

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	
)	Docket No. TSCA-10-2021-0006
GREENBUILD DESIGN & CONSTRUCTION, LLC)	
)	COMPLAINANT’S
Anchorage, Alaska)	MOTION TO SUPPLEMENT
)	
Respondent.)	
_____)	

MOTION TO SUPPLEMENT

COMES NOW, the U.S. Environmental Protection Agency, Region 10 (Complainant), by and through its undersigned counsel and pursuant to this Court’s January 10, 2022 hearing order and 40 C.F.R. § 22.19(f), to respectfully request permission to supplement the record in this case. This Court’s January 10, 2022 hearing order provides that “a party seeking to supplement its prehearing exchange may do so only by motion after March 4, 2022.” 40 C.F.R. § 22.19(f) provides that a party “shall promptly supplement or correct the [information] exchange when the party learns that the information exchanged or response provided is incomplete, inaccurate or outdated, and the additional or corrective information has not otherwise been disclosed to the other party pursuant to this section.”

On March 30, 2022, Complainant learned for the first time that Mr. Rodrigo von Marees, co-owner of GreenBuild Design & Construction, LLC (Respondent), had allowed Respondent’s State of Alaska corporate filings to lapse. *See* proffered CX 110. While Mr. von Marees failed to renew Respondent’s State of Alaska corporate filings, on March 17, 2022, he registered a new corporation in the State of Alaska with the business name “GreenBuild Design & Landscape LLC.” CX 111, 112. This new corporation appears to be the functional equivalent of Respondent: Mr. Rodrigo von Marees is an official and the registered agent for both corporations and the same mailing and physical address is listed

for both corporations. The only apparent difference is that Mrs. Kari Ann von Marees is not a co-owner of GreenBuild Design & Landscape LLC. *Compare CX 75 with .*

Complainant has reason to believe that Mr. von Marees is deliberately siphoning business and funds from Respondent to his new corporate entity, as a means of circumventing the ultimate judgement in this matter. Complainant is still determining what the best course of action to address this issue may be. At this time Complainant wishes to apprise this Court of the situation and respectfully requests permission to supplement the record by entering proof of Respondent’s non-compliant status, CX 110, of Mr. von Marees’ new business, CX 111, of the similarities between Respondent and GreenBuild Design and Landscape LLC, CX 112–13, and of recent work that the “GreenBuild” family of businesses has been performing. CX 114. Complainant believes these materials will be relevant to counter arguments made by Respondent that it does not have an ability to pay the proposed penalty.

Accordingly, Complainant offers the following attached exhibits:

Exhibit Number	Description
CX 110	Alaska Secretary of State Website
CX 111	State of Alaska Certificate of Organization for GreenBuild Design & Landscape LLC
CX 112	State of Alaska Articles of Organization for GreenBuild Design & Landscape LLC
CX 113	State of Alaska Domestic Limited Liability Company Initial Biennial Report for GreenBuild Design & Landscape LLC
CX 114	Images from the GreenBuild Design and Construction Facebook page

Respectfully submitted,

Andrew Futerman
Counsel for Complainant
EPA Region 10

In the Matter of *GreenBuild Design & Construction, LLC*, Respondent.
Docket No. TSCA-10-2021-0006

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Motion to Supplement**, along with all attachments thereto, dated April 1, 2022 was served on the following parties in manner indicated below:

Original by OALJ E-Filing System to:
Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1200 Pennsylvania Avenue, NW
Washington DC 20004

Copy by Regular and Electronic Mail to:
Mr. and Mrs. Rodrigo and Kari von Mares
GreenBuild Design & Construction, LLC
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kad@greenbuild.us.com
For Respondent

Dated: April 1, 2022
Chicago, Illinois

Respectfully submitted,

Andrew Futerman
Counsel for Complainant
EPA Region 10