



Criminal Enforcement Alert

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Office of Criminal Enforcement, Forensics and Training

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Cracking Down on Violators of Lead-Based Paint Laws

Exposure to lead can seriously impact people's health, leading to learning disabilities, hearing loss and violent behavior. Children six years old and younger are most at risk. To protect the public's health, EPA is taking action against violators of lead-based paint laws. The cases included in this enforcement alert involve licensed inspectors and building managers who failed to meet their responsibilities under lead-based paint regulations, putting children and residents at risk.



Sunday Abek's coffin is moved by pallbearers.

Lead Poisoning Took Life of Two Year Old Girl

Sunday Abek was two when her parents brought her to the U.S. from Sudan. In March 2001, the family moved into an apartment in Manchester, N.H. One week after her arrival, Sunday became ill, vomiting and running a high fever. She was rushed to the hospital and died from lead poisoning three days later. Her death initiated an eight month investigation by city, state and federal authorities. EPA and state investigators reviewed samples taken from Sunday's neighborhood, con-

sulted national experts on childhood lead poisoning and undertook a sophisticated isotope analysis that compared paint samples collected in Sunday's apartment with lead in her body. This forensic work determined that Sunday was killed by the peeling and flaking gray paint that covered the porch outside her Manchester apartment. Sunday's blood lead level was 391 micrograms per deciliter, nearly 40 times higher than the commonly used definition of lead poisoning. Under the Residential Lead-Based Pain Hazard Reduction Act, James Aneckstein, who managed the apartment building in which Sunday died, was required to supply the Abek family with proper notification of the presence of lead-based paint in their apartment. Aneckstein provided regulators with a photocopy of a lead disclosure form that contained a suspicious signature purporting to be that of Sunday's mother, acknowledging

receipt of the required notification. In April 2001, EPA investigators served a federal search warrant at Aneckstein's office and residence. The original lead disclosure form for Sunday's apartment—with the forged signature of Sunday's mother—was found at the bottom of a trash can, torn into pieces. Ackenstien was sentenced on December 20, 2001 to 15 months in prison. He and his company, JTA Real Estate Brokerage and Property Management, pleaded guilty to obstructing justice, making false statements to investigators and failing to provide prospective tenants with required disclosure information.



Forged lead disclosure forms.

Lead Laws: What You Need to Know

Lead-based paint was used in more than 38 million homes until it was banned for residential use in 1978 by the consumer Product Safety Commission. EPA requires that landlords and property owners give renters and buyers of houses built before 1978 the pamphlet "Protect Your Family from Lead in Your Home" and inform renters and buyers of known lead-

based paint in the home. Buyers may have the property inspected by a certified lead hazards firm at their own expense. EPA rules also cover renovation, repair and painting activities involving lead-based paint. In general, any activity that disturbs paint in housing and child-occupied facilities built before 1978, including remodeling, electrical work,

window replacement and painting, is subject to the rule. Some minor repair and maintenance activities are exempt from the requirements.

More Information:
www.epa.gov/lead
or contact the National Lead Information Center at 1-800-424-LEAD (TDD: 1-800-526-5456).



Signs of deteriorating lead-based paint on a windowsill.

Did you know?

LEAD PAINT POISONING AFFECTS MORE THAN ONE MILLION CHILDREN TODAY?

MORE INFORMATION:
WWW.EPA.GOV/LEAD

EPA's criminal enforcement program is part of the Office of Enforcement and Compliance Assurance. It is headquartered in Washington, D.C. with investigative offices in EPA's 10 regional offices and in more than 30 other locations across the country. The National Enforcement Investigations Center in Lakewood, Colorado provides forensics, science and technical support for environmental investigations. The National Computer Forensics Laboratory in Jacksonville Florida, specializes in the seizure, review and analysis of electronic evidence and advanced undercover surveillance operations. EPA's more than 200 special agents have full law enforcement authority and evaluate leads, interview witnesses, inspections, serve search warrants, carry weapons, and make arrests.

Criminal Enforcement Alert

City Lead Inspector Gets Nearly Four Year Jail Sentence



Evidence of lead-based paint violations.

EPA IS WORKING TO PREVENT LEAD POISONING BY:

- HELPING TENANTS UNDERSTAND THE DANGERS OF LEAD
- ENSURING BUILDING MANAGERS COMPLY WITH THE LAW
- ENFORCING VIOLATIONS OF LEAD LAWS

Donald Patterson was sentenced on February 8, 2011 to three years and 10 months in prison and 24 months of supervised release on wire fraud charges stemming from an EPA investigation. Patterson was a Detroit lead inspector assigned to investigate possible lead hazards in homes. His job was to ensure that all paint-based lead hazards were safely removed. He used his position to obtain money from the owners and renters of these homes in

exchange for falsely certifying that the homes were lead-free. He also offered inadequate lead removal training. He admitted that between October 2008 and August 2009 he had accepted cash payments totaling \$1,350 in connection with fraudulent abatement in homes where children were being exposed to lead. In one situation, instead of inspecting a home with high levels of lead—where a child was living—he accepted \$200 and recommended

spurious ways to get rid of the problem. The child was exposed to lead and may experience the impacts of lead exposure for the rest of his life.

"The actions of this public official put the health and lives of children at risk," said Cynthia Giles, assistant administrator of EPA's Office of Enforcement and Compliance Assurance. "In this case, the local inspector failed to do his job by submitting false reports for personal gain."

Lead Poisoning Prevention Manager Pleads Guilty

Anthony Sharpe and his company, Sharpe Environmental Testing and Consulting, pleaded guilty on January 27, 2011 to one count of mail fraud for using the mail to submit false lead paint inspections. Sharpe falsified lead sample results for a multi-unit apartment building located in Detroit and several other multi-family units in the Detroit metro area and Ohio. At the

time of the falsified reports, Sharpe was serving as manager of Detroit's Childhood Lead Poisoning Prevention Program. Sharpe, his company and Moreno Taylor were indicted on September 30, 2010 on charges of inter-



state transportation of money acquired by fraud, mail fraud and making false statements. Taylor pleaded guilty on January 19, 2011 to making false lead-based paint inspection reports. On June 23, 2011 he was sentenced to 120 days of home confinement. Sentencing for Sharpe is set for September 26, 2011.



"Danger: Lead Hazard" tape stretched across a work area.

Failure to Give Warning of Lead Hazards Leads to Jail

David D. Nuyen (pron. Wynn), of Silver Spring, Md. was sentenced on March 13, 2002 to two years in prison for obstructing an investigation by the Department of Housing and Urban Development and for making false statements to federal officials about notifying tenants of the presence of lead hazards. At least eight children who lived in buildings owned by Nuyen were found to have elevated lev-

els of lead in their blood. The Nuyen case was the first-ever criminal prosecution in the U.S. related to the failure to give lead hazard warnings. Nuyen owned and managed 15 low-income apartment buildings in the District of Columbia and Maryland. He admitted to being aware of lead paint hazards in one of his apartment buildings, but failed to disclose potential lead hazards before leasing to ten-

ants. He also presented the Department of Housing and Urban Development officials with false and backdated forms.



U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
www.epa.gov/compliance/criminal