



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

October 3, 2011

REPLY TO THE ATTENTION OF  
E-19J

Honorable Susan L. Biro  
Office of Administrative Law Judges  
U. S. Environmental Protection Agency  
Ariel Rios Building, Mailcode: 1900L  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

RE: In The Matter of: *Dessie L. Brumfield d/b/a Brumfield Properties, LLC*  
Docket No.: TSCA-05-2011-0014  
Complaint Date: July 8, 2010  
Total Proposed Penalty: \$58,060.00

Dear Judge Biro:

Enclosed is a copy of the Respondent's Answer to an Administrative Complaint for *Dessie L. Brumfield d/b/a Brumfield Properties, LLC* in Milwaukee, Wisconsin.

Please assign an Administrative Law Judge for this case. If you have questions contact me at (312) 886-3713.

Sincerely,

A handwritten signature in blue ink that reads "La Dawn Whitehead".

La Dawn Whitehead  
Regional Hearing Clerk

Enclosure

cc: Ms. Dessie Brumfield  
5067 N 37<sup>th</sup> St  
Milwaukee, Wisconsin  
(414) 393-9667

John Steketee, Esquire  
Associate Regional Counsel  
Office Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd., C-14J  
Chicago, Illinois 60604-3590  
(312) 886-0558

Dessie Brumfield  
5067 N 37<sup>th</sup> St  
Milwaukee, WI 53209  
414-393-9667

September 25, 2011

RECEIVED  
SEP 29 2011

USEPA  
PROTECTION AGENCY REGION 5  
77 W. JACKSON BLVD  
CHICAGO, IL 60604-3590  
Docket no. TSCA-05-2010-0014.

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

RE: SIGNED ANSWER

Enclosed are the documents you requested to be sign and , also enclosed are the supporting documents. All totaling 26 documents.

Sincerely,



Ms Brumfield  
Dba Brumfield Properties, LLC

Original

UNITED STATE ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the matter of:

DOCKET NO. TSCA95-2010-0014

Dessie L. Brumfield  
dba Brumfield Properties, LLC  
Substances  
Milwaukee, Wisconsin

Proceeding to Access Civil Penalty  
Under Section 16(a) of the Toxic  
Control Act. 15 USC 2615(A)

ANSWER

RECEIVED  
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**Now come the respondent**

REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

Respondent alleged that on or about

On or about May 9<sup>th</sup> I received a phone call from an alleged EPA agent informing me that my name was chosen for landlord tenant lease review. I agreed and asked why me?, and was told, my name was chosen randomly to make sure leases are in compliance. It was not a big deal. The way the agent talked, it was more of an information session, never telling me how serious this was or their true intention, to tear me down..

On May 11, 2009 I received a letter requesting an appointment to view my tenants leases. . Followed by on May 13, 2009 I got a phone call asking me to commit to a date and time. Followed by a letter dated May 12, 2009 to confirm a date of , Thursday May 21, 2009 at 9:30 am

On May 21, 2009 these two large white male, with their uniform and badges show up at my door. Introduce themselves and flash their badges. They already had a list of properties they wanted to see., They asked to see these folders, after reviewing them they asked if I had a copy machine, I did, which ask if I would make them a copy. Still not telling me, the seriousness of their present. I also provided paper for them, jokingly saying, , are you going to pay me for this paper and ink. thinking I was being helpful. I provided them with copy of leases and one or two applications. They completed the review, ask a few questions, all the time saying no big deal. They provided me with some lead paint info. They told me I will be hearing from them I asked how long. The Agent said he was not sure. Just that they would be in touch. All the time saying no big deal, and all the while trying to take me down. Had I had been given the true reason for the evaluation I would have put more effort in location all necessary documents. Especially the older files as some were at my office and some in my basement.

On December 14, 2009, out of the blue and with no other communication, I received another letter informing me of their intent to file a claim civil action against me . As they consider this violations to be very serious and they intend to file a claim . I need to fill the personal financial statement they provided. And return it .

On about December 15 I called the number provided in the letter, 312-353-0966. Mr. O'Neal, told him why I was calling, I needed to understanding what this was about. He attempted to look my name up in EPA system. He could not find anything. He told me to wait a few days and call back as it sometime take a while for it to get into the computer. I waited a week, no call so I called him back, he still could not find any record, (for your office to be sending me a letter requesting my personal info, It must be in the system. As far as I am concern this could be fraud, I said to him. I told Mr. O'Neal him I need to speak to some else, as I am not going to be submitting a financial application, I need more time to contact an attorney. He said, let me have you talk to someone over the program, his number is 312-886-3186, ask for Marty. You can get a 30 day extension, Don/t worry, I am sure he will give you 30 days. I will be going on vacation for two weeks, if you cannot reach him, just call me back in two week.

I called Mr. Marty, told him why I was calling, He asked me, WHO GAVE YOU MY NAME AND NUMBER. He told me he cannot help me, you need to call back the person who sent you to me . I waited two weeks for Mr. O'Neal to return from vacation, Two week passed I call, left a message on his voice mail I received a call from him the next day., I explain why I had to wait for him to get back his vacation, Mr. Marty had nothing on me He tells me he never been on vacation, he never spoke me , He then say, what you name, I said to him, you know who I am \, you already got my number, Then he said Ms Brumfield, I said, yes. Let me get back to you. I never heard anything more., The number he called me from was GNRL SVC ADMIN. 866-0559. I worried that a fraud that I kept it save on my caller ID..

While all This was gonging on a friend of mine, who worked Milwaukee County Circuit Court, research EPA Region 5 website, called the number listed and spoke to a female was told that they do not make house calls. I needed to look into that further. I intended to contact BBB, but never followed up.

On May 13, 2011 check out EPA website link into employee history, Mr. O'Neal and Troy Marty It show no record of those two individuals.

Respondent, viewed this as a vengeful act on the part of a city official or officials. In my eyes this is their way of showing me how far they can reach. They have used their resources and gone before all official, that I need to talk to, We, meaning my family, has been threaten, lockup, harassed intimidated received late night calls. Stop garbage pick, in certain district. Send out building inspectors , just to make my life miserable. So I am not avoiding service of these notices, because need to know this official every

move. I am 65 years old, I do not have the, where with it all, to be as sharp as I need to be, having worked in the County Court system for over 30 years, provide me with experience in the legal system. Being your own attorney is not good, but I do what I have to do to protect my family

One reason I believed this is a vengeful attempt, is that I cannot see, the federal government coming after me, little old me. Wasting taxpayers money, when there are so much more going on wrong. like the many abandon houses with lead, mold, body waste, broken glass, mildew and other toxic waste. Where kids are playing every day. Homeless family are living. I am at least keeping my property up, attempting to get responsible tenant, pay my taxes and struggle to pay my mortgage.

There are a lot of new investors, buying up these foreclosures, none that have seek me out for information are being giving this must have information. I am now enlighten my associates of this procedure for the first time.

On May 12, 2011 I was served a proceeding To Access Civil Penalty  
Case No. TSCA-05-201-0013

**RESPONDENT DENY ALL ALLIGATONS CHARGED, AS WELL AS COUNT  
1-39. IN THIS ACTION.**

**Respondent deny** owning Property located at 2228 N.Teutonia Road  
**Respondent deny** owning property located at 2230 N Teutonia Road

**Respondent deny** violating EPA Status on rental a agreement for property locate at 4908A N. 40, upper Respondent deny allowing tenant to take occupancy of unit before receiving check list, lead paint disclosure and booklet. In this case tenant did read, but chose to put a check in box instead if initial . The respondent practice is, and has always been to provide the tenant with the lease after payment, along with the above mention document and is given a seven day grace period if they change their mind about he lease.

Respondent deny violating EPA Status on rental a agreement for property locate at 3072 n. 28TH<sup>Street</sup> Respondent deny allowing tenant to take occupancy of unit before receiving check list, lead paint disclosure and booklet. In this case tenant did read, but chose to put a check in box and fail in initial . The respondent practice is and has always been to provide the tenant with the lease after payment, along with the above mention document and is given a seven day grace period if they change their mind about he lease.

**Respondent admit to** , when receiving document, not always making sure the form properly initialed and not just signed. I ALWAYS GIVE PAMPLETS.

**Respondent deny** violating EPA Status on rental a agreement for property locate at 2230 N. Teutonia Ave Respondent deny allowing tenant to take occupancy of unit before

receiving check list, lead paint disclosure and booklet. In this case tenant did read, put a check in box, but fail to initial . The respondent practice is and has always been to provide the tenant with the lease after payment, along with the above mention document and is given a seven day grace period if they change their mind about he lease.

**Respondent admit to** , when receiving document, not making sure the form properly initialed and not just signed. As noted by tenant completing the form.

**Respondent deny** violating EPA Status on rental a agreement for property locate at 2228 N. Teutonia<sup>Ave</sup> Respondent deny allowing tenant to take occupancy of unit before receiving check list, lead paint disclosure and booklet. In this case tenant did read,, signed but failure to initial the form. The respondent practice is and has always been to provide the tenant with the lease after payment, along with the above mention document and is given a seven day grace period if they change their mind about he lease.

**Respondent admit to** , when receiving document, not making sure the form properly initialed and not just signed. Which the tenant has admit to and sign and initial as proof

**Respondent deny** violating EPA Status on rental a agreement for property locate at 4908 N 40,LOWER Respondent deny allowing tenant to take occupancy of before receiving check list, lead paint disclosure and booklet. In this case tenant did received all documents, lead paint booklet, disclosure form, chick list and smoke detector guidelines. This tenant moved in in 2005, not 2008, this out dated information has been purged except for a few old document. The 2008 lease the agent took, was for the use of a family member only to use with the utilities company to get the unitizes in her name. She understood that it was not binding.

**Respondent admit to no violations.**

**Respondent admit to** , given the documents but not making sure they are returned properly initialed Respondent always give tenants a copy of the lease as well as , lead paint brochure and smoke .detector guidelines & Check list. To sign and return with a seven day grace.(so that they could get help in understanding it , as not all tenant can read) I automatically check for signatures In some cases fail to check for initials.

**Respondent deny** violating EPA Status on rental a agreement for property locate at 3463 N 13<sup>th</sup> St Respondent deny allowing tenant to take occupancy of unit before receiving check list, lead paint disclosure and booklet., smoke detector and check in list. In this case tenant did read, and signed but failed to initial the box instead if initial . The respondent practice is, and has always been, to provide the tenant with the lease after payment, along with the above mention documents and is given a seven day grace period if they change their mind about he lease.

**Respondent deny** violating EPA Status on rental a agreement for property locate at

2428 W Brown St Respondent deny allowing tenant to take occupancy of unit before receiving check list, lead paint disclosure and booklet. This tenant took over an existing business of a family member. These document has always been in place. Respondent provided the business with an updated lead inspection certificate. And a booklets. Also given to tenant by daycare services. In this case tenant did read, The respondent practice has always been to provide the tenant with the lease after payment, along with the above mention document.

**Respondent admit** to no violations, other than misplacing papers and failing o check over document more carefully just as the EPA has misinformation on this complaint.

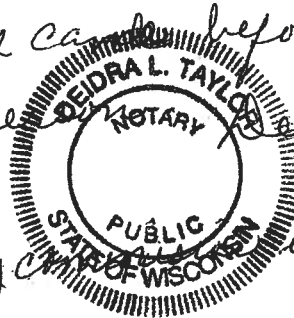
Respondent deny EVER VOIDING SERVE OF THESE PAPERS. NOR AVOIDING CALLS, UNLESS IT WAS APPEARED TO BE A FRAUDED.. YOU CAN CHECK THE CALLS TO YOUR OFFICE PAST HISTORY.

In re the matter o Dessie L Brumfield dba Brumfield Properties, LLC

9/15/11  
DATE

*Dessie Brumfield*

*Dessie L. Brumfield came before me  
on 9-15-11 in presence of Seidra L. Taylor  
my commission expires 06/15/14*



**RECEIVED**  
SEP 29 2011

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

USEPA  
PROTECTION AGENCY REGION 5  
77 W. JACKSON BLVD  
CHICAGO, IL 60604-3590  
Docket no. TSCA-05-2010-0014.

Re: Inspection and compliance with section 1018, US Environmental Protection Agency

On May 12, 2011 I was served a proceeding To Access Civil Penalty  
Case No. TSCA-05-201-0013 Attached is the answer you requested with supporting  
documents I trust that you already have the matching leases.

On May of 009 I made every effort to understand and clear up this matter. I followed up  
on phone calls from and to your office. was told that there was nothing on me. This is  
spelled out in more details in my answer. I ask for the only person I knew from the visit  
and/or letter at that time. I was told they had no record on me. If that were the case why  
this EPA letter have a case number on it

My action or inaction was based clearly on the response I got from your office. The  
proof is evident by phone number and names I presented.

After reviewing the date of this complaint, I find it coincided with the date my problem  
started with a city official. This individual has used every effort to harass and to  
show me how far his influence can reach, from property tax, garbage collection, water bill  
and police interaction. Hopefully this is not another one of his acts. By now, every  
problem I have is viewed to be associated with this issue. In some cases it may or  
may not be.

I feel that as hard as life and government is now. Whether or not I make sure my  
documents are initialed is a very small issue. If I had more ink in my printer, I would  
send you images of all the garbage, boarded up house, broken windows, dead and stray  
cats in the alley by my rental property. It was not picked until someone saw me taking  
pictures.

I did allow a homeless family to move into one of my houses, without a lease or  
document. This family was being put out of a hotel the very next day, with no where to  
go. Saw my ad in the paper came to view the property. I allow them to spend the  
Christmas week. There, after that I assist them in getting shelter some place else.  
Should I have sent them away?.

Here is another incident. I was cleaning out one of my houses to rent, when a couple in  
the neighborhood was sent to me. When they arrived home that day, they found their  
home boarded up by the bank with everything in it. I show them my house, told them



when it would be ready. Gave them an application, I arrived the next day. They were in the house sleeping on the floor.

I can tell you about many people being taken in by love ones due to foreclosures. Their landlord not telling them this is happening. They then move in with love ones. The current landlord get stuck with them, and the extended family get sick of them move out and leave them. They refuse to sign a lease or move. Now I am in court. The judge side with the tenant and asked why I let them move in without a lease, give them more time,

If I would have known that these two over weight gentlemen with a bladder problem, pretending to be helpful, looking like policeman, was there to do me harm, I would have made them hold their bladder, and would have prolong my search for additional documents.

I am 65 years old, dealing with all the problems that the government has place on my back and that of its citizen. I pay my taxes, keep my property clean, try to get responsible tenant, no code violations. Because of my reputation, have a waiting list for tenants. I work with tenants with no deposit. Now you have these police officers, that is what they looked like, come into my house review my leases and in one hour presume to know what goes in the life of my tenant/business

I wish my problems was as simple as making sure the tenant initial the proper box. I always give those booklets. My mistake, not double checking to make sure attention is given to all areas. I even found a lease given back to me not unsigned.

Sincerely,



Ms Brumfield  
Christine Anderson

**RECEIVED**  
SEP 29 2011

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:  
(C-14J)

July 28, 2011

Dessie L. Brumfield  
3936 North 18<sup>th</sup> Street  
Milwaukee, Wisconsin 53206

**Re: In the Matter of Dessie Brumfield, Milwaukee, Wisconsin.**  
**Docket No. TSCA-05-2010-0014.**

Dear Ms. Brumfield:

Please be advised you failed to sign and date your Answer to our Complaint and also failed to send the original of your Answer to the Regional Hearing Clerk, as required by the federal regulations listed at 40 C.F.R. Part 22. If you wish to avoid a default judgment against you, please sign and date your Answer and file it with the Regional Hearing Clerk, pursuant to the instructions provided on pages 38 and 37 of the Complaint, dated July 8, 2010, or at the federal regulations listed at 40 C.F.R. Part 22.

If you have any questions, please contact me during office hours at (312) 886-6729. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffery M. Trevino".

Jeffery M. Trevino

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 5  
 77 WEST JACKSON BOULEVARD  
 CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

LC-8J

MAY 13 2009

Ms. Dessie L. Brumfield  
 3936 N. 18<sup>th</sup> Street  
 Milwaukee, Wisconsin 53206

RE: Inspection for compliance with Section 1018

Dear Ms. Brumfield;

Confirming our phone conversation today, May 13, 2009, in which you agreed to an on site inspection for compliance with the Lead Based Paint Disclosure Rule. The inspection includes a review of lease documents for the pre 1978 properties that you own and manage. We will need a list of the properties showing when they were built and access to the tenant leases for the past three years. We ask you have available copies of any lead abatement orders, mitigation notices, notices of violation, certificates of compliance and any lead based paint safe certificates. We will also need copies of any reports of testing for lead based paint or lead based paint hazards.

We will meet with you at 3936 N. 36<sup>th</sup> Street, Milwaukee, Wisconsin 53206 on Thursday May 21, at 9:30 AM. If you need to contact me, I can be reached by phone at (312) 353-0966.

Thank You

*James O'Neil*  
 James O'Neil, Multi-Prog

United States Postal Service®		Today's Date	Sender's Name
<b>Sorry We Missed You! We <sup>re</sup> Deliver for You</b>		7/12/10	- US - GP
Item is at:	Available for Pick-up After		For Redelivery
<input checked="" type="checkbox"/> Post Office™ (See back)	Date: 7/13	Time: 9:2	Go to <a href="http://usps.com/red">usps.com/red</a> or see reverse
<input type="checkbox"/> Letter	<b>For Delivery:</b> (Enter total number of items delivered by service type.)	<input type="checkbox"/> If checked, you or your agent must be at time of delivery to sign for item.	
<input checked="" type="checkbox"/> Large envelope, magazine, catalog, etc.	<b>For Notice Left:</b> (Check applicable item)	Article Number(s)	
<input type="checkbox"/> Parcel	<input type="checkbox"/> Express Mail® <input type="checkbox"/> Insured Mail	7009 163 0000 7070 56	
<input type="checkbox"/> Restricted Delivery	<input checked="" type="checkbox"/> Certified Mail™ <input type="checkbox"/> Return Receipt for Merchandise	Notice Left Section	
<input type="checkbox"/> Perishable Item	<input type="checkbox"/> Firm Bill <input type="checkbox"/> Delivery Confirmation™	Customer Name and Address	
<input type="checkbox"/> Other:	<input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Signature Confirmation™	DESSIE BRUMFIELD	
Article Requiring Payment		Amount Due	
<input type="checkbox"/> Postage Due <input type="checkbox"/> COD <input type="checkbox"/> Customs		\$	
<input type="checkbox"/> Final Notice: Article will be returned to sender on		Delivered By and Date	
		3936 N 18 ST.	

Recycled/Recyclable • P





RECEIPT FOR DOCUMENTS

1. INVESTIGATION IDENTIFICATION

DATE	INSPECTION NO.	DAILY SEQ. NO.
5-21-09	FTS 09	01

2. COMPANY NAME

Ms. DESSIE L. BRUMFIELD

3. INSPECTOR ADDRESS U.S. EPA - Region 5 (MT-8J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

4. COMPANY ADDRESS

3936 N. 18<sup>th</sup> ST.  
MILWAUKEE, WISCONSIN 532

For removal of this receipt, copies of this receipt may be provided to recipients or custodians of the documents, and a copy of this receipt may be provided to the recipient and custodian of the TSD X Section 2010 Disposal Unit.

RECEIPT OF DOCUMENTS DESCRIBED IS HEREBY ACKNOWLEDGED

AID	DESCRIPTION
	COPIES OF LEASES (rental), DISCLOSURE FORMS, LEAD HAZARD DISCLOSURE MEMOS, INSPECTION CERTIFICATES AND ADDITIONAL TENANT DOCUMENTATION FOR THE FOLLOWING BUILDINGS AND UNITS:
	1. 4022 N. TITANIA AVE MILWAUKEE, WISCONSIN
	2. 3072 N. 24 <sup>th</sup> ST " "
	3. 3405 N. 12 <sup>th</sup> ST " "
	4. 4908 N. 10 <sup>th</sup> ST " "
	5. 4908 N. 10 <sup>th</sup> ST " "
	6. 2220 N. FAVORITA AVE " "
	7. 2428 W. BROWN ST " "
	8. 2946 N. MOTHER SIMPSON RD " "

OPTIONAL

DUPLICATE COPIES REQUESTED AND PROVIDED

NOT REQUESTED

INSPECTOR SIGNATURE

*Edward R. Pily*

COMPANY SIGNATURE

*Dessie Brumfield*

NAME

EDWARD R. PILNY

NAME

TITLE MURKIN PROGRAM INSPECTOR

DATE SIGNED 5-21-09

TITLE

DATE SIGNED 5-21-09



US ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460  
**TOXIC SUBSTANCES CONTROL ACT**  
**TSCA INSPECTION CONFIDENTIALITY NOTICE**

1. INVESTIGATION IDENTIFICATION			4. FACILITY NAME
DATE 5-21-09	INSPECTOR NO FIS 29	DAILY SEQ. NO. 01	
2. INSPECTOR'S NAME EDWARD R. PILNY			5. ADDRESS
3. INSPECTOR'S ADDRESS U.S. EPA REGION 5 LC-8J 77 W. JACKSON BLVD. CHICAGO, ILLINOIS 60604			6. NAME OF CHIEF EXECUTIVE OFFICER
			7. TITLE

For internal EPA use. Copies may be provided to recipient as acknowledgment of this notice.

**TO ASSERT A TSCA CONFIDENTIAL BUSINESS INFORMATION CLAIM**

It is possible that EPA will receive public requests for release of the information obtained during the inspection of the facility cited above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 USC 552; EPA regulations issued thereunder, 40 CFR, Part 2; and the Toxic Substances Control Act (TSCA), Section 14. EPA is required to make inspection data available in response to FOIA requests unless the EPA Administrator determines that the data is entitled to confidential treatment, or may be withheld from release under other exceptions of FOIA.

Any or all information collected by EPA during the inspection may be claimed as confidential if it relates to trade secrets, commercial, or financial matters that you consider to be confidential business information (CBI). If you assert a CBI claim, EPA will disclose the information only to the extent, and by means of the procedures set forth in the regulations (cited above) governing EPA's treatment of CBI. Among other things, the regulations require that EPA notify you in advance of publicly disclosing any information claimed as CBI.

A CBI claim may be asserted at any time prior to or during the inspection. If a CBI claim is received after the inspection, EPA will make such efforts as are administratively practicable to protect the information. However, EPA cannot assure that such efforts will be effective in light of the possibility of prior disclosure. If it is more convenient for you to assert a CBI claim on your own stationary or by making the individual documents or samples "TSCA confidential business information," it is not necessary for you to use this notice. The inspector will be glad to answer any questions you may have regarding EPA's CBI procedures.

While you may claim any collected information or sample as CBI, such claims are not likely to be upheld if they are challenged unless the information meets the following criteria:

1. Your company has taken measures to protect the confidentiality of the information and it intends to continue to take such measures.

2. The information is not, and has not been, reasonably obtainable without company's consent by other persons (other than governmental bodies by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding).
3. The information is not publicly available elsewhere.
4. Disclosure of the information would cause substantial harm to your company's competitive position.

At the completion of the inspection, you will be given a receipt for all documents, samples, and other materials collected. At that time, you may make claims that some or all of the information is CBI.

If you are not authorized by your company to assert a CBI claim, this notice will be sent by certified mail, along with the receipt for documents, samples, and other materials to the Chief Executive Officer of your company within 2 days of this date. The Chief Executive Officer must return a statement specifying any information which should receive CBI treatment.

The statement from the Chief Executive Officer should be addressed to:

Regional TSCA CBI Document Control Officer (DCO)  
USEPA  
Claudia Neiss, DCO  
77 West Jackson Boulevard (LC-8J)  
Chicago, IL 60604-3590

and mailed by registered, return-receipt requested mail within 7 calendar days of receipt of this notice. Claims may be made at any time after the inspection, but the inspection data will not be entered into the TSCA/CBI security system until an official confidentiality claim is made. The data will be handled under EPA's routine security system unless and until a claim is made. If no confidentiality claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to the business.

TO BE COMPLETED BY FACILITY OFFICIAL RECEIVING THIS NOTICE I acknowledge receipt of this notice:	If there is no one on the premise who is authorized to make CBI claims for this facility, a copy of this notice and other inspection materials will be sent to the company's Chief Executive Officer. If there is another official who should also receive this information, please designate below.
---	--

SIGNATURE ✓ <i>Dessie Brumfield</i>	NAME
NAME ✓ Dessie Brumfield	TITLE
TITLE ✓ Owner	DATE SIGNED 5-21-09
	ADDRESS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

DEC 14 2009

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0006 0189 4540

Ms. Dessie L. Brumfield  
3936 North 18<sup>th</sup> Street  
Milwaukee, Wisconsin 53206

*Re: In the Matter of Ms. Dessie L. Brumfield; Notice of Intent to File Administrative Complaint*

Dear Ms. Brumfield:

This letter is to notify you that the U.S. Environmental Protection Agency, Region 5, intends to file an administrative complaint for civil penalties against you (Respondent). EPA will allege in the complaint that Respondent violated EPA's regulations implementing the *Residential Lead-Based Paint Hazard Reduction Act* of 1992, 42 U.S.C. § 4851 *et seq.* As the basis for creating this law, Congress stated that:

- Low-level lead poisoning is widespread among American children, afflicting as many as 3,000,000 children under the age of 6.
- At low levels, lead poisoning in children causes intelligence deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems.
- The ingestion of household dust containing lead from deteriorating or abraded lead-based paint is the most common cause of lead poisoning in children.
- The dangers posed by lead-based paint hazards in approximately 3,800,000 American homes can be reduced by abating lead-based paint, preventing paint deterioration, and limiting children's exposure to lead dust and chips.
- A purpose of the *Residential Lead-Based Paint Hazard Reduction Act* is to educate the public concerning the hazards and sources of lead-based paint poisoning and steps to reduce and eliminate the hazards.

Key components of the national strategy to reduce and eliminate the threat of childhood lead poisoning are disclosure requirements for residential rentals and sales. To implement the

*Residential Lead-Based Paint Hazard Reduction Act*, EPA and the U.S. Department of Housing and Urban Development issued regulations known as the *Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property* rule (Disclosure Rule). The Disclosure Rule can be found at Title 40 of the Code of Federal Regulations, Part 745, Subpart F.

Based on the information currently available to us, we will allege 32 violations of the Disclosure Rule, 40 C.F.R. § 745.113(b)(1), (b)(2), (b)(3), (b)(4), and (b)(6) in lease transactions for residential dwellings located at 3072 North 28th Street, 3463 North 13th Street, 2428 West Brown Street, 2230 North Teutonia Road, and 4908 North 40th Street, Milwaukee, Wisconsin.

These violations include Respondent's failure to provide either within the lease contract or as an attachment to the lease contract a lead warning statement, an accurate lead disclosure statement, a list of any records or reports available to the lessor, a statement by the lessee affirming receipt of certain information from the lessor, and signatures of the lessor and lessee certifying to the accuracy of their statements.

For the health and safety reasons stated above, we consider these violations to be very serious. EPA plans to propose a penalty of \$58,060 for these violations. In developing the proposed penalty, EPA considered the particular facts and circumstances of the case as well as EPA's penalty policy. EPA may also consider penalty mitigation in cases where a violator performs a Supplemental Environmental Project not otherwise required by law, such as a project that eliminates lead from a property that you own or a project that helps mitigate lead hazards in some other way.

This letter is not a demand to pay a penalty. EPA will not ask you to pay a penalty until we file the complaint or a final order. Before filing the complaint, we are giving you the opportunity to present any information that you believe EPA should consider. Relevant information might include whether the property was constructed prior to 1978; the existence of a written disclosure to the lessee regarding lead paint; the existence of records regarding lead-based paint at the residential dwellings identified above; evidence that you did not violate the law; evidence that you relied on compliance assistance from EPA or a state agency; evidence that we identified the wrong party; or financial information bearing on Brumfield Properties' ability to pay a penalty.

If you believe that you will be unable to pay a \$58,060 penalty because of financial reasons, please fill out the enclosed "Financial Statement for Individuals Form" and send any supporting documentation it requires, including, but not limited to, your signed income tax returns with all schedules and amendments for the past three years.

We have enclosed an information sheet titled: "*U.S. EPA Small Business Resources*" which may be helpful if you qualify as a small business.

You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B,



for any portion of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If you fail to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Please note that in connection with all applicable claims, EPA may determine that certain information may not be entitled to confidential treatment subject to 40 C.F.R. § 2.204(d)(2) or 2.208 but may constitute an invasion of privacy and, on that basis, may be withheld from disclosure to the general public. Such personal privacy information may include tenant social security numbers, current addresses, or other personal information related to a tenant. It is not necessary for a business confidentiality claim to be made in order for EPA to withhold personal privacy information. Therefore, whether you choose to make a business confidentiality claim or not, please clearly indicate personal privacy information contained in your response so that EPA can evaluate whether the information constitutes an invasion of privacy.

EPA may use any information you submit in support of an administrative, civil, or criminal action.

Within 30 calendar days after you receive this letter, please send your response to:

Christine Anderson (TC-81)  
Pesticides and Toxics Compliance Section  
EPA Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

EPA plan to file the complaint against you 60 calendar days after you receive this letter, unless you give us information that the complaint is not substantially justified.

If you have any questions, please telephone Christine Anderson at (312) 886-9749.

Thank you for your prompt attention to this matter.

Sincerely,



Mardi Klevs  
Chief  
Chemicals Management Branch  
Land and Chemicals Division

Enclosures



U.S. Environmental Protection Agency

# Financial Statement for Individuals

(If additional space is needed, attach a separate sheet)

1. Your name and address (including zip code and county)		2. Home phone number	3. Marital status
Zip Code	County	4. Social Security Number (optional)	5. Spouse

## Section I - Employment Information

5. Present employer or business (name and address)		6. Business phone number	7. Occupation
8a. How long at present employment		8. Check appropriate box: <input type="checkbox"/> Wage earner <input type="checkbox"/> Partner <input type="checkbox"/> Sole proprietor <input type="checkbox"/> Corporate officer	
9. Spouse's employer or business (name and address)		10. Business phone number	11. Occupation
9a. How long at present employment		10. Check appropriate box: <input type="checkbox"/> Wage earner <input type="checkbox"/> Partner <input type="checkbox"/> Sole proprietor <input type="checkbox"/> Corporate officer	

## Section II - Personal Information

13. Name, address and telephone number of next of kin or other reference

14. Date of birth	a. Yours	b. Spouse's
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## Section III - General Financial Information

15. Last three years: Federal and State		15a. Adjusted gross income or net worth		
16. Bank accounts (include Savings & Loans, Credit Unions, IRA and Retirement Plans, etc. except for Depository)				
Name of institution	Address	Type of Account	Account No.	Balance
Total (Enter in item 25)				

**DISCLOSURE OF INFORMATION ON LEAD-BASE PAINT  
AND/OR LEAD-BASED 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 managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, landlords must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Tenants must also receive a federally approved pamphlet on poisoning prevention.

**Landlord's Disclosure: City of Milwaukee has set a date of 11/3/06 for cleaning the house of lead paint.**

(a) Presence of lead-based paint and/or lead-based paint hazards (Check (i) or (ii) below):

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

(ii)  X  Landlord has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the landlord (Check (i) or (ii) below):

(i) \_\_\_\_\_ Landlord 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).  
\_\_\_\_\_

(ii)  X  Landlord 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)

(c) \_\_\_\_\_ Agent has informed the landlord of the landlord'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 they have provided is true and accurate.

_____ Landlord	_____ Date	_____ Agent, if any	_____ Date
_____ Tenant	_____ Date	_____ Co-Tenant, if any	_____ Date

Residential Rental Application

[Note: Each adult applicant must fill out a separate application.]

Full Name of Applicant: MARIO SPENCER Phone No.: 302-79815
Social Security No.: [REDACTED] Driver's License No.: S152-5418-0 State: WI
Birth Date: 08-08-1980 Number of adults in your family? 2 Number of children? 3 Pets? NO

Present Address: 3127 A. N 15th City: Milwaukee State: WI Zip: 53210
How long at present address? 2 yrs Landlord: Frank Williamson Phone No.: 414-264-3302
Reason for moving: Slum Land
Previous Address: 7051 N 40th City: Milwaukee State: WI Zip: 53209
How long at previous address? 10 yrs Landlord: Mother - Cynthia Phone No.: 699-6875
Reason for moving:

Employer: Hives Lumber Position: Trust Builder
Phone No.: 262-546-0575 How long? 6 months Monthly gross income: 1,750.00

Name of Bank: TCF

In Case of Emergency Please Notify: Name: Cynthia Finnie Relationship: Mother
Address: 7051 N. 40th St Phone No.: 699-6875

Automobile No. 1 Make: GMC Model: Yukon Year: 1999 License No.:
Automobile No. 2 Make: Model: Year: License No.:

Have you ever: Been evicted? No Been convicted of a felony? No Declared bankruptcy? No
Been sued by a landlord? No Broken a rental agreement or lease? No

I represent that the information contained in this application is true and complete to the best of my knowledge. I hereby authorize verification or reverification of any information contained in this application to be made at any time by the property owner, its agents, successors, and assigns, either directly or through a credit reporting agency from any source named in this application. The property owner will rely on information in this application, and I have a continuing obligation to amend and/or supplement this information should it change at any time either before or during my tenancy. This application will be incorporated by reference as a part of my rental agreement, and any false statement will be grounds for immediate termination of tenancy.

Signature of Applicant: Mario Spencer Date: 10-01-05

Return To 5327 W. Center St open 9am - 5pm
Milw. WI 53210
Mon - Fri

BRUMFIELD PROPERTIES, LLC

5327 W. CENTER ST  
MILWAUKEE, WI 53210

# Sales Receipt

Date	Sale No.

8/5/06

<b>Name and address</b>
Elise Moore 4708 W. Clark

Check No.	Payment Method	Rep

Property Address	No. of Mos	Sales Amt	Late fee	unpaid bal.	Amount Paid
495-00	2				450.00
				<b>Total</b>	

Late fees are 5\$ per day effective the 1st if not paid by the 5th

Partial payment after 5 day notice will not waive cviction action

Phone #	Fax #	E-mail
414-449-1585 or ...	414-449-3540	delroy45@sbcglobal.net

BRUMFIELD PROPERTIES, LLC

5327 W. CENTER ST  
MILWAUKEE, WI 53210

# Sales Receipt

Date	Sale No.
1/4/05	

Name and address
Mario Spencer 1908 N. 4th

Check No.	Payment Method	Rep

Property Address	No. of Mos	Sales Amt	Late fee	unpaid bal.	Amount Paid
		\$495.00	1/4/05		
					<b>Total</b>

Late fees are 5\$ per day effective the 1st if not paid by the 5th

Partial payment after 5 day notice will not waive eviction action

Phone #	Fax #	E-mail
414-449-1585 or ...	414-449-3540	delroy45@sbcglobal.net

**DISCLOSURE OF INFORMATION ON LEAD-BASE-PAINT  
AND/OR LEAD-BASED HAZARDS**

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(ii)  Landlord has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the landlord (Check (i) or (ii) below):

(i)  Landlord 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).  
\_\_\_\_\_

(ii)  Landlord has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Tenant's Acknowledgment (initial)

(c) DB Tenant has received copies of all information listed above. *Deshonna Bennett*

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

Agent's Acknowledgment (initial)

(e)  Agent has informed the landlord of the landlord'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 they have provided is true and accurate.

<i>Deshonna Bennett</i>	<u>7/29/08</u>	_____	_____
Landlord	Date	Agent, if any	Date
<i>Deshonna Bennett</i>	<u>07/30/08</u>	_____	_____
Tenant	Date	Co-Tenant, if any	Date

Sign and Return it say that I  
Gave you the attached booklet on lead

**DISCLOSURE OF INFORMATION ON LEAD-BASE-PAINT  
AND/OR LEAD-BASED HAZARDS**

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(ii)  Landlord 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 landlord of the landlord'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

Deane Bumpfield X \_\_\_\_\_



**DISCLOSURE OF INFORMATION ON LEAD-BASE-PAINT  
AND/OR LEAD-BASED HAZARDS**

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Tenant's Acknowledgment (initial)

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

Agent's Acknowledgment (initial)

(e)  Agent has informed the landlord of the landlord'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

*[Faint handwritten signature]*

*Suzanne Carter*

*Landlord Keogh*

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 landlord of the landlord'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 they have provided is true and accurate.

*[Signature]* \_\_\_\_\_ 11/15  
 \_\_\_\_\_

Landlord \_\_\_\_\_ Date \_\_\_\_\_ Agent, if  
 any \_\_\_\_\_ Date \_\_\_\_\_

~~\_\_\_\_\_~~ \_\_\_\_\_ ~~\_\_\_\_\_~~  
 \_\_\_\_\_

Tenant \_\_\_\_\_ Date \_\_\_\_\_ Co-Tenant,  
 if any \_\_\_\_\_ Date \_\_\_\_\_

and/or lead-based paint hazards in the housing.

Tenant's Acknowledgment (initial)

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

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

Agent's Acknowledgment (initial)

(e) \_\_\_\_\_ Agent has informed the landlord of the landlord'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 they have provided is true and accurate.

_____	_____	
Landlord	Date	Agent, if
any	Date	
<u>James Lindsey</u>	<u>3/11/07</u>	
_____	_____	
Tenant	Date	Co-Tenant,
if any	Date	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:  
(C-14J)

September 8, 2011

Dessie L. Brumfield  
5067 N. 37<sup>th</sup> Street  
Milwaukee, Wisconsin 53209

**Re: In the Matter of Dessie Brumfield, Milwaukee, Wisconsin.**  
**Docket No. TSCA-05-2010-0014**

Dear Ms. Brumfield:

Please find attached a copy of the Complaint and a copy of your unsigned and undated Answer for this civil administrative action. It is imperative you sign, date, and file your Answer with the Regional Hearing Clerk by October 8, 2011, to avoid a Default Action against you.

Therefore, please sign and date your Answer, and file it with the Regional Hearing Clerk by October 8, 2011, by sending it to her at:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 W. Jackson Boulevard  
Chicago, IL 60604-3590.

Please also send a copy of your signed and dated Answer to me by sending it to me at:

Jeffery M. Trevino (C-14J)  
U.S. EPA, Region 5  
77 W. Jackson Boulevard  
Chicago, IL 60604-3590.

Please note these instructions are also listed in the attached copy of the Complaint, pp. 37 and 38. However, please note, I, not John Steketee am handling this matter at this time. If you have any questions, please contact me at telephone number (312) 886-6729. I look forward to working with you to resolve this action quickly and amicably. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Trevino", written over a large, stylized flourish.

Jeffery M. Trevino  
Associate Regional Counsel

Attachments