

TO THE:
C/O - REGIONAL HEARING
CLERK:
U.S. EPA ENVIRONMENTAL
PROTECTION)
AGENCY REGION 5 -
(E-19-J)
77 WEST JACKSON BLVD.
CHICAGO, ILL. 60604-
3590.

RE: DOCKET NO.
TSCA-05-2008-
0019,

RECEIVED
JUL 06 2009

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

GENTLEMEN,

PLEASE BE ADVISED THAT THERE
ARE (3) COPIES OF THE RESPONDENTS, MARDAPH,
II, LLC, AND MARDAPH III, LLC; ENTITLED RESP-
ONDENTS RESPONSE MOTION IN OPPOSITION TO THE
COMPLAINANTS MOTION FOR A DEFAULT ORDER.

ALSO, YOU WILL FIND ENCLOSED
ATTACHED AFFIDAVIT STATEMENTS OF JIMMIE WILSON,
ACCOMPANIED ATTACHED DOCUMENTS PROOF ADDRESS-
EXHIBITATION IN SUPPORT OF SAID MOTION.

PLEASE FILED STAMP DATE, SAID RESPONSE
MOTION WERE RECEIVED AND RETURN A COPY OF
SAME, FOR MY RECORDS.

UNTIL SOMETHING HAPPENS, I HOPE TO
HEAR FROM YOU REAL SOON, THUS FAR, I SHALL
REMAIN.

MOST RESPECTFULLY YOURS

JIMMIE WILSON
P.O. BOX # 317 639
CINCINNATI, OHIO 45231
INPROISE

IN THE UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY REGION(5)

IN THE MATTERS OF
MARDAPH II, L.L.C. &
MARDAPH III, L.L.C.
AND VINNIE WILSON,
RESPONDENTS

DOCKET NO. TSCA-05-2008-
0019.
}

RECEIVED

JUL 06 2009

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY.

RESPONDENTS, MARDAPH II, L.L.C.; AND
MARDAPH III, L.L.C.; RESPONSE MOTION
IN OPPOSITION TO THE COMPLAINANT'S
MOTION FOR A DEFAULT ORDER.

NOW COMES, THE TWO RESPONDENTS, MARDAPH II, L.L.C. AND MARDAPH III, L.L.C. HEREIN PROSE CAPACITY, WHO HEREBY RESPECTFULLY REQUESTS AN ORDER OF ENTRY, DENYING THE COMPLAINANT'S MOTION FOR A DEFAULT ORDER, AND/OR IN THE ALTERNATIVE, GRANTING ALLOWANCES TO THE TWO RESPONDENTS, MARDAPH II, AND MARDAPH III, AMENDING THE ANSWER OF THE SAID RESPONDENT VINNIE WILSON IN THE ABOVE CASE DOCKET NUMBER

RESPECTFULLY SUBMITTED
VINNIE WILSON
ACTING "PRO SE"

MEMORANDUM OF LAW,
IN SUPPORT OF MOTION

ON/OR ABOUT THE DATE OF AUGUST 4th 2008, THE SAID COMPLAINANT (DIRECTOR OF THE LAND AND CHEMICALS DIVISION, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (U.S. EPA) REGION (5), INITIATED AN ADMINISTRATIVE ACTION, ALLEGING THAT SAID RESPONDENT'S, MARDAPH II, L.L.C. MARDAPH III, L.L.C., AND VINNIE WILSON VIOLATED THE SAID TOXIC SUBSTANCES CONTROL ACT.

IN THE INSTANCE CASE AT HAND, THE COMPLAINT ALLEGES THAT THE SAID TWO (2) RESPONDENT'S, MARDAPH II, L.L.C. AND MARDAPH III L.L.C., ENTITLED CORPORATIONS, (AS LESSORS), AND VINNIE WILSON (AS THE OWNER AND/OR AGENT FOR THE OWNER OF THE SAID RENTAL UNITS) FAILED TO PROVIDE ITS TENANT LESSEE'S WITH THE REQUIRED DISCLOSURES REGARDING THE POSSIBLE PRESENCE OF LEAD PAINT.

STATING FURTHER, THE ORIGINAL COMPLAINT ALLEGED THAT A TOTAL OF (77) VIOLATIONS WERE COMMITTED BY THE SAID THREE (3) RESPONDENT'S, MARDAPH II, L.L.C., MARDAPH III, L.L.C., AND VINNIE WILSON AT TEN (10) RESIDENTIAL UNITS.

INDEX

MOREOVER, THE RESPONDENTS, RESPECTFULLY STATES THAT THE HAMILTON COUNTY BOARD OF COMMISSIONERS VOTED TO END THE COUNTY'S PARTICIPATION IN THE HOUSING CHOICE VOUCHER SECTION (8) PROGRAM. ON THE DATE OF JUNE 15TH 2006.

THEREAFTER, PARTICIPANTS IN THE HOUSING CHOICE VOUCHER SECTION (8) PROGRAM WERE TRANSFERRED TO THE CINCINNATI METROPOLITAN HOUSING AUTHORITY TO (CMHA) ON THE DATE OF JUNE 16TH 2006, TO HAVING BEEN PROVIDED WITH AFFORDABLE SERVICES OF HOUSING ASSISTANCE REQUESTED REGARDING (C.M.H.A) SECTION (8) ASSISTANCE TO FAMILIES IN THE HAMILTON COUNTY, CINCINNATI OHIO RESIDENTIAL AREA LOCATION.

RESPONDENTS MARDAPH II, L.L.C., MARDAPH III L.L.C. AND VINNIE WILSON CORPORATIONS (AS LESSORS) AND / OR RESPONDENT VINNIE B. WILSON (AS THE OWNER AND / OR AGENT FOR THE OWNER OF RENTAL UNITS THROUGH WRITTEN CONTRACT AGREEMENT WITH THE HAMILTON COUNTY CINCINNATI METROPOLITAN HOUSING AUTHORITY

ACCORDINGLY, BASED UPON (C.M.H.A) HOUSING SPECIALISTS QUALIFICATION AND TRAINING EXPERIENCES AS EXAMINER'S WHO, UPON THEIR EXAMINATION REACHED A PROFESSIONAL CONCLUSION, IN THAT THE SAID RESPONDENT'S MARDAPH II, L.L.C. MARDAPH III, L.L.C., AND WINNIE WILSON'S, TWO CORPORATIONS (AS LESSORS) AND/OR RESPONDENT (WILSON'S) AS THE OWNER AND AGENT FOR THE OWNER OF THE (10) RENTAL PROPERTY UNITS CLEARLY MET THE CINCINNATI METROPOLITAN HOUSING AUTHORITY QUALITY STANDARDS UTILIZED BY THE PROGRAM APPROVAL FOR THE FOLLOWING TENANTS NAMES AND ADDRESSES HERE OF,

(1) TABITHA DORNAL
 2636 FENTON AVE.
 CINCINNATI, OHIO 45211
 DATE: 6-08-06.

(2) DONYA JACKSON
 2639 FENTON AVE.
 CINCINNATI, OHIO 45211
 DATE: 2/6/06

(3) HELEN JORDAN
 2605 FENTON AVE.
 CINCINNATI, OHIO 45211
 DATE: 3/31/06

(4) KENDRA FRENCH
 2637 FENTON AVE.
 CINCINNATI, OHIO 45211
 DATE: 2/27/07

(5) BAINES JACKSON
 1530 KINNEY AVE.
 CINCINNATI, OHIO 45211
 DATE: 8/1/05

(6) ANTOINETTE C. McCRARY
 3341 MICHENRY AVE.
 CINCINNATI, OHIO 45211
 DATE: 11/1/06

(7) SHONNA WASHINGTON
 8750 VENUS DRIVE.
 CINCINNATI, OHIO 45211
 DATE: 1/1/07

CONTINUED

(8.) JAMES AND EVA FARMER
4537 LUCERNE AVENUE (APT 2)
CINCINNATI, OHIO
DATE: 9/1/05

(9.) STEPHANIE HARRIS
1815 CLARION AVENUE
CINCINNATI, OHIO.
DATE: 11/3/07

(10.) BRENDA BEARD
711 MARION RD
CINCINNATI, OHIO 45215
DATE: 2/1/06.

NOTE:

ALL OF THE ABOVE TENANT LEASES APPLICANTS WERE SERVED PAMPHLETS DISCLOSURE OF INFORMATION ON LEAD BASED PAINT AND LEAD BASED PAINT HAZARDS ON THE DATES STATED UNDER THE NAMED TENANTS

A COPY OF THE NAMED TENANT "TABITHA DORNAL, WHO RESIDED 2636 FENTON AVENUE CINCINNATI, OHIO, 45211, (WRITTEN CERTIFICATION OF ACCURACY, WERE PERSONALLY KNOWLEDGE AND SIGNED BY (HER) AS A TENANT ON, 6/8/06. SEE: AFFIDAVIT EXHIBITATION (APPENDIX) MARKED IN SUPPORT AND PRESENTED AS DOCUMENTARY PROOF OF EVIDENCE TO SHOW "GOOD CAUSE" ~~BY~~ THE ~~THAT~~ RESPONDENT'S REASONABLE DEFENSE CLAIM

RESPONDENT'S MARDAPH II, L.L.C. AND MARDAPH III, L.L.C. RESPECTFULLY REPRESENTS THAT THE SAID (MARCY A. TONEY), PRESIDING OFFICER OF THE U.S. E.P.A), FILED ON THE DATE OF MAY 28, 2009. AN ORDER OF ENTRY, REQUIRING THE SAID COMPLAINANT OF U.S. EPA) TO FILE A STATUS REPORT ON / OR BEFORE JUNE 11, 2009

NEVERTHELESS, THE SAID COMPLAINANT OF (U.S. E.P.A), ON THE DATE OF JULY 31, 2008, FILED AN ADMINISTRATIVE COMPLAINT AGAINST ALL THREE (3) RESPONDENT'S. THE COMPLAINT ALLEGED (47) VIOLATIONS AGAINST (RESPONDENT) VINNIE WILSON FOR THE TOXIC SUBSTANCES CONTROL ACT (T.S.C.A)

THE COMPLAINT FURTHER ALLEGED (10) VIOLATIONS AGAINST RESPONDENT MARDAPH II, L.L.C., SEEKING A PENALTY OF \$30,320, AND ALLEGED (20) VIOLATIONS AGAINST RESPONDENT MARDAPH III, L.L.C., SEEKING A PENALTY OF \$26,840, NOTWITHSTANDING, THE (47) VIOLATIONS AGAINST RESPONDENT VINNIE WILSON, THE COMPLAINT SOUGHTED \$91,000, PENALTY.

HOWEVER, IN RETROSPECT, THE SAID ORIGINAL COMPLAINT ALLEGED THAT A TOTAL OF (77) VIOLATIONS WERE COMMITTED BY THE SAID THREE (3) RESPONDENTS AT THE (70) RESIDENTIAL PROPERTY UNITS.

RESPONDENT'S WINNIE WILSON'S RESIDENTIAL LEASE CONTRACT AGREEMENT. (A COPY OF DOCUMENT WITH CERTIFICATION OF ACCURACY, NAMING AND ACKNOWLEDGING BY WRITTEN SIGNATURE OF WINNIE WILSON, AS OWNER, AND/OR TABITHA DORNAL, AS A TENANT HAS RECEIVED COPIES THE PAMPHLET'S "PROTECT YOUR FAMILY FROM LEAD IN YOUR HOME" SIGNED ON THE DATE JUNE 6/8/06.

SEE: ATTACHED SWORN AFFIDAVIT STATEMENT OF THE RESPONDENT WINNIE WILSON, AND/OR ATTESTED WARNING (LEAD) STATEMENT APPENDIX EXHIBITATION DOCUMENTARY OF PROOF "PRIME" FACTS EVIDENCE SUBMITTED HERE WITH, IN SUPPORT OF THE RESPONDENT'S MOTION TO DENY" THE SAID COMPLAINANT'S MOTION FOR A DEFAULT ORDER.

ACCORDINGLY, RESPONDENT HAS REASONS TO BELIEVE THAT THE CINCINNATI METROPOLITAN HOUSING AUTHORITY, WHO ENTERED INTO THE CONTRACT AGREEMENT THROUGH "SUB LEASE" WITH RESPONDENT'S HAD TURN OVER TO THE USEPA COMPLAINANT DISCLOSURE OF INFORMATION ON LEAD BASED PAINT AND LEAD BASED PAINT HAZARDS "LEAD WARNING STATEMENTS OF ALL (ID) TENANTS WHO ACKNOWLEDGES BY CERTIFICATION OF ACCURACY SIGNATURE OF THE OWNER AND TENANT HAS RECEIVED THE PAMPHLET'S, ENTITLED PROTECT YOUR FAMILY FROM LEAD IN YOUR HOME.

CONSEQUENTLY, THE SAID RESPONDENT'S ADDRESSES ONLY THE SAID DOCUMENT PROOF OF THE (TENANTS) TABITHA DORNAL'S COPY OF LEAD WARNING STATEMENT SERVED UPON HER ON THE DATE OF JUNE 8th 2006. BY RESPONDENT WINNIE WILSON, AT THIS CRITICAL STAGE OF THE CASE AT HAND.

" THE RESPONDENT'S STATUTORY SUBSTANTIAL REASONS WHY THE COMPLAINANT'S MOTION SEEKING A DEFAULT ORDER, SHOULD BE DENIED, AND IN THE ALTERNATIVE, OR RE-TENTION FOR ALLOWANCES TO RE-CONSIDER THE TWO RESPONDENTS TO FILE AN AMENDMENT TO RESPONDENT'S VINNIE WILSON'S ANSWER TO THE COMPLAINANT'S COMPLAINT "

LAW AND ARGUMENTS

ON JANUARY 22, 2008, U.S. EPA'S COMPLAINANT MOVED FOR THE ENTRY OF A DEFAULT ORDER AGAINST ONLY RESPONDENT VINNIE WILSON, AND SOUGHTED THE ASSESSMENT OF A PENALTY OF (\$ 91, 000) AGAINST (HER)

RESPONDENT VINNIE WILSON DID NOT ANSWER THE ORIGINAL ADMINISTRATIVE COMPLAINT FILED ON JULY 31, 2006. U.S. EPA COMPLAINANT MOVED FOR A DEFAULT ORDER OF JUDGMENT AGAINST RESPONDENT VINNIE WILSON.

RESPONDENT VINNIE WILSON FILE A RESPONSE MOTION IN-PROISE CAPACITY, TO THE U.S. E.P.A'S DEFAULT MOTION. HOWEVER, SAID DEFAULT MOTION WAS DENIED ON THE DATE OF MARCH 19, 2009, AND RESPONDENT VINNIE WILSON WERE ALLOWED TO ANSWER THE ORIGINAL COMPLAINT.

U.S. E.P.A COMPLAINANT'S, FAILURE TO SEEK PEN ORDER OF DEFAULT AGAINST THE TWO OTHER RESPONDENT'S MARDAPH II, ~~LLC~~, AND MARDAPH III L.L.C. ON JANUARY 22, 2009,

RESPONDENTS MARDAPH II, L.L.C AND MARDAPH III L.L.C. HAVE NOT BEEN ORDERED TO ANSWER THE COMPLAINT UNTIL THE REGIONAL JUDICIAL

OFFICER'S ORDER OF MAY 28, 2009 ORDERED ON/ OR ABOUT (BEFORE) JUNE 11, 2009, TO FILE STATUS REPORT INFORMING THE PRESIDING OFFICER HOW IT INTENDS TO PROCEED AGAINST THE TWO OTHER RESPONDENTS, MARDAPH II, L.L.C. AND MARDAPH III, L.L.C.

IN THE ORIGINAL COMPLAINT, (BY THE U.S. (EPA) COMPLAINANT'S) ALLEGED (10) VIOLATIONS AGAINST MARDAPH II L.L.C., ~~SEEKING~~ A PENALTY OF \$ 30, 320. AND FOR (20) VIOLATIONS AGAINST MARDAPH ~~III~~ L.L.C., SEEKING A PENALTY OF \$ 26, 840. AND ALSO; (47) VIOLATIONS AGAINST VENNIE WELSON, SEEKING A PENALTY OF \$ 91, 090 ACCORDING TO THE ORDER TO FILE A STATUS REPORT.

U.S. EPA COMPLAINANT did NOT SEEK A DEFAULT ORDER AGAINST MARDAPH II L.L.C. AND MARDAPH III L.L.C. SEE: BRIEF IN SUPPORT ~~OF~~ MOTION FOR DEFAULT, FILED ON JANUARY 22, 2009.

\\ CLEARLY THE ISSUANCE OF A DEFAULT ORDER IS A MATTER WITHIN THE DISCRETION OF THE PRESIDING OFFICER, FOR EVEN WHERE A DEFAULT HAS OCCURRED THE SAID "PRE-SIDING OFFICER RETAINS THE DISCRETION NOT TO ISSUE A DEFAULT ORDER WHERE THE RECORDS SHOW GOOD CAUSE.

SEE: ATTACHED AFFIDAVIT STATEMENTS, AND THE ATTESTED APPENDIX-EXHIBITATION (PROOF OF EVIDENCE) ENTITLED A COPY "DISCLOSURE OF INFORMATION ON LEAD BASED PAINT AND LEAD BASED PAINT HARAZDS, "LEAD WARNING STATEMENT SIGNED

BY THE SAID RESPONDENT VINNIE WILSON, AS THE OWNER - AND TABITHA DORNA, AS TENANT, ON THE DATE OF JUNE 8/2006. WHO WERE LEASE TENANT RESIDING AT THE ADDRESS LOCATION 2636 FENTON AVENUE, CINCINNATI, OHIO 45211.

11 THE ENVIRONMENT APPEALS BOARD HAS RULED " THAT DEFAULT ORDERS ARE NOT FAVORED AND DOUBTS ARE USUALLY RESOLVED IN FAVOR OF THE DE-FAULTING PARTY,

IN RE JHNY, INC. 12 E.A.D. 372, 384 (EAB) 2005.

IN THE INSTANT CASE, RESPONDENT'S STATES, THAT A DEFAULT IS GENERALLY A "HARSH MEASURE" AND SHOULD NOT BE ENTERED WHERE THERE HAS BEEN SOME RESPONSIBLE ACTION BY THE SAID RESPONDENT'S AND REASONABLE ATTEMPTS AT MARSHALING A DEFENSE CLAIM.

THE COMPLAINT ALLEGED, INTER ALIA, THE RESPONDENTS MARDAPH II AND MARDAPH III, AS THE OWNER OF RENTAL UNITS, (10) RESIDENTIAL PROPERTIES DWELLINGS FAILED TO PROVIDE ITS (LESSES TENANTS) WITH THE REQUIRED DISCLOSURE REGARDING THE POSSIBLE PRESENCE OF LEAD PAINT AND LEAD BASED PAINT HAZARDS.

THE RESPONDENT'S DENY THAT DISCLOSURE OF INFORMATION ON LEAD BASED AND LEAD PAINT HAZARD (LEAD WARNING STATEMENTS AND/OR PAMPHLETS WAS NOT ATTACHED TO THE RESIDENTIAL LEASE CONTRACT AND SERVED TO THE TENANT AT THE (10) RENTAL UNITS

SEE: ATTACHED AFFIDAVIT APPENDIX - EXHIBITION IN SUPPORT OF MOTION. (SIGNED BY TENANT.

CONCLUSION

WHEREFORE, FOR THE FOREGOING SUBSTANTIAL REASONS, AND IN THE LIGHT OF ALL FACTS AND CIRCUMSTANCES, INVOLVED HEREIN, THE RESPONDENTS, MARDAPH II, L.L.C. AND MARDAPH III, L.L.C., RESPECTFULLY REQUESTS THE SAID REGIONAL JUDICIAL PRESIDING U.S. EIAA HEARING OFFICER TO ISSUE AN ORDER OF ENTRY, DENYING THE COMPLAINANT'S MOTION FOR A DEFAULT ORDER AGAINST THE TWO RESPONDENTS, MARDAPH II, L.L.C. AND MARDAPH III, L.L.C.

THE COMPLAINANT, SEEKING A PENALTY OF \$(30,320) FOR THE ALLEGED (10) VIOLATION AGAINST MARDAPH II, L.L.C. AND FOR (20) VIOLATIONS ALLEGED AGAINST MARDAPH III, L.L.C.; SEEKING A PENALTY OF \$(26,840), AND 47 VIOLATIONS AGAINST VENNIE WILSON, SEEKING A PENALTY OF \$91,090.

IN THE AFFIDAVIT STATEMENTS, AND ATTESTED APPENDIX EXHIBITS REFLECTS THE SIGNATURE OF THE LESSOR, RESPONDENT VENNIE WILSON, AND THE LESSEE (TABITHA DORNAL) CERTIFYING THE ACCURACY OF (HER) STATEMENTS TO THE BEST OF (HER) KNOWLEDGE, AND THE DATE OF SAID SIGNATURE BEFORE THE LESSEE WERE OBLIGATED UNDER THE CONTRACT FOR THE LEASING TRANSACTION

RESPONDENT'S RESPECTFULLY STATES THAT THE COMPLAINANT ALLEGED FALSITY ADMISION OF THE FACTS SET FORTH IN THE COMPLAINT WHICH FAILS ESTABLISH A "PRIMA FACIE CASE OF SEEKING LIABILITY AGAINST ALL THREE RESPONDENTS IN AN ACTION IN VEIN.

RESPONDENT VINNIE WILSON HAS FILED AN ANSWER TO THE THE COMPLAINT ON HER BEHALF ONLY, SINCE, COMPLAINANT did not seek a DEFAULT ORDER AGAINST THE TWO OTHER SAID RESPONDENTS, WARDAPH II L.L.C; AND WARDAPH III, L.L.C.,

RESPONDENTS APPEARING IN THIS MATTER IN PROBE CAPACITY WITHOUT THE GUIDANCE OF COMPETENT ASSISTANCE COUNSEL, AS WELL AS A DEFENSE CLAIM OF MENTAL ABILITY HAS BEEN IMPAIRED WHILE BEING TREATED BY A MEDICAL DOCTOR FOR ANXIETY AND DYSTHYMIA, SINCE DECEMBER 10, 2008,

RESPONDENTS HAS MADE REQUESTS FOR A PRODUCTION OF DOCUMENTS TO TURN OVER THE CONTRACTS, LEAD BASED PAINT WARNING, STATEMENTS, HOUSING INSPECTIONS APPROVAL EXAMINATION OF THE (10) LISTED LEASE RESIDENTIAL RENTAL UNITS OF THE LEASE TENANTS NAMED IN THE COMPLAINT. HOWEVER, WITH OR WITHOUT SUPPORTING DOCUMENTS, RESPONDENTS HAS PRODUCED A COPY OF THE LEAD BASED PAINT WARNING STATEMENT OF THE TENANT TABILWA DORNAL, WHICH COMPLAINANT CLAIMS RESPONDENTS FAILED TO PROVIDE TO THE TENANTS,

THEREFORE, RESPONDENT RESPECTFULLY REQUEST THE COMPLAINANT MOTION FOR A DEFAULT ORDER BE DENIED, AND ALLOW THE TWO OTHER RESPONDENTS, WARDAPH II L.L.C, AND WARDAPH III L.L.C; TO AMEND ANSWER OF RESPONDENT VINNIE WILSON ACCORDING TO THE ADMINISTRATION OF LAW, AS DEEMED JUSTLY AND MOST APPROPRIATED.

RESPECTFULLY SUBMITTED
X VINNIE WILSON

IN THE UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY REGION(S)

IN THE MATTERS OF
DIRECTOR OF U.S. EPA)
ADMIN. LAND + CHEMICAL
DIVISION REGION(S)

DOCKET NO T.S.C.A - 05
2008 - 0019

COMPLAINANT

SWORN AFFIDAVIT
STATEMENTS OF MS.
VINNIE WILSON

—VS—

MARDAPH II. L.L.C;
MARDAPH III. L.L.C;
AND VINNIE WILSON

RESPONDENT'S

STATE OF OHIO
COUNTY OF HAMILTON

} SS:
}

I, VINNIE WILSON THE UNDERSIGNER
AFFIANT FIRST BEING SWORN TO, AND DULY
CAUTIONED ACCORDING TO THE LAW, DEPOSES
AND ALLEGILY STATES, THAT;

1. AFFIANT IS COMPETENT TO TESTIFY
2. AFFIANT IS, AND AT ALL TIMES MENTIONED
THE SHAREHOLDER FOR THE TWO RESPONDENT'S,
MARDAPH II. L.L.C. AND MARDAPH III. L.L.C;
3. AFFIANT IS REPRESENTING HERSELF IN
PROSE CAPACITY.

4. AFFIANT FURTHER ALLEGES THAT THE U.S. E.P.A. COMPLAINANT'S FAILURE TO SEEK A DEFAULT ORDER AGAINST THE TWO OTHER RESPONDENTS, "MARDAPH II, L.L.C., MARDAPH III, L.L.C.

5. AFFIANT STATES THAT THE TWO RESPONDENTS, MARDAPH II AND MARDAPH III, FAILURE TO FILE AN ANSWER TO THE COMPLAINT ON THE DATE OF 8/4/2008. CONTENDS THE TWO (2) RESPONDENTS ARE NOW IN DEFAULT.

(6) AFFIANT RESPECTFULLY STATES THAT THE COMPLAINANT DID NOT SEEK A DEFAULT ORDER AGAINST MARDAPH II, AND MARDAPH III ON THE DATE: 1-22-2009. SEE: BRIEF OF THE COMPLAINANT IN SUPPORT OF MOTION FOR DEFAULT ORDER.

7. AFFIANT STATES THAT ON JANUARY 22, 2008, THE COMPLAINANT MOVED FOR THE ENTRY OF A DEFAULT AGAINST ONLY RESPONDENT VENNIE WILSON, AND SOUGHTED THE ASSESSMENT OF A PENALTY OF (\$91,090). LOT WITH STANDING, THE TOTAL OF (77) VIOLATIONS WERE FOUND AND ALLEGED AGAINST THREE RESPONDENTS IN DOCKET NO. TSCA-05-2008-0019

(8.) AFFIANT ATTACHES HERewith, IN SUPPORT OF HER SELF SUFFICIENT SWORN AFFIDAVIT A COPY THE LEAD WARNING STATEMENTS OF MS TARBITHA DORNAL, WHO WERE A TENANT LEASEE AT 2637 FENTON AVE, CINCINNATI, OHIO, WHICH INFACt CERTIFIES PRIMA FACIE PROOF OF EVIDENCE THAT SHE RECIEVED A PAMPHLET DISCLOSURE OF INFORMATION ON LEAD BASED PAINT AND LEAD BASED PAINT HAZARDS. ON THE DATE OF 6/8/2006.

SEE: ATTEST APP. EXH.

(9.) AFFIANT SIGNED A CONTRACT WITH THE CINCINNATI METROPOLITAN HOUSING AUTHORITY AGREEING TO RENT (HER) (10) RESIDENTIAL UNITS OF OWNER PROPERTIES THROUGH SUB LEASE CONTRACT AGREEMENT (C.M.H.A) SECTION (8) PROGRAM.

CONTRACT ~~IS~~ AVAILABLE AT THIS TIME

(10.) AFFIANT STATES THAT C. M. H. A HOUSING SPECIALIST MADE AND APPROVED THE (10) RESIDENTIAL UNITS. BY THEIR AGENT EX AMINERS QUALIFICATIONS. EACH OF (10) UNITS MET THE HOUSING QUALITY STANDARDS UTILIZED BY THE (C. M. H. A) SECTION (8) PROGRAM, AND TENANCY WHICH BEGUN ON THE DATE STATED UNDER EACH LEASEE'S APPROVAL TO RECIEVED ASSISTANCE BY THE C.M.H.A SECTION (8) PROGRAM. PAYMENTS MADE TO THE AFFIANT,

8. AFFIANT HAS BEEN UNDER THE TREATMENT OF CARE OF (HER) FAMILY GROUP MENTAL DOCTOR, M.D. FOR ANXIETY AND DYSTHYMIA BY (M.D JOSEPH P. HAZEN) RECEIVING PRESCRIBED ~~BILL~~ MEDICATION, SINCE, 10-6-2008.

SEE: ATTESTED LETTER) APPENDIX EXHIBIT.
ALSO SEE; NEW LETTER OF 6-15-09 APPENDIX EXHIBITS.

9. AFFIANT STATES THAT SHE WAS WITHOUT ANY KNOWLEDGE OF THE EXISTENCE (PRESENCE) OF LEAD BASED PAINT AND LEAD BASED PAINT HAZARDS AT THE (10) RESIDENTIAL RENTAL UNIT PROPERTIES LISTED HOUSE DWELLINGS.

(10) AFFIANT: LACK OF KNOWLEDGE OF THE PRESENCE OF LEAD BASED PAINT AND LEAD BASED PAINT HAZARDS WERE BASED UPON THE CINCINNATI METROPOLITAN AUTHORITY SECTION (8) PROGRAM HOUSING SPECIALISTS AGENTS APPROVAL EXAMINER INSPECTION BEFORE TENANT LEASEE'S WERE ALLOWED TO LIVE IN AS RENTAL TENANTS.

AFFIANT DENIES HAVING ANY KNOWLEDGE OF LEAD BASED PAINT HAZARDS EXISTENCE BEFORE THE LEASE OF THE (10) HOUSING UNITS WERE MADE AVAILABLE TO THE LESSORS.

(11.) WHEREFORE, AFFIANT PRAY THAT IN THE MATTER OF RESPONDENT'S, WARDAPH II, L.L.C., COMPLAINANT U.S. EPA, SEEKING A PENALTIES OF (\$ 30,320, FOR (20) VIOLATIONS, AND WARDAPH III L.L.C. SEEKING A PENALTIES OF \$ 26,840 FOR (20) VIOLATIONS AGAINST TWO (2) CORPORATION (AS LESSORS) DEFAULT ORDER OF ENTRY BE DENIED.

IN THE ALTERNATIVE, ORDER ALLOWANCES OF THE TWO RESPONDENTS TO FILE AN "AMENDMENT TO THE RESPONDENTS VANNIE WILSONS ANSWER FILED ON/OR ABOUT MAY, 2009. PROSE"

AFFIANT FURTHER SAYETH NAUGH,

RECEIVED

JUL 06 2009

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

X *[Signature]*

AFFIANT
VANNIE WILSON

SWORN TO AND SUBSCRIBED BEFORE ME,
A NOTARY PUBLIC, IN MY PRESENCE ON THIS
1ST DAY OF July 2009.

[Signature]
NOTARY PRESENCE

MARY R. Childres
my Commission Expires 2/12/12

Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, owners must disclose the presence of known lead-based paint and lead-based paint hazards in the dwelling. Tenant must also receive a Federally approved pamphlet on lead poisoning prevention.

Owner's Disclosure (initial)

____ (a) Presence of lead-based paint or lead based paint hazards (check one below):

Known lead-based paint and or lead-based paint hazards are present in the housing (explain).

Owner has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

____ (b) Records and reports available to the owner (check one below):

Owner has provided the tenant with all available records and reports pertaining to lead-based paint and or lead-based paint hazards in the housing (list documents below).

Owner has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Tenant's Acknowledgment (initial)

____ (c) Tenant has received copies of all information listed above.

(d) Tenant has received the pamphlet *Protect Your Family from Lead in Your Home*.

Agent's Acknowledgment (initial)

____ (e) Agent has informed the owner of the tenant's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

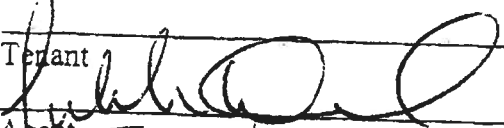
The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.



Owner

6/8/00

Date



Tenant

Date

6-08-00

Date

Tenant

The Family Medical Group

www.thefamilymedicalgroup.com

6331 Glenway Avenue • Cincinnati, Ohio 45211 • (513) 389-1400 • Fax: (513) 347-2119

Fax: (513) 389-7009

6480 Harrison Avenue, Suite 302 • Cincinnati, Ohio 45247 • (513) 389-1400

Thaddeus M. Bort, MD, Timothy J. McCarren, MD, Walter E. Donnelly, MD, Joseph P. Hazen, MD,
Michael K. Heite, MD, Terri L. Overbeck-Zisko, MD, Regina A. Kohls, MD, Peggy C. Braun, MD,
David J. DeMarco, MD, Sonja A. Houker, MD, Amy R. Mechley, MD, Kristin L. Harding, MD,
Nicole Overbeck-Lynch, PA

Patient Name: _____

Date: 7/0/6/08

Vinnie W Torbert Wilson is following with me for anxiety and dysthymia. We are addressing this with medication and I have recommended counselling.

Joseph P Hazen, MD

11
APPENDIX EXHIBIT
17
(B)

APPENDIX -
EXHIBITS



6331 Glenway Avenue
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(513) 389-1400
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APPENDIX-EXHIBIT

Thaddeus M. Bort, MD

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Amy R. Mechley, MD

Kristen L. Harding, MD

Nicole Overbeck-Lynch, PA

Joyce M. Meyer, PT

Elizabeth A. Hollstegge, RD, LD, CDE

June 15, 2009

Re: Vinnie W Wilson Torbert

To Whom It May Concern:

The above-named patient is under my care for severe depression. We have been using new medication since April 13, 2009 which can cause sedation and poor memory, as well as lack of concentration. This medicine may certainly have caused her to oversleep. She tells me that she stopped this new medicine sometime last week. We will continue her on all of her other current medications which should not impair her day-to-day functioning.

If there is any further information that I can provide, please do not hesitate to contact me.

Sincerely,

Joseph P. Hazen, MD

IN THE UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY REGION (5)

IN THE MATTERS OF
MARDAPH II, LLC,
MARDAPH III LLC;
AND VINNIE WILSON
RESPONDENT'S

DOCKET NO. TSCA B5-
2008-0019

VERIFICATION

STATE OF OHIO,
HAMILTON COUNTY | SSo

RECEIVED
JUL 06 2009

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY.

I, VINNIE WILSON, THE ~~UNDER SIGNED~~
AFFIANT FIRST BEING SWORN TO, AND DULY
CAUTIONED ACCORDING TO THE LAWS, DEPOSES
AND ALLEGELY STATES, THAT


I AM THE RESPONDENT'S, AND THE TWO
OTHER RESPONDENT'S, NAMED AS, MARDAPH II AND
MARDAPH III, IN THE ABOVE STYLED DOCKET
CASE NUMBER,

FURTHER, I DECLARE UNDER PENALTY OF
PERJURY THAT I HAVE EXAMINED ALL OF THE
INFORMATION ON THIS RESPONSE MOTION,
AFFIDAVIT STATEMENT ACCOMPANIED HEREWITH TO BE
TRUE AND ACCURATE, OR CORRECT TO THE BEST
OF MY KNOWLEDGE, AS VERIFIED.

AFFIANT FURTHER SAYETH NAUGHT


AFFIANT, VINNIE WILSON

SWORN AND SUBSCRIBED BEFORE ME,
A NOTARY PUBLIC, IN MY PRESENCE ON
THIS 1st DAY OF JULY 2009.


NOTARY PUBLIC
MARY R. CHILDRESS

My Commission Expires
5/12/12

CERTIFICATION OF SERVICE

I, VENNIE WILSON, HEREBY CERTIFIES THAT TRUE AND ACCURATE COPIES OF THE FOREGOING ENTITLED RESPONSE MOTION IN OPPORTION ~~OVER~~ COMPLAINT MOTION FOR A DEFAULT ORDER WERE SERVED BY VIA U.S. MAIL SERVICES POSTAGE PAID, AND FORWARD TO THE FOLLOWING U.S. E.P.A. OFFICIALS ON THIS 15th DAY OF July 2009.

(1) TWO COPIES SENT TO: REGIONAL HEARING CLERK
U.S. ENVIRONMENT PROTECTION, AGENCY, REGION
5 (E)-19-J. 77 WEST JACKSON BOULEVARD
CHICAGO, ILL. 60604-3590

(2) ONE COPY SENT TO- PETER FELITTI, U.S
ENVIRONMENT PROTECTION, AGENCY, REGION (S)-C14-J
OFFICE OF REGIONAL COUNSEL, 77 WEST JACKSON
BOULEVARD, CHICAGO, ILL, 60604-3590

(3) ONE COPY SENT TO MARY A. TONEY, REGIONAL
JUDICIAL OFFICER, C-14-J 77 WEST JACKSON
BOULEVARD, CHICAGO, ILL, REGION (S) 60604-
3590.

RECEIVED

JUL 06 2009

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

X Vennie Wilson

VENNIE WILSON
(PROSE) LITIGANT
P.O. BOX # 317639
CINCINNATI, OHIO 45231