

#3665

FW: Comment Letter - Coy Shockley's Exxon Case Closure Summary

WB-USTClosuresComments

Sent: Monday, July 29, 2013 5:42 PM

To: Cullen, Pat@Waterboards; Hoffmore, Roger@Waterboards; Trommer, Bob@Waterboards; Lamar, Isomia@Waterboards

Attachments: Complaint.pdf (3 MB)

From: Craig D. Braun [cbraun@braunlawfirm.com]

Sent: Thursday, July 25, 2013 6:26 PM

To: WB-USTClosuresComments

Cc: Craig D. Braun; Brittanii Vanhorn

Subject: Comment Letter - Coy Shockley's Exxon Case Closure Summary

Mr. Mr. Mizera:

I am counsel for the current owners – Rashpal Singh Bains and Jaswinder Kaur Rajasasi - of the real property which is the subject of the above-referenced matter.

In that regard, my client has provided me with a copy of the Notice of Opportunity for Public Comment regarding the proposed closure of USTCF Claim Number 3665 ("Claim").

The reason I write this e-mail is that there is pending litigation that has been filed by VEIR CORP. against Coy Shockley ("Shockley") – The Responsible Party under the Claim – and my clients. VEIR claims that it was hired by Mr. Shockley to install and operate a soil vapor extraction system at the subject property but was not paid. The amount claimed owing is \$156,932.72. A true and correct copy of the Complaint is attached.

My clients did not authorize the work by VEIR, nor did they enter into any agreement for VEIR to perform the work.

Additionally, I noticed from the UST Case Closure Review Summary Report that the USTCF Expenditures to Date appear to be \$208,555.00. However, I have reason to believe that at least some of that money was diverted to a third party and not used for its intended purposes. So, not only do I want to make sure that the money provided by USTCF were used for their intended purposes, but that all expenditures rightfully incurred in connection with the Claim are, in fact, paid.

My clients are mostly concerned with ensuring that they can continue operating their current business with a "clean" property, as the former owner – Ahmed Ben Hassan – had agreed to be responsible for all underground clean up. I believe that Mr. Hassan purchased the property from the Shockleys.

Should you wish to discuss any of the foregoing, please do not hesitate to contact me.

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