

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
 STATE OF ILLINOIS

2

3 PEOPLE OF THE COUNTY OF WILL,)
)
4 Complainant.)
)
5 vs) No. AC 97-17
)
6 MITCH PINNICK,)
)
7 Respondent.)

8

9

10

11 The following is a transcript of a
12 hearing held in the above-entitled matter
13 taken before KIM M. HOWELLS, CSR, a notary
14 public within and for the County of Cook
15 and State of Illinois, on the 21st day of
16 February, A.D., 1997, before DEBORAH L.
17 FRANK, Hearing Officer, at the Will County
18 Courthouse, at Suite 110, 14 West Jefferson
19 Street, Joliet, Illinois, commencing at
20 11 o'clock a.m.

21

22

23

24

1 HEARING TAKEN BEFORE:

2 ILLINOIS POLLUTION CONTROL BOARD,
3 608 South Prospect Avenue
4 Champaign, Illinois 61820
5 (217) 356-5275
6 BY: MS. DEBORAH L. FRANK

7 APPEARANCES:

8 ASSISTANT STATES ATTORNEY,
9 14 West Jefferson Street
10 Suite 200
11 Joliet, Illinois 60432
12 (815) 727-8872
13 BY: MS. DAWN R. UNDERHILL,

14 Appeared on behalf of the Complainant.

15 ALSO PRESENT:

16 Julie Juntunen
17 Donna Shehane

18
19
20
21
22
23
24

1 THE HEARING OFFICER: Good afternoon
2 and welcome. The hearing in this matter is
3 before the Illinois Pollution Control Board.
4 It's County of Will vs. Mitch Pinnick,
5 P-i-n-n-i-c-k, administrative citation,
6 97-17.

7 At this time, everybody could introduce
8 themselves for the record.

9 MS. UNDERHILL: Okay. My name is
10 Dawn R. Underhill, assistant with the Will
11 County States Attorney's office.

12 MR. PINNICK: My name is Mitchell
13 Pinnick, Jr., Lockport, Illinois.

14 THE HEARING OFFICER: Okay. You're
15 going to need to speak up for our court
16 reporter.

17 MR. PINNICK: Okay.

18 THE HEARING OFFICER: Okay. And is
19 everybody here associated with the case?
20 There's no non-interested members of the
21 public?

22 MS. UNDERHILL: My two witnesses.

23 THE HEARING OFFICER: Okay. Then, do
24 you have an opening statement, Miss Underhill?

1 MS. UNDERHILL: Basically, before the
2 court, I'd like to state that there was a
3 violation of open dumping and open burning
4 that occurred on August 22, 1996.

5 And the record and the proof will
6 show that, in fact, Mr. Pinnick has violated
7 the regulations of the Illinois Environmental
8 Protection Act and, thus, should be found
9 liable for such violations and should incur
10 all penalties which accrue in the amount of
11 \$1,000.

12 The evidence will show that both
13 Will County and land use inspectors were able
14 to investigate the site and that upon their
15 investigation with the proof and evidence that
16 they have to bring before the Pollution
17 Control Board will verify the violation and,
18 again, like I stated, will find that
19 Mr. Pinnick is guilty of these violations.

20 THE HEARING OFFICER: Okay. Mr.
21 Pinnick, did you have any opening remarks?

22 MR. PINNICK: Yes. My name is Mitchell
23 Pinnick. I just purchased the property at
24 3201 State Street, unaware --

1 THE HEARING OFFICER: Mr. Pinnick, what
2 you're doing now is testifying, and you'll
3 have a chance to do that later. This is
4 really just a chance to kind of get a summary
5 of your side and. . .

6 MR. PINNICK: Oh, okay.

7 Well, basically what happened was
8 one of my employees, I am no longer working
9 for them --

10 THE HEARING OFFICER: Mr. Pinnick,
11 again, you're sort of telling the story that
12 we're going to get to later. We need to swear
13 you in to do that.

14 What Miss Underhill did was sort of
15 just summarize that she believed that you were
16 guilty of the violation. So I guess your
17 summary would be that you feel you're not
18 guilty of the violation. Is that --

19 MR. PINNICK: That I am?

20 THE HEARING OFFICER: Is that correct?

21 MR. PINNICK: I am not guilty.

22 THE HEARING OFFICER: Okay.

23 THE HEARING OFFICER: Let's go off the
24 record for a minute.

1 (Discussion had off

2 the record.)

3 MR. PINNICK: Actually, can I change my
4 plea? I knew I was at fault.

5 THE HEARING OFFICER: Let's go back on
6 the record.

7 Mr. Pinnick, if you would like to
8 make a settlement offer with Miss Underhill,
9 we can go off the record, and I can give you
10 guys a chance to discuss that.

11 MR. PINNICK: I mean, it didn't have to
12 go this far, so. . .

13 THE HEARING OFFICER: Okay. Let's go
14 off the record.

15 (Discussion had off

16 the record.)

17 THE HEARING OFFICER: Let's go ahead
18 and go back on the record then.

19 For the record, the parties have
20 engaged in settlement negotiations, and I
21 believe Miss Underhill has something to say.

22 MS. UNDERHILL: Sure. We're asking for
23 approval on a settlement agreement where
24 Mr. Pinnick, as the respondent, has basically

1 stated that he is guilty of the violations of
2 the open burning and open dumping which
3 resulted in the \$1,000 violation penalty
4 amount, and what Mr. Pinnick is asking is for
5 the Pollution Control Board to agree to allow
6 him to pay five payments of \$200 monthly
7 starting March 1st with the last payment of
8 July 1, 1997.

9 THE HEARING OFFICER: Okay. And that
10 is acceptable to Will County?

11 MS. UNDERHILL: That is acceptable to
12 Will County.

13 THE HEARING OFFICER: Okay.
14 Mr. Pinnick, is that summary, is that policy,
15 your understanding of your settlement
16 negotiations?

17 MR. PINNICK: Yes, ma'am.

18 THE HEARING OFFICER: Okay. Well, then
19 is there anything else that either side needs
20 to add?

21 MR. PINNICK: Yeah. I would like to
22 make a statement just for the record. I
23 realize that the fire was caused by --

24 THE HEARING OFFICER: Here, wait.

1 Mr. Pinnick, why don't we go ahead and swear
2 you in?

3 Would you please swear him in?

4 (Witness sworn.)

5 WHEREUPON:

6 M I T C H E L L P I N N I C K ,
7 called as a witness herein, having been first
8 duly sworn, testified and saith as follows:

9 THE HEARING OFFICER: Okay. Go ahead.

10 MR. PINNICK: Basically, what I just
11 wanted to say was I was unknowingly at the
12 time, but it was my employee at the time, so,
13 therefore, I am responsible for all of his
14 actions, which I am guilty for that, but prior
15 to the burning, it was necessary for the
16 cleanup of this home because of hoodlums and
17 vandalism at this house.

18 So, therefore, I was cleaning up
19 something that was basically being destroyed
20 at the time. So I was just trying to do my
21 duty to clean up the property, and, therefore,
22 I got stuck with the bill. That's all I was
23 trying to do was clean up this house.

24 THE HEARING OFFICER: Okay. Miss

1 Underhill, do you have anything else?

2 MS. UNDERHILL: I have nothing
3 further.

4 THE HEARING OFFICER: Okay. Is there
5 anything else that needs to be stated on the
6 record?

7 MR. PINNICK: That's all.

8 THE HEARING OFFICER: Okay. Then this
9 hearing is closed, and this information will
10 go to the board on the settlement.

11 MS. UNDERHILL: Do you want me to draft
12 up an order?

13 THE HEARING OFFICER: No. Let's go off
14 the record.

15 (Which were all the
16 proceedings had in this
17 matter at this time.)

18

19

20

21

22

23

24

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF C O O K)

3

4 I, KIM M. HOWELLS, CSR, do hereby state
5 that I am a court reporter doing business in
6 the City of Chicago, County of Cook, and State
7 of Illinois; that I reported by means of
8 machine shorthand the proceedings held in the
9 foregoing cause, and that the foregoing is a
10 true and correct transcript of my shorthand
11 notes so taken as aforesaid.

12

13

14 _____
KIM M. HOWELLS, CSR
15 Notary Public, Cook County, IL.

16

17 SUBSCRIBED AND SWORN TO
18 before me this _____ day
of _____, A.D., 1996.

19 _____
Notary Public

20

21

22

23

24