

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

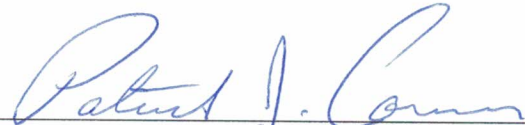
PAUL CHRISTIAN PRATAPAS,)
Complainant,)
)
v.)
)
CHARLES BUILDING AND DEVELOPMENT;)
AND OZYNGA CONCRETE YARD #281,)
Respondents.)

Case No. PCB 2023-062

APPEARANCE

The undersigned, as attorney, enters its appearance for Charleston Development Group, Inc. doing business as Charleston Building & Development, which was provided a copy of a Complaint brought against a non-entity referred to as "Charles Building and Development", in the above-captioned cause of action.

Dated: 1/18/23



Patrick J. Connor, Attorney
Charleston Development Group, Inc.

Law Office of Patrick J. Connor
3233 N. Arlington Heights Rd., Ste. 204
Arlington Heights, IL 60004
Telephone: 847/222-7557
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Atty. No. 31398

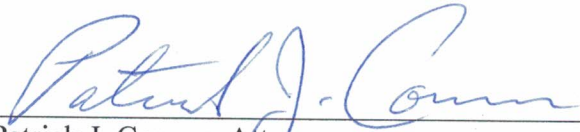
CERTIFICATE OF SERVICE

I, Patrick J. Connor, attorney for Charleston Development Group, Inc., Inc., certify that I served the foregoing Appearance by depositing the same in the U.S. mail, proper postage prepaid, at the United States Postal Depository located at 255 N. Buffalo Grove Road, Buffalo Grove, Illinois 60089, on January 18, 2023 addressed as follows:

Paul Christian Pratapas
1330 E. Chicago Avenue #110
Naperville, IL 60540

The foregoing Appearance was additionally served upon Ozinga Ready Mix Concrete, Inc. via email to its attorney as follows:

Richard S. Porter
rporter@hinshawlaw.com
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389



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Charleston Development Group, Inc.

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CHARLES BUILDING AND DEVELOPMENT;)
AND OZYNGA CONCRETE YARD #281,)
Respondents.)

MOTION TO DISMISS

NOW COMES Charleston Development Group, Inc., which was provided a copy of a Complaint brought against a non-entity referred to as “Charles Building And Development”, through its attorney, Patrick J. Connor of the Law Office of Patrick J. Connor, pursuant to 735 ILCS 5/2-301 and 35 Ill. Adm. Code 101.400, 735 ILCS 5/2-301 and 35 Ill. Adm. Code 101.400, 35 Ill. Adm. Code 103.212(b), to contest the Complainant’s service of his Complaint on this Respondent and to attack the Complaint as frivolous. In support thereof, Respondent states as follows:

BACKGROUND

On November 22, 2022, Paul Christian Pratapas (“Complainant”) filed this Complaint with the Illinois Pollution Control Board (“IPCB”) against Respondent Charles Building And Development. According to the IPCB’s docketing website, Complainant filed 20 separate “Citizen Complaints” against various entities during the period of July 2022 to December 2022. Each of the Citizen Complaints filed by this Complainant was drafted on the complaint forms provided by IPCB. In the instant action, Complainant alleges the action occurred once on November 18, 2022.

IMPROPER SERVICE

The Complainant states in its Proof of Service that he personally served the IPCB Complaint on “Charleston Build And Develop Front Desk Clerk”. Respondent, Charleston Development Group, Inc., adopts and reasserts the arguments previously presented in Respondent Ozinga Ready Mix Concrete, Inc.’s motion to dismiss complaint.

FAILURE TO SUE A PERSON

The Complaint here names “Charles Building And Development” as a Respondent. According to the records of the Illinois Secretary of State’s Office, “Charles Building And Development” is not a corporation or partnership registered to do business in the State of Illinois. Thus, “Charles Building And Development” is not a legal entity and is not a “person” as defined under the ACT or Board Rules. 415 ILCS 5/3.315.

Respondent, Charleston Development Group, Inc., adopts and reasserts the arguments previously presented in Respondent Ozinga Ready Mix Concrete, Inc.’s motion to dismiss complaint.

FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED

Respondent, Charleston Development Group, Inc., adopts and reasserts the arguments previously presented in Respondent Ozinga Ready Mix Concrete, Inc.’s motion to dismiss complaint.

THE BOARD HAS NO AUTHORITY TO GRANT THE REQUESTED RELIEF

Respondent, Charleston Development Group, Inc., adopts and reasserts the arguments previously presented in Respondent Ozinga Ready Mix Concrete, Inc.’s motion to dismiss complaint.

CONCLUSION

WHEREFORE, for the reasons set forth above, Charleston Development Group, Inc., moves the Illinois Pollution Control Board for an Order declining to set the Complaint for hearing and dismissing the Complaint as frivolous.

Dated: 1/18/23


Patrick J. Connor, Attorney
Charleston Development Group, Inc.

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CERTIFICATE OF SERVICE

I, Patrick J. Connor, attorney for Charleston Development Group, Inc., certify that I served the foregoing Motion to Dismiss by depositing the same in the U.S. mail, proper postage prepaid, at the United States Postal Depository located at 255 N. Buffalo Grove Road, Buffalo Grove, Illinois 60089, on January 18, 2023 addressed as follows:

Paul Christian Pratapas
1330 E. Chicago Avenue #110
Naperville, IL 60540

The foregoing Motion to Dismiss was additionally served upon Ozinga Ready Mix Concrete, Inc. via email to its attorney as follows:

Richard S. Porter
rporter@hinshawlaw.com
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389



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