

ILLINOIS POLLUTION CONTROL BOARD
April 18, 2024

PAUL CHRISTIAN PRATAPAS,)
)
 Complainant,)
)
 v.) PCB 24-42
) (Citizens Enforcement – Water, NPDES)
 LEXINGTON TRACE LLC and)
 LEXINGTON TRACE 2 LLC,)
)
 Respondents.)

ORDER OF THE BOARD (by B.F. Currie):

On December 14, 2023, Paul Christian Pratapas (Mr. Pratapas) filed a citizen’s complaint against Lexington Trace LLC and Lexington Trace 2 LLC (Lexington). The complaint concerns alleged water pollution violations at two residential home construction sites located at 3S490 Barkley Avenue and 30W221 Butterfield Road, both in Naperville, DuPage County.

On April 4, 2024, the Board issued an order granting Lexington’s motion to dismiss portions of Mr. Pratapas’ complaint as beyond the Board’s authority. The Board also found that the complaint failed to sufficiently plead facts corresponding to the alleged violations. Mr. Pratapas had not filed a response to Lexington’s motion to dismiss but the Board gave him until May 6, 2024, to file an amended complaint curing the identified factual deficiencies. Order at 3-4, 7.

In the same order, the Board reserved ruling on Lexington’s motion for sanctions against Mr. Pratapas. Order at 7. However, the Board recounted a series of emails that Mr. Pratapas sent to Lexington’s counsel and counsel’s staff. *Id.* at 5. The Board was “deeply concerned” with the content of Mr. Pratapas’ emails. *Id.* at 6. The Board therefore cautioned Mr. Pratapas:

Harassment, name-calling, and threats have no place in Board proceedings. The Board agrees with Lexington that Mr. Pratapas’ emailed statements are unacceptable and inappropriate. Therefore, any further inappropriate comments from Mr. Pratapas will result in the Board dismissing this matter with prejudice. *Id.* at 7.

In the afternoon of April 4, 2024, the Board electronically served its order on Mr. Pratapas. Later that afternoon, Mr. Pratapas emailed the Board’s Clerk to inform the Board that he would not be filing an amended complaint. That evening, Mr. Pratapas emailed the Board hearing officer assigned to this case. In these emails to Board staff, Mr. Pratapas used language that is harassing and abhorrent. The emails have been docketed.

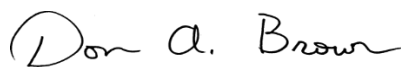
By refusing to file an amended complaint and continuing to send highly inappropriate emails, Mr. Pratapas has unreasonably failed to comply with the directives of the Board's April 4, 2024 order. Under that order and the Board's authority to impose sanctions (35 Ill. Adm. Code 101.800), the Board dismisses 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 545 N. Mendenhall Road #8 Memphis, TN 38117 Paulpratapas@aol.com	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 E. Van Buren Street Suite 630 Chicago, Illinois 60605 Don.Brown@illinois.gov
Jason M. Metnick Meltzer, Purtil & Steele LLC 125 S. Wacker Drive, Suite 2900 Chicago, IL 60606 jmetnick@mpslaw.com	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 18, 2024, by a vote of 4-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board

