



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 05 2009

REPLY TO THE ATTENTION OF  
LC-8J

CERTIFIED MAIL

Receipt No.7001 0320 0006 0189 4168

Mr. Michael Perry  
Fraser, Trebilcock, Davis & Dunlop, P.C.  
1000 Michigan National Tower  
124 West Allegan Street  
Lansing, Michigan 48933

Consent Agreement and Final Order, Docket No. TSCA-05-2008-0012

Dear Mr. Perry:

I have enclosed a copy of an original fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on August 5, 2009, with the Regional Hearing Clerk.

The civil penalty in the amount of \$1,470.00 is to be paid in the manner described in paragraphs 11 and 12. Please be certain that the number **BD 2750967X004** and the docket number are written on both the transmittal letter and on the check. Payment is due by September 4, 2009 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Scott Cooper".

Scott Cooper

Pesticides and Toxic Compliance Section

Enclosures

cc: Eric Volck, Cincinnati Finance/MWD (w/Encl.)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

\_\_\_\_\_  
In the Matter of: )  
 )  
One Management, Inc., )  
L&J Investment, Inc., and )  
One Management Investment Group, )  
LLC, Detroit, Michigan, )  
 )  
Respondents. )  
\_\_\_\_\_

**Docket No. TSCA-05-2008-0012**  
**Proceeding to Assess a Civil Penalty Under  
Section 16(a) of the Toxic Substances  
Control Act, 15 U.S.C. § 2615(a)**

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**Consent Agreement and Final Order**  
**Preliminary Statement**

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

1. Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (EPA), Region 5, brought this administrative action seeking a civil penalty under Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a).

2. On June 23, 2008, EPA filed the Complaint in this action against Respondents One Management, Inc., L&J Investment, Inc., and One Management Investment Group, LLC. The Complaint alleges that Respondents violated Section 1018(b)(5) of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d(b)(5); Section 409 of TSCA, 15 U.S.C. § 2689; and 40 C.F.R. § 745.113(b)(1), (b)(2), (b)(3), (b)(4) and (b)(6) in 102 contracts to lease target housing and in 56 contracts to sell target housing.

3. Respondents filed an Answer and requested a hearing in this matter.

**Stipulations**

4. Respondents admit the jurisdictional allegations in the Complaint and neither admit nor deny the factual allegations in the Complaint, other than those admitted in their Answer.

5. Respondents waive any right to contest the allegations in the Complaint and their right to appeal this Consent Agreement and Final Order (CAFO).

6. The Respondent One Management, Inc. certifies that upon behalf of itself and the other two presently inactive Respondents, it is complying fully with the Residential Lead-Based Paint Hazard Reduction Act of 1992 and the regulations at 40 C.F.R. Part 745. The Respondent L & J Investment, Inc., a Michigan corporation in good standing and the Respondent One Management Investment Group, LLC, a Michigan limited liability company in good standing, are presently uninvolved in the management, lease and/or sale of the target housing which is the subject of the instant matter, certify that they are complying fully with the Residential Lead-Based Paint Hazard Reduction Act of 1992 and the regulations at 40 C.F.R. Part 745 by and through their agent One Management, Inc.

7. Respondents consent to the assessment of the civil penalty stated in this CAFO and to the terms of this CAFO.

8. The parties agree that settling this action without further litigation, upon the terms of this CAFO, is in the public interest.

9. Nothing in this CAFO shall be construed to create any rights in, or grant any cause of action to, any person, entity and governmental body which is not a party to this CAFO.

#### **Civil Penalties**

10. In consideration of other factors as justice may require, including Respondents' ability to pay, EPA agrees to mitigate the proposed penalty of \$636,482.00 to \$1,470.00.

11. Respondents must pay the civil penalty payment of \$1,470.00, with interest, in accordance with the following schedule: within 30 days after the effective date of this CAFO, Respondents must pay the first penalty payment of \$367.52; within 7 months after the effective

date of this CAFO, Respondents must pay the second penalty payment of \$381.11; within 13 months after the effective date of this CAFO, Respondents must pay the third penalty payment of \$378.40; and within 19 months of the effective date of this CAFO, Respondents must pay the fourth penalty payment of \$372.96. Respondents shall make each civil penalty payment by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

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

Each check must state "In the Matter of One Management, Inc., L&J Investment, Inc., and One Management Investment Group, LLC," the docket number of this CAFO, TSCA-05-2008-0012, and the billing document number.

12. A transmittal letter stating each Respondent's name, complete address, the case docket number, TSCA-05-2008-0012, and the billing document number must accompany the payment. Respondents must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Scott Cooper (LC-8J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Mary McAuliffe (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

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

14. If Respondents do not pay the civil penalty timely, 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.

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

#### **General Provisions**

16. This CAFO resolves only Respondents' liability for federal civil penalties for the violations alleged in the Complaint.

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

18. This CAFO does not affect Respondents' responsibility to comply with the Residential Lead-Based Paint Hazard Reduction Act of 1992 and other applicable federal, state, and local laws.

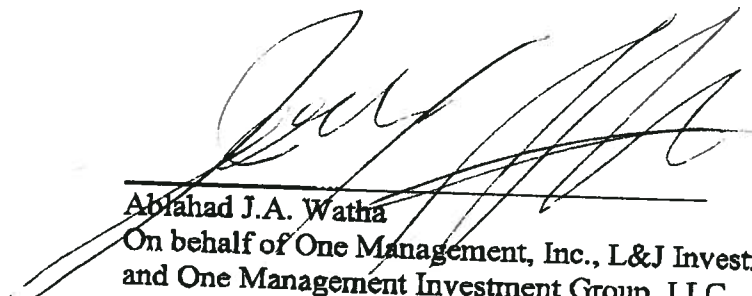
19. This CAFO constitutes a "history of prior violations" as that term is used in U.S. EPA's *Section 1018 – Disclosure Rule Enforcement Response and Penalty Policy* to determine each Respondent's "history of prior such violations" under Section 16(a) of TSCA, 42 U.S.C. § 2615(a).

20. The terms of this CAFO bind Respondents, and their successors and assigns.
21. 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.
22. Each party agrees to bear its own costs and attorney's fees in this action.
23. This CAFO constitutes the entire agreement between the parties.

**In the Matter of: One Management, Inc., L&J Investment, Inc., and One Management Investment Group, LLC, Docket No. TSCA-05-2008-0012**


**One Management, Inc., L&J Investment, Inc., and One Management Investment Group, LLC, Respondents**

7/15/09  
Date

  
Ablaahad J.A. Watha  
On behalf of One Management, Inc., L&J Investment, Inc.,  
and One Management Investment Group, LLC

**United States Environmental Protection Agency, Complainant**

7/30/09  
Date

  
for Margaret M. Guerriero  
Director  
Land and Chemicals Division

**In the Matter of: One Management, Inc., L&J Investment, Inc., and One Management Investment Group, LLC, Docket No. TSCA-05-2008-0012**

**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.

7/31/09  
Date

Walter W. Kovalick  
for  
Bharat Mathur  
Acting Regional Administrator  
United States Environmental Protection Agency  
Region 5

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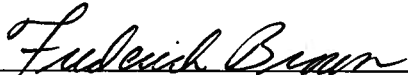
**CERTIFICATE OF SERVICE**

This is to certify that the original and one copy of this Consent Agreement and Final Order in the resolution of the civil administrative action involving One Management, Inc., L & J Investment, Inc., and One Management Investment Group, LLC, Detroit, Michigan was filed on August 5, 2009, with the Regional Hearing Clerk (E-19J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that a true correct copy was sent by Certified Mail, Receipt No. 7001 0320 0006 0189 4168, to:

Mr. Michael Perry  
Fraser, Trebilcock, Davis & Dunlop, P.C.  
1000 Michigan National Tower  
124 West Allegan Street  
Lansing, Michigan 48933

and forwarded intra-Agency copies to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J  
Mary McAuliffe, Counsel for Complainant/C-14J  
Eric Volck, Cincinnati Finance/MWD

  
Frederick Brown, PTCS (LC-8J)  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Docket No. TSCA-05-2008-0012

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