

BEFORE THE ADMINISTRATOR

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In the Matter of:

Patrick Wilber;
YaYa Milwaukee, LLC; and
Sancho Properties, LLC
Milwaukee, Wisconsin

Respondents.

Docket No. TSCA-05-2011-0021 JUN 20 2012

Honorable M. Lisa Buschmann, REGIONAL HEARING CLERK
Presiding Administrative Law Judge U.S. ENVIRONMENTAL PROTECTION AGENCY

INCLUDES EXHIBITS CLAIMED AS
CONFIDENTIAL BUSINESS INFORMATION
AND PERSONAL PRIVACY INFORMATION

DEFENDENTS INTIAL PREHEARING EXCHANGE

PATRICK WILBER, SANCHO PROPERTIES LLC, YAYA MILWAUKEE LLC OR ALSO KNOWN AS THE DEFENDANT. IN ACCORDANCE WITH THE RULES OF PRACTICE SECTION 22.19 OF THE CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSEMENT OF PENALTIES, ISSUANCE OF COMPLAINCE OR CORRECTIVE ACTION ORDERS AND THE REVOCATION, TERMINATION, OR SUSPENSION OF PERMITS (CONSOLIDATED RULES), CODIFIED AT 40 C.F.R. & 22.19 / RESPECTFULLY SUBMITS THE FOLLOWING DEFENDENTS PRE HEARING EXCHANGE.

1. EXPECTED WITNESSES

THIS SECTION INCLUDES THE NAMES OF WITNESSES DEFENDANT INTENDS TO CALL, TOGETHER WITH A NARRATIVE SUMMARY OF EACH WITNESSES EXPECTED TESIMONY AS REQUIRED BY PARAGRAPH I.A OF THE PREHEARING ORDER.

A. FACT WITNESSES

DEFENDANT PATRICK WILBER MAY CALL THE FOLLOWING INDIVIDUALS TO TESTIFY AS FACT WITNESSES.

1. PATRICK WILBER DEFENDANT /ACCUSED ; SHALL TESTIFY THAT TENANTS THAT RENTED APARTMENTS/HOUSES RECEIVED AND SIGNED LEAD PAINT DISCLOURES AND ALSO RECEIVED BLUE BOOK/PAMPLMENT AS REQUIRED WHEN PROPECTIVE TENTANTS SIGNED LEASE AGREEMENTS

2. EDWARD PILNY ENVIROMENTAL FIELD INVISTIGATOR- SUPENA AS NEEDED AND ALSO BE TREATED AS A HOSTILE WITNESS EDWARD PILNY WILL BE QUESTIONED AS TO WHY EPA WAITED TILL MARCH 2011 TO PERSUE THIS COMPLAINT AFTER EDWARD PILNY RETIRED. ALSO THEE ORGINAL INVESTIGATION TOOK PLACE IN MARCH OF 2008 AND PREVIOUS YEARS TILL 2005 FURTHER QUESTIONS ANSWERD AUGUST OF 2008.

DEFENDANT DID NOT RECEIVE ANY FURTHER CORRSEPENDENCE INTILL MARCH 2011. DEFENDANT BELIEVED THAT ISSUE WAS OVER, DEFENDANT WENT TO EPA WEB SITE READ REQRUMENTS OF RECORD KEEPING - 3 YEARS - THAT DEFENDANT PURGED ALL TENANT RECORDS PRYOR TO 2008, SINCE FER NO REQUIRMENT TO KEEP THEM.