

ILLINOIS POLLUTION CONTROL BOARD
May 2, 2024

PAUL CHRISTIAN PRATAPAS,)
)
 Complainant,)
)
 v.) PCB 24-09
) (Citizens Enforcement - Water)
 PULTE HOME COMPANY, LLC,)
)
 Respondent.)

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

On July 27, 2023, Paul Christian Pratapas (Mr. Pratapas) filed a citizen’s complaint against Pulte Home Company, LLC (Pulte). The complaint concerns five residential home construction sites: Wagner Farms, located at 3723 Quick Fire Drive in Naperville, Will County; Trillium Farms located at Purnell Road, in Winfield, DuPage County; Winding Creek, located at the intersection of McKee Street and Deerpath Road, in Batavia, Kane County; Naper Commons located at 2308 West Lucent Lane in Naperville, DuPage County; and Sawgrass located at Hassert Boulevard and Sedge Drive in Lockport, Will County.

On September 1, 2023, Pulte filed a motion to dismiss the complaint. On September 7, 2023, Mr. Pratapas filed a motion to amend the complaint and a response to Pulte’s motion to dismiss. On November 2, 2023, the Board granted Mr. Pratapas’ motion to amend the complaint and directed him to file an amended complaint by December 4, 2023. The Board deferred on deciding Pulte’s motion to dismiss the complaint until after Mr. Pratapas filed an amended complaint.

On November 28, 2023, Mr. Pratapas filed a motion to modify the complaint and an amended complaint. The amended complaint provided neither specificity with respect to the alleged violations nor a connection between the allegations and the Environmental Protection Act or the Board’s regulations (35 Ill. Adm. Code). On December 7, 2023, Pulte filed a motion to dismiss the complaint and the Complainants’ motion to modify (Mot.). Pulte’s motion to dismiss the amended complaint asks the Board to dismiss it as insufficiently pled and frivolous. Mot. at 1.

Mr. Pratapas had previously filed five complaints against Pulte regarding the five sites at issue here. In each case, the Board dismissed the filing for either failure to properly serve the respondent or failure to amend the complaint. *See*, PCB 23-54 (dismissed on June 1, 2023 for failure to properly serve complaint); PCB 23-55 (dismissed on April 6, 2023 for failure to properly serve complaint); PCB 23-74 (dismissed on July 20, 2023 for failure to properly serve complaint); PCB 23-79 (dismissed on August 3, 2023 for failure to timely file an amended complaint); and PCB 23-63 (dismissed on July 6, 2023 for failure to properly serve the complaint). The Board dismissed the previous five cases without prejudice.

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 Pulte 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 Pulte that contain highly inappropriate language. Those emails have been docketed in this matter.

On April 26, 2024, Pulte filed a motion to dismiss with prejudice, asking the Board to dismiss the claims against Pulte based on Mr. Pratapas’ failure to comply with the Board’s order to file an amended complaint and for failure to allege facts stating violations. Mot. to Dismiss at 1. Further, Pulte argues, “As of this filing, Complainant has not complied with the Board’s November 2, 2023, Order to file an amended complaint and continues to degrade this Board and its statutory obligation to address meaningful issues by continuing to file harassing documents and threatening inappropriate conduct.” Mot. to Dismiss at 2. Pulte requests the Board to dismiss the complaint with prejudice.

By failing to file an amended complaint and for continuing to send highly inappropriate emails, Mr. Pratapas has unreasonably failed to comply with the directives of the Board’s November 2, 2023 order and the hearing officers’ April 25, 2024 order. Under that order and the Board’s authority to impose sanctions (35 Ill. Adm. Code 101.800), the Board grants Pulte’s motions, 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
Swanson, Martin & Bell Michael J. Maher, J.A. Koehler, Robert Harmening One IBM Plaza 330 North Wabash, Suite 3300 Chicago, Illinois 60611 mmaher@smbtrials.com jkoehler@smbtrials.com rharmening@smbtrials.com	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 2, 2024, by a vote of 3-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board