

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PAUL CHRISTIAN PRATAPAS,)	
)	
Complainant,)	
)	
v.)	No. PCB 2024-018
)	
M/I HOMES OF CHICAGO, LLC)	
)	
Respondent.)	

M/I HOMES OF CHICAGO, LLC'S STATUS REPORT

NOW COMES the Respondent, M/I HOMES OF CHICAGO, LLC ("M/I"), by and through its attorneys, Corporate Law Partners, PLLC and Peckar & Abramson, P.C., and for its status report directed to be filed by the Hearing Officer Order dated April 25, 2024, does hereby state as follows:

1. On September 12, 2023, Complainant Paul Christian Pratapas ("Pratapas") filed in this action against M/I a complaint (the "Consolidated Complaint") purporting to allege water pollution violations related to three sites known as Chelsea Manor, Willow Run, and Silo Bend near Pratapas' former home in Naperville, Illinois.

2. Pratapas has admitted that the Consolidated Complaint is simply a refile and consolidation of three previous complaints that he filed against M/I relating to the same sites, alleging the same violations, and seeking the same relief. (Consol. Compl., p. 7 ("Previous cases dismissed without prejudice do [sic] to procedural error. Upon advice from The Speaker of the House of Representatives, they have been refiled and consolidated into this complaint".)) Those previous complaints were dismissed by the Board for Pratapas' failure to provide any details regarding the extent, duration, or strength of the alleged violations. Pratapas also concedes that the Consolidated Complaint (just like the previous complaints) does not allege any details

regarding the extent, duration, or strength of the alleged violations. (Consol. Compl., p. 6 (alleging that Pratapas would need to do a “review of the SWPPP Book” to provide details concerning the frequency, severity, and duration of the alleged violations).)

3. Consequently, on October 17, 2023, M/I filed a Motion 1) that the Board Determine that the Consolidated Complaint is Frivolous or Duplicative and (2) for Sanctions. M/I also contemporaneously filed a Memorandum of Law in Support of its Motion demonstrating that the Consolidated Complaint is duplicative and frivolous and thus should be dismissed with prejudice pursuant to 415 ILCS 5/31(d) and 35 Ill. Admin. Code § 103.212(a). M/I also requested sanctions based on Pratapas’ willful and unreasonable violation of the Board’s procedural rules by filing a complaint that he knew was both frivolous and duplicative as well as Pratapas’ bad faith as shown by his filing of a fourth frivolous complaint against M/I, which was the twenty-seventh total case that he had filed with the Board since July 2022.

4. Pratapas did not file a response to M/I’s Motion, and the Board has not yet issued a ruling.

5. Instead of filing a response, Pratapas violated the Board’s rules by sending harassing and threatening emails to the Board’s employees, other agencies, and the undersigned attorneys for M/I.

6. On April 5, 2024 (almost six months after M/I filed its Motion), Pratapas sent an email¹ to the Clerk of the Board threatening a complaint to the FBI and the Inspector General’s office concerning the conduct of the Board and the Hearing Officer previously assigned to this case due to “waste, fraud and potential abuse of power.”

¹ All the emails referenced in this Status Report as having been sent by Pratapas are part of the docket in this case.

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7. On April 7, 2024, Pratapas sent an email to the Illinois Attorney Registration and Disciplinary Commission (“ARDC”) purporting to file a “formal complaint” against the Hearing Officer previously assigned to this case improperly suggesting that the Hearing Officer interfered with Pratapas’ “civil liberties” and that his actions “meet the threshold for RICO charges.”

8. On April 8, 2024, the Board reassigned the Hearing Officer due to the wrongful accusations made against him by Pratapas.

9. Following that reassignment, on April 8, 2024, Pratapas sent an email to the Board’s Executive Secretary once again threatening the former Hearing Officer: “This case has been forwarded to the FBI and the hearing officer reported for misconduct as he interfered with the board’s process and my constitutional rights.”

10. On April 18, 2024, Pratapas sent two emails to the ARDC again threatening the former Hearing Officer.

11. On April 18, 2024, Pratapas sent an email to the Board’s Executive Secretary threatening that the Board “should be dissolved. And cases referred to Law Enforcement. This isn’t Nam. There are rules. And the whole world is watching”.

12. On April 20, 2024, Pratapas sent another email to the ARDC regarding the former Hearing Officer, this time threatening among other things that a “complaint for corrupt public officials will be filled [*sic*] today.”

13. On April 24, 2024, Pratapas also sent an email to the ARDC regarding the former Hearing Officer, to “paint a clearer picture or [*sic*] [the former Hearing Officer’s] wildly unethical behavior as a Hearing Officer for The Illinois Pollution Control Board. A group I firmly believe should be dissolved ASAP [*sic*] [.]

14. On April 25, 2024, the present Hearing Officer issued an Order directing that the parties provide a status update or participate in a telephone status conference on May 1st. The Order also summarized the Board's recent order in the *Pratapas v. Lexington Trace LLC* case, in which the Board stated that “[h]arassment, name-calling, and threats have no place in Board proceedings”, and stated that “any further inappropriate comments from Mr. Pratapas will result in the Board dismissing this matter with prejudice.” The Order also stated that “neither the Board Members nor the hearing officers will tolerate intemperate language and threats.”

15. In spite of this statement in the April 25th Order, Pratapas sent an email on April 25, 2024 to the Board's Executive Secretary, General Counsel, and Hearing Officer and to the undersigned attorneys for M/I containing additional intemperate language and threats, including expletives.

16. Pratapas then sent a second email on April 25th to the Board's General Counsel threatening to “pursue these cases within the criminal justice system, and then address the Illinois pollution control board [*sic*] and get it dissolved”.

17. Pratapas sent a third email on April 25th to the Board's General Counsel stating “I will not participate in your kangaroo kourt [*sic*]” and purporting to forward a complaint filed with the Inspector General's Office against “Everyone at the ILEPA involved in the NPDES Permit Program, as well as, the Illinois Pollution Control Board.”

18. As demonstrated above, Pratapas has failed to follow the Board's rules and orders, and has continued to send harassing and threatening emails contrary to the Board's April 25th Order. Pratapas' correspondence also indicates that he will not participate in further Board proceedings.

19. As a result, M/I respectfully requests that the Board enter an order (a) granting M/I's Motion by dismissing the Consolidated Complaint with prejudice, (b) awarding sanctions against Pratapas by ordering him to pay M/I the attorney's fees that it was forced to spend to respond to his frivolous and duplicative case, (c) in the alternative, dismissing the Consolidated Complaint as a sanction for his course of threatening and harassing conduct consistent with the Board's decision in *Pratapas v. Lexington Trace LLC*, and (d) providing any other relief that this Board deems just.

20. Please also be advised that the undersigned counsel for M/I intend to participate in the May 1st telephone status conference and may be called at phone numbers listed below.

Respectfully submitted,

M/I HOMES OF CHICAGO, LLC

/s/ David J. Scriven-Young
One of its Attorneys

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