

ALLIANCE FOR HEALTHY HOMES

Protecting Children from Lead and Other Environmental Health Hazards



Summary of Federal Lead Hazard Disclosure Consent Agreements and Consent Decrees

HUD and EPA can seek penalties of up to \$11,000 for each violation of the Disclosure Law. The threat of such large fines makes settlement a very attractive option for violators. There are two ways that HUD and EPA settle cases: administratively through consent agreements and judicially through consent decrees.

Below are general principles for each type of settlement, followed by specific examples. The summaries are included to provide a general sense of the scope, content, and types of remedies obtained in enforcement settlements.

CONSENT AGREEMENTS

Administrative settlements, memorialized in consent agreements, are legally binding settlements between the federal agencies and violators.

This paper describes some of the administrative settlements reached between EPA and violators of the Disclosure Law.¹ Some consent agreements require violators to pay fines, some require violators to undertake lead hazard control activities as part of a supplemental environmental project (SEP), and some require both fines and a SEP.² Some consent agreements impose monitoring and reporting requirements on property owners to ensure that SEPs are done in a safe and timely manner.³

These summaries do not reflect all of the consent agreements that have been reached to date.

Examples of Consent Agreements with a Monetary Penalty and a SEP

- **In Matter of Jeb Stuart Fries (2000)**

Enforcement Agency: EPA Region III

Monetary Penalty: \$10,000

Work: Respondent agrees to spend at least \$16,400 for the SEP. Respondent agrees to do the following:

¹ Because the consent agreements entered into by HUD have proven difficult to access, this paper covers only consent agreements entered into by EPA.

² Supplemental environmental project (SEP) means an in-kind services or cash contributions to a project designed to advance environmental interests made by violators as part of a settlement with EPA. In the context of Disclosure Law settlements, SEPs typically require lead hazard control work.

³ Some consent agreements require property owners to submit evaluation reports, remediation plans, and completion reports to EPA for approval.

1. Conduct a lead-based paint evaluation of all properties that are occupied by a child 6 years of age and under and/or pregnant women within 90 days.
2. Submit a remediation plan to EPA.
3. Remediate, including removal of lead-based paint from interior and exterior windows, doors, and related components; post abatement clearance; and clean-up procedures in compliance with federal and local laws.

▪ **In the Matter of Gerald Shields (2000)**

Enforcement Agency: EPA Region III

Monetary Penalty: Respondent will pay a mitigated civil penalty of \$1,000.

Work: Respondent agrees to spend a maximum of \$10,000 to:

1. Perform an inspection and risk assessment of the soil, paved surfaces, and interior and exterior of the residences and common areas.
2. Perform lead abatement
3. Implement post-abatement clearance procedures

▪ **In the Matter of Lloyd H. Johnson (2000)**

Enforcement Agency: EPA Region III

Monetary Penalty: Respondent will pay either a full civil penalty of \$11,800 or a reduced civil penalty of \$2,970 if Respondent performs a SEP.

▪ **In the Matter of Apartment Investment and Management Company (AIMCO) (2001)**

Enforcement Agency: EPA and HUD jointly pursued this settlement agreement.

Monetary Penalty: AIMCO must pay a civil penalty of \$34,100 per dwelling unit minus a 30% reduction for attitude and a 50% reduction for voluntary disclosure. The total penalty to be paid is \$129,580.

Work: AIMCO's properties were divided into 2 groups based on whether they receive project-based HUD assistance. Work on Group 2 properties (those receiving project-based HUD assistance) must begin no later than 30 days after the date the Consent Agreement was signed. Work on Group 1 properties (those not receiving project-based HUD assistance) must begin no later than 75 days after the Consent Agreement was signed. Under this consent agreement, AIMCO must do the following:

1. Inspect for lead-based paint.
2. Provide lead-based paint inspection reports to EPA.
3. Submit certifications for properties that are certified lead-based paint free.

4. Perform risk assessments to determine if lead-based paint hazards exist in those properties that are not certified as free of lead-based paint.
5. Provide risk assessment reports to EPA and HUD.
6. Abate lead-based paint hazards identified by the risk assessments in any of the properties in Group 1.
7. Clean up in accordance with guidelines.
8. Cover any bare soil on the grounds of each property with a vegetative ground covering, mulch, or other appropriate covering.
9. Protect residents in accordance with HUD guidelines.

▪ **In the Matter of San-Tex Lumber Co., Inc. et al. (2001)**

Enforcement Agency: EPA Region VI

Monetary Penalty: \$11,000

Work: Respondent agrees to spend at least \$99,055 on the SEP. Respondent agrees to do the following:

1. Within 30 days, identify housing that is occupied by pregnant women, children under the age of 6, children between 6-10, and children between 10-16.
2. Within 4 months, perform lead-based paint surface-by-surface inspections of all residences. The inspection does not include soils.
3. Within 9 months, perform and complete interim control measures and dust clearance examinations until the \$99,055 of inspection costs has been spent. Properties were prioritized by the EPA w/ residences w/ pregnant women and children under 6 being given 1st priority. If residents must be relocated, Respondent must bear relocation costs.
4. Within 60 days after completion, submit a SEP Completion Report to the EPA for review.

▪ **In the Matter of Matthew Potter, et al. (2001)**

Enforcement Agency: EPA Region VII

Monetary Penalty: \$2,200

Work: Respondent agrees to spend at least \$4,360 on the SEP. Respondent agrees to the following:

1. Complete lead abatement within 105 days.
2. Within 15 days after abatement is completed, provide EPA with a notarized statement indicating that the SEP has been completed, including a copy of an inspection report of the property certifying that the property is "lead free."

▪ **In the Matter of R. Wayne Rhoads, et al. (2001)**

Enforcement Agency: EPA Region VII

Monetary Penalty: The Respondents shall pay a mitigated penalty of \$1,925 if they undertake the lead hazard control measures. In the event that Respondents fail to complete the lead hazard control measures, they must pay a penalty in the amount of \$5,775.

Work: Respondents agree to have a state certified contractor remove and replace all 33 windows on their property with new, vinyl, single-hung, replacement windows.

▪ **In the Matter of Michael Sequeira (2001)**

Enforcement Agency: EPA Region VII

Monetary Penalty: If Respondents perform lead hazard control measures, the civil penalty is to be \$770; otherwise they must pay \$2,310.

Work: Respondent agrees to have 10 windows replaced.

▪ **In the Matter of Hershel Walker, Jr. (2001)**

Enforcement Agency: EPA Region VII

Monetary Penalty: If Respondent performs lead hazard control measures, the mitigated civil penalty is \$1,925; if not, the civil penalty is \$5,775.

Work: Respondent agrees to have 9 windows replaced at one property and 2 windows replaced at a second property.

▪ **In the Matter of Francis Investment Group (2001)**

Enforcement Agency: EPA Region VII

Monetary Penalty: If Respondent performs the lead hazard control measures; the mitigated civil penalty is \$1,925.

Work: Respondent agrees to have 16 windows replaced.

▪ **In the Matter of James and Louise Georgia (2001)**

Enforcement Agency: EPA Region VII

Monetary Penalty: Respondents must pay a mitigated civil penalty of \$770 if they perform lead hazard control measures. If Respondents fail to undertake the lead hazard control measures, they must pay a civil penalty of \$2,310.

Work: Respondents agree to replace 6 windows.

▪ **In the Matter of Viki Sharp (2002)**

Enforcement Agency: EPA Region VII

Monetary Penalty: Respondent consents to a mitigated civil penalty of \$4,000 to be paid in four equal installments. If Respondent fails to undertake the abatement project, Respondent shall pay an additional penalty of \$3,000.

Work: Respondent agrees to conduct a lead hazard control project at a minimum cost of \$3,000. Specifically, Respondent agrees to have windows in her property replaced.

▪ **In the Matter of Ingersoll Acadian Partners and Richard Hickman (2002)**

Enforcement Agency: EPA Region VII

Monetary Penalty: Respondents will pay a mitigated civil penalty of \$1,700. If Respondents fail to comply with the terms of the settlement, they must pay a stipulated penalty in the amount of \$5,100.

Work: At a minimum, Respondents shall replace 18 window casings; remove, strip, refinish, and reinstall 18 windows; and replace and remove 1 door.

▪ **In the Matter of Gary Bond (2002)**

Enforcement Agency: EPA Region VII

Monetary Penalty: Respondent will pay a mitigated civil penalty in the amount of \$1,350. If Respondents fail to comply w/ the terms of the settlement, they must pay a stipulated penalty of \$4,050.

Work: Respondent must at a minimum replace 11 windows and frames.

▪ **In the Matter of Plastic Center, Inc (2002)**

Enforcement Agency: EPA Region VII

Monetary Penalty: Respondent will pay a civil penalty of \$1,540. If Respondent fails to undertake or complete the abatement project, then the Respondent must pay a penalty of \$4,620.

Work: Respondent agrees to have 32 windows replaced.

▪ **In the Matter of Kelley Properties, Inc. and Ronald Kelley (2002)**

Enforcement Agency: EPA Region VII

Monetary Penalty: Respondent will pay a mitigated civil penalty of \$3,850. If Respondent fails to undertake or complete the lead hazard control measures, then the Respondent must pay a penalty of \$11,550.

Work: Respondent must, at a minimum, replace all windows and frames, install new storm doors on exterior doorways, and install vinyl and/or aluminum siding on all exterior walls.

▪ **In the Matter of U and I Properties, L.L.C. (2002)**

Enforcement Agency: EPA Region VII

Monetary Penalty: Respondent agrees to pay a mitigated civil penalty of \$1,025. If Respondent fails to undertake the lead hazard control measures, Respondent must pay a stipulated penalty in the amount of \$3,075.

Work: Respondent must, at a minimum, replace seven windows and frames on the property.

▪ **In the Matter of Rodger and Mary Reelfs (2002)**

Enforcement Agency: EPA Region VII

Monetary Penalty: Respondents agree to pay a mitigated civil penalty in the amount of \$1,925. If Respondents fail to undertake the abatement project, they must pay a stipulated penalty in the amount of \$5,775.

Work: Respondents agree to have eight windows and two doors in their property replaced.

▪ **In the Matter of Winn Managed Properties (2004)**

Enforcement Agency: EPA Region I

Monetary Penalty: Respondents agree to pay a civil monetary penalty of \$105,000, split equally between EPA and HUD. Failure to pay results in stipulated penalties of \$500 per day.

Work: Respondents agree to test for and clean up all existing lead-based paint hazards in its approximately 10,400 units. Failure to complete any hazard abatement work required by the deadline will result in stipulated penalties of \$400 per day, per violate, per unit until the work is complete.

Examples of Consent Agreements with only a Monetary Penalty

EPA REGION VI	MONETARY PENALTY
<u>In the Matter of John and Kathy Restivo (2002)</u>	\$3,234
<u>In the Matter of Town Adams Century 21 Real Estate (2002)</u>	\$2,541
<u>In the Matter of Kay Sloan Metaire (2002)</u>	\$2,425
<u>In the Matter of Truzzie Howard Real Estate (2002)</u>	\$1,771
<u>In the Matter of Century 21 Camco Realty (2002)</u>	\$330
<u>In the Matter of Darrel Daves Rentals (2002)</u>	\$1,540

EPA REGION VII	MONETARY PENALTY
<u>In the Matter of Richard and Ronald Brand (2002)</u>	\$500
<u>In the Matter of Mattie Lee (2002)</u>	\$500
<u>In the Matter of Gregory Johnson (2002)</u>	\$500
<u>In the Matter of James W. Wells (2002)</u>	\$600
<u>In the Matter of Barbara Johnson (2002)</u>	\$500
<u>In the Matter of Vic Kearns (2002)</u>	\$500
<u>In the Matter of Shawn and Bonnie Mears (2002)</u>	\$500
<u>In the Matter of the Landmark Properties, L.C. (2003)</u>	\$400
<u>In the Matter of William Schumacher (2002)</u>	\$500
<u>In the Matter of Vesther Boose (2002)</u>	\$500
<u>In the Matter of Bobby Lee Fluery (2002)</u>	\$1,000
<u>In the Matter of Truyen Van Ha (2002)</u>	\$800
<u>In the Matter of Richard Riley (2002)</u>	\$900
<u>In the Matter of Edward Sargent (2002)</u>	\$500
<u>In the Matter of Richard Willett (2002)</u>	\$500
<u>In the Matter of Robert Dale Wiege (2002)</u>	\$13,750
<u>In the Matter of Ralph Henry, Jr. (2002)</u>	\$500
<u>In the Matter of Royal Properties (2002)</u>	\$1900
<u>In the Matter of Leo Blandina (2002)</u>	\$2,700

<u>In the Matter of Richard Taylor (2002)</u>	\$2,400
<u>In the Matter of Debra Stevenson Triplett (2002)</u>	\$500
<u>In the Matter of John Swarnes (2002)</u>	\$1,000
<u>In the Matter of Leroy Louvin (2002)</u>	\$1,000
<u>In the Matter of Rodger Lewis (2002)</u>	\$500
<u>In the Matter of Glenn Roberts (2002)</u>	\$600
<u>In the Matter of Terry Brock DeSoto (2002)</u>	\$500
<u>In the Matter of David Carter (2002)</u>	\$3200
<u>In the Matter of Thomas Stuchlik (2002)</u>	\$500
<u>In the Matter of Mildred Dever (2002)</u>	\$500
<u>In the Matter of Meshelle Cohen (2002)</u>	\$500
<u>In the Matter of Barbara Brammel (2002)</u>	\$2,700
<u>In the Matter of Helen Clemon (2002)</u>	\$500
<u>In the Matter of Theodore Bredlau (2002)</u>	\$500
<u>In the Matter of Willie Thomas (2002)</u>	\$2,100
<u>In the Matter of Larry, Sr. and Tammy Motley (2002)</u>	\$700
<u>In the Matter of Willard and Dawn Ditter (2002)</u>	\$500
<u>In the Matter of Frank Casella (2002)</u>	\$500
<u>In the Matter of Daniel and Jennifer Lam & Richard and Margaret Ly (2002)</u>	\$800

CONSENT DECREES

Consent Decrees reflect the settlement terms of judicially sanctioned enforcement actions. As a general matter, the disclosure enforcement consent decrees entered into thus far require the violators to comply with the lead hazard disclosure requirements, control or abate lead hazards, perform clearance, report to enforcement officials on their progress, pay financial penalties. In some cases, violators have been required to perform Child Health Improvement Projects (CHIPs), community-based projects to combat childhood lead poisoning. The defendants have included property managers as well as owners. In some cases, local governments have intervened as plaintiffs, alleging violations of state and local laws.

The summaries below are intended to provide a general sense of the types of remedies obtained by HUD and EPA, and therefore do not reflect every element of each consent decree. Although most of the Consent Decrees contain detailed provisions outlining required lead hazard abatement measures and a requirement that the defendant comply with the disclosure law, those details have for the most part been omitted from these summaries.

▪ **U.S. v. East Lake Management (N.D. Ill. 2002)**

Enforcement Agencies: HUD, EPA Region 5, DOJ, U.S. Attorney; City of Chicago, State of Illinois (AG), Cook County as Intervenors

Background: East Lake owned and/or managed 57 buildings in Illinois, Indiana, and Ohio, containing about 6000 apartment units. Consent Decree cites authority to seek injunctive relief as basis for ordering abatement and compliance with Section 1018.

Allegations: Violations of Disclosure Act; City of Chicago Municipal Code, Chapter 7-4-010 et seq., Lead Bearing Substances; and Illinois Environmental Protection Act, Section 43(a), 415 ILCS 5/43(a)

Financial Penalties: \$10,000 to U.S., \$5000 to Illinois, \$5000 to Cook County, \$5000 to Chicago.

Child Health Improvement Projects: East Lake must give \$37,500 to one or more community-based health centers for targeted screening and/or education and outreach in Chicago/South Chicago. Centers to be approved by Chicago Department of Public Health in consultation with the Cook County Health Department. Must give an additional \$39,500 one year later.

Work: Work must be completed in accordance with HUD Guidelines, using workers authorized to perform the work (these requirements are common to every CD).

LBP inspections in all properties, including newly acquired properties (unless LBP-free). Where LBP or hazards are identified, in all units and common areas, East Lake must:

1. Stabilize deteriorated paint (interim measure)
2. Remove, enclose, or replace impact and friction surfaces. Okay to encapsulate non-friction, non-impact LBP surfaces

3. Perform soil treatments
4. Perform daily and final cleanups
5. Conduct independent clearance examinations (cannot be performed by the entity that did the LHC work) – visual assessment and dust, soil testing
6. Perform pre-abatement tenant notification
7. Develop and implement an occupant protection plan
8. Create and implement ongoing monitoring and maintenance

Units with kids six and under must be done first. If EBL child lives or resides in a unit, must abate hazards within 30 days.

Also must submit an abatement plan describing work to be performed to HUD, EPA and City of Chicago.

Progress Reports: Annual reports to all plaintiffs describing abatement activities, upcoming activities, clearance examination reports, inspection reports, EBL info, housing code notices, summaries of monies expended.

▪ **U.S. v. Wolin-Levin (N.D. Ill. 2001)**

Enforcement Agencies: HUD, EPA Region 5, DOJ, U.S. Attorney; City of Chicago, State of Illinois (AG), Cook County as Intervenors

Background: Wolin-Levin is a large property manager.

Allegations: Same as for East Lake

Financial Penalties: \$10,000 to U.S., \$5000 to Illinois, \$5000 to Cook County, \$5000 to Chicago.

Child Health Improvement Projects: \$100,000 to City of Chicago for lead abatement, including window replacement.

Work: LBP inspections in all properties, including newly acquired properties (unless LBP-free). In all units managed by Wolin-Levin, it must replace window sashes and tracks, abate remaining window components, stabilize deteriorated paint, perform daily and final cleanups, and perform clearance within 2 years. In all units where LBP is found, Wolin-Levin must perform abatement upon tenant turnover, abate common areas, and treat bare soil within 6 years. In units with an EBL child, must inspect and abate within 60 days.

Progress Reports: (Same as for East Lake)

▪ **U.S. v. Hinojosa (N.D. Ill. 2002)**

Enforcement Agencies: HUD, EPA Region 5, DOJ, U.S. Attorney

Background: Hinojosa owns at least 3 residential properties in Chicago. CD cites authority to seek injunctive relief as basis for ordering abatement and compliance with Section 1018.

Allegations: Violations of Disclosure Act

Financial Penalties: \$2000 to DOJ

Work: Must provide reports for LBP inspections already performed; must abate LBP, develop and implement occupant protection plan, perform ongoing maintenance activities.

Progress Reports: (Same as for East Lake)

▪ **U.S. v. Oak Park et al. (N.D. Ill. 2001)**

Enforcement Agencies: HUD, EPA Region 5, DOJ, U.S. Attorney, State of Illinois (AG) as Intervenor

Background: Oak Park manages over 650 dwelling units in Chicago and Cook County. Owners also were parties to CD. Cites authority to seek injunctive relief as basis for ordering abatement and compliance with Section 1018. State also has authority to seek injunctive relief under Illinois EPA.

Allegations: Violations of Disclosure Act and Illinois Environmental Protection Act, Section 43(a), 415 ILCS 5/43(a).

Financial Penalties: \$26,000 to U.S., \$14,000 to Illinois.

Work: Inspections and soil sampling, abatement of LBP, treatment of lead-contaminated soils (very similar to East Lake)

Progress Reports: Annual reports must describe abatement activities, upcoming activities, clearance examination reports, inspection reports, EBL info, housing code notices, and monies expended.

▪ **United States v. WM. Calomiris Investment Corp. (D. D.C. 2000)**

Enforcement Agencies: HUD, DOJ, U.S. Attorney, District of Columbia as Intervenor

Background: Calomiris manages more than 2000 units in DC and Arlington, VA. CD cites authority of US and DC to seek injunctive relief.

Allegations: Violations of Disclosure Act; violations of District Lead-Based Paint Abatement and Control Act, DC Law 11-227, DC Code §§ 6-997.1 et seq.; Title 14 of DC Municipal Regulations (DCMR), §§ 707; DC Law 5-23, 14 DCMR §§ 101 et seq.

Financial Penalties: \$5000 Penalty to HUD.

Child Health Improvement Project: \$5000 to the Children's National Medical Center for tracking and follow-up care of children with CLP, and providing information. \$5000 for Healthy Babies Project to train social workers, personnel on CLP.

Work: Within six months, in units with kids under age 8, and at tenant turnover if child under age 8 will move in: inspection, paint stabilization, window treatments, treatment of accessible surfaces in common areas, and clearance.

Within 4 years, those measures should be taken in 50% of all units, and within 7 years, those measures should be performed in all units.

Progress Reports: Annual Reports reflecting work done under CD.

▪ **United States v. DeLuca (D. R.I. 2002)**

Enforcement Agencies: HUD, EPA Region 1, DOJ, U.S. Attorneys

Background: DeLuca owns 12 apartment buildings containing 32 units in Rhode Island. 3 properties cited for lead hazards. CD cites authority to seek injunctive relief as basis for ordering abatement and compliance with Section 1018.

Allegations: Violations of Disclosure Law, prior citations by RI Department of Health for lead hazards under RI LPP Act, R.I. Gen Laws, 23-24.6-1 et seq., the Housing Maintenance Prevention Act, R.I. Gen Laws, 45-24.3-1, and the Rules and Regulations for LPP, R23-24.6-PB.

Financial Penalties: \$13,090 to DOJ. Under a separate agreement, DeLuca must pay \$3000 to the State of Rhode Island in accordance with instructions from RI AG.

Work: Inspection, abatement of interiors at tenant turnover or within 2 years of HUD approval of Abatement Plan, with priority to units housing children under age 6. Abatement within 60 days if EBL child residing. Abatement of exteriors within 2 years. Soil treatments. Clearance. Ongoing operations and maintenance. Progress Reports.

▪ **United States v. Double H Housing et al. (D. D.C. 1999)**

Enforcement Agencies: HUD, DOJ, U.S. Attorney

Background: Defendants manage or own 12 apartment buildings in DC and 2 buildings in Maryland. CD cites authority to seek injunctive relief as basis for ordering abatement and compliance with Section 1018.

Allegations: Violations of Disclosure Act; joint and several liability

Financial Penalties: \$50,000 to HUD

Child Health Improvement Project: Defendants must submit proposals for CHIP, which may include providing space in buildings for CHIP activities. HUD can accept or reject proposals. If no satisfactory proposal after two submissions, Defendants pay \$50,000.

Work: LBP inspections; abatement, including removal or enclosure of all LBP; encapsulation if HUD okays; occupant protection plan, including relocation to property certified free of LBP hazards if necessary at defendants' expense; clearance.

Units with children under age 6 must be abated within 60 days of HUD approval of abatement plan, others must be abated within 6 months. Some buildings subject to slightly less stringent requirements (more use of encapsulation).

▪ **U.S. v. Cornerstone Real Estate Management et al. (D. D.C. 1999)**

Enforcement Agencies: HUD, DOJ, US Attorney, District of Columbia as Intervenor

Background: Cornerstone manages and co-defendant, 1457 Park Road, owns 4 apartment buildings located in the District of Columbia. Defendants had voluntarily taken measures to test for LBP and make disclosures prior to HUD/DC investigation. CD cites authority for US and DC to seek injunctive relief.

Allegations: Violations of Disclosure Act; violations of District Lead-Based Paint Abatement and Control Act, DC Law 11-227, DC Code §§ 6-997.1 et seq.; Title 14 of DC Municipal Regulations (DCMR), §§ 707; DC Law 5-23, 14 DCMR §§ 101 et seq. (failure to abate lead-based paint); joint and several liability.

Financial Penalties: \$2000 to HUD

Child Health Improvement Project: Purchase of 3 portable blood lead analyzer kits, and donation to 3 community health centers. Total cost estimated at \$6750.

Work: Inspection, including soil testing in all units and common areas. Abatement, including window replacement, occupant protection plan, clearance testing, ongoing maintenance and re-evaluation activities, and soil treatment. For abatements performed prior to consent decree, defendants must certify that the abatement was performed

consistent with the HUD Guidelines, and perform a lead hazard screen risk assessment, and additional abatement measures if hazards still exist. Annual reports on progress.

▪ **U.S. v. Borger Management, Inc. et al. (D. D.C. 2000)**

Enforcement Agencies: HUD, DOJ, and US Attorneys

Background: Borger manages about 2500 apartment units in DC; co-defendants own some of the buildings.

Allegations: Violations of Disclosure Act

Financial Penalties: \$25,000 penalty to HUD.

Work: Defendants can inspect or assume LBP. If LBP found, remove or conduct RA to determine whether a hazard exists. If no hazard, include in operations and maintenance plan. If a hazard exists, implement interim controls or abate, and incorporate into operations and maintenance plan. Purchase HEPA vacuums.

Borger must appoint a LBP manager to coordinate all LBP activities at all properties, and appoint LBP coordinators for each property to oversee LBP issues, including overseeing outside contractors.

Annual Reports: on work done under CD, EBLs, Borger employees trained and licensed to perform LBP activities, housing code violations.

▪ **U.S. Robert Zeman (D of Minn. 2004)**

Enforcement Agencies: HUD, EPA Region V, DOJ, and the MN US Attorney jointly pursued this settlement.

Background: Defendant owns and manages 19 residential properties in Minnesota constructed prior to 1978 containing approximately 22 units.

Allegations: Defendant failed to make certain disclosures required by Sec. 1018.

Financial Penalties: \$2,000 to DOJ; failure to make timely payments results in stipulated penalties of \$400 per day.

Work: Within 10 days of the decree, defendant must properly disclose to all tenants to the extent not previously accomplished. In connection with the agreement, Defendant had a combination lead-based paint inspection and risk assessment performed on each subject property. Defendant must test for and, within three years, clean up all the lead-based hazards in his properties. Worksite preparation, occupant protection, and independent clearance examinations are required.

Annual Reports: Status of abatement activities, ongoing operations and maintenance activities, information concerning costs, clearance reports, any state or city notices relating to lead-based paint violations at the subject properties, and a list of units where children six years old or under or a pregnant woman moves in during the reporting period.

▪ **In the Matter of Dominion Management Services, Inc. (2004)**

Enforcement Agencies: HUD, EPA, DOJ

Background: Dominion owns and manages 18 pre-1978 residential properties in Minnesota containing approximately 3,838 units; one pre-1978 residential property in Wisconsin containing approximately 278 units; two residential pre-1978 properties in South Dakota containing approximately 218 units; and one pre-1978 residential property in Indiana containing approximately 140 units.

Allegations: Dominion failed to make certain required disclosures in 18 residential properties in Minnesota; the Consent Decree cites authority to seek injunctive relief.

Financial Penalties: Defendant has agreed to pay a civil penalty of \$10,000 to DOJ.

Child Health Improvement Project: Defendant has agreed to pay \$70,000 to the Sustainable Resources Center, a Minneapolis-based children's health project, which will use the funds for lead hazard control work in the Minneapolis area.

Work: Respondent agrees to remove the lead-based paint in all of the apartments in the four states where it owns and operates rental buildings, within five years. Worksite preparation, occupant protection, and independent clearance examinations are required.

Annual Reports: Status of abatement activities, ongoing operations and maintenance activities, information concerning costs, clearance reports, and any state or city notices relating to lead-based paint violations at the subject properties.