

United States Environmental Protection Agency, Region 1

County

Docket No: TSCA-01-2008-013

RECEIVED

2008 JAN -8 A 11:31

Environmental Protection Agency

vs

Timothy P. Gorman & Clover Leaf Realty, Inc.

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

ANSWER

GENERAL ALLEGATIONS Section IV

10. Admit
11. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 11.
12. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 12.
13. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 13.
14. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 14.
15. Timothy P. Gorman is President of Cloverleaf Realty, Inc., but does not reside at 116 Sherman Street, Gardner, MA. Mr. Gorman resides at 15 Nelson Street, Upton, MA.
16. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 16.
17. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 17.
18. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 18.
19. Information regarding Cloverleaf Realty, Inc admitted. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of remainder of the allegation contained in Section IV number 19 regarding other Companies or others named.

20. Information regarding Cloverleaf Realty, Inc is correct .The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 20 regarding other Companies or others named.
21. Deny information regarding Timothy P. Gorman. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 21 regarding other Companies or others named.
22. Deny
 - a. Admit to sentence one. Deny sentence two.
 - b. Admit
23. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 23.
24. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 24.
25. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 25.
26. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 26.
27. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 27.
28. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 28.
29. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 29.
30. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 30.
31. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section IV number 31.

VIOLATIONS Section V

32. Based on Complainant's review of documentation contained in Respondents' files, additional information submitted to Complainant by Respondents and information fathered by EPA, EPA identified the following violations of the Act:

VIOLATIONS Section V Count I

33. Paragraphs 1 thru 32 above are incorporated by reference as fully set forth herein.
34. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count I number 34.
35. Deny
36. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count I number 36.
37. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count I number 37.
38. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count I number 38.
39. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count I number 39.
40. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count I number 40.
41. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count I number 41.
42. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count I number 42.
43. Deny
44. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count I number 44.
45. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count I number 45.
46. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count I number 46.
47. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count I number 47.
48. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count I number 48.

49. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count I number 49.
50. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count I number 50.

VIOLATIONS Section V Count II

51. Paragraphs 1 thru 50 above are incorporated by reference as if fully set forth herein.
52. Allegation of paragraph 52 is conclusion of the law therefore no response required.
53. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 53.
54. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 54.
55. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 55.
56. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 56.
57. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 57.
58. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 58.
59. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 59.
60. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 60.
61. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 61.
62. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 62.
63. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 63.

64. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 64.
65. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 65.
66. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 66.
67. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 67
68. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count II number 68.

VIOLATIONS Section V Count III

69. Paragraphs 1 thru 68 above are incorporated by reference as fully set forth herein.
70. Allegation of paragraph 70 is conclusion of the law therefore no response required.
71. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count III no. 71.
72. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count III no. 72.
73. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count III no. 73.
74. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count III no. 74.
75. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count III no. 75.
76. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count III no. 76.
77. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count III no. 77.
78. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count III no. 78.
79. Deny

80. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count III no. 80.
81. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count III no. 81.
82. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count III no. 82.
83. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count III no. 83.
84. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count III no. 84.
85. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count III no. 85.
86. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count III no. 86.

VIOLATIONS Section V Count IV

87. Paragraphs 1 thru 86 above incorporated by reference as if fully set forth herein.
88. Allegation of paragraph 88 is conclusion of the law therefore no response required.
89. Deny
90. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count IV no. 90.
91. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count IV no. 91.
92. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count IV no. 92.
93. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count IV no. 93.
94. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count IV no. 94.
95. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count IV no. 95.

96. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count IV no. 96.
97. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count IV no. 97.
98. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count IV no. 98.
99. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count IV no. 99.
100. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count IV no. 100.
101. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count IV no. 101.
102. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count IV no. 102.
103. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count IV no. 103.
104. The Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in Section V Count IV no. 104.



Respectfully submitted by
Defendant pro se,
Timothy P. Gorman
15 Nelson Street
Upton, MA 01568
(508) 529-7772

Defense (s)

1. Timothy P. Gorman was the owner on the loan and deed, but the properties were offered for lease by Clover Leaf Realty, Inc.

Count I

2. On April 1, 2006, lessee Lourdes Rivera, signed a one year fixed term lease agreement for 86 Laurel St, Unit 1, Fitchburg, MA, starting April 1, 2006.

This unit has a Lead Compliance Certificate (Attachment A) and was rented by a Fitchburg Housing Authority Section 8 recipient, this certificate was provided to Fitchburg Housing Authority prior to lease being signed. Fitchburg Housing Authority conducted yearly inspections on the unit, no lead issues or concerns were ever reported as a result of these yearly inspections. To the best of my knowledge no children lived in the unit.

3. On November 1, 2006, lessee, Joanne Malloy, signed a month-to month-lease agreement for 242 Parker St. Unit 9, Gardner, MA starting November 1, 2006.

Joanne Malloy was an older woman in a 1 bedroom unit, with no children under the age of 6.

4. Please refer to answer in paragraph(s) 2 and 3.

Count II

5. On April 1, 2006, lessee Lourdes Rivera, signed a one year fixed term lease agreement for 86 Laurel St, Unit 1, Fitchburg, MA, starting April 1, 2006.

This unit has a Lead Compliance Certificate (Attachment A) and was rented by a Fitchburg Housing Authority Section 8 recipient, this certificate was provided to Fitchburg Housing Authority prior to lease being signed. Fitchburg Housing Authority conducted yearly inspections on the unit, no lead issues or concerns were ever reported as a result of these yearly inspections. To the best of my knowledge no children lived in the unit.

6. On November 1, 2006, lessee, Joanne Malloy, signed a month-to month-lease agreement for 242 Parker, St. Unit 9, Gardner, MA starting November 1, 2006.

Joanne Malloy was an older woman in a 1 bedroom unit, with no children under the age of 6.

7. Please refer to paragraph (s) 5 and 6.

Count III

8. On April 1, 2006, lessee Lourdes Rivera, signed a one year fixed term lease agreement for 86 Laurel St, Unit 1, Fitchburg, MA, starting April 1, 2006.

This unit has a Lead Compliance Certificate (Attachment A) and was rented by a Fitchburg Housing Section 8 recipient; this certificate was provided to Fitchburg Housing Authority prior to the lease being signed. Fitchburg Housing Authority conducted yearly inspections on the unit, no lead issues or concerns were ever reported as a result of these yearly inspections. To the best of my knowledge no children lived in the unit.

9. On November 1. 2006, lessee, Joanne Malloy, signed a month-to month-lease agreement for 242 Parker St. Unit 9, Gardner, MA starting November 1, 2006.

Joanne Malloy was an older woman in a 1 bedroom unit, with no children under the age of 6.

10. Please refer to paragraph(s) 8 and 9.

Count IV

11. On April 1, 2006, lessee Lourdes Rivera, signed a one year fixed term lease agreement for 86 Laurel St, Unit 1, Fitchburg, MA, starting April 1, 2006.

This unit has a Lead Compliance Certificate (Attachment A) and was rented by a Fitchburg Housing Authority Section 8 recipient; this certificate was provided to Fitchburg Housing Authority prior to the lease being signed. Fitchburg Housing Authority conducted yearly inspections on the unit, no lead issues or concerns were ever reported as a result of these yearly inspections. To the best of my knowledge no children lived in the unit.

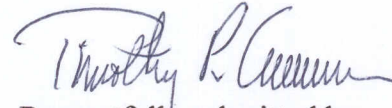
12. On November 1. 2006, lessee, Joanne Malloy, signed a month-to month-lease agreement for 242 Parker St. Unit 9, Gardner, MA starting November 1, 2006.

Joanne Malloy was an older woman in a 1 bedroom unit, with no children under the age of 6.

13. Please refer to paragraph(s) 11 and 12.

REQUEST A HEARING

The Defendant hereby demands a Hearing with respect to all issues.

A handwritten signature in black ink, appearing to read "Timothy P. Gorman". The signature is fluid and cursive, with the first name being the most prominent.

Respectfully submitted by
Defendant pro se,
Timothy P. Gorman
15 Nelson Street
Upton, MA 01568
(508) 529-7772

CERTIFICATE OF SERVICE

Original and one copy,
by Certified Mail,
Return Receipt Requested
on January 6, 2009

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency –Region 1
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

Copy by Certified Mail
Return Receipt Requested on
January 6, 2009

Peter DeCambre
Senior Enforcement Counsel
U.S. Environmental Protection Agency –Region 1
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

Copy by Certified Mail
Return Receipt Requested on
January 6, 2009

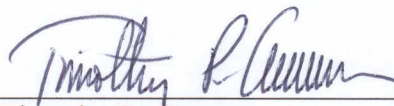
Peter Fondini
Joanne Fondini
Cloverleaf Realty, Inc.,
Stonewall Realty, Inc.,
Fast Track Realty, LLC,
Four Plus, LLC
Main Street Realty Corporation
20 Prouty Road
Burlington, MA 01803

Copy by Certified Mail
Return Receipt Requested on
January 6, 2009

Stephen B. Matthews, Jr.
7 Central Avenue,
Bradford, MA 01835

Copy by Certified Mail
Return Receipt Requested on
January 6, 2009

John W. Matthews
Amy Matthews
224 Gold Street
Boston, MA 02127



Timothy P. Gorman
Respectfully submitted by Defendant pro se,
15 Nelson Street
Upton, MA 01568

Attachment A

PLH CONSTRUCTION

Lead Inspector & Deleader
General Remodeling

53 CHESTNUT STREET • P.O. BOX 444
GARDNER, MA 01440
(508) 630-3636

LETTER OF LEAD ABATEMENT COMPLIANCE

Date 2/12/93

Dear A. HEZEL:

This letter is to certify that I inspected your property located at 86 N. Main St. apartment no. 1FL, and relevant common areas, in the city or town of Framingham, MA for lead abatement compliance on 2/12/93, and on that date those surfaces cited in the initial inspection report of 11/2/92 were found to be in compliance with Massachusetts General Laws, Chapter 111, Section 197, and 105 CMR 460.000 Regulations for Lead Poisoning Prevention and Control.

Massachusetts law does not require the abatement of all residential lead paint. The residential premises or dwelling unit and relevant common areas shall remain in compliance only as long as there continues to be no peeling, chipping or flaking lead paint or other accessible leaded materials and as long as coverings forming an effective barrier over such paint or other leaded materials remain in place. See the reverse side of this letter for the location(s) of surfaces which were covered as an abatement method to achieve compliance, if applicable.

Sincerely,

[Signature]
Inspector

11740
DPH Registration No.

INSPECTION AND ABATEMENT HISTORY

ALBERT ENGINEERING & CONSTRUCTION
Name and Registration Number of Inspector Who Performed Initial Inspection

Date of Reoccupancy Reinspection
(If applicable)

12/93
Name and Registration Number of Inspector
Who Performed Reoccupancy Reinspection

Name(s) and Certification or License Number(s) of Department of Labor and Industry Authorized
Deleading Contractor(s) Who Performed Abatement:

Angie P. [Signature] DC 000542