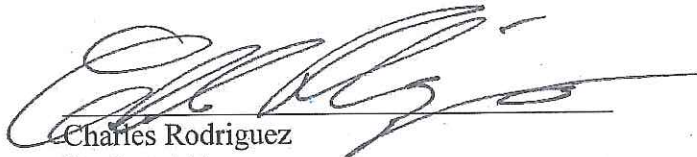
On this 8th day of November, 2012, I certify that I hand-delivered the original and one copy of Complainant's Filing of Certification of Service and Filing of Proof of Service of Complaint to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency.

I also mailed a copy of Complainant's Filing of Certification of Service and Filing of Proof of Service of Complaint, via First Class mail, addressed as follows:

Mr. Lester Sykes
200 East 96th Street
Chicago, Illinois 60628

I also certify that I forwarded an intra-Agency copy to:

Ann Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Blvd (C-14J)
Chicago, Illinois 60604



Charles Rodriguez
Student Aide
U.S. EPA, Region 5
Office of Regional Counsel

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