

IN THE UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY REGION (5)

IN THE MATTERS OF
VINNIE B. WILSON,
RESPONDENT

DOCKET NO. TSCA-05-2008-
5019

RECEIVED

MAY 26 2009

REGIONAL HEARING CLERK
USEPA
REGION 5

ANSWER AND/OR AFFIRMATIVE
DEFENSES OF CONTRIBUTORY NEGLIGENCE
BY THE RESPONDENT TO THE COMPLAINT

NOW COMES THE SAID RESPONDENT
VINNIE B. WILSON HEREIN AND AFTER RE-
FERRED TO AS "PROSE" RESPONDENT WILSON,
WHO HEREBY RESPECTFULLY STATES AS "
FOLLOWS FOR (HER) ANSWER, AND/OR PLEADS
THE AFFIRMATIVE DEFENSES OF CONTRIBUTORY
NEGLIGENCE THE SAID COMPLAINT FILED AGAINST
PROSE RESPONDENT WILSON," ON THE DATE OF
AUGUST 4, 2008, BY THE ADMINISTRATIVE
COMPLAINANT'S (U.S. EPA), COLLECTIVELY,
REFERRED TO HEREAFTER AS "COMPLAINANT'S
ACCORDINGLY.

FIRST DEFENSE

1. PRO'SE RESPONDENT "WILSON" IS WITHOUT SUFFICIENT INFORMATION AND/OR ANY KNOWLEDGE TO ADMIT OR DENY THE ALLEGATIONS STATED IN THE ADMINISTRATIVE COMPLAINT FILED ON AUGUST 4, 2008, AGAINST (HER) U.S. (EPA) COMPLAINANTS.
2. IN RESPONSE, THE SAID COMPLAINANTS, (U.S. EPA), ALLEGED (47) VIOLATION OF THE TOXIC SUBSTANCES CONTROL ACT (T.S.C.A) AGAINST PRO'SE RESPONDENT "WILSON" AS THE OWNER AND/OR AGENT FOR THE OWNER OF SAID RESIDENTIAL RENTAL UNITS OF (11) HOUSES FOR FAILURE TO PROVIDE THE "TENANT LESSEES WITH THE SAID REQUIRE DISCLOSURES FORM PAMPHLETS.
3. ANSWERING, FURTHER REGARDING SERVICES TO THE RENTAL TENANT LESSEES WITH PAMPHLETS DISCLOSURE OF THE POTENTIAL PRESENCE OF LEAD-BASED PAINT AND/OR LEAD PAINT HAZARDS AT THE CO-APPLICANTS' RENTAL LESSEES (TENANTS) RESIDENCE PROPERTIES OF HOUSING UNITS OF (11) SEPARATE HOMES.

4. PRO'SE RESPONDENT "WILSON" DENIES THE SAID ALLEGATIONS STATED IN THE COMPLAINT ALLEGING (47) VIOLATIONS OF THE TOXIC SUBSTANCES CONTROL ACT (T.S.C.A) OF THE "U.S EPA'S) COMPLAINT.

5. PRO'SE RESPONDENT "WILSON" DENIES THE SAID ALLEGATIONS STATED IN PARAGRAPHS (2) AND (3) OF (HER) ANSWER, AND/OR AFFIRMATIVE DEFENSES OF CONTRIBUTORY NEGLIGENCE DEFENSE CLAIM.

(6) PRO'SE RESPONDENT "WILSON" RESPECTFULLY ADMITS THAT AS THE OWNER AND/OR AGENT FOR THE OWNER OF ALL SAID MENTIONED OF RENTAL PROPERTIES OF THE SAID UNITS (11) HOMES ENTERED INTO AN AGREEMENT (CONTRACT) WITH THE CINCINNATI METROPOLITAN HOUSING AUTHORITY, SECTION (8) DIVISION, AND RELIED UPON THEIR APPROVED INSPECTION BEFORE ANY OF THE CO-APPLICANTS WERE ALLOWED TO RESIDE AT THE HOUSING UNITS AS TENANT LESSEES.

(7) PRO'SE RESPONDENT "WILSON" FURTHER ADMITS, THAT SHE RELIED UPON REPRESENTATIVES OF THE CINCINNATI METROPOLITAN HOUSING AUTHORITY SECTION (8) INSPECTOR AGENTS FOR

APPROVED INSPECTION BEFORE ANY OF THE (3) SAID LEASE TENANTS (INDIVIDUALS) COULD RESIDE WITHIN "RESPONDENT" LEASE UNITS IN THE SAID APARTMENT BUILDINGS AND FAMILY DWELLING HOUSES RESIDENTIAL RENTAL PROPERTIES AS IDENTIFIED IN THE COMPLAINT "(11) HOUSING UNITS, THROUGH (TRIPPLE) CONTRACT AGREEMENTS.

SECOND DEFENSE

COMPLAINANT'S "E.S.(EPA), ADMINISTRATIVE COMPLAINT FAILS TO STATE A CLAIM AGAINST PRO'SE RESPONDENT'S WILSON UPON WHICH RELIEF CAN BE GRANTED BECAUSE OF (HER) INABILITIES TO MAKE DUE FOR THE ALLEGED PENALTIES VIOLATIONS IN THE SUM AMOUNTS OF \$91,090) SOUGHT AGAINST SAID PRO'SE RESPONDENT.

THIRD DEFENSE

PRO'SE RESPONDENT (WILSON'S) WHEREBY, ACCORDINGLY, SINCE SHE ENTERED INTO SAID WRITTEN CONTRACTS AGREEMENTS WITH "CINCINNATI METROPOLITAN HOUSING AUTHORITY SECTION (8) DIVISION AS THE MANAGER OF THE RESIDENTIAL RENTAL PROPERTIES OF (11) HOUSING UNITS, SHE RELIED UPON (C.M.H.A)'S SECTION (8) PROFESSIONAL AGENCY HOUSING INSPECTIONS TO LEASE ABOVE NUMBER LISTED UNITS FOR RENT.

FOURTH DEFENSE

RESPONDENTS, MARDAPH II, MARDAPH III, L.L.C.; AND "PROISE" RESPONDENT WILSON, AS THE MANAGER OF THE RESIDENTIAL RENTAL PROPERTIES OF (11) UNIT HOUSING DWELLINGS, OFFERED FOR (LEASE UNITS) TO THE CINCINNATI METROPOLITAN HOUSING AUTHORITY SECTION (8) INDIVIDUAL FAMILIES AND ENTERED INTO A-WRITTEN SIGNED CONTRACTS ON THE DATE LISTED IN PARAGRAPHS (25) AND (26), STATED IN THE COMPLAINANTS (U.S. EPA'S) COMPLAINT, WHICH (C.M.H.A.) SECTION (8) ABOVE, BECAME A "CONTRACT LESSOR".

STATING FURTHER, "PROISE RESPONDENT" WILSON, RESPECTFULLY SAYS THAT THE CINCINNATI METROPOLITAN HOUSING AUTHORITY SECTION (8) DIVISION OF FAMILY HOUSING UNIT LOCATIONS, FOR INDIVIDUAL CO-APPLICANTS, WHO SIGNED A-LEASE CONTRACT TO MAKE MONTHLY PAYMENTS FOR RENT IN AN EXCHANGE FOR FAMILY "OCCUPANCIES OF HOUSING UNITS WITH "PROISE RESPONDENT" WILSON". NOTWITHSTANDING, (C.M.H.A.) SECTION (8) NEGLECTED TO INFORM "PROISE RESPONDENT" TO SERVE TO RENTOR TENANTS DISCLOSURE OF REQUIRED PAMPHLET REGARDING POTENTIAL PRESENCE INFORMATION OF LEAD (PAINT) BASED HAZARDS.

WHEREFORE, FOR ALL OF THE ABOVE SUBSTANTIAL REASONS, AND IN THE "LIGHT OF ALL FACTS AND/OR MITIGATING CIRCUMSTANCES, THE SAID PROSE RESPONDENT (WILSON) ACCORDINGLY, PLEADS THE AFFIRMATIVE DEFENSE OF CONTRIBUTORY NEGLIGENCE BY LACK OF PERSONAL KNOWLEDGE THAT THE COMPLAINT ALLEGED THAT THE (TWO) SAID CORPORATIONS AS LESSORS AND (M'S WILSON) AS THE OWNER AND/OR AGENT FOR THE OWNER OF RENTAL UNITS FOR (11) HOUSING DWELLINGS FAILED TO PROVIDE IT LESSEES WITH THE REQUIRED DISCLOSURES REGARDING THE POSSIBLE PRESENCE OF LEAD PAINT-BASED HAZARDS.

FURTHER STATING, THE COMPLAINT ALLEGED THAT A TOTAL OF (77) VIOLATIONS WERE COMMITTED BY THE RESPONDENT AT TEN (10) RESIDENTIAL UNITS OF PROSE RESPONDENT. NOTWITHSTANDING, THE SUPPORTED WRITTEN CONTRACT AGREEMENT BETWEEN (MRS WILSON) AND THE CINCINNATI METROPOLITAN HOUSING AUTHORITY SECTION (8) DIVISION (INSPECTOR AGENT) APPROVED ALL OF THE SAID INSPECTION, AND BECAME A SUB-LESSOR TO CO-APPLICANTS.

ACCORDINGLY, SINCE PROSE RESPONDENT HAS IN FACT, ALWAYS RELIED UPON C.M.H.A, SECTION (8), APPROVAL OF HOUSING UNITS INSPECTION BY THEIR PROFESSIONAL INSPECTOR, CERTIFIED TO CONDUCT THE INSPECTIONS OF THE PROSE RESPONDENT'S (WILSON) HOUSES FOR FAMILIES CO-APPLICANTS (TENANT LESSEES.) ~~WILSON~~ AS A SUB-LESSOR (C.M.H.A) SECTION (8) HAD A DUTY TO DISCLOSE AND PROVIDE TO TENANT LESSEE / CO-APPLICANTS WITH AN U.S. EPA)

APPROVED LEAD HAZARD INFORMATION PAMPHLETS SINCE, PROBE RESPONDENT WILSON WAS WITHOUT ANY PERSONAL KNOWLEDGE OF US EPA'S REQUIREMENTS, AND THE C.M.H.A'S SECTION (8) BECAME AN AGENT WHO ENTERED INTO A SIGNED WRITTEN CONTRACT WITH THE PROBE RESPONDENT (WILSON) HAD A DUTY TO DISCLOSE TO THE TENANT LESSEES). PAMPHLETS REGARD THE LEAD HAZARD INFORMATION, AS WELL.

PROBE RESPONDENT WILSON HAS SUCCESSFULLY COMPLETED AN APPROVED LEAD TRAINING COURSE FOR CONTRACTORS, AND FURTHER, STILL IS BEING TREATED BY A MEDICAL FAMILY DOCTOR FOR ANXIETY AND DYSTHYMIA HEALTH CONDITIONS.


PROBE RESPONDENT WILSON, RESPECTFULLY STATES, THAT THE STATEMENTS OF CHANGES, OF (HER) INCOME, FINANCIAL POSITION, AND MAINTENANCE TO (HER) APARTMENTS AND HOUSING DWELLINGS ARE CLEARLY BEYOND THE AFFORDABLE FINANCIAL ABILITY TO PAY AT THIS TIME, IN QUESTION, UNTIL THESE UNDER CIRCUMSTANCES CHANGE, PROBE RESPONDENT WILSON REQUESTS AN EXTENSION OF TIME TO SETTLE HER PROBLEMS UPON SAID UNITS HOUSING DWELLINGS.

CONCLUSION,

THEREFORE, TO CONCLUDE, PROSE RESPONDENT (WILSON) PRAY" THAT UPON RECONSIDERATION OF THE FILES, RECORDS AND AFFIDAVIT SUBMITTED WITH SEVERAL EXHIBITS TO SUPPORT (HER) ANSWER AND/OR MITIGATION FACTORS AND CIRCUMSTANCES) "A COPY OF FEDERAL, STATE, AND LOCAL TAX RETURN FOR 2007, MINIMIZED, OR MITIGATE THE PENALTIES BASE UPON PROSE RESPONDENT'S INABILITY TO PAY SAID PENALTIES REGARDING VIOLATIONS WITHOUT HAVING PERSONAL KNOWLEDGE OF THE U.S.(EPA) POLICY ACCORDINGLY.

FURTHER PRAY THAT THE U.S. EPA, GRANTS, ANY SUCH OTHER RELIEF IT SEEMS JUSTLY, AT LAW, OR IN EQUITY, AND MOST APPROPRIATED, FOR WHICH PROSE RESPONDENT WILSON MAY BE ENTITLED.

RESPECTFULLY SUBMITTED


WINNIE B. WILSON
P.O. BOX NUMBER 317639
CINCINNATI, OHIO 45231

PROSE RESPONDENT



IN THE UNITED STATES ENVIRONMENTAL PROTECTION (8)
AGENCY REGION (5)

IN THE MATTERS OF
WINNIE B. WILSON
RESPONDENT

DOCKET NO. TSCA-05-2008
0019.

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MAY 26 2009
REGIONAL HEARING CLERK
USEPA
REGION 5

VERIFICATION

I, WINNIE B. WILSON, SAID AFFIANT
BEING FIRST DULY SWORN AND CAUTIONED, TO
THE LAW, DEPOSES AND STATES, THAT I DECLARE
UNDER ALL PENALTIES OF PERJURY, THAT I HAVE
READ AND EXAMINED ALL OF THE INFORMATION ON
THE ACCOMPANIED ATTACHED ANSWER, AND/OR
AFFIRMATIVE DEFENSE OF CONTRIBUTORY NEGLIGENCE
AS PROSE RESPONDENT TO THE COMPLAINT IN CASE
NUMBER DOCKET TSCA-05-2008-0019.

I FURTHER BELIEVES THAT THE INFORMATION
AND STATEMENTS CONTAINED, ARE TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE OR BELIEF AS
VERIFIED.

AFFIANT FURTHER SAYETH NAUGHT.

X [Signature]
(AFFIANT) WINNIE B. WILSON

PUBLIC, IN MY PRESENCE, ON THIS 18th DAY OF MAY
2009.

[Signature]
NOTARY PUBLIC:

MARY R. CHILDRES
Notary Public, State of Ohio
My Commission Expires Feb. 18, 2012

CERTIFICATE OF SERVICE

I, VINNIE B. WILSON PROSE RESPONDENT HEREBY CERTIFY THAT ONE (1) ORIGINAL AND/OR TWO (2) A- PHOTOGRAPHIC COPIES OF HER " ANSWER DEFENSE TO THE ADMINISTRATIVE COMPLAINT OF THE U.S. EPA'S COMPLAINANTS WERE SERVED UPON THIS 18th DAY OF May 2009 BY VIA U.S. FIRST CLASS POSTUAL DELIVERY MAIL SERVICES, TO THE REGIONAL HEAR- ING CLERK OF THE U.S. EPA'S OFFICE REGION (S) E-19-J - AT 77 WEST JACKSON BOULEVARD, CHICAGO, ILLINDIS. 60604.

FURTHER COPIES WERE SERVED TO : MR. PETER FELITZ, ASSISTANCE REGIONAL COUNSEL C-14-J, U.S. EPA, REGION (S) 77 WEST JACKSON BOULEVARD, CHICAGO, ILLINOISS 60604. ALSO, A COPY WAS SERVED ON (MS) MARCY A. TONEY, REGIONAL JUDICIAL OFFICER C-14-J- 77 WEST JACKSON BOULEVARD, U.S. EPA REGION (S) CHICAGO, ILLINOIS 60604

X [Signature]
VINNIE B. WILSON
PROSE RESPONDENT
P. O. BOX NUMBER # 317639
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