

Environmental Control Board

Disputed Ownership, Agency, or Control

To support a defense that the named respondent was neither the owner, tenant, occupant or person in control (managing agent, superintendent, etc.) of the place of occurrence on the date of the alleged violation, please submit a sworn, notarized statement containing the relevant information and supporting documentation requested below.

- If you are not the respondent named on the Notice of Violation, submit a written statement explaining: (a) your relationship to that named respondent, and (b) whether you are authorized to represent that party.
- What was the previous relationship or connection, if any, of the named respondent to cited place of occurrence (i.e., owner, managing agent, tenant, superintendent, etc.)? On what date did the relationship end?
- What is the named respondent's current relationship to place of occurrence, if any? For example, is he or she the managing agent? Is he or she an officer of the corporation that owns the property? Is he or she a tenant? Does he or she have any other relationship to the premises?
- If the named respondent was the owner of the property, and claims that the property was transferred, please submit documentation to support that claim (e.g., a copy of the recorded deed, or a letter from an attorney who handled the closing and the attorney's closing statement).
- If the respondent never had any relationship to the property and has no documentation to support his or her claim, please provide any information that may explain why he or she was named on the Notice of Violation.
- If the named respondent claims that he or she is no longer the managing agent or superintendent for the property, please submit documentation that shows the termination of such status.
- If the named respondent held or currently holds a mortgage for the property, please submit documents to support this claim (e.g., mortgage, mortgage note, business records, etc.).
- If the named respondent is an appointed receiver or 7A Administrator, or a receiver or 7A Administrator has been appointed for the property, please submit a copy of the complete court order.