

respondent sent an email in response asking complainant to submit discovery requests in a proper format and asking for responses to its requests.

On November 16, 2023, the hearing officer held a status conference with both parties present. During the call, the parties discussed discovery, at which time complainant said he would answer discovery once he got his printer to work, anticipating a completion date of November 17, 2023.

On November 29, 2023, the hearing officer issued an amended hearing officer order accepting Respondent's proposed discovery schedule. The schedule required Complainant to respond to all outstanding discovery requests by December 8, 2023, Complainant to issue discovery by December 8, 2023, Respondent was to respond to all requests received by January 15, 2024, and all depositions completed by March 15, 2024.

On November 30, 2023, Complainant filed responses to the interrogatories. On December 4, 2023, Complainant filed a response to Respondent's request for production of documents.

On January 17, 2024, Respondent filed a motion to compel or dismiss the complaint (Mot.). In the motion Respondent argues the Board should compel the Complainant to appear for deposition or dismiss the case with prejudice. Mot. at 2. In support of this, Respondent references the November 29, 2023, Hearing Officer order which sets a deadline of March 15, 2024, to complete depositions. Mot. at 1. To further its claim, Respondent attaches an email exchange with Complainant in which Complainant refuses to provide dates to participate in a deposition. Mot. Exh. A.

On February 8, 2024, the hearing officer held a status conference with both parties present. During the call, parties discussed the Respondent's motion to compel or dismiss the case. Both parties agreed that the deposition would take place by Zoom call on February 22, 2024.

On February 16, 2024, Respondent filed a notice of deposition for February 22, 2024, in line with the February 8, 2024, Hearing Officer order. Later that day Complainant sent an email response saying that he would not be able to participate in the deposition, stating he needed to "file tips with the FBI regarding this widespread fraud and the Board's unwillingness to order access to SWPPP books." Complainant also added that "[i]f all Respondents contact the FBI and turn themselves in, it would save a lot of time."

On February 26, 2024, Respondent filed a motion to dismiss (Mot. Dismiss), asking the Board to dismiss the case with prejudice for failure to comply with a hearing officer order and participate in a deposition. Mot. Dismiss at 3. In reply, on February 26, 2024, Complainant sent an email stating that he had filed a formal complaint with the FBI "regarding the issues at hand in this case, and its handling by The Hearing Officer and The Board." Within the body of the email Complainant included a bullet point list of allegations, and again alluded that he would not participate in a deposition, calling it a "waste [of] time", "harass[ing]", and "irrelevant".

On March 7, 2024, the hearing officer held a status conference with only the Respondent appearing.

Beginning April 8, 2024, Mr. Pratapas sent a series of emails containing harassing and inappropriate language directed at the hearing officer, Board staff, and other unknown individuals who are not parties to this case. On April 25, 2024, the hearing officers assigned to this matter cautioned Mr. Pratapas that “neither the Board Members nor the hearing officers will tolerate intemperate language and threats.” April 25, 2024 Hearing Officer Order, citing Paul Christian Pratapas v. Lexington Trace LLC and Lexington Trace 2 LLC, PCB 24-42.

The Board electronically served Mr. Pratapas and counsel for Village of Woodridge the hearing officer order on April 25, 2024. Later that day, Mr. Pratapas sent a series of emails to the hearing officers and counsel for Village of Woodridge, culminating in an email to one of the hearing officers stating complainant would not participate in the Board’s “kangaroo kourt”. Those emails have been docketed in this matter.

On May 1, 2024, a status conference took place. The hearing officer’s order reported that complainant did provide a telephone number and neither party participated.

By failing to participate in discovery and for continuing to send highly inappropriate emails, Mr. Pratapas has unreasonably failed to comply with the directives of the Board’s hearing officers’ November 29, 2023, February 8, 2024 and April 25, 2024 orders. Under that order and the Board’s authority to impose sanctions (35 Ill. Adm. Code 101.800), the Board grants the Village of Woodridge’s motion, dismisses this complaint with prejudice and closes the docket.

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) (2022); *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.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Paul Christian Pratapas	Illinois Pollution Control Board

<p>545 N. Mendenhall Road #8 Memphis, TN 38117 Paulpratapas@aol.com</p>	<p>Attn: Don A. Brown, Clerk 60 E. Van Buren Street Suite 630 Chicago, Illinois 60605 Don.Brown@illinois.gov</p>
<p>Luetkehans, Brady, Garner & Armstrong, LLC Phillip A. Luetkehans 105 East Irving Park Road Itasca, IL 60143 pal@lbgalaw.com</p>	
<p>Robbins DiMonte Ltd. Eric G. Patt 180 N. LaSalle Street Suite 3300 Chicago, IL 60601 epatt@robbinsdimonte.com</p>	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 6, 2024, by a vote of 4-0.



Don A. Brown
Don A. Brown, Clerk
Illinois Pollution Control Board