



On August 30, 2022, the People filed a motion to deem facts admitted and for summary judgment (Mot.).

### **SUMMARY OF COMPLAINT**

The People's one-count complaint alleged that Mubarak had violated Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of the Board's air pollution regulations (35 Ill. Adm. Code 218.586(i)(1)(B), 218.586(i)(2)(C)) and Section 9(a) of the Act (415 ILCS 5/9(a) (2020)). Comp. at 4. The People alleged that Mubarak violated these authorities by failing to timely decommission his vapor collection and control system; failing to timely submit a decommissioning checklist, certification, and test result to the Illinois Environmental Protection Agency (IEPA); and causing, threatening, or allowing the discharge or emission of volatile organic compounds (VOCs) so as to violate Board regulations. *Id.*

### **PEOPLE'S MOTION TO DEEM FACTS ADMITTED**

Under the Board's procedural rules, "the respondent must file an answer within 60 days after receipt of the complaint if respondent wants to deny any allegations in the complaint. All material allegations of the complaint will be taken as admitted if no answer is filed or if not specifically denied by the answer." 35 Ill. Adm. Code 103.204(d). The People served Mubarak with the complaint on June 14, 2022. Mot., Exh 1. The 60-day deadline to file an answer was Monday, August 15, 2022. Mubarak failed to answer the complaint by that deadline and has not filed a motion that would stay the 60-day deadline. *See* 35 Ill. Adm. Code 103.204(e). Under the Board's rules, "[a]ll material allegations of the complaint will be taken as admitted." 35 Ill. Adm. Code 103.204(d).

Under the Board's procedural rules, "[w]ithin 14 days after service of a motion, a party may file a response to the motion. If no response is filed, the party waives objection to the granting of the motion." 35 Ill. Adm. Code 101.500(d). The People filed their motion to deem facts admitted on August 30, 2022, and the 14-day deadline to respond to the motion to deem fact admitted was Tuesday, September 13, 2022. Mubarak did not respond to the People's motion to deem facts admitted by that deadline and has waived any objection to the Board granting the motion.

Based on these authorities and factors, the Board grants the People's unopposed motion to deem facts admitted and deems admitted the material allegations in the People's complaint. *See* 35 Ill. Adm. Code 103.204(d).

### **STATUTORY AND REGULATORY BACKGROUND ON ALLEGED VIOLATIONS**

#### **Statutory Authorities**

Section 9(a) of the Act provides that no person shall "[c]ause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from

other sources, or so as to violate regulations or standards adopted by the Board under this Act.” 415 ILCS 5/9(a) (2020).

Section 3.315 of the Act defines “person” as “any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.” 415 ILCS 5/3.315 (2020).

Section 3.165 of the Act defines “contaminant” as “any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.” 415 ILCS 5/3.165 (2020).

### **Regulatory Authorities**

Section 218.586(a)(7) of the Board’s air pollution regulations provides that “[g]asoline dispensing operation” means any operation where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 2176 liters (575 gallons) or more.” 35 Ill. Adm. Code 218.586(a)(7).

Section 218.586(a)(11) of the Board’s air pollution regulations provides that “[o]wner” or “operator” means any person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a gasoline dispensing operation.” 35 Ill. Adm. Code 218.586(a)(11).

Section 218.586(c) of the Board’s air pollution regulations provides that

[n]o owner or operator of a gasoline dispensing operation subject to the requirements of subsection (b) shall cause or allow the dispensing of motor vehicle fuel at any time from a motor fuel dispenser unless the dispenser is equipped with and utilizes a vapor collection and control system which is properly installed and operated as provided in this subsection (c). 35 Ill. Adm. Code 218.586(c).

Under subsection (b), the requirements of subsection (c) apply “to any gasoline dispensing operation which dispenses an average monthly volume of more than 10,000 gallons of motor vehicle fuel per month.” 35 Ill. Adm. Code 218.586(b).

Section 218.586(i)(1)(B) of the Board’s air pollution regulations provides that, “[n]o later than December 31, 2016, an owner or operator of a gasoline dispensing operation shall complete the decommissioning of all vapor collection and control systems in accordance with all of the provisions specified in subsection (i)(2).” 35 Ill. Adm. Code 218.586(i)(1)(B).

Section 218.586(i)(2)(C) of the Board’s air pollution regulations provides that

[t]he owner or operator of a gasoline dispensing operation and the contractors that performed the decommissioning shall complete and sign a decommissioning checklist and certification, provided by the Agency, documenting the decommissioning procedures performed. Within 30 days after completion of the

decommissioning procedures specified by subsection (i)(2)(B), the owner or operator shall provide the completed checklist and certification and the test results to the Agency. 35 Ill. Adm. Code 218.586(i)(2)(C).

### **UNCONTESTED FACTS**

At all times relevant to the People's complaint, Mubarak owned and operated, and continues to own and operate, a gasoline dispensing facility located at 2006 West Garfield Boulevard in Chicago. Comp. at 2. Mubarak is a "person" as that term is defined by the Act. *Id.*, citing 415 ILCS 5/3.315 (2020). The facility is a "gasoline dispensing operation" as that term is defined in the Board's air pollution regulations. Comp. at 3, citing 35 Ill. Adm. Code 218.586(a)(7). Mubarak is an "owner" or "operator" of the facility as that term is defined in the Board's air pollution regulations. Comp. at 3, citing 35 Ill. Adm. Code 218.586(a)(11). At the facility, Mubarak owns and operates gasoline dispensing pumps that emit VOCs into the environment. Comp. at 2. VOCs are "contaminants" as that term is defined by the Act. *Id.* at 3, citing 415 ILCS 5/3.165 (2020).

By December 31, 2016, Mubarak was required under the Board's air pollution regulations to complete decommissioning of all of the vapor collection and control system at his facility. Comp. at 4, citing 35 Ill. Adm. Code 218.586(i)(1)(B). Mubarak was required under the Board's air pollution regulations to submit a decommissioning checklist, certification, and test results within 30 days after completing decommissioning procedures. Comp. at 4, citing 35 Ill. Adm. Code 218.586(i)(2)(C).

Mubarak failed to timely decommission his vapor collection and control system. Comp. at 4, citing 35 Ill. Adm. Code 218.586(i)(1)(B). Mubarak did not timely submit a decommissioning checklist, certification, and test results to IEPA. Comp. at 4, citing 35 Ill. Adm. Code 218.586(i)(1)(C). By violating these requirements, Mubarak caused or threatened or allowed the discharge or emission of VOCs into the environment so as to violate Board regulations. Comp. at 4, citing 415 ILCS 5/9(a) (2020).

### **SUMMARY JUDGMENT**

#### **Standard for Summary Judgment**

Summary judgment is appropriate when the pleadings, depositions, admissions, affidavits, and other items in the record show that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. Adames v. Sheahan, 233 Ill. 2d 276, 295, 909 N.E.2d 742, 753 (2009); Dowd & Dowd, Ltd. v. Gleason, 181 Ill. 2d 460, 483, 693 N.E.2d 358, 370 (1998); 35 Ill. Adm. Code 101.516(b). A genuine issue of material fact precluding summary judgment exists when "the material facts are disputed, or, if the material facts are undisputed, reasonable persons might draw different inferences from the undisputed facts." Adames, 233 Ill. 2d at 296, 909 N.E.2d at 753; Adams v. N. Ill. Gas Co., 211 Ill. 2d 32, 43, 809 N.E.2d 1248, 1256 (2004).

When determining whether a genuine issue of material fact exists, the record “must be construed strictly against the movant and liberally in favor of the opponent.” Adames, 233 Ill. 2d at 295-96, 909 N.E.2d at 754; Purtill v. Hess, 111 Ill. 2d 229, 240, 489 N.E.2d 867, 871 (1986). “It is well established that in deciding a motion for summary judgment the court may draw inferences from undisputed fact.” Makowski v. City of Naperville, 249 Ill. App. 3d 110, 119, 617 N.E. 2d 1251 (1993); Loyola Acad. v. S & S Roof Maint., 146 Ill. 2d 263, 272, 586 N.E.2d 1211 (2d Dist. 1992).

Summary judgment “is a drastic means of disposing of litigation, and therefore, should be granted only when the right of the moving party is clear and free from doubt.” Adames, 233 Ill. 2d at 296, 909 N.E.2d at 754; Purtill, 111 Ill. 2d at 240, 489 N.E.2d at 871. “Even so, while the nonmoving party in a summary judgment motion is not required to prove [its] case, [it] must nonetheless present a factual basis, which would arguably entitle [it] to a judgment.” Gauthier v. Westfall, 266 Ill. App. 3d 213, 219, 639 N.E.2d 994, 999 (2d Dist. 1994).

### **People’s Motion**

The People’s motion argues that the complaint “sufficiently states facts establishing” that Mubarak committed the alleged violations of the Act and Board regulations. Mot. at 3. If the Board grants the motion to deem facts admitted and finds that Mubarak has admitted all of the material allegations in the complaint, “then the record shows that there is no issue of material fact remaining for review.” *Id.* Under the Board’s procedural rules, the People assert that they entitled to judgment in their favor as a matter of law. *Id.*, citing 35 Ill. Adm. 101.516(b).

### **Board Discussion**

At all times relevant to the complaint, Mubarak has been and continues to be the owner and operator of a gasoline dispensing operation that emits VOCs, a contaminant as defined in the Act. 415 ILCS 5/3.165 (2020). The Board’s air pollution regulations require a gasoline dispensing operation to have and use a vapor collection and control system if the operation dispenses an average monthly volume of more than 10,000 gallons of motor vehicle fuel. 35 Ill. Adm Code 218.586(b), (c), (i). While Mubarak is deemed to have admitted that his facility is a “gasoline dispensing operation,” the People’s complaint did not specifically allege that Mubarak dispenses an average monthly volume of more than 10,000 gallons of motor vehicle fuel. *See* Comp. at 2-4.

However, Mubarak is deemed to have admitted that the operation has a vapor collection and control system. *See* Comp. at 4. From this undisputed fact, reasonable persons would infer that Mubarak was required to install this system because he dispenses an average monthly volume of more than 10,000 gallons of motor vehicle fuel per month. *See* Makowski, 249 Ill. App 3d at 119. Accordingly, the facts deemed admitted establish that Section 218.586(i)(1)(B) required Mubarak to decommission his vapor collection and control system by December 31, 2016, and that Section 218.586(i)(2)(C) required him to submit a decommissioning checklist, certification, and test results to IEPA within 30 days after completing decommissioning procedures.

To determine on summary judgment whether a genuine issue of material fact exists, the Board must construe the record strictly against the People as movant and liberally in favor of Mubarak. Having done so, the Board finds that the record before it presents no genuine issue of material fact. The facts deemed admitted establish that Mubarak violated Section 218.586(i)(1)(B) by failing to timely decommission his vapor collection and control system and violated Section 218.586(i)(2)(C) by failing to submit a decommissioning checklist, certification, and test results to IEPA. By violating these Board regulations, Mubarak caused, threatened, or allowed the discharge or emission of VOCs into the environment so as to violate Board regulations, which violated Section 9(a) of the Act. Accordingly, the Board finds that the People are entitled to judgment as a matter of law. The Board grants the People's motion for summary judgment and finds that Mubarak violated Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of Board's air pollution regulations (35 Ill. Adm. Code 218.586(i)(1)(B), 218.586(i)(2)(C)) and thereby violated Section 9(a) of the Act (415 ILCS 5/9(a) (2020)).

### **REMEDY**

In their complaint, the People asked the Board to order Mubarak to submit a notice of intent to decommission his vapor collection and control system to IEPA; decommission his vapor collection and control system; and submit a decommissioning checklist, certification, and test results to IEPA under Sections 218.586(i)(1)(B), (i)(2)(A), and (i)(2)(C) of the Board's air pollution regulations (35 Ill. Adm. Code 218.586(i)(1)(B), (i)(2)(A), (i)(2)(C)). Comp. at 5; *see* Mot. at 4-5. The People's complaint also requested that the Board order Mubarak to cease and desist from any future violations of the Act and regulations and pay civil penalties of \$50,000 for each violation and \$10,000 for each day during which each violation continued. Comp. at 5. In addition, the complaint requested that the Board order Mubarak to pay costs including attorney, expert witness and consultant fees. *Id.*

Having determined that Mubarak violated Section 9(a) of the Act (415 ILCS 5/9(a) (2020)) and Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of the Board's air pollution regulations (35 Ill. Adm. Code 218.586 (i)(1)(B), (i)(2)(C)), the Board must now determine an appropriate remedy.

### **Section 33(c) of the Act**

To evaluate the record and determine what Mubarak must do to correct ongoing violations and whether to impose a civil penalty, the Board considers the factors at Section 33(c) of the Act (415 ILCS 5/33(c) (2020)). *See* Mot. at 5 (citations omitted).

Section 33(c) of the Act provides that,

[i]n making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges or deposits involved including, but not limited to:

- (i) the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;

- (ii) the social and economic value of the pollution source;
- (iii) the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
- (iv) the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
- (v) any subsequent compliance. 415 ILCS 5/33(c) (2020).

The People's motion for summary judgement addressed each of these factors. Mot. at 5-6.

Regarding the first factor, the People argue that emissions of VOCs from the facility caused by Mubarak's violations threatened human health and the environment. Mot. at 5. The People also argue that the violations hindered IEPA's information-gathering responsibilities. *Id.* The Board finds that Mubarak's violations interfered with the protection of the health, general welfare, and physical property of the people and weigh this factor against Mubarak.

Addressing the second and third factors, the People state that Mubarak's facility has social and economic value and that operating that facility "was and is suitable for the area in which it is located." Mot. at 6. The record does not persuasively dispute these statements, and the Board weighs these factors in Mubarak's favor.

Regarding the fourth factor, the People argue that it was both technically practicable and economically reasonable for Mubarak to timely decommission his vapor collections and control system and to timely submit a decommissioning checklist, certification, and test results to IEPA. Mot. at 6. The Board agrees and weighs this factor against Mubarak.

Finally, the People argue that Mubarak "has not subsequently complied" with the Act and Board regulations. Mot. at 6. Nothing in the record indicates that he has complied with these requirements, and the Board weighs this factor against him.

The People conclude by recommending that the Board enter an order requiring Mubarak within 60 days to provide IEPA notice of decommissioning; decommission his vapor collection and control system; and submit a decommissioning checklist, certification, and test results to IEPA. Mot. at 6.

Although the Board considers compliance with these requirements technically practicable and economically reasonable, the record does not show that Mubarak has complied with them. This non-compliance interferes with the protection of the health, general welfare, and property of the people and IEPA's responsibilities. After considering these factors, the Board concludes that they weigh heavily in favor of having Mubarak decommission his vapor collection and control system and submit decommissioning reports to IEPA, and it orders him to do so below.

The People also recommend that the Board assess a civil penalty of at least \$10,000. Mot. at 6. After considering the Section 33(c) factors above, the Board concludes that they weigh in favor of assessing a civil penalty and addresses it in the next section.

### **Section 42(h) of the Act**

After considering the Section 33(c) factors and deciding to impose a civil penalty on Mubarak, the Board considers the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2020)).

Section 42(h) provides that, in determining the appropriate civil penalty under subsection (a),

the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including, but not limited to, the following factors:

- (1) the duration and gravity of the violation;
- (2) the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
- (3) any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
- (4) the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
- (5) the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
- (6) whether the respondent voluntarily self-disclosed, in accordance with subsection (i) of this Section, the non-compliance to the Agency;
- (7) whether the respondent has agreed to undertake a 'supplemental environmental project,' which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
- (8) whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In determining the appropriate civil penalty to be imposed under subsection (a), . . . the Board shall ensure, in all cases, that the penalty is at least as great as the economic benefits, if any, accrued by the respondent as a result of the violation, unless the Board finds that imposition of such penalty would result in an arbitrary or unreasonable financial hardship. However, such civil penalty may be off-set in whole or in part pursuant to a supplemental environmental project agreed to by the complainant and the respondent. 415 ILCS 5/42(h) (2020).

Regarding the first factor, the People state that Mubarak failed to timely decommission his vapor collection and control system by December 31, 2016, and failed to submit a decommissioning checklist, certification, and test results to IEPA by January 30, 2017. Mot. at 8. Because these violations continued to the date the People filed their motion, the People argue that Mubarak has violated the Act and Board regulations for more than five years. *Id.* The Board agrees that these violations have extended over a long period, aggravating the risk to human health and the environment. The Board weighs this factor against Mubarak.

Regarding the second factor, the People argue that the five-year duration of these violations shows that Mubarak “failed to act diligently in this matter.” Mot. at 8. The Board agrees that this five-year duration shows a lack of diligence, which caused, threatened, or allowed the discharge or emission of VOCs in the environment. The Board weighs this factor against Mubarak.

Regarding the third and fourth factors, the People argue that its requested civil penalty of \$10,000 accounts for any economic benefit Mubarak realized through his noncompliance. Mot. at 9. The record does not show that Mubarak realized a larger economic benefit and weighs this factor against Mubarak and in favor of the People’s request. The People also argue that a civil penalty of at least this amount will deter future violations by Mubarak and enhance voluntary compliance with the Act and regulations. Mot. at 9. The Board agrees that the requested penalty would have this deterrent effect and weighs this factor against Mubarak and in favor of the People’s request.

Regarding the fifth factor, the People state that they are not aware of any previously adjudicated violations by Mubarak. Mot. at 9. The record does not include any previous violation, and the Board weighs this factor in favor of Mubarak.

Regarding the remaining three factors, the People state that “[s]elf-disclosure is not at issue in this matter,” Mubarak “did not offer to perform a supplemental environmental project,” and “[a] Compliance Commitment Agreement was not at issue in this matter.” Mot. at 9. The Board does not consider these three factors as either mitigating or aggravating factors.

### **Conclusion on Remedy**

After considering the record and the statutory factors, the Board finds that the People’s requested civil penalty of \$10,000 is appropriate based in particular on Mubarak’s lack of diligence in attempting to comply with these requirements, the five-year duration of the

violations, and the resulting risk to human health and the environment. The Board is persuaded that the amount of the People's requested penalty will serve to encourage future compliance by Mubarak and others similarly situated and also recoup any economic benefit Mubarak may have realized from his noncompliance. In its order below, the Board assesses a civil penalty of \$10,000.

### **CONCLUSION**

The Board grants the People's unopposed motion to deem facts admitted. Based on the facts deemed admitted, the Board finds that there is no genuine issue of material fact and that the People are entitled to judgment as a matter of law. The Board accordingly grants the People's unopposed motion for summary judgment against Mubarak. The Board finds that Mubarak violated Section 9(a) of the Act (415 ILCS 5/9(a) (2020)) and Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of Board's air pollution regulations (35 Ill. Adm. Code 218.586(i)(1)(B), 218.586(i)(2)(C)), as alleged in the People's complaint.

Having considered the factors in Sections 33(c) and 42(h) of the Act (415 ILCS 5/33(c), 42(h) (2020)), the Board enters an order that includes requiring Mubarak to decommission his vapor collection and control system and submit decommissioning reports to the Agency and pay a \$10,000 civil penalty as requested by the People.

This opinion constitutes the Board's findings of fact and conclusions of law.

### **ORDER**

1. The Board grants the unopposed motion to deem facts admitted and for summary judgment filed by the Office of the Attorney General, on behalf of the People, and finds that Ibrahim Mubarak, individually and d/b/a Gulf, violated Section 9(a) of the Act (415 ILCS 5/9(a) (2020)) and Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of Board's air pollution regulations (35 Ill. Adm. Code 218.586(i)(1)(B), 218.586(i)(2)(C)).
2. Mubarak must pay a civil penalty of \$10,000 no later than Monday, October 24, 2022, which is the first business day after 30 days from the date of this order. Payment must be made by certified check or money order payable to the Environmental Protection Trust Fund. The case number, case name, and Mubarak's federal employer identification number must be included on the respective certified check or money order.
3. Mubarak must send the certified check or money order to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Act (415 ILCS 5/42(g) (2020)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2020)).
5. Mubarak must provide notice of decommissioning to Illinois Environmental Protection Agency; decommission its vapor collection and control system; and submit a decommissioning checklist, certification, and test results to the Illinois Environmental Protection Agency no later than Monday, November 21, 2022, which is 60 days after the date of this order.
6. Mubarak must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2020); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board’s procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

<b>Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court</b>	
<b>Parties</b>	<b>Board</b>
Ibrahim Mubarak d/b/a Gulf 9124 South Thomas Avenue Bridgeview, Illinois 60455	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 <a href="mailto:don.brown@illinois.gov">don.brown@illinois.gov</a>
Molly Kordas, Assistant Attorney General Environmental Bureau Illinois Attorney General’s Office 69 West Washington Street, Suite 1800 Chicago, Illinois 60602 <a href="mailto:Molly.Kordas@ilag.gov">Molly.Kordas@ilag.gov</a>	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 22, 2022, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk  
Illinois Pollution Control Board