

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
BOARD OF REGISTRATION OF
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

In the Matter of:)	
)	
)	
James J. Decoulos,)	
Respondent)	Docket No.: LSP-10AP-01
)	

**MOTION TO CORRECT, AMEND OR MODIFY
THE REPORT AND ORDER DATED OCTOBER 27, 2010**

Now comes the Respondent, James J. Decoulos, who hereby moves to correct, amend or modify the Report and Order Regarding Evidentiary and Miscellaneous Issues dated October 27, 2010 (the “Report and Order”). In support of this motion, Respondent has prepared an affidavit this date (the “Decoulos Aff. #6”), which is attached herewith. This motion seeks to correct, amend or modify three issues in the Report and Order.

First, the Report and Order stated at page 3 that Respondent “waited too long” to seek documents from the Massachusetts Department of Environmental Protection (“MassDEP”). Respondent pursued discovery in this matter under the timelines established by this forum. See ¶¶ 3 – 7 of Decoulos Aff. #6.

Second, Respondent would like to have other documents generated by or in the possession of MassDEP to supplement his existing Pre-Filed Testimonies. *See* Report and Order at page 3 and ¶¶ 3 – 9 of Decoulos Aff. #6. Respondent has been frustrated by claims from the Board of Registration of Hazardous Waste Site Cleanup Professionals (the “Board”) that it is a separate agency of MassDEP. Not only is the Board subject to budgetary control from

MassDEP¹, but it also shares duties with MassDEP to implement the legislative intent of G.L. Chapter 21E². Furthermore, the Board, MassDEP and the Office of Appeals and Dispute Resolution all operate under the common umbrella of the Executive Office of Energy and Environmental Affairs. *See* http://www.mass.gov/?pageID=eoeeautilities&L=1&sid=Eoeea&U=Eoeea_about_us It is patently unfair to Respondent for all three related state entities to deny association and jurisdiction with one another.

Third, Respondent continues to seek legal representation in this matter through his professional liability insurance company. *See* ¶¶ 10 – 14 of Decoulos Aff. #6. A complaint has been filed with the Massachusetts Division of Insurance and there is no indication of when the matter will be resolved. The Report and Order should acknowledge that Respondent's appearance *pro se* has been forced not just by financial reasons, but also due to a pending insurance claim.

For the foregoing reasons, Respondent moves to correct, amend or modify the Report and Order Regarding Evidentiary and Miscellaneous Issues dated October 27, 2010.

Dated: October 29, 2010

Respectfully submitted,



James J. Decoulos *pro se*
Decoulos & Company, LLC
185 Alewife Brook Parkway
Cambridge, MA 02138
jamesj@decoulos.com
(617) 489-7795

¹ See Respondent's Motion to Dismiss dated October 8, 2010.

² See the "Guide to Licensed Site Professionals and the LSP Board" prepared by the Board and "A Massachusetts Property Owner's Guide to Hiring a Licensed Site Professional (prepared by MassDEP)", both available at the Board's web site at: <http://www.mass.gov/lsp/>

STATEMENT OF SERVICE

I, James J. Decoulos, do hereby certify that I caused a copy of the MOTION TO CORRECT, AMEND OR MODIFY THE REPORT AND ORDER DATED OCTOBER 27, 2010 with the supporting AFFIDAVIT OF JAMES J. DECOULOS dated October 29, 2010 to be served on the following parties by electronic mail:

Anne Hartley, Case Administrator OADR
Office of Appeals and Dispute Resolution
Anne.hartley@state.ma.us and
Caseadmin.oadr@state.ma.us

Robert Traynor OADR
Office of Appeals and Dispute Resolution
Robert.Traynor@state.ma.us

Lynn Peterson Read, Esq. BOARD
Board of Registration of
Hazardous Waste Site Cleanup Professionals
Lynn.read@state.ma.us

Signed under the penalties of perjury this 29th day of October, 2010.



James J. Decoulos
Decoulos & Company, LLC
185 Alewife Brook Parkway
Cambridge, MA 02138
jamesj@decoulos.com
(617) 489-7795