


- c. The calculation of the proposed civil monetary penalty pursuant the *Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule* (August 2010/April 2013); and
 - d. The reason(s) that Complainant revised the proposed civil monetary penalty calculation after the filing of the Administrative Complaint.
2. *Service of the Administrative Complaint* – The Certificate and Proof of Service of the Complaint (filed with the Regional Hearing Clerk on April 12, 2019) indicates that the Complainant on March 28, 2019 served via U.S. Postal Service Certified Mail Return Receipt Requested the Administrative Complaint on “Constantinos Bottos, President” of Bottos Construction, Inc. However, the corporate research and information provided by the Complainant as Exhibit G of the Motion for Default indicates that Constantinos Bottos is a “principal” of Bottos Construction, Inc. and not its president. Rather, Dino Bottos is identified as the “president” and “owner” of the company. The Complainant is directed to file a supplemental legal memo explaining the apparent discrepancy and discussing whether, under the *Consolidated Rules of Practice* and any relevant caselaw, service of the Complaint on Constantinos Bottos as “principal” of the company was valid.



Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on the date provided below, I caused to be served the aforesaid Order for Supplemental Briefing upon the following persons in the manner designated:

Jennifer M. Abramson (Hand Delivery)
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Dino Bottos, President (USPS – Certified Mail/Return Receipt Requested)
Constantinos Bottos, Principal
Bottos Construction, Inc.
1005 Sussex Boulevard
Broomall, PA 19008
(Respondent)

JAN 08 2020
Date

Bevin Esposito
Bevin Esposito
Regional Hearing Clerk