

ILLINOIS POLLUTION CONTROL BOARD  
March 17, 1977

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 76-235  
 )  
 JOHN MCGUIRE, DIRECTOR OF THE )  
 ILLINOIS DEPARTMENT OF CONSERVATION; )  
 LANGHORNE BOND, SECRETARY OF THE )  
 ILLINOIS DEPARTMENT OF TRANSPORTATION; )  
 SOUTHWEST EXPRESSWAYS CORPORATION; )  
 and FRANKLIN H. WEBER, )  
 )  
 Respondents. )

ORDER OF THE BOARD (by Mr. Young):

This matter is before the Board on various motions. On October 8, 1976, Respondents Franklin H. Weber and Southwest Expressways Corporation filed a Motion to Dismiss. On December 16, 1976, the Board asked the affected parties to brief the following issues:

- A. Does any authority exist for holding an officer, director, or shareholder of a corporation personally responsible for any violation of the Environmental Protection Act that may be committed by that corporation.
- B. How can any final determination of the Board in this matter affect a corporation which evidently ceased existence in 1973 (Amend. Comp. Count I, par. 3).

On February 17, 1977, Respondents submitted their response to the issues propounded by the Board and filed a Motion to Dismiss with Prejudice on March 10, 1977. Although the People did not file a response to the Board's request, on March 1, 1977, the People did file a Motion to Dismiss these Respondents without prejudice. In view of these circumstances, and absent any showing by the People that authority exists for holding an officer, director, or shareholder of a corporation personally responsible for any violation of the Act that may be committed by the corporation, and absent any showing by the People of how a final determination of this Board could affect a defunct corporation, the Board hereby dismisses with prejudice Respondents Franklin H. Weber and Southwest Expressways Corporation from this action.

On October 12, October 14, November 3, and March 5, 1976, Respondents Departments of Transportation and Conservation filed a Motion for Continuance as well as Motion to Dismiss. The Board dismisses the Motion for Continuance as moot and hereby denies these Motions to Dismiss.

The Motion for Severance filed by the Departments of Transportation and Conservation on November 5, 1976, is hereby dismissed as moot.

The Motion to Strike Affidavits filed on November 12, 1976, is hereby denied.

The Motion to Strike Complainant's Response to Memorandum in Support of Motion to Dismiss filed by the Departments of Transportation and Conservation on November 22, 1976, is hereby denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 17<sup>th</sup> day of March, 1977 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board