



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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REGIONAL HEARING CLERK U.S. ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
Ms. Dessie L. Brumfield,
d/b/a Brumfield Properties, LLC
Respondent
Docket No. TSCA-05-2010-0014

ORDER SCHEDULING POST-HEARING BRIEFS

The United States Environmental Protection Agency ("EPA" or "Complainant") initiated this proceeding on July 8, 2010, by filing a Complaint against Ms. Dessie L. Brumfield, d/b/a Brumfield Properties, LLC ("Ms. Brumfield" or "Respondent"), alleging thirty-two violations of the lead-based paint disclosure rules codified at 40 C.F.R. § 745.113(b). A hearing in this matter was held in Milwaukee, Wisconsin, on August 7, 2012. At the hearing's conclusion, Complainant's counsel requested sixty days to file Complainant's post-hearing brief and Respondent indicated that she did not oppose the request. The undersigned set a due date of October 15, 2012 for Complainant's post-hearing brief, November 15, 2012 for Respondent's post-hearing brief, and November 30, 2012 for Complainant's reply post-hearing brief. Respondent was instructed to inform the undersigned's office as to whether she intends to file a reply brief upon receipt of the Complainant's reply brief.

For the benefit of the Respondent, who is appearing pro se, a post-hearing brief is a statement of position with respect to each of the counts alleged in the Complaint, as to whether the Respondent is in violation of the regulations as alleged in the Complaint, and as to whether the proposed penalty should be reduced based on any mitigating facts. The brief should explain in detail the reasons supporting such position, with specific references to testimony presented at the hearing, documents admitted into evidence at the hearing, and any legal authorities relied upon, such as relevant statutes, regulations, case law, and penalty policies. A post-hearing brief is not required under the Rules of Practice, but parties are strongly encouraged to file them. The brief may include proposed findings of fact and conclusions of law.

This Order reaffirms the filing deadlines set at the hearing, in accordance with 40 C.F.R. § 22.26 . Accordingly, IT IS ORDERED THAT:

- 1. Complainant shall file any post-hearing brief on or before October 15, 2012.
2. Respondent shall file any post-hearing brief on or before November 15,

2012.

3. **Complainant** shall file any reply to Respondent's post-hearing brief and proposed findings of fact and conclusions of law **on or before November 30, 2012.**

4. Respondent shall, **on or before December 7, 2012,** notify the undersigned's office as to whether she intends to file a reply brief. Respondent shall submit such notification by mail to the undersigned's office or by email to kulschinsky.edward@epa.gov.



M. Lisa Buschmann  
Administrative Law Judge

Dated: August 14, 2012  
Washington, D.C.

**In the Matter of Ms. Dessie L. Brumfield, Respondent.**  
**Docket No. TSCA-05-2010-0014**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Scheduling Post-Hearing Briefs**, dated August 14, 2012, was sent this day in the following manner to the addressees listed below.

*May Angeles for*

Knolyn R. Jones  
Legal Staff Assistant

Original and One Copy by Regular Mail to:

LaDawn Whitehead  
Regional Hearing Clerk  
U.S. EPA, Region V, MC-E-19J  
77 West Jackson Blvd.,  
Chicago, IL 60604-3590

One Copy by Regular Mail to:

Jeffrey M. Trevino, Esq.  
Associate Regional Counsel  
ORC, U.S. EPA, Region V  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

One Copy by Regular Mail to:

Ms. Dessie L. Brumfield  
5067 N. 37<sup>th</sup> Street  
Milwaukee, WI 53290

**Dated: August 14, 2012**  
**Washington, D.C.**

