

QUESTION

(20 minutes)

Ringo, a real estate developer, recently purchased a vacant gas station with plans to use the land to build a condominium development. Ringo begins work on the lot by hiring a work crew to remove an old gasoline storage tank buried under the front part of the lot. The workers raise the tank to the surface and place it in a large shed. Almost immediately, noxious fumes start seeping out, much to the annoyance of Ringo's neighbors.

Authorities later discover that Ringo did not have a permit to remove the storage tank from the gas station lot, in violation of a federal criminal statute. Before having the tank removed, Ringo had visited the regional office of the Environmental Protection Agency to find out if he needed a permit to remove the tank. He met with the chief enforcement official in the office, who issued a letter to Ringo stating (erroneously) that no permit was necessary. In addition, Ringo had read the applicable regulations himself, and concluded that no permit was necessary. Although a court later determined that Ringo's interpretation was wrong, the regulations were somewhat unclear, and it was reasonable for Ringo to read them as he did.

Does Ringo have a mistake of law defense under common law principles? Under the Model Penal Code?