

ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD

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CITY OF CHICAGO DEPARTMENT OF)

STATE OF ILLINOIS  
Pollution Control Board

ENVIRONMENT, )

Complainant, )

vs. ) No. AC 04-13

EDDIE GREER, ) (CDOE No. 03-02-AC)

Respondent. ) (Administrative

) Citation)

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13 TRANSCRIPT OF PROCEEDINGS had in the

14 above-entitled cause on the 5th day of April, A.D.

15 2004, at 1:00 p.m.

16

17 BEFORE: BRADLEY P. HALLORAN, Hearing Officer.

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1 APPEARANCES:

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3 OFFICE OF THE CORPORATION COUNSEL,  
4 CITY OF CHICAGO,  
5 (121 North LaSalle Street, Room 600,  
6 Chicago, Illinois 60602,  
7 312-744-0220), by:

8 MR. CHARLES A. KING,

9 appeared on behalf of the City of  
10 Chicago;

11

12 EDDIE GREER,  
13 (9923 Peoria, 9914 South Green,  
14 and 605 West 59th Street,  
15 Chicago, Illinois),

16 appeared on behalf of himself.

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23 REPORTED BY: SHARON BERKERY, C.S.R.

24 CERTIFICATE NO. 84-4327.

## 1 I N D E X

2

3 WITNESS DX CX RDX RCX

4 LINDA KELLY

5 By Mr. King 7, 22 43

6 By Mr. Greer 39, 40 44, 63

7 EDDIE GREER

8 By Mr. King 58, 63

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## E X H I B I T S

13 NUMBER MARKED FOR ID RECEIVED

14 Complainant's Exhibit

15 No. 1 20

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1 THE HEARING OFFICER: We are on the record.

2 Good afternoon, everybody. My name is  
3 Bradley Halloran, I'm a hearing officer here with  
4 the Illinois Pollution Control Board, and I'm also  
5 assigned to this matter, which is entitled City of  
6 Chicago, Department of Environment, Complainant  
7 versus Eddie Greer, the Respondent. And the PCB  
8 number is Administrative Citation 4-13.

9 I also note for the record that today is  
10 April 5th, 2004, it's approximately 1:04 p.m. This  
11 administrative citation was filed by the City. It  
12 alleges that during an inspection of August 14th,  
13 2003, it was determined that respondent violated  
14 Section 21P1 and Section 21P7 of the Act. As a  
15 result of the August 14th, 2003 inspection and  
16 subsequent administrative citation, Mr. Greer filed  
17 a petition for review disputing the violations, and  
18 that's why we are here today.

19 This matter will be conducted in  
20 accordance with Section 108 and Section 101,  
21 Subpart F of the Board's procedural rules. I also  
22 note, for the record, that I will not be making the  
23 ultimate decision in the case. That decision is  
24 left up to the five board members.

1 I'm here to ensure an orderly hearing  
2 and rule on any evidentiary matters that may arise.  
3 There is no members of the public here; but if they  
4 were, they'd be allowed to make a public comment or  
5 statement that is relative to the matter.

6 With that said, Mr. King, would you like  
7 to introduce yourself, please.

8 MR. KING: Charles A. King, Assistant  
9 Corporation Counsel for the City of Chicago,  
10 representing the Department of Environment,  
11 Petitioner.

12 THE HEARING OFFICER: Thank you.

13 Mr. Greer?

14 MR. GREER: Eddie Greer, 9923 Peoria, 9914  
15 South Green, and 605 West 59th Street.

16 THE HEARING OFFICER: And I talked to  
17 Mr. Greer a little bit about the procedure before  
18 you came, Mr. King, regarding opening, case in  
19 chief, closing. I said that sometimes the parties  
20 like to waive opening, save it for the post-hearing  
21 briefs.

22 But with that said, Mr. King, it's your  
23 case in chief, and if you want to give an opening,  
24 so be it. And if you do, then Mr. Greer will want

1 to have an opportunity, as well.

2 MR. KING: I'll waive opening.

3 THE HEARING OFFICER: Okay.

4 Mr. Greer, would you like to give an  
5 opening statement?

6 MR. GREER: Momentarily, yeah. I really,  
7 really don't know the reason why I'm here for the  
8 Pollution Control Board. That's the first  
9 statement I would like to submit.

10 THE HEARING OFFICER: Okay. Then that's your  
11 opening?

12 MR. GREER: That's my opening.

13 THE HEARING OFFICER: Okay. Thank you very  
14 much.

15 Mr. King, you may call your first  
16 witness.

17 Or do we have any preliminary issues we  
18 have to deal with before Mr. King --

19 MR. KING: I don't think so.

20 THE HEARING OFFICER: Okay. You may proceed  
21 then, Mr. King.

22 MR. KING: As my first witness, I'd like to  
23 call Linda Kelly.

24 THE HEARING OFFICER: Ms. Kelly, would you

1 just step up here, and sit here, and the court  
2 reporter will swear you in, please.

3 (WHEREUPON, the witness was duly  
4 sworn.)

5 THE HEARING OFFICER: Let's stop here for a  
6 minute.

7 (WHEREUPON, discussion was had  
8 off the record.)

9 THE HEARING OFFICER: Okay. We are back on  
10 the record.

11 LINDA KELLY,  
12 called as a witness herein, having been first duly  
13 sworn, was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. KING:

16 Q. All right. Would you please state your  
17 full name for the record.

18 A. Linda D. Kelly.

19 Q. Would you spell your last name, please.

20 A. K-E-L-L-Y.

21 Q. And, Ms. Kelly, what is your occupation?

22 A. I'm a project coordinator for the  
23 Department of Environment and the permitting and  
24 enforcement division.

1 Q. How long have you held that position?

2 A. Maybe about six years.

3 Q. And what are your job duties and  
4 activities?

5 A. I supervise and inspect the south side  
6 of the city of Chicago, from 35th Street to  
7 138th Street, and it involves working with  
8 inspectors, inspecting permitted sites that are  
9 permitted by our department, such as auto  
10 junkyards, recyclers, and other types of  
11 facilities. And also, working with the State as  
12 far as the solid waste land with open dumping,  
13 vacant lots, fly dumping, inspections of noise, and  
14 other things like that.

15 Q. So you do -- have done inspections  
16 yourself of facilities in the city?

17 A. Yes, I have.

18 Q. Approximately how many inspections have  
19 you conducted?

20 A. Well, under my routine, that are  
21 permitted by the department, I have, approximately,  
22 20 that I inspect once a month, and then I have  
23 special sites that involve lots that are not  
24 permitted to have solid waste on them. And I have



1 like about five or six different sites that I  
2 inspect, not once a month but on a semi-routine  
3 basis for clean up of those sites. And then I have  
4 other projects that I work on.

5 Q. So in a typical month, about how many  
6 inspections would you say you do?

7 A. About 40.

8 Q. And has that been, approximately, the  
9 same volume for the time you have been working?

10 A. Since I started doing this job? I  
11 started this position with working with the  
12 inspectors about two years now. And it is almost  
13 approximate -- yeah, 40 or more a month.

14 Q. Have you had any particular training or  
15 education regarding inspecting sites?

16 A. Yes. I have been trained by the U.S.  
17 EPA to do site inspections. Also, we've  
18 been -- I'm certified to inspect a solid waste dump  
19 on vacant lots by the IEPA.

20 Q. What did that certification entail?

21 A. It entails the City of Chicago  
22 inspectors to be able to cite for state violations  
23 on property in the city of Chicago.

24 Q. Was there a training program or testing

1 program that you went through with IEPA to get that  
2 certification?

3 A. Yes, I did. We had a week of training,  
4 and we had a -- about four days of reading and  
5 going over the rules and regulations of the State.  
6 And then we had to pass a written exam.

7 Q. Now, are you familiar with the site at,  
8 approximately, 601 West 59th Street?

9 A. Yes, I am.

10 Q. And how are you familiar with that site?

11 A. I'm familiar with that site because I  
12 responded to -- our division also responded to  
13 complaints. And I responded to a complaint  
14 concerning cars taken in the rear of the lot  
15 from -- stolen from -- from people and taken in the  
16 rear of the lot and being stripped. And that there  
17 was a lot of cars dumped near that site.

18 Q. Have you done inspections of that site?

19 A. Yes, I have.

20 Q. Did you do an inspection of that site on  
21 August 14th of last year, 2003?

22 A. Yes, I did.

23 Q. Now, what prompted you, on that  
24 occasion, to go and inspect that site?

1           A.     Well, what -- because we were -- well, I  
2     had already submitted the site to the State from  
3     previous inspections, and so I had to go  
4     back -- you know, it's a routine -- maybe once a  
5     month and check on the site to see if any cleanup  
6     was in progress, you know.

7           Q.     Had you been -- was that what prompted  
8     you to go there on that date?

9           A.     No.   And also, from the cleanup on  
10    another site, I was informed that material from  
11    that site -- from this other site on 64th and State  
12    was being -- was taken to the 601-209 West  
13    59th Street site.   So I went there to check on the  
14    condition of the site and see how much material was  
15    stored on the site.

16          Q.     Had you been inspecting the site on  
17    State Street?

18          A.     Yes.

19          Q.     And how did you -- what caused you to  
20    believe, or understand -- or how did you learn that  
21    material had been taken from that site to the  
22    59th Street site?

23          A.     From Mr. Frank King.

24          Q.     Who is Frank King?

1           A.     He was the operator-owner of the 6409  
2 South State Street site.

3           Q.     And did he tell you that material had  
4 been taken to the 59th Street site?

5           A.     Yeah. That he had stored some material  
6 there and some heavy equipment.

7           Q.     So -- and that prompted you to go and  
8 inspect the 59th Street site?

9           A.     Right.

10          Q.     On August 14th?

11          A.     That's correct.

12          Q.     Now, when you went to the site on  
13 August 14th, describe what you did and what you  
14 saw.

15          A.     Well, basically, I went there to see if  
16 I could get inside the site to take some pictures,  
17 which is part of my job. And the site was secured,  
18 I couldn't get on.

19                 So, basically, from the alley, I just  
20 took some pictures of what I could see from the  
21 gate entrance.

22          Q.     And what did you see from the gate  
23 entrance?

24          A.     Well, I observed that there was more

1 heavy equipment and trucks than -- that wasn't  
2 there before at the site. And the yard appeared to  
3 be full with material.

4 But, like I said, I couldn't get on the  
5 site to actually see everything.

6 Q. Had you inspected the site before  
7 that?

8 A. Yes, I had.

9 Q. Was the material you saw on August 14th,  
10 had you seen it there in your prior inspections?

11 A. Not some of the heavy equipment. It was  
12 like a front-end loader and a few other things.  
13 And mostly trucks, additional trucks.

14 Q. Okay. I'm going to hand you a copy of  
15 Administrative Citation -- this is a copy of the  
16 actual citation -- 04-13 that was filed with the  
17 Pollution Control Board.

18 Now, if you flip through that --

19 A. I have to get my glasses.

20 Okay. Uh-huh.

21 Q. Now, if you flip through there, towards  
22 the end you will see as an exhibit --

23 THE HEARING OFFICER: Keep your voice up,  
24 please. Thanks.

1 BY MR. KING:

2 Q. There are a series of photographs. Do  
3 you see these?

4 A. Yes, I do.

5 Q. Can you identify those photographs?

6 A. Yes. It's the photos that I took that  
7 day of the 601-209 West 59th Street site. And,  
8 basically, this is photos -- the first photo is  
9 from the alleyway, and the second photo is when I  
10 was looking toward -- through the fence at some of  
11 the heavy equipment, and trucks, and auto junk  
12 cars. The third photo, like I said, is more  
13 trucks, loaded with all their junk cars. And then  
14 the fourth photo is part of the alleyway.

15 Q. All right. Now, do any of those photos  
16 depict the material, that you mentioned in your  
17 testimony a couple minutes ago, that you noticed  
18 there that you had not noticed before?

19 A. Yes. Basically, a lot more heavy  
20 equipment and trucks.

21 Q. Which photographs particularly depict  
22 it?

23 A. No. 3 and No. 2.

24 Q. Let me see that a second.

1 A. Uh-huh. Did I say No. 4?

2 Yeah, No. 2 and No. 3, right.

3 Q. All right. Now, when you mentioned  
4 heavy equipment and trucks, what is the material  
5 that you saw that had been placed at that site?  
6 Were these operable, drivable machines, or were  
7 they wrecked or salvaged?

8 A. Basically, I couldn't tell. The only  
9 thing I can say about these -- those trucks, is  
10 they were loaded with some of the auto -- wrecked  
11 trucks. But then you have some trucks that  
12 are -- look like they are operable.

13 As far as the heavy equipment, whether  
14 or not it's operable or inoperable, from the  
15 photos, is kind of hard to tell which ones would  
16 be.

17 Q. All right. Now, if you would flip back  
18 a couple pages the other way.

19 A. Oh. Uh-huh.

20 Q. Another couple.

21 A. Okay. Go back some more.

22 Q. Yeah.

23 A. There?

24 Q. Okay. There. Let's try and identify

1 that page. The page that we are looking at, as a  
2 heading at the top, it says, "State apparent  
3 violations"?

4 A. That's correct.

5 Q. And that would be -- well, let's start  
6 with this page.

7 Okay, now, the page I'm referring to,  
8 for the record, this is the first page of the  
9 materials appended to the administrative  
10 citation --

11 A. Uh-huh.

12 Q. -- after the citation, and affidavit,  
13 and remittance forms. Now, can you identify this  
14 document?

15 A. Yes, it's the Illinois Environmental  
16 Protection Agency's open dump inspection checklist.

17 Q. And did you prepare this document?

18 A. Yes, I did.

19 Q. Now, would you -- looking at these  
20 violations that you identified in there --

21 A. Uh-huh.

22 Q. And this document identifies apparent  
23 violations of the State law that you noticed during  
24 your inspection; is that correct?



1 A. Yes.

2 Q. Now, among them are violations of  
3 Section 21P1?

4 A. Right.

5 Q. And 21P7 of the Environmental Protection  
6 Act?

7 A. Yes, that's correct.

8 Q. How did you conclude that those sections  
9 of the Act had been violated?

10 A. Well, because 21P1 states about litter,  
11 and then 21P -- or 55 -- let me see. Which other  
12 one are you talking about?

13 Q. This one here.

14 A. 955A.

15 Q. Here, this one.

16 A. Okay. Yeah, 21P7. Deposition of  
17 general construction or demolition debris, or clean  
18 construction or demolition debris.

19 Q. Now, what conditions at the site that  
20 you observed caused you to conclude that those  
21 violations had happened?

22 A. Because they had a lot of -- to the  
23 west -- you probably couldn't see it real good on  
24 these -- from these photos. But they had a lot

1 like waste soil, and they had construction material  
2 like wood and other debris mixed with bricks and  
3 stuff that was on the ground.

4 Q. Did that appear to be waste to you?

5 A. Yes.

6 Q. Was it in a condition where it could  
7 have been used as construction material?

8 A. No, it was mounded with the rest of the,  
9 like waste -- autos, auto parts, rubbish, waste  
10 scrap metal, all of it was all mixed up and mounded  
11 to the west.

12 Q. All right.

13 A. And it was mixed with soil. So,  
14 basically, that's considered waste when it's mixed  
15 like that. That's not clean soil.

16 Q. Thank you. And how about the litter?

17 A. The litter was the scattered litter that  
18 was all over the site, paper, rubber tubing, and  
19 metal embedded in the ground, cans, garbage, some  
20 tires, paper, small -- like small pieces of scrap  
21 metal, waste auto parts, maybe tools, small pieces  
22 of tools, and all that scattered all over the  
23 ground.

24 Q. All right. Now, looking at the

1 following pages of this -- of the administrative  
2 citation, turning a couple pages further on,  
3 there's a page that's headed, City of Chicago  
4 Department of Environment Narrative?

5 A. Uh-huh.

6 Q. What's that document?

7 A. That, basically, is a narrative stating  
8 what I saw and what happened at the site when I was  
9 there.

10 Q. Did you prepare that document?

11 A. Yes, I did.

12 Q. When did you prepare that?

13 A. On the exact date that I wrote it, or do  
14 you mean dated it?

15 Q. If you recall.

16 A. No, I don't remember the date, the exact  
17 date that I wrote it.

18 Q. Did you prepare it shortly after you did  
19 the inspection?

20 A. Yeah, after the inspection.

21 Q. Within a day, two days, a week?

22 A. Maybe within -- let me see if I can  
23 tell. Within like about two weeks. Two weeks --  
24 yeah, two weeks after I --

1 Q. Okay. And then the next page following  
2 that narrative document?

3 A. Uh-huh. Yes. It's the site map.

4 Q. Did you prepare that?

5 A. Yes, I did.

6 Q. And what is that document?

7 A. That's, basically, a sketch of where I  
8 took the photos, where I was standing, and the  
9 direction that I had the camera.

10 Q. All right.

11 MR. KING: I move that the attachments to the  
12 administrative citation, which comprise Ms. Kelly's  
13 report, be admitted into evidence.

14 THE HEARING OFFICER: Do you want to  
15 do -- Complainant's Exhibit No. 1, it would be the  
16 whole administrative citation with the attachments  
17 being admitted into evidence?

18 MR. KING: Yes.

19 THE HEARING OFFICER: Thank you.

20 Complainant's Exhibit No. 1 is admitted  
21 into evidence.

22 (WHEREUPON, said document,  
23 previously marked Complainant  
24 Exhibit No. 1, for identification,

1                   was offered and received in  
2                   evidence.)

3           MR. KING: I have no further questions for  
4 Ms. Kelly.

5           THE HEARING OFFICER: Okay. Thank you.

6                   Mr. Greer, you're free to cross-examine  
7 Ms. Kelly, if you so choose, and ask her questions.

8           MR. GREER: Okay.

9           THE HEARING OFFICER: Take your time.

10          MR. GREER: I don't even know the exhibit.

11          THE HEARING OFFICER: Okay.

12          MR. GREER: I don't even know the exhibit.

13          THE HEARING OFFICER: Well, do you have the  
14 administrative citation itself?

15          MR. GREER: No.

16          THE HEARING OFFICER: Do you have a copy of it  
17 so he can look at it?

18          MR. KING: Mr. Greer --

19                   (WHEREUPON, the document was  
20                   tendered.)

21          THE HEARING OFFICER: Please don't mark it up.  
22 That's the one that's going into evidence.

23          MR. KING: If you would like to take a few  
24 minutes to look it over, we can go off the record.

1 THE HEARING OFFICER: Yeah, we can go off the  
2 record.

3 (WHEREUPON, a recess was had.)

4 THE HEARING OFFICER: Back on the record. And  
5 before we proceed with Mr. Greer, Mr. King said he  
6 has one more question, I believe, of Ms. Kelly.

7 MR. KING: All right. Yes. Thank you.

8 FURTHER DIRECT EXAMINATION

9 BY MR. KING:

10 Q. Ms. Kelly, this administrative citation  
11 was issued to Eddie Greer. How did you determine  
12 that Eddie Greer was responsible for the violations  
13 you observed at the site?

14 A. I put Eddie Greer, because when we did a  
15 title search of the property, maybe two or three  
16 years ago, his name came up on the title search.  
17 So I did it as owner-operator, as owner of the  
18 property.

19 Q. And did you, subsequently, have any  
20 contact with Mr. Greer?

21 A. I talked to him on the phone, and I've  
22 met him on cleanup of another property.

23 Q. Okay.

24 A. Cleaning of the property. We talked

1 about cleaning the property.

2 Q. What did he say in those conversations?

3 A. Basically, that he just -- and plus, we  
4 had a meeting in our office with Johnna, my  
5 supervisor, Johnna Pothoff, and we talked about  
6 what he needed to do to bring the lot into  
7 compliance.

8 Q. And did he, during those conversations,  
9 demonstrate -- or head up responsibility for that  
10 piece of property?

11 A. What do you mean demonstrate enough?

12 Q. Did he -- based on those conversations,  
13 was it your impression that he was the owner of  
14 that property?

15 A. Yes. Based on the lot, he was the owner  
16 of the property.

17 Q. All right. Did he ever indicate that he  
18 wasn't the owner of the property?

19 A. No. He just, basically, said  
20 that -- also that he had acquired the  
21 property. When I first met him, he talked about  
22 how he had acquired the property from some previous  
23 owner. And some material was there.

24 And I, basically, informed him that he

1 was -- he comes up as the owner -- owner-operator.  
2 He's the present owner, that he's responsible for  
3 the property and cleanup of the property.

4 MR. KING: All right. Thank you.

5 THE HEARING OFFICER: Thank you, Mr. King.

6 Mr. Greer, you're on.

7 MR. GREER: These items on the photo,  
8 Your Honor, are -- these items are not even mine.  
9 And I don't have anything to do with these.

10 The only thing that I have to do with is  
11 the truck, the moving equipment. Just the truck  
12 and one back -- one payloader.

13 Other than that, the stuff belongs to a  
14 guy named Columbus Don, that -- prior to this time,  
15 Linda Kelly spoke to this guy. He had some kind of  
16 recommendation from another source of the city.

17 THE HEARING OFFICER: Excuse me, Mr. King, you  
18 have --

19 MR. KING: If Mr. Greer is going to tell his  
20 story, maybe we should just put him under oath and  
21 he can testify.

22 MR. GREER: That's fine.

23 THE HEARING OFFICER: Let's do that. Raise  
24 your right hand and Sharon will swear you in.



1 (WHEREUPON, the witness was duly  
2 sworn.)

3 THE HEARING OFFICER: Thank you.

4 You can proceed, Mr. Greer.

5 MR. GREER: Yes.

6 THE HEARING OFFICER: You can start at the  
7 beginning now that you are under oath.

8 MR. GREER: About that this stuff is not mine?

9 THE HEARING OFFICER: Right.

10 MR. GREER: Well, the pictures that I see  
11 before me --

12 THE HEARING OFFICER: You're referring to  
13 Complainant's Exhibit No. 1, the photos that are  
14 attached to the exhibit?

15 MR. GREER: Exactly.

16 The four photos that I see, the only  
17 thing that I own, myself, is the red truck and  
18 payloader.

19 THE HEARING OFFICER: And that's in photograph  
20 number --

21 MR. GREER: That's the photo -- in No. 3.  
22 Photo 3, exactly.

23 The rest of these items belongs to a guy  
24 named Columbus Don. Prior to this investigation of

1 Linda Kelly, she spoke to this guy, and he had told  
2 her that he was in the process of cleaning up.

3 But he had an ordinance from someone in  
4 the City to relocate. So, the guy, he came to me  
5 and said that, "Look, I have my license and the  
6 City is buying my property on Canal Street" -- you  
7 can strike it if it's the wrong address, but it's  
8 Canal --

9 THE HEARING OFFICER: This guy is Mr. Don  
10 you're referring to?

11 MR. GREER: His name is Don King. I'm sorry,  
12 Don King. His name is Columbus Don.

13 THE HEARING OFFICER: Okay.

14 MR. GREER: And this guy, Linda spoke to him.  
15 And she talked to him briefly about some things.

16 And he said that he was excited for  
17 condemnation on his property. And he needed a  
18 place to go to.

19 So the City says, "Find a place." So he  
20 found my place. It's zoned for what he wants to  
21 do.

22 So I told him, "Okay, you can come in,  
23 and you can do it." And so, we talked about the  
24 money, the pay, and financially how much rent I

1 wanted. That's another whole source anyway, that  
2 goes to another chapter in this.

3 And so, he moved his stuff there. So, I  
4 guess, this guy didn't have any license. I don't  
5 know -- I don't even know the bottom half, but the  
6 bottom line was that we had to clean up on another  
7 site of mine that was 6534 South State, 6539 South  
8 State.

9 So this property that we had cited to  
10 clean up prior to this became a catastrophe.  
11 Because it was a site for a fuel station -- for the  
12 mayor to open up a fuel station.

13 So we motivated and dedicated a lot of  
14 our time over there at this site on 65th and State.  
15 Columbus Don was running this site because he had  
16 rented this from us also.

17 Not only that, the site on 65th and  
18 State, someone -- I don't know the name of the  
19 person that gave him the permission -- bought this  
20 stuff -- bought his lot from him personally and  
21 said that he could move the stuff if he finds a  
22 place to move it to. So them two lots we had open,  
23 so he moved his stuff there.

24 Now, we were focusing a lot of time on

1 65th and State to clean up. So, I told the  
2 guy -- you know, well, he was telling me back and  
3 forth that, "Hey, you get a lot of stuff out of  
4 here, because, you know, eventually, I want to  
5 clean the whole lot, because I want to get a tow  
6 service there."

7 And he was going to go in -- he was  
8 going to be my partner. So one thing led to  
9 another -- we had to get on the site on 65th and  
10 State. We had -- they was -- they was -- they was  
11 like --

12 THE HEARING OFFICER: Mr. Greer, I guess  
13 before we go any farther, do you have any questions  
14 of Ms. Kelly?

15 MR. GREER: What?

16 THE HEARING OFFICER: Do you have any  
17 questions or cross-examination of Ms. Kelly?  
18 Or do you just want to give a little background and  
19 just ask her some questions?

20 MR. KING: I can cross-examine her, but some  
21 things -- from this lecture, she will hear some  
22 things she didn't say. But I don't -- I don't have  
23 too much to say to her, I'm just listening and  
24 finding out the details.

1 THE HEARING OFFICER: Okay.

2 MR. KING: Because I'm kind of  
3 apprehensive -- I'm kind of baffled in this. I  
4 don't know where I'm at, you know, to be honest  
5 with you.

6 Because, gosh, I'm getting sued by some  
7 City attorneys for this same lot for \$3,000. The  
8 Department of Administrative Hearings wants \$3,000.  
9 Now I'm getting cited with pollution for another  
10 \$3,000. So I'm lost.

11 Gosh, I don't even know -- except to  
12 take this while I be here now. And, to be honest  
13 with you, I have been working with the City for,  
14 gosh, maybe 20 years, 30.

15 And the steps that the City takes when  
16 they -- when they give you a citation -- and, all  
17 of a sudden, I just got these citations from the  
18 Pollution Board for -- I don't know -- I don't have  
19 them in front of me, but I think it's \$1,300 a  
20 piece for each citation.

21 It was just dropped to my house one day.  
22 It wasn't even a -- it wasn't even no kind of plot  
23 to -- it wasn't no steps. I know that sometime you  
24 would get tickets, you'd be issued a ticket to,

1 "Hey, look," you got -- you got dirt, you got this,  
2 "here is your citation."

3 Now, you should -- if you don't respond  
4 to this citation -- and then they take the next  
5 step. The City works with you very well, I got to  
6 admit.

7 On this right here, with this pollution  
8 control, I never got anything but --

9 THE HEARING OFFICER: Well, let me qualify on  
10 the transcript and the record, the "Pollution  
11 Board," I'm not sure what you're referring to.  
12 What we are dealing with today is, when the City  
13 sent you an administrative citation, that's the  
14 City's.

15 MR. GREER: Exactly.

16 THE HEARING OFFICER: Okay. Now, I am a  
17 little confused. When you're saying the Pollution  
18 Board sent you --

19 MR. GREER: Well, the Pollution Board -- the  
20 pollution -- the IPCB -- IPCB -- Control.

21 THE HEARING OFFICER: Can I take a look at  
22 what you're referring to, please?

23 (WHEREUPON, the document was  
24 tendered to the hearing officer.)

1 MR. GREER: That's my copy.

2 MR. KING: Can we go off the record again?

3 THE HEARING OFFICER: We can go off the  
4 record, sure.

5 (WHEREUPON, discussion was had  
6 off the record.)

7 THE HEARING OFFICER: We just took a little  
8 moment to try and clarify some things. Mr. Greer  
9 was saying that the Pollution Control Board has  
10 been citing -- and, in fact, we talked, and that's  
11 not the case.

12 It is the City with the administrative  
13 citation, but, I guess, earlier, previous citations  
14 were dealt with in another way, Mr. King? I'm  
15 sorry, correct?

16 MR. KING: Yes. Mr. Greer had also received  
17 citations, and the City -- that were adjudicated in  
18 the City's administrative hearings department.

19 THE HEARING OFFICER: All right.

20 MR. KING: Which is a, you know,  
21 different -- a separate forum.

22 MR. GREER: But I didn't receive any tickets  
23 from them.

24 THE HEARING OFFICER: I'm sorry, you didn't

1 receive any tickets from whom?

2 MR. GREER: No. From Administrative --

3 THE HEARING OFFICER: Well, you haven't  
4 received any tickets from the Board, I'll clue you,  
5 that doesn't happen. I mean, do you understand  
6 that it's not the Board pursuing you?

7 MR. GREER: I'm saying administrative  
8 hearing -- administrative hearing. I didn't  
9 receive any tickets from them guys.

10 The tickets was going to the wrong  
11 address that they were -- any tickets. I wasn't  
12 getting anything.

13 THE HEARING OFFICER: All right. We're going  
14 off a little -- a little astray here.

15 MR. GREER: Yeah.

16 THE HEARING OFFICER: But do you understand  
17 that the Illinois Pollution Control Board is not  
18 prosecuting you?

19 MR. GREER: Okay.

20 THE HEARING OFFICER: Do you understand?

21 MR. GREER: So who is prosecuting me?

22 THE HEARING OFFICER: The City.

23 MR. GREER: Administrative hearing, right?

24 THE HEARING OFFICER: This is an



1 administrative hearing.

2 MR. GREER: Yes.

3 THE HEARING OFFICER: The City has filed a  
4 citation against you.

5 MR. GREER: Okay.

6 THE HEARING OFFICER: Now, it's come out in  
7 the last couple seconds that you haven't ever  
8 received the citation. Now, you can --

9 MR. GREER: I haven't --

10 THE HEARING OFFICER: -- proceed along that  
11 course, if you'd like, I don't know.

12 MR. GREER: I haven't -- I haven't received  
13 any citations. That's what I was saying, that --

14 THE HEARING OFFICER: Okay. This is kind of  
15 an anomaly here. And Mr. Greer has kind of taken a  
16 course and is not crossing it.

17 And it sounds like he is, pretty much,  
18 presenting his case in chief. I'm going to allow  
19 Mr. King to make a statement, or a question, or  
20 whatever you want to do, Mr. King.

21 MR. KING: First, I'd like the record to  
22 reflect that Mr. Greer was served with this  
23 administrative citation. In fact, he has his copy  
24 with him.

1                   And my understanding is that the  
2 Department of Environment also issued him other  
3 tickets under our own system. But that's really  
4 not relevant to the proceedings today. I don't  
5 want to get off on that tangent.

6                   THE HEARING OFFICER: Right. I don't want to  
7 either. I think we're just going to clarify  
8 Mr. Greer's questions regarding who is prosecuting  
9 whom.

10                   It sounds like Mr. King is finished now.

11                   Now, Mr. Greer -- and Mr. King has  
12 already responded -- you said you've never received  
13 the administrative citation. And, from my  
14 understanding, it looks like you've brought it with  
15 you today. This is Administrative Citation 4-13,  
16 the Pollution Control Board.

17                   MR. GREER: Right, I received that. But I was  
18 just saying that with Illinois Pollution Control,  
19 like you said, that don't have anything to do with  
20 it.

21                   But the Department of the Environment,  
22 that's all I received from them. I'm talking about  
23 I received that from them, but --

24                   THE HEARING OFFICER: Well, "that" being what?

1 MR. KING: That, meaning that the citations  
2 that they was given prior to that was going to  
3 someone else. Because had I receive them, I  
4 probably wouldn't have been here today.

5 THE HEARING OFFICER: Well, we're not there on  
6 those.

7 MR. KING: Okay. That's fine.

8 THE HEARING OFFICER: We're here on the City  
9 Department of Environment. Their case number is  
10 03-02-AC, Administrative Citation.

11 MR. KING: Right.

12 THE HEARING OFFICER: Their corresponding  
13 number is AC4-13.

14 Now, you said you've received this  
15 citation --

16 MR. GREER: Yes.

17 THE HEARING OFFICER: -- from the City?

18 MR. GREER: Yes.

19 THE HEARING OFFICER: Okay.

20 MR. GREER: Yes.

21 THE HEARING OFFICER: Now, we can start  
22 with -- we don't want to get off on a tangent.

23 MR. GREER: Okay. That's fine.

24 THE HEARING OFFICER: That, right now, is,

1 pretty much, irrelevant. But we're talking about  
2 this one in front of us.

3 MR. GREER: Okay.

4 THE HEARING OFFICER: So, with that said, do  
5 you have any questions of Ms. Kelly? Or you may  
6 proceed with what, I assume, is your case in chief  
7 and your narrative summary of the situation.

8 MR. GREER: Yeah. Well, like I was saying, at  
9 first, the items on the photos 1 through 4, I don't  
10 even own none of them items, other than the truck  
11 and the payloader. The other items was a guy -- it  
12 was Columbus Don.

13 And, as we speak now, the things that  
14 you see in the photo are no longer there. The lot  
15 is like 35 percent clean.

16 And they were -- someone was cleaning up  
17 the lot prior to that and was stopped by some City  
18 inspector. It would probably have been cleaned up  
19 awhile back, but someone had stopped the cleanup.  
20 Some City inspector stopped the person from  
21 cleaning up the lot.

22 I had photos to show that it was clean,  
23 but these are -- I grabbed the wrong photos. So I  
24 don't have them with me at this particular time. I

1 didn't bring them.

2 THE HEARING OFFICER: Okay.

3 MR. GREER: Right. And we have -- it was a  
4 couple of guys -- it was a couple of guys or trucks  
5 that was fly dumping. On the Photo 4, you'll see  
6 that it's a lot of debris on the outside of the  
7 fence.

8 And we got a lot of fly dumpers. We  
9 kind of -- kind of put a lock on it, because  
10 we -- we had a guy staying out there just waiting  
11 on them.

12 And he didn't get a license plate  
13 because his trucks didn't have them on there,  
14 but we kind of like stopped a lot of their fly  
15 dumping.

16 This (indicating) is a street. But --  
17 it's called a street. It looks like an alley but  
18 it's known as a street. And I think the street is  
19 called -- it's Wallace.

20 And we stopped a lot of that fly  
21 dumping. That's outside of our premises.

22 THE HEARING OFFICER: You're referring to  
23 Photograph No. 4 --

24 MR. GREER: Exactly.

1 THE HEARING OFFICER: -- The Complainant's  
2 Exhibit No. 1?

3 MR. GREER: And also you can -- Exhibit 1  
4 also. And not even that --

5 THE HEARING OFFICER: Exhibit 1 or  
6 Photograph 1?

7 MR. GREER: It's Photograph 1, and it's  
8 Photograph 4. That's the street.

9 THE HEARING OFFICER: Okay.

10 MR. GREER: That's where they do the fly  
11 dumping at. And we had one little person to stay  
12 with us -- well, one little, small vehicle to sit  
13 on the side so that he wouldn't be known to the  
14 viewer.

15 And he caught some guys coming to  
16 fly dump. And we got credit from the alderman  
17 and another precinct captain guy and also an  
18 inspector.

19 And we clean up a lot of stuff that they  
20 dumped on there. We clean a lot of tires up that a  
21 lot of fly dumpers did.

22 You know, we did a lot of improvement to  
23 that street, with our own equipment.

24 THE HEARING OFFICER: Do you have any

1 questions of Ms. Kelly?

2 CROSS-EXAMINATION

3 BY MR. GREER:

4 Q. When you spoke to Don, did he let you  
5 know that -- did you ever speak to Don before?  
6 Have you ever spoke to Don?

7 A. Yeah.

8 Q. And did he let you know that that stuff  
9 that he was cleaning up in there, he was going to  
10 get that stuff out, and someone stopped him from  
11 cleaning up in there? I don't know who the  
12 inspector was, but he said someone stopped him, so  
13 he didn't go back.

14 He would be here today for a witness but  
15 his back -- a slipped disk. But, needless to  
16 say -- so you spoke to that guy?

17 A. On one -- one of the occasions when I  
18 did meet him. And he stated that he was there to  
19 clean up the site.

20 Q. Yeah, right.

21 A. So that he wanted to get like a permit  
22 to use the yard. And then after that, I didn't see  
23 him anymore.

24 Q. Yeah.

1           A.       And I don't know -- I never talked to  
2 him anymore, if someone had came and stopped him  
3 from cleaning up the site --

4           Q.       Right. Exactly. That was just -- the  
5 items that you see were his. And the guy got kind  
6 of sick, real bad, and he left a lot of stuff on me  
7 to clean up.

8                    So I was -- mostly, he tried to do what  
9 he could do, but he couldn't do a lot. So them  
10 items that you see there belong to that guy.

11                   And -- but we -- "we," meaning me, and a  
12 crew of mine, we got some items out of there. The  
13 stuff that you see in the photos are no longer  
14 there.

15           THE HEARING OFFICER: Mr. King?

16           MR. KING: If Mr. Greer doesn't have any other  
17 questions for Ms. Kelly, I just have two quick  
18 ones. I'd like to clarify a couple things.

19           THE HEARING OFFICER: Okay. Do you have any  
20 other questions of --

21           MR. GREER: Oh, yeah.

22                    FURTHER CROSS-EXAMINATION

23           BY MR. GREER:

24           Q.       About the stolen cars? You said that



1 there was stolen cars in the -- you were meaning  
2 like in the alley there, like in the back of  
3 that -- because they were doing that also.

4 They were coming with vehicles, parking  
5 on the outside, stripping cars out there also. I  
6 didn't -- when you said the back, I didn't really  
7 know the back of what you --

8 A. Well, basically, I went to the --  
9 because of the fact that I had a complaint. And  
10 that's what responds me to a site --

11 Q. Right, exactly.

12 A. -- if someone makes a complaint. And I  
13 did see -- that was way on the early -- a couple  
14 years ago. And -- about the -- and I did see a car  
15 back there stripped.

16 Q. Yeah.

17 A. That's what led me to your site.

18 Q. Exactly.

19 A. But, I believe, the police,  
20 basically -- when the City -- when I let my  
21 management know -- I believe the City owns the lot  
22 that's further west. So when they sealed that  
23 property off, and the company that's south of you  
24 sealed off their property, the stolen cars -- the

1 people that were stealing the cars back there --  
2 they were -- they weren't able to get back there to  
3 do that anymore, so that stopped.

4 Q. Right.

5 A. And then we continued with the  
6 inspections of your -- of your property -- of that  
7 property -- of your property.

8 Q. Exactly, right.

9 MR. GREER: I can understand what she's  
10 talking about, right. Yeah.

11 We had a lot of that theft also in our  
12 yard, you know. So I can -- I can relate to that  
13 statement. So --

14 BY MR. GREER:

15 Q. Let me see. And you said -- you said  
16 Frank King was the owner?

17 A. No, not at that yard.

18 Q. You was just stating --

19 A. When I was talking to Frank King at the  
20 60 -- before.

21 Q. 65th?

22 A. Yeah, 65th Street site.

23 MR. GREER: Okay. At this particular time I  
24 have no further questions at this moment.

1 THE HEARING OFFICER: Okay.

2 Mr. King, redirect?

3 MR. KING: Yes.

4 REDIRECT EXAMINATION

5 BY MR. KING:

6 Q. Mr. Greer asked you about if you had  
7 spoke to Don. Who is Don?

8 A. Columbus Don. Oh, my -- they have his  
9 name two different ways. It's either Columbus Don  
10 or Columbus Dan.

11 MR. GREER: Right.

12 BY THE WITNESS:

13 A. And I met him, initially, at the site.  
14 And he -- his property is on the west side, on  
15 Flournoy. The City took over his property.

16 He had an auto junkyard, so he stated  
17 that he wanted to have an auto junkyard at this  
18 site. And I informed him that he could not have an  
19 auto junkyard at this site until that site was  
20 cleaned up.

21 And so he -- one other time he stated  
22 that he would be cleaning the site up.

23 BY MR. KING:

24 Q. Was that site ever permitted as a waste

1 handling disposal -- or waste disposal facility?

2 A. That area, 601, it was in our  
3 department. I don't know how many years ago it  
4 was, but it was once permitted as an auto junkyard.

5 Q. But was it ever permitted as a waste  
6 disposal or a waste handling facility?

7 A. No.

8 Q. Thank you.

9 MR. KING: No further redirect.

10 THE HEARING OFFICER: Thank you. Any further  
11 recross, Mr. Greer?

12 RE-CROSS-EXAMINATION

13 BY MR. GREER:

14 Q. When he says "waste," I don't -- I  
15 don't -- waste meaning -- waste meaning like cars  
16 or something? Heavy vehicles, is that considered  
17 waste?

18 A. (No audible response.)

19 Q. I'm asking --

20 A. Oh, you're asking me? Okay.

21 Q. Whether it's the heavy cars that are  
22 considered waste, or are the -- because that's what  
23 he had in there. He had like -- he had like cars,  
24 pickup trucks, and just like what a -- somewhat a

1 wrecking outfit would have, like C & D -- before  
2 C & D -- like A-Reliable. You know there was a  
3 place, he had something like that.

4           So waste -- it may look like it was  
5 waste because it was going out to be recycled for a  
6 recycling outfit, like Cozzi's or either General  
7 Iron. It may look like waste, but it was  
8 like -- that was his way of living from his  
9 sources.

10           That's the way he operated over there on  
11 the west side. So, waste, I really can't -- I  
12 don't --

13           A.     Well, on that, the definition of waste  
14 is, basically, when you don't have a permit --

15           Q.     Oh.

16           A.     -- from our department to have an auto  
17 junkyard, then the storage of the material is  
18 considered waste. Because it's dismantled cars,  
19 you have waste tires that was on the ground, you  
20 have 55-gallon metal drums that were scattered all  
21 over, you had gasoline tanks from vehicles, you had  
22 a lot of mounded soil that was mixed with --

23           Q.     Right.

24           A.     -- C & D waste, along with litter,

1 debris, household garbage. When this type of  
2 material is all scattered all over the ground and  
3 it's not -- it's not stored in the site according  
4 to the City's regulations of being 18 inches off  
5 the ground.

6 And the ground has to be kept clean. No  
7 waste liquids from these autos --

8 Q. Exactly.

9 A. -- poured into the ground. You had a  
10 lot of that.

11 So, therefore, that's why it was  
12 considered an open dump, because it was not  
13 permitted, and this material was stored all on the  
14 ground, which is against City ordinances.

15 Q. To my understanding, that -- the reason  
16 why it was probably scattered that way is because,  
17 in order to load something to get it out, it would  
18 have to be like consolidated to a fact that you  
19 would have to get it all together and put it  
20 in -- these recycling outfits, they don't take  
21 everything. You can't just give them everything.

22 They will refuse the whole load, and we  
23 have to bring the whole thing back to them and load  
24 it on that site. And in the process of going to a

1 recycling know as General Iron, Cozzi, there is  
2 steps that you would have to take.

3 The gas tanks was on the ground because  
4 they can go to recycling.

5 A. Right.

6 Q. That would blow the whole thing. So  
7 they take them off, too, like put them in a  
8 container, drain the liquid. So it was a process  
9 he was probably taking. But they probably -- you  
10 know, they probably was there because he was  
11 loading.

12 A. Okay.

13 Q. He told me he was loading everything.  
14 But he had got stopped, so -- he's not even here  
15 even to state his case, but that's all I can say on  
16 his behalf --

17 A. Right.

18 Q. -- because that's what he told me, you  
19 know.

20 A. But it's -- it says in the ordinance you  
21 cannot put that material on the ground. When you  
22 unload it -- that's why the City requires you have  
23 a -- the lot has to be paved with concrete.

24 And when you are dismantling the car,

1 you have to put that material on that concrete and  
2 drain the material into 55-gallon drums or some  
3 type of AST, above ground storage tank, that has a  
4 secondary storage around it so that the liquids do  
5 not go into the ground.

6 Q. Exactly.

7 A. And then, once you get finished  
8 dismantling the car, you're supposed to have racks  
9 where that material is stored and kept until you  
10 remove it, or either you sell it to the public.  
11 Whatever is usable -- was nonsaleable, you take to  
12 a scrap metal dealer. Therefore, you would keep  
13 the yard clean.

14 Q. Yeah. I don't think he really never got  
15 to the point of getting any racks, because he might  
16 have found out -- he had told me he had a permit to  
17 move there. That's the reason why he moved his  
18 stuff there. But he never, probably, got to the  
19 part to even build any racks.

20 If he found out that he could have what  
21 he had in order to get what he wanted, it would  
22 have to be clean. So you can't get it unless you  
23 do it.

24 So, I guess -- in other words, you can't



1 get the permit or what the City wants to issue you,  
2 until you clean the, you know, the premises up.

3 A. Right.

4 Q. So, you know, that's what I looked at.  
5 And, right now, we is in this process of still  
6 cleaning some items that he left. So it's  
7 three-quarters percent clean now.

8 So we're in the process of  
9 getting -- getting the whole thing resolved by  
10 cleaning everything up that he did leave there.

11 THE HEARING OFFICER: Any other questions of  
12 Ms. Kelly?

13 MR. GREER: No, not at this time.

14 THE HEARING OFFICER: You may step down or  
15 aside. Okay. Thank you.

16 Mr. King?

17 MR. KING: I --

18 THE HEARING OFFICER: You know what -- did you  
19 have any re-redirect, Mr. King? I'm sorry.

20 MR. KING: No.

21 THE HEARING OFFICER: Okay. Thank you.

22 Are you going to call any more  
23 witnesses, or are you going to rest?

24 MR. KING: No, I have no --

1 THE HEARING OFFICER: Okay. All right.

2 MR. KING: I have no further -- I'm done with  
3 my case.

4 THE HEARING OFFICER: Thank you.

5 Mr. Greer, I know -- it's your case in  
6 chief now. I know you've testified to some extent,  
7 kind of out of turn, but that's fine.

8 Do you wish to give further testimony,  
9 or do you have any witnesses to call?

10 MR. GREER: No. As I was saying at the  
11 minute -- with the court reporter, I was saying  
12 that my witness was Don King, that Ms. Kelly --  
13 Inspector Kelly knows. She kind of knows this guy,  
14 I don't know well or not, but she briefly spoke to  
15 him.

16 And that was my witness. And he's --  
17 he's very ill, so he couldn't make it today.

18 THE HEARING OFFICER: Okay.

19 MR. KING: So my witness is not here.

20 THE HEARING OFFICER: Okay. Do you want to  
21 give any further statement, I guess? And, if so,  
22 Mr. King is more than allowed to cross-examine you  
23 if he so chooses.

24 MR. GREER: Like that -- with the APC control,

1 with the pollution, and the environment, I was kind  
2 of baffled, meaning that I had got like  
3 \$1,500 -- well, \$3,000 -- \$3,000 worth of fines  
4 from the Department of Administrative Hearing.

5 THE HEARING OFFICER: No. I think that  
6 was -- correct me if I'm wrong, it's the Department  
7 of the Environment, from the City. Correct?

8 Is that correct, Mr. King? I think  
9 you're referring to the administrative citation  
10 3-14?

11 MR. GREER: Well --

12 MR. KING: If I can clarify this a little --

13 THE HEARING OFFICER: Thank you.

14 MR. KING: -- I will represent that the City  
15 has the Department of Environment and the  
16 Department of Administrative Hearings, which is a  
17 separate department.

18 THE HEARING OFFICER: Okay. I'm confused.

19 MR. KING: The Department of Environment  
20 inspects and occasionally issues notices of  
21 violation, tickets, citations. They all sort of  
22 mean the same thing.

23 And those are adjudicated in the  
24 Department of Administrative Hearings, which is,

1 basically, sort of a city court. It has, you know,  
2 court rooms and hearing officers.

3 And they will issue orders that are, you  
4 know, enforceable under the state law. And, as I  
5 said earlier, I believe that Mr. Greer had been  
6 issued some other violation notices under that that  
7 were adjudicated in that forum, and he may have, I  
8 think, it looks like --

9 MR. GREER: The Department of the Environment.

10 MR. KING: -- an order from the Department of  
11 Administrative Hearings that may have imposed the  
12 fine.

13 THE HEARING OFFICER: Thank you.

14 MR. KING: I think that's what he is talking  
15 about now.

16 THE HEARING OFFICER: Thanks for clearing that  
17 up.

18 MR. GREER: The Department of the  
19 Environment -- that was the first issue. The  
20 Department of the Environment, they also had the  
21 \$3,000 worth of fines.

22 So once I -- once I looked at the  
23 Department of Environment fines and the Department  
24 of Administrative Hearing, I just gathered that the

1 City is just -- they are working with the City on  
2 this thing, on these same citations.

3 So I really mean the Department of  
4 Environment with the \$3,000 worth of tickets. And  
5 then I got the pollution also, with \$1,500 or  
6 whatever the tickets are.

7 I don't really know that. I really  
8 didn't look at -- when I looked at it, I got kind  
9 of upset, you know, with seeing the fines.

10 So I don't even know how much. But I  
11 know it was two tickets, and it's close to \$3,000  
12 for the IPC control and environment.

13 And I thought it was double jeopardy. I  
14 didn't know because it's like environment has  
15 something, pollution. And so I'm like -- and then  
16 I got the attorneys for the City on the environment  
17 that is wanting \$3,000 also on the same case. Yep.

18 I don't know if you want to see a  
19 document of it, but I have something in here. And  
20 prior to this, this case right here, this yard that  
21 we speak of, the citations that was being wrote on  
22 the property, was going to the wrong address. And  
23 that was another issue that came up.

24 And had I known that it was that bad --

1 we were told that the cleanup on State Street was a  
2 must, regardless of anything, you do that first.

3 Because the mayor, that's what he wanted -- that's  
4 what he wanted first.

5 So this is something from the -- from  
6 the attorneys on -- I don't know if you want to see  
7 it.

8 THE HEARING OFFICER: Well, Mr. King, do you  
9 want to take a look at it and I'll take a look at  
10 it? I don't know if you want to put it into  
11 evidence, but while we are on the topic of  
12 exhibits, I will need the Complainant's Exhibit  
13 No. 1 back. I think, Mr. Greer, that you have in  
14 your possession.

15 MR. GREER: Oh, No. 1?

16 MR. KING: This here.

17 THE HEARING OFFICER: All right. So I can  
18 mark that --

19 MR. GREER: I've got my photos at home that  
20 was attached to that.

21 THE HEARING OFFICER: I'm just looking at a  
22 letter dated October 26th, 2003 to Mr. Greer from  
23 the firm of Baker, Miller, Markoff & Cransy\*,  
24 regarding -- it says, "A judgment has been

1 registered in the Circuit Court of Cook County  
2 against you in the amount of \$3,525, on behalf of  
3 the City of Chicago."

4 Okay. What did you want me to do with  
5 this, Mr. Greer?

6 MR. GREER: I just want you to put that in the  
7 minutes so the court reporter will have it. That's  
8 all -- that's all.

9 And the reason -- that's the only way I  
10 knew that the environment was citing me, once I  
11 received that information. Had I not received  
12 that, I still wouldn't have known that the  
13 environment had cited me any tickets --

14 THE HEARING OFFICER: Okay. And I have a  
15 couple of things --

16 MR. GREER: -- that document at that time.

17 THE HEARING OFFICER: Mr. King?

18 MR. KING: I looked over the document that  
19 Mr. Greer has tendered to you. And, as I  
20 understand it, that appears to be a demand letter  
21 from a law firm that does collections for the City,  
22 based on a circuit court judgment that would have  
23 been entered on an administrative determination in  
24 the City's Department of Administrative Hearings.

1           As I understand it, what Mr. Greer is  
2 saying that he never got the citation underlying  
3 that judgment. It was probably a default judgment.

4           However, it's -- I don't think there's  
5 any question that you were served with the  
6 administrative citation that's up today. And  
7 that -- whatever that's based on, was a completely  
8 separate proceeding.

9           And I -- it doesn't have anything to do  
10 with this citation that's up today. Or, you know,  
11 separate citations, separate violations, separate  
12 proceeding. And, I suppose, that I would object to  
13 entering that into evidence, simply because it's  
14 irrelevant to this that it is going on here.

15           THE HEARING OFFICER: A couple of things. I  
16 agree with Mr. King, it is irrelevant to the case  
17 at hand. Secondly, the letter, and this is a  
18 communication from a debt collector -- as it states  
19 below on the letter itself -- doesn't give any  
20 indication of the address of the site where the --

21           MR. GREER: It has the case number on there.

22           THE HEARING OFFICER: Well, it has a case  
23 number, but I don't know if it's the same site.

24           Mr. Greer, what I could do, if you're



1 still insistent on bringing this into evidence,  
2 I could take it as an offer of proof, but I would  
3 sustain the City's objection that it is  
4 irrelevant. And that means that I would take it  
5 with the case, I will mark it Respondent's Exhibit  
6 No. 1, and when the Board takes a look at it, they  
7 may overrule me.

8 Would you --

9 MR. GREER: No, that's okay. I just put it in  
10 the minutes.

11 It's just that -- the state's attorney  
12 was saying that it's kind of irrelevant, but known  
13 to the fact that it's still \$3,000 that is cited  
14 for the environment on that location.

15 THE HEARING OFFICER: Okay. Do you want me to  
16 take it as your exhibit? No?

17 MR. GREER: No, don't take it as an exhibit.

18 THE HEARING OFFICER: Okay. All right.  
19 Thanks. The record will reflect what we've been  
20 talking about, regardless.

21 Gee, I forgot where we were. Mr. Greer,  
22 you're still in your case in chief, I believe.

23 MR. GREER: My case in chief?

24 THE HEARING OFFICER: Well, yeah. You're

1 pursuing your argument.

2 MR. GREER: Oh, yeah, exactly. That was -- I  
3 think that was about it at this point.

4 THE HEARING OFFICER: Okay. So do you rest?  
5 You have nothing more to say, other than a closing  
6 argument?

7 MR. GREER: No, nothing else to say.

8 THE HEARING OFFICER: Okay.

9 Mr. King, rebuttal?

10 MR. KING: Well, I do have one question I'd  
11 like to ask Mr. Greer by way of cross-examination.

12 THE HEARING OFFICER: I'm sorry.

13 MR. KING: Well, two questions, I suppose.

14 CROSS-EXAMINATION

15 BY MR. KING:

16 Q. Mr. Greer, you said earlier, I believe,  
17 "We stopped the fly dumping that had been occurring  
18 at the site along" -- I think you said Wallace  
19 Street?

20 A. Well, if you got the "we stopped," I  
21 don't want to say we stopped, but we slowed it  
22 down.

23 Q. Who is "we"?

24 A. We, meaning, a crew that works with me

1 in that lot. I have like little workers that  
2 work -- handles the stuff on the ground, moving the  
3 freight off the ground, and getting the tires in  
4 one place. And there's a guy that watches the  
5 yard. I got a yard guy.

6 Q. Okay. And you described how you had  
7 someone in a car keeping watch and --

8 A. Well, not all the time. Most of the  
9 time he will drive back there, and it's not an  
10 everyday thing.

11 Because I told him if -- something  
12 happened with this guy, he was approached with a  
13 gun. I told him okay, look, "Come randomly." You  
14 know, don't make it an everyday thing.

15 So this is a guy that -- that I -- that  
16 I know personally, that works with me on the lot.  
17 He stops by, and if he see a truck or something,  
18 he, "Hey," you know, he kind of slough him off.

19 Q. Well, my question about that is, when  
20 did he start doing that? When did you -- when did  
21 that begin?

22 A. Well, on this premises we speaking of  
23 now, this inspector there, and the head -- is one  
24 top guy and zone -- well, this is environment. And

1 this guy that's in the environment is -- not  
2 environment, streets and sanitation, I'm sorry.  
3 Streets and sanitation, Cole Steller.

4 Q. Well, I'm asking about you and your  
5 crew, and your man, taking steps to deter the fly  
6 dumpers?

7 A. Right.

8 Q. When did they start doing that?

9 A. Right. They started doing it when the  
10 time that -- like I was saying, I was getting to  
11 the part -- Cole Steller is a streets and  
12 sanitation guy. He noticed the tires that was  
13 dumped in there.

14 He came and told us -- he said, "Gosh,  
15 you guys got a lot of stuff." So I'm just using  
16 that, because if you talk to this guy, he can give  
17 you the date because he had wrote it down. He put  
18 me on the list for cleanup back there, Cole  
19 Steller.

20 Now, it started back -- gosh, when we  
21 started the cleanup over there last year sometime.  
22 Maybe the -- the middle of 2003. It was during  
23 the -- it was during the -- maybe in October --  
24 October sometime.

1 Q. All right.

2 A. It was during the warm months of -- it  
3 was like -- it was like in June sometime. June  
4 July, August, stuff like that, in that period of  
5 time.

6 Because I can remember myself being on  
7 the site -- on the site that we was cleaning  
8 for -- well, right across from the City. And this  
9 guy Don -- Columbus Don was over there in the house  
10 on the inside cleaning up the stuff that he had.

11 And he was saying that, "Hey, a lot of  
12 guys dumped tires." I said, "Okay, what we do is  
13 we get somebody over here and watch."

14 So if -- when you spoke to Don, it was  
15 around in the -- them was the hot months that he  
16 went over there, wasn't it kind of warm outside, if  
17 you can remember?

18 MS. KELLY: What do you want --

19 MR. GREER: When you --

20 MS. KELLY: When I first met him?

21 MR. GREER: No, when you first talked to him  
22 about moving the stuff out he had told you about.  
23 He was going to -- I think it happened the same  
24 time. I can't really -- I don't remember the exact

1 date, but I know it was warm out.

2 MS. KELLY: Oh.

3 MR. GREER: You didn't need a jacket.

4 MS. KELLY: Right.

5 MR. GREER: You didn't need a big heavy  
6 coat.

7 MS. KELLY: You mean -- oh, you mean the last  
8 time when I saw him and talked to him? That was  
9 like -- yeah. That was around June.

10 MR. GREER: Something like that, yeah.

11 THE HEARING OFFICER: Mr. King?

12 MR. KING: Mr. Greer has been asking Ms. Kelly  
13 these questions. If his testimony is that she  
14 would know when this occurred, maybe we should just  
15 put her back on and I'll ask her.

16 THE HEARING OFFICER: Yeah. I mean, that's  
17 fine. I'm here to ensure an orderly hearing, and  
18 it's not really going that way when Mr. King asks  
19 you questions, Mr. Greer, and you don't really ask  
20 Ms. Kelly.

21 MR. GREER: All right.

22 THE HEARING OFFICER: But that's all fine.  
23 It's not -- you're not here every day.

24 So if you want to do that with --

1 Ms. Kelly, you can come back on the stand, I guess.  
2 This is kind of out of the ordinary, but -- you  
3 know, anyway, Mr. Greer, do you -- you can ask  
4 Ms. Kelly the questions.

5 MR. GREER: Yeah.

6 FURTHER RECROSS-EXAMINATION

7 BY MR. GREER:

8 Q. The time you spoke to Don, do you know  
9 the date when you spoke to him about the cleanup  
10 or --

11 A. The last time I spoke -- no, I don't  
12 know the exact date. But it's one of the reports  
13 in the office. But it was -- it was around June or  
14 May. Yeah, the warmer months.

15 MR. GREER: No further questions.

16 THE HEARING OFFICER: Okay. Thank you. Just  
17 stay there for a minute, Ms. Kelly.

18 MS. KELLY: Okay.

19 THE HEARING OFFICER: Mr. King?

20 FURTHER CROSS-EXAMINATION

21 BY MR. KING:

22 Q. And tell me if I understand your  
23 testimony correctly then. You're saying that that  
24 was when you put into place this program of having

1 someone out there to watch for fly dumpers?

2 A. Once the continuous -- well, not  
3 continuous -- but once the dumping tires  
4 started, that's when I assisted. Back in June,  
5 yeah, someone to come back there and watch  
6 momentarily.

7 Q. How long did that go on? Or is it still  
8 going on?

9 A. It's going on now.

10 Q. You have --

11 A. It never --

12 Q. -- someone watching?

13 A. I don't have somebody back there  
14 permanent, every day, but there's somebody that  
15 goes back there randomly.

16 Q. Okay.

17 A. And I'm one of the guys, myself, go back  
18 there.

19 MR. KING: All right. No further cross of  
20 Mr. Greer.

21 THE HEARING OFFICER: Okay, thanks. All  
22 right.

23 Mr. Greer, have you rested, now, your  
24 case in chief? I guess we jumped the gun last time



1 we tried --

2 MR. GREER: Yes, I rested. I rested.

3 THE HEARING OFFICER: Okay.

4 So now it's Mr. King, do you have any  
5 rebuttal you want to present?

6 MR. KING: No.

7 THE HEARING OFFICER: All right.

8 Ms. Kelly, you may step down. Thank you  
9 very much.

10 MS. KELLY: Okay.

11 THE HEARING OFFICER: We're going to go off  
12 the record in a moment. We're going to discuss a  
13 post-hearing briefing schedule.

14 But, I guess, from my knowledge,  
15 Mr. King, Mr. Greer, are you going to opt for a  
16 closing argument -- statement, argument, or are you  
17 just going to submit your post-hearing briefs and  
18 leave it at that? Mr. King?

19 MR. KING: I prefer just to submit a  
20 post-hearing brief.

21 MR. GREER: Exactly.

22 THE HEARING OFFICER: Let's go off the record  
23 for a second. Thanks.

24 (WHEREUPON, discussion was had

1 off the record.)

2 THE HEARING OFFICER: Back on the record.

3 We've been talking about post-hearing brief  
4 scheduling. The parties have indicated that they  
5 wish to waive their closing arguments.

6 We have decided that the transcript  
7 will be available April 15th. And with that  
8 said, Complainant's brief is due on or before  
9 May 14th.

10 Mr. Greer's brief is due on or before  
11 June 18th. Mr. King's reply, if any, is due on or  
12 before July 9. And I'm setting public comment due  
13 date is April 30th, 2004. And, again, this is all  
14 in the year 2004.

15 There has been no members of the public  
16 here; but, in any event, we said it. And, before I  
17 forget, I am supposed to make a credibility  
18 determination. And based on my judgment, legal  
19 knowledge, and observations, I find that there is  
20 no issue of credibility with the witnesses that  
21 testified here today.

22 I want to thank everybody for their  
23 civility. And if that's all, have a safe trip  
24 home, or a safe walk across the street, whatever

1 the case. Thank you very much.

2 MR. KING: Thank you.

3 MR. GREER: Thank you.

4 (WHICH WERE all the matters heard in  
5 the above-entitled cause on this date.)

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1 STATE OF ILLINOIS)

2 ) SS:

3 COUNTY OF COOK )

4 I, SHARON BERKERY, a Certified Shorthand  
5 Reporter of the State of Illinois, do hereby  
6 certify that I reported in shorthand the  
7 proceedings had at the hearing aforesaid, and that  
8 the foregoing is a true, complete, and correct  
9 transcript of the proceedings of said hearing as  
10 appears from my stenographic notes so taken and  
11 transcribed under my personal direction.

12 IN WITNESS WHEREOF, I do hereunto set my  
13 hand at Chicago, Illinois, this 8th day of  
14 April, 2004.

15 *Sharon Berkery*

16

17

Certified Shorthand Reporter

18

19 C.S.R. Certificate No. 84-4327.

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