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ILLINOIS POLLUTION CONTROL BOARD
December 4, 2008

COUNTY OF JACKSON,)
)
 Complainant,)
)
 vs.) AC 09-9
) (Administrative
 ALVIN VALDEZ and RUBEN J.) Citation)
 VALDEZ,)
)
 Respondents.)

Hearing held
December 4, 2008

REPORTER: Bobbi L. Hamlin, CCR, RMR
Illinois License #084-002797

Keefe Reporting Company
11 North 44th Street
Belleville, Illinois 62226

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ILLINOIS POLLUTION CONTROL BOARD
December 4, 2008

COUNTY OF JACKSON,)
)
Petitioner,)
)
vs.) AC 09-9
)
ALVIN VALDEZ and RUBEN J.)
VALDEZ,)
)
Respondents.)

APPEARANCES:

For Complainant: Assistant State's Attorney
by Daniel W. Brenner, Esq.

Respondents Appeared Pro Se

1 JUDGE WEBB: Good morning

2 My name is Carol Webb and this is the
3 hearing for AC 09-9 Jackson County vs. Alvin and Ruben
4 Valdez

5 It is December 4th and we are beginning at
6 10 o'clock a.m.

7 At the County's request this hearing was
8 moved from the Health Department to the County
9 Courthouse. Notice was posted at the Health Department
10 and I've been advised that an individual is present at
11 the Health Department this morning to notify members of
12 the public of the change of location.

13 There are no members of the public present.

14 At issue in this case is the County's
15 allegation that Respondents violated Sections (p) (1)
16 and (p) (7) of the Environmental Protection Act at a
17 site in DeSoto, Jackson County

18 The Pollution Control Board will make the
19 final decision in this case

20 My purpose is to conduct the hearing in a
21 neutral and orderly manner so that we have a clear
22 record of the proceeding. I will also assess the
23 credibility of any witnesses on the record at the end of
24 the hearing.

1 This hearing was noticed pursuant to the
2 Act and the Board's rules and will be conducted pursuant
3 to Sections 101.600 through 101.632 of the Board's
4 procedural rules

5 At this time I will ask the parties to,
6 please, make their appearances on the record.

7 MR. BRENNER: Daniel Brenner, Assistant
8 State's Attorney, for the County.

9 JUDGE WEBB: And Mr. Alvin Valdez and
10 Mr. Ruben Valdez, you are both representing your own
11 behalf; is that correct?

12 MR. ALVIN VALDEZ: Yes, ma'am.

13 MR. RUBEN VALDEZ: Yes, ma'am.

14 JUDGE WEBB: Okay. Very good.

15 Are there any preliminary matters to
16 discuss on the record?

17 MR. BRENNER: No, Judge.

18 JUDGE WEBB: All right.

19 Mr. Brenner, would you like to make an
20 opening statement?

21 MR. BRENNER: No, I would not. I'm ready
22 to call my first witness.

23 JUDGE WEBB: Okay. Would either of you
24 gentlemen like to make an opening statement?

1 You're not required to.

2 MR. RUBEN VALDEZ: No, but I just got a
3 couple questions, I guess.

4 JUDGE WEBB: Is it about how this hearing
5 is going to work?

6 MR. RUBEN VALDEZ: Well, no, it's about --
7 about the hearing itself, I guess.

8 JUDGE WEBB: Well, why don't we wait till
9 after Mr. Brenner, because you'll have an opportunity to
10 present your own case. Why don't we address them at
11 that time. Okay?

12 MR. RUBEN VALDEZ: All right.

13 JUDGE WEBB: After Mr. Brenner calls his
14 witness.

15 You may call your witness.

16 MR. BRENNER: I call Don Terry, please.

17 JUDGE WEBB: Mr. Terry, would you like to
18 have -- well, I don't know. You can sit there as long
19 as you can hear him from there. That's fine.

20

21 DON TERRY, produced, sworn, and examined as
22 a witness on behalf of the Complainant, testified and
23 deposed as follows:

24 DIRECT EXAMINATION

1 BY MR. BRENNER:

2 Q. Okay. Mr. Terry, would you, please, state
3 your name and your occupation?

4 A. My name is Donald Terry.

5 And I am an environmental compliance
6 inspector for the Jackson County Health Department.

7 Q. And how long have you been engaged in that
8 occupation?

9 A. Five and a half years.

10 Q. Could you briefly tell us what you do in
11 that capacity?

12 A. I investigate and do inspections of open
13 dump sites throughout the county, as well as conduct
14 inspections of the landfill, which is also in the
15 county.

16 Q. And have you received special training
17 related to this occupation?

18 A. Yes, I have.

19 Q. And what was that?

20 A. It was the inspector training developed by
21 the Illinois EPA.

22 Q. Do you have any specific licenses or
23 certifications?

24 A. Yes.

1 Q. What are those?

2 A. I am certified by the Illinois EPA as an
3 inspector for nonhazardous solid waste management sites.

4 Q. And does the Jackson County Health
5 Department -- and are you an employee of the Jackson
6 County Health Department? I think we -- you said that.

7 A. Yes.

8 Q. And does the Health Department have a
9 delegation agreement with the Illinois Environmental
10 Protection Agency?

11 A. Yes, we do.

12 Q. And does that agreement provide for the
13 enforcement by the Jackson County Health Department of
14 certain types of open dumping violations?

15 A. Yes.

16 Q. Is this present proceeding within that
17 delegation?

18 A. Yes.

19 Q. Are you familiar with the Respondent, Alvin
20 Valdez?

21 A. Uh-huh. Yes.

22 Q. And is he here today?

23 A. Yes, he is.

24 Q. Are you also familiar with the Respondent,

1 Ruben Valdez?

2 A. Yes, I am.

3 Q. And is he here today?

4 A. Yes.

5 Q. Do you know what the relationship of the
6 two is?

7 A. They're father and son.

8 Q. Okay. Did you inspect the site on
9 June 26th, 2008?

10 A. Yes.

11 Q. And is it identified by the code of
12 0778035022?

13 A. Yes.

14 Q. Could you tell us where that site is
15 located?

16 A. It's in rural Jackson County, northwest of
17 DeSoto, Illinois.

18 Q. And do you know who owns that site?

19 A. Mr. Alvin Valdez.

20 Q. On June 26th, 2008 what did you observe at
21 that site?

22 A. During inspection it was a hot day. There
23 was good visibility. The site contained numerous
24 abandon vehicles, construction demolition material,

1 scrap metal and other materials that appeared to have
2 been open dumped on the site.

3 Q. And how did you initially come upon these
4 violations?

5 A. From previous inspections of the site.

6 Q. Okay. Mr. Terry, I'm going to now hand you
7 and I'm going to identify this document as Exhibit 1 and
8 I've got enough copies here for everybody. And just
9 give me a second here to mark this.

10 A. Uh-huh.

11 MR. BRENNER: And I'd like the record to
12 reflect that I am handing a copy of proposed Exhibit 1
13 to the Respondents and I'm going to present one to the
14 hearing officer.

15 BY MR. BRENNER:

16 Q. And Mr. Terry, could you tell me what that
17 document is?

18 A. This is my site map and the photos that I
19 took during the inspection of the site on June 25th,
20 2008.

21 Q. Okay. Who took the pictures?

22 A. I took the pictures.

23 Q. And do the photos accurately and fairly
24 depict the site's condition as you observed them that

1 day?

2 A. I believe they do, yes.

3 Q. Okay. I would also like to hand you
4 another exhibit that I'm going to mark for
5 identification purposes as Exhibit 2.

6 MR. BRENNER: And I would like the record
7 to reflect that I am handing this document to the
8 Respondents, as well as the hearing officer. There you
9 go.

10 BY MR. BRENNER:

11 Q. And could you tell us what this Exhibit 2
12 is?

13 A. Exhibit 2 is the affidavit regarding my
14 conducting the inspection.

15 It also contains my site narrative, which
16 explains what I saw and the violations observed during
17 inspection, as well as a check list from the Illinois
18 EPA showing the violations that I observed.

19 Q. Did you prepare these documents yourself?

20 A. I did, yes.

21 Q. Do the reports accurately reflect the
22 circumstances and observations at the time of your
23 inspection?

24 A. Yes.

1 MR. BRENNER: Judge, I'd like to move to
2 enter both of these exhibits into the record.

3 JUDGE WEBB: Exhibits 1 and 2 are admitted
4 into the record.

5 BY MR. BRENNER:

6 Q. All right.

7 Let go back to Exhibit 1, Mr. Terry, and
8 this is the photographs. And I'd like for to you look
9 at those photographs for a minute and I want to direct
10 your attention to the photos one through four; and could
11 you tell me what those photos depict?

12 A. These are photos of vehicles which are on
13 the site, which appear to be abandon, unused, not being
14 really cared for for future use.

15 Q. Okay. As well as, please, look at
16 photographs six through 12 as well and tell us what
17 those photos depict?

18 A. Basically, the same area of those vehicles.

19 Q. And if you will look at -- direct your
20 attention to photos 13 through 17, if you could tell me
21 what those photos depict?

22 A. Scrap metal, construction demolition
23 material, other vehicles, which I observed on the site
24 during the inspection.

1 Q. Do you know where any of the debris came
2 from?

3 A. Well, it's my understanding from
4 conversations with Mr. Valdez that the material was
5 brought onto the site.

6 Q. At the time of your inspection were any of
7 the vehicles seen in these photos capable of being
8 driven?

9 A. I do not believe so.

10 Q. Do any of the vehicles appear to have been
11 unused for at least seven days prior to the date of your
12 inspection?

13 A. Yes, most of them. Yes.

14 Q. Would you consider the vehicles abandoned?

15 A. Yes.

16 Q. Do you know how the vehicles got onto the
17 site?

18 A. Again, from conversations with Mr. Valdez
19 they were brought on the site by the owners and
20 operator.

21 Q. And have you ever had any conversations
22 with either of the Respondents regarding this matter?

23 A. Yes.

24 Q. Could you tell us who with whom and what

1 did they tell you?

2 A. Regarding?

3 Q. Regarding these inspections and these
4 alleged violations.

5 A. From conversations with the Valdezes they
6 explained to me that the vehicles were there, basically,
7 to be used and to be rebuilt or used for parts down the
8 road at some point.

9 Within conversations with the Valdezes we
10 explained that -- that they would need to keep the
11 vehicles and parts in such a way as to prevent them
12 being exposed to the elements and weathering.

13 Q. Any conversations regarding what is
14 depicted in photos 13 through 17 about that material?

15 A. (No response.)

16 Q. I believe you testified that photos 13
17 through 17 depicted construction debris. In your
18 opinion it was construction debris, correct?

19 A. Yes.

20 Q. Did you have any conversation with them
21 regarding that material?

22 A. No, this --

23 Q. How it got there or -- okay.

24 A. No.

1 Q. At the time of your inspection could the
2 debris be seen with the naked eye from a public road?

3 A. Some, yes.

4 Q. In your opinion were any of the violations
5 you noted in your inspection report due to
6 uncontrollable circumstances?

7 A. I do not believe so.

8 Q. Has the site been permitted by the Illinois
9 EPA to store the waste items noted in your inspection?

10 A. No.

11 Q. Had you previously inspected the site prior
12 to your June 25th, 2008 inspection?

13 A. Yes.

14 Q. In your opinion had the opening dumping
15 violations gotten better or worse in each successive
16 inspection?

17 A. Some areas of the site were probably a
18 little cleaner, while other areas appeared to have had
19 more material put on it.

20 Q. And do you know what role Ruben Valdez has
21 had in that's alleged violations?

22 A. Well, he explained to me that some of the
23 vehicles, if you look photos three and four, these are
24 vehicles with license plates from out of state, that

1 they were brought to this site from, I guess, where they
2 had moved from.

3 Q. He brought them to the site? Ruben Valdez
4 brought them to the site?

5 A. That's my understanding.

6 MR. BRENNER: Okay. Judge, I'll rest with
7 this witness.

8 JUDGE WEBB: Okay. Mr Valdez and
9 Mr. Valdez, you have an opportunity, if you want, to
10 cross-examine this witness, which means now you will
11 have a separate opportunity to make statements in your
12 own defense, but if you have any specific questions that
13 you want to ask Mr. Terry about anything that he just
14 testified to this is your opportunity to do that.
15 You're not required to do that. If you'd like you can
16 wait until it's you know your chance to make your
17 presentation, but if you would like to ask him about
18 anything he just testified to you may do so.

19 MR. RUBEN VALDEZ: Yes, ma'am.

20 I sent you guys some pictures here that I
21 took from the highway and all three angles.

22 First, my property is lined up with
23 semitrailers. Anything he is describing was there from
24 last time. It was covered up. The wind blew the tarps

1 off. You can see the tarps in the picture.

2 JUDGE WEBB: This would be part of your
3 presentation.

4 MR. RUBEN VALDEZ: He could not have seen
5 that from the highway, it's impossible.

6 JUDGE WEBB: Do you have any questions for
7 him?

8 MR. RUBEN VALDEZ: He stated that he seen
9 it from the highway and I'm just saying that he didn't,
10 it's impossible.

11 JUDGE WEBB: But that's not a question.

12 Do you have any questions to ask him?

13 MR. RUBEN VALDEZ: Then he didn't ask
14 permission to go there. It's posted.

15 JUDGE WEBB: I'm going to --

16 MR. RUBEN VALDEZ: What do you want me to
17 ask him?

18 JUDGE WEBB: You don't have to ask him
19 anything. I Just wanted to know if you had any
20 questions for him.

21 MR. RUBEN VALDEZ: I guess no.

22 He, honestly, couldn't have the stuff
23 behind the trailers from the highway.

24 I am asking him a question.

1 JUDGE WEBB: Well, what was the question?

2 MR. RUBEN VALDEZ: He stated there to the
3 district attorney that he, honestly, seen the stuff from
4 the highway? There's no way he could see it from the
5 highway.

6 I want to know how did he see it from the
7 highway.

8 I sent you guys pictures from the highway
9 in all different directions.

10 How did he see this stuff from the highway?

11 The vehicles he shows there he says scrap
12 iron behind it's way behind a boarder on the other side
13 of the property.

14 JUDGE WEBB: Mr. Valdez.

15 MR. RUBEN VALDEZ: Yes, ma'am.

16 JUDGE WEBB: All right. The question is
17 did you see something from the highway?

18 THE WITNESS: As I testified, I was able to
19 see some things from the highway.

20 Did I see everything that was behind the
21 trailers? No. But there were other materials that I was
22 able to see.

23 As a matter of fact, I believe there were
24 two abandon vehicles sitting between.

1 MR. RUBEN VALDEZ: Not abandon vehicle.
2 1989 Lincoln.

3 JUDGE WEBB: Mr. Valdez, I'm going to let
4 you make --

5 MR. RUBEN VALDEZ: Okay. I just --

6 JUDGE WEBB -- all those statements when
7 it's time for you to present your --

8 MR. RUBEN VALDEZ: How's he have the right
9 to go on the property? Don't he have to call me and ask
10 my permission to go on my property? Isn't it
11 trespassing to go in there illegally?

12 JUDGE WEBB: No.

13 MR. RUBEN VALDEZ: It ain't?

14 I mean, could I go onto your property?
15 It's not trespassing?

16 JUDGE WEBB: No. No, Mr. Valdez, I'm not
17 going to have this argument.

18 MR. RUBEN VALDEZ: I am asking.

19 JUDGE WEBB: I --

20 MR. RUBEN VALDEZ: I don't know what the
21 deal is, you know. I always thought it was posted.

22 JUDGE WEBB: I'll explain it to you after
23 the hearing, but I'll assume you do not have more
24 questions for Mr. Terry.

1 So, Mr. Terry, you may figuratively step
2 down unless -- do you have any redirect?

3 MR. BRENNER: No, I do not.

4 JUDGE WEBB: Okay.

5 MR. BRENNER: Judge, if I may before I rest
6 my case, I would like to take -- I would like for the
7 record urge the Pollution Control Board to take judicial
8 notice of the Respondent's two filings in this matter in
9 response to my administrative citation. One is dated
10 August 25th, 2008 and one is dated October 15th, 2008,
11 both of which I believe they filed with the Pollution
12 Control Board in Chicago. Both of these responses
13 signed by both of the Respondents, essentially, admit to
14 the violations that we're here today for.

15 And I'd just like to have that duly noted
16 and direct their attention to that and with that, Judge,
17 I'll rest.

18 JUDGE WEBB: Okay. Mr. Valdez, it is now
19 your opportunity to make your statement in your own
20 defense, but first the court reporter is going to swear
21 you in so anything you say will be under oath.

22 WHEREUPON, MR. RUBEN VALDEZ WAS FIRST DULY SWORN; AND
23 THEN TESTIFIED AS FOLLOWS:

24 MR. RUBEN VALDEZ: All right. To the

1 allegations, the stuff that he's got pictures of now is
2 the same stuff that I was cleared of last time. There's
3 no more hauled in at all, same stuff that was there
4 before.

5 He's looking at the scrap iron, your Honor,
6 the trailers was all there before, not on the ground.

7 I just don't see how we're in violation of
8 pollution. Everything is off the ground. Anything
9 that's on the ground I treated lumber under.

10 Just because the tarps blew off all the
11 time -- we had that big wind storm that wrecked it.

12 We're building a 40 by 100 building.
13 That's the only way I know how to get out of it, because
14 he seems to pick on us all the time.

15 Everything is hidden by semitrailers. It's
16 impossible for him to see the stuff.

17 Is he going to the back of my property?
18 The scrap iron is actually on the back section of the
19 property. There's a 15-foot dike there. There's no way
20 he could see past that dike. It's impossible.

21 He's got all these pictures. Look at these
22 pictures. Look at the old ones. They're all the same
23 vehicle it's just the tarps are threw off of them.

24 How can I get tried twice for the same

1 stuff I already had that you guys said was okay?

2 JUDGE WEBB: Is that it?

3 MR. RUBEN VALDEZ: Well, I'm -- I don't
4 know what else to say.

5 We pull a couple things out we're stripping
6 parts off of it. We're disposing of them at the -- I
7 think we're recycling. There's nothing -- we're not
8 dumping stuff there. There's no garbage. And the oil
9 there -- oil on the ground, we have a waste oil stove.
10 We save our oil. We save our antifreeze.

11 What we actually polluting the ground with?

12 I'm at -- I don't see nothing there we
13 polluting the ground there.

14 What we took off the trailer it's sitting
15 on treated ties. I mean, that's not illegal.

16 I mean, I don't understand where we illegal
17 just because we don't -- the tarps are not on them it
18 makes it illegal? We own the stuff. It's our stuff.
19 To us it means something. To you guys it doesn't mean
20 something, but to us it does.

21 JUDGE WEBB: I don't want to interrupt you,
22 are you --

23 MR. RUBEN VALDEZ: Exact same stuff that
24 was there when we got okayed last time only difference

1 tarps off of them.

2 JUDGE WEBB: Okay. Mr. Brenner?

3 MR. BRENNER: Yes, I have a couple of
4 questions.

5 CROSS-EXAMINATION BY MR. BRENNER:

6 Q. Mr. Valdez, you refer numerous times that
7 the debris for which you are here today you were
8 previously cleared of.

9 A. Yes, sir.

10 Q. Explain what that -- what that -- what you
11 mean by that.

12 A. Well, you guys had me here last year and I
13 put everything organized by this trailer. It was a mess
14 last time. That stuff was all over. You could see
15 the -- we put everything in organized area. We covered
16 it up with a tarp.

17 And he went out there, inspect it, okayed
18 us. We come to court, you guys dropped it.

19 Now the only difference now we might have
20 another vehicle pulled out that we're stripping, but I
21 don't drop no oil on the ground. We don't -- no debris.

22 We have big wind storm that time, you
23 remember? And it threw our tarps off and blew some of
24 the stuff out, but there's nothing that we ain't picked

1 up.

2 Q. But the Pollution Control Board, I want to
3 make it clear what you're saying, the Pollution Control
4 Board never said you were cleared of any violations,
5 correct?

6 A. Yes, they did. They dropped it.

7 Q. Do you have an order from the Pollution
8 Control Board that says they dropped it?

9 A. I don't have it with me, but yes, I do got
10 one.

11 Q. Yeah. I would like to see you produce them
12 where there's a finding by the Pollution Control Board
13 that this debris --

14 A. Not this one here. The one from before,
15 which is the same stuff.

16 Q. If can you find that order I would like to
17 see that order.

18 A. I could. I could find it. I just ain't
19 got it this morning.

20 Q. Are you referring to a case by the number
21 of 07 AC 0734?

22 A. I don't know the case number. It's last
23 year. July last year.

24 Q. Well, Mr. Valdez the only thing I can give

1 you is a -- a final order by the Pollution Control Board
2 dated July 26th, 2007 and it's docketed AV0P 734.

3 Did you get a copy of that order?

4 A. I can't see, so must be the same one.

5 Q. Is that the matter you're speaking of?

6 And this order does say that the matter was
7 dismissed and withdrawn, correct. There's no finding in
8 this order that you're aware that says the debris you
9 had on your property was okay, correct?

10 A. Well, it's the same stuff that was there.

11 Q. But it doesn't say that in the order
12 though, does it?

13 A. I guess not.

14 Q. Okay. I gave you what I -- we identified
15 as Exhibit 1. And I think you have a copy of it or one
16 of the two of you have a copy of it, I'd like for you to
17 direct your attentions to photos seven and eight in that
18 exhibit. Tell me what -- have you found those photos?

19 A. All right.

20 Q. You found them?

21 A. Yes, sir.

22 Q. Is that your site, sir?

23 A. Yes, sir.

24 Q. And does that photo depict your site?

1 A. Yes, sir.

2 Q. And what are you seeing in those, numerous
3 vehicles; is that correct?

4 A. Yes, sir.

5 Q. Are all those vehicles in operation?

6 A. Ninety percent of them, but --

7 Q. Okay. At the time and the date of the
8 photo was taken, June 25th, 2008, had any of those
9 vehicles been driven in the last week prior to that?

10 A. No, sir.

11 Q. Are any of those vehicles licensed or
12 registered in any state in the United States?

13 A. Registered in North Dakota, most of them.

14 Q. They are registered in North Dakota.

15 Do you carry insurance on those?

16 A. No, sir. I don't drive them.

17 Q. You don't drive them why?

18 A. I got a vehicle I drive. It's not against
19 the law that I own 20 vehicles.

20 Q. Uh-huh.

21 Are those --

22 A. I got a motorcycle I haven't driven in five
23 years in the garage. What's --

24 Q. Are all those vehicles all inoperable?

1 A. Most put in batteries they will start.

2 Q. But they're not in their present condition,
3 right?

4 A. No.

5 You're asking me questions again, but these
6 are the same vehicles he passed. These ain't moved.

7 Q. Take a look at photo number nine, same
8 exhibit, photos number nine and 10, if you would?

9 A. Yes, sir.

10 Q. Is that vehicle capable of being driven?

11 A. No, but it's also on a trailer.

12 Q. But it's not capable of being driven,
13 correct?

14 A. No, it's parts. We're not violating the
15 ground. We're not polluting the ground.

16 Q. Number 10 is a vehicle. Is it capable of
17 being driven?

18 A. No, sir. We pulled the vehicle rear end
19 out. We're saving parts.

20 Q. Now, I can go --

21 A. We can go through violations I got freed
22 from before. What's the difference from then to now,
23 tell me?

24 You guys said it was okay then. Why isn't

1 it okay this year? Is it because he got mad at us? I
2 don't know the reason he picking on us. We try to go
3 along with you guys as best we can.

4 JUDGE WEBB: Okay. Mr. Valdez.

5 MR. RUBEN VALDEZ: I don't understand.

6 JUDGE WEBB: Well, the board will issue an
7 opinion and order after this hearing.

8 Mr. Brenner, did you have any more
9 questions?

10 MR. BRENNER: No, that's all I have.

11 JUDGE WEBB: I would also like to verify
12 that was Mr. Ruben Valdez.

13 Mr. Alvin Valdez, would you like to testify
14 or would you just like your father to speak on behalf of
15 you?

16 MR. ALVIN VALDEZ: Father.

17 JUDGE WEBB: Okay. Mr. Valdez, you have
18 made your statement and been cross-examined.

19 Let's see, I think we have -- okay.

20 Before we hear any closing arguments let's
21 go off the record for a minute and discuss transcripts
22 and briefing.

23 WHEREUPON, THERE WAS A SHORT DISCUSSION HELD OFF THE
24 RECORD; SUBSEQUENT TO WHICH THE FOLLOWING PROCEEDINGS

1 WERE MADE OF RECORD:

2 JUDGE WEBB: We have just had an
3 off-the-record discussion regarding post hearing briefs
4 and the parties have agreed to a briefing schedule as
5 follows: The transcript of these proceeding will be
6 available from the court reporter by December 16th and
7 will be posted on the Board's web site.

8 The public comment deadline is
9 December 30th. Any public comment must be filed in
10 accordance with Section 101.628 of the Board's
11 procedural rules.

12 The complainant's brief is due by
13 January 30th, 2009. And the Respondent's brief, if
14 any, is due by the end of February. If the board does
15 not receive any brief from Respondent by the end of
16 February the board will assume that Respondents will not
17 be filing a brief.

18 Mr. Brenner, would you like to make any
19 closing argument?

20 MR. BRENNER: No, Judge, I would not.
21 Thank you.

22 JUDGE WEBB: Mr. Valdez, do you like to
23 make any closing argument?

24 MR. RUBEN VALDEZ: Nope.

1 When are we going to court again, because I
2 don't understand what's going on again. We rehashing
3 this again or --

4 JUDGE WEBB: Well, we can talk about that
5 as soon as we wrap this up.

6 At this time I'll note, again, that there
7 are no members of public present that want to make any
8 statements on the record, so I will proceed to make a
9 statement as to the credibility of witnesses testifying
10 during this hearing: Based on my legal judgment and
11 experience I find the witnesses' testimony to be
12 credible.

13 At this time I will conclude the
14 proceedings and I thank all of you for your
15 participation.

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1 STATE OF MISSOURI)
) SS
2 COUNTY OF JEFFERSON)

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4 I, Bobbi L. Hamlin, a Notary Public in and for
5 the County of Jefferson, State of Missouri, DO HEREBY
6 CERTIFY that pursuant to agreement between the parties
7 the following hearing was held before me on December 4,
8 2008, at The Jackson County Courthouse, Murphysboro,
9 Illinois, parties were first duly sworn by me to tell
10 the whole truth of all knowledge touching upon the
11 matter in controversy aforesaid so far as the witnesses
12 should be interrogated concerning the same; that the
13 witnesses were examined and said examination was taken
14 down in shorthand by me and afterwards transcribed upon
15 the typewriter and said hearing is herewith returned.

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17 IN WITNESS WHEREOF, I have hereunto set my
18 hand and affixed my Notarial Seal this 14th day of
19 December, 2008.

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21 _____
Notary Public, CCR, RMR
22 Illinois License #084-002797
My Commission Expires June 26, 2009

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