

BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL                    )  
PROTECTION AGENCY,                        )  
    Complainant,                            )  
  )    AC 05-70  
    -vs-                                     )  
  )  
JAMES STUTSMAN,                            )  
    Respondent.                             )

Hearing held, pursuant to notice, on Wednesday,  
May 10, 2006 at the hour of 9:30 a.m. at Mason  
County Courthouse, 125 N. Plum, Havana, Illinois,  
before CAROL WEBB, duly appointed Hearing Officer.

L.A. REPORTING SERVICE

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REPORTER: LAUREL A. PATKES, CSR #084-001340

A P P E A R A N C E S

MICHELLE M. RYAN

IEPA, Division of Legal Counsel

1021 N. Grand Ave. E.

Springfield, Illinois 62794

appearing on behalf of Complainant;

JAMES STUTSMAN

appearing pro se as Respondent.

## I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
MICHELLE COZADD				
By Ms. Ryan	6	12		
By Mr. Stutsman				
JAMES STUTSMAN				
Narrative Testimony	14		21	
By Ms. Ryan		17		22
	REBUTTAL			
MICHELLE COZADD				
By Ms. Ryan	24			
By Mr. Stutsman		27		

## EXHIBITS

	IDENTIFIED	ADMITTED
Complainant's Exhibit 1	9	12
Complainant's Exhibit 2	17	20
Complainant's Exhibit 3	20	20
Complainant's Exhibit 4	24	25

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PROCEEDINGS

HEARING OFFICER WEBB: Good morning.

My name is Carol Webb. I'm a hearing officer with the Pollution Control Board. This is AC 05-70, IEPA versus James Stutsman.

It is May 10th, and we are beginning at 9:30 a.m.

I'll note for the record that there are no members of the public present. Members of the public are allowed to provide public comment if they so choose.

At issue in this case is the EPA's assertion that respondent violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act at a site located at 8443 County Road 1100 East in Bath, Mason County.

You should know that it is the Pollution Control Board and not me that will make the final decision in this case.

My purpose is to conduct the hearing in a neutral and orderly manner to ensure that we have a clear record of the proceedings.

I will also assess the credibility of any witnesses on the record at the end of the

1 hearing.

2                   This hearing was noticed pursuant to  
3 the Act and the Board's rules and will be conducted  
4 pursuant to Sections 101.600 through 101.632 of the  
5 Board's procedural rules.

6                   At this time, I'd like to ask if  
7 parties to please make their appearances on the  
8 record.

9                   MS. RYAN: Michelle Ryan, Special  
10 Assistant Attorney General for the Illinois EPA.

11                   HEARING OFFICER WEBB: And,  
12 Mr. Stutsman, you're here representing yourself, is  
13 that correct?

14                   MR. STUTSMAN: Yes.

15                   MS. RYAN: And I apologize. I have  
16 my formal appearance here too for you.

17                   HEARING OFFICER WEBB: Okay. Thank  
18 you.

19                   All right. Ms. Ryan, would you like  
20 to make an opening statement?

21                   MS. RYAN: Yes. We believe that the  
22 evidence today will show that on April 1, 2005, open  
23 dumping resulting in litter and the deposition of  
24 construction or demolition debris was observed on

1 Mr. Stutsman's property at 8443 County Road 1100E in  
2 Bath, Mason County, Illinois, and that there are no  
3 defenses to these violations.

4 HEARING OFFICER WEBB: Thank you.

5 Mr. Stutsman, would you like to make  
6 any opening statement?

7 MR. STUTSMAN: I'll just try to  
8 respond to allegations.

9 HEARING OFFICER WEBB: Okay. If you  
10 want to just wait until it's time for you to present  
11 your argument, that's fine.

12 Okay. Ms. Ryan, you may present your  
13 case.

14 MS. RYAN: We call Michelle Cozadd.

15 (Whereupon the witness was sworn  
16 by the reporter.)

17 MICHELLE ELLEN COZADD

18 called as a witness herein, on behalf of the  
19 Complainant, having been first duly sworn on her  
20 oath, was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MS. RYAN:

23 Q. Could you state your name and spell  
24 your last name for the court reporter?

1           A.       Michelle Ellen Cozadd. Cozadd is  
2 C-o-z-a-d-d.

3           Q.       Who do you work for?

4           A.       I work for the Illinois Environmental  
5 Protection Agency.

6           Q.       What's your current position there?

7           A.       I'm a field inspector with the Bureau  
8 of Land's Springfield regional office since March of  
9 1995.

10          Q.       Have you held other positions at  
11 Illinois EPA?

12          A.       I've been employed with the Illinois  
13 EPA since June of 1992, and I have worked in the  
14 Champaign laboratory, Springfield laboratory,  
15 leaking underground storage tank section, and field  
16 operations section headquarters.

17          Q.       What are your duties as field  
18 inspector?

19          A.       I conduct inspections of open dump  
20 inspections, hazardous and nonhazardous waste  
21 generators, sanitary landfills waste transfer  
22 stations, compost facilities, and citizen  
23 complaints.

24          Q.       Over your years as a field inspector,

1 approximately how many inspections have you  
2 conducted?

3 A. I've conducted around 880 inspections  
4 of which 400 have been open dump inspections.

5 Q. What's your educational background?

6 A. I have a Bachelor of Science degree  
7 in secondary education from the University of  
8 Illinois at Urbana-Champaign.

9 I also have completed 38 semester  
10 hours of graduate course work in environmental  
11 studies from the University of Illinois at  
12 Springfield.

13 I have taken various workshops and  
14 seminars over the years pertaining to open dumping  
15 including in October 1996 criminal environmental  
16 enforcement for regulators course.

17 Q. Are you familiar with a facility that  
18 we've been calling the Stutsman property at 8443  
19 County Road 1100 East in Bath?

20 A. Yes.

21 Q. Where is that property located other  
22 than the address?

23 A. This one and a half acre site is  
24 located approximately one kilometer southwest of



1 Bath, Illinois in Mason County. It is located on a  
2 county road off of State Route 78 near the cemetery.

3 It is generally a flat area and an  
4 agricultural setting with very sandy soil  
5 conditions.

6 The property consists of some open  
7 areas, some wooded areas, and is visible from the  
8 highway.

9 Structures on the property include a  
10 house, a garage, a large RV shed, and several small  
11 tool sheds.

12 Q. Who owns that property?

13 A. Mr. James Stutsman.

14 Q. How many inspections have you  
15 conducted at this property?

16 A. I've conducted eight inspections  
17 since July of 1999.

18 Q. I'm going to show you what I've  
19 marked as Exhibit 1.

20 Can you tell me if you recognize that  
21 document?

22 A. Yes. It's my inspection report from  
23 April 1, 2005.

24 Q. Can you look through the document for

1 me, please?

2 (Pause)

3 Q. Is this a fair accurate and complete  
4 copy of your report?

5 A. Yes.

6 Q. Who took the photographs that are  
7 attached to this report?

8 A. I did.

9 Q. Can you describe generally what are  
10 shown in the photographs?

11 A. The waste materials that were  
12 observed on the property in the open areas and in  
13 the wooded areas and off-site on the other side of  
14 the county road include about 1,000 used tires, over  
15 80 abandoned vehicles, a school bus, mobile homes,  
16 metal tanks, scrap metals, campers, trailers, golf  
17 carts, buggies, boats, axles and other automotive  
18 parts, lead acid batteries, white goods, metal  
19 shelving units, and general construction or  
20 demolition debris.

21 Specifically, the general  
22 construction or demolition debris consisted of  
23 damaged dimensional lumber, metal siding, cinder  
24 blocks, broken concrete and bricks as shown in the

1 photos 1, 5, 15, 23, 25, 29, 73 and 74.

2 Q. You mentioned that some of the waste  
3 was off-site.

4 Can you indicate which photos depict  
5 those areas?

6 A. No. 9, No. 12, No. 16, 48, 49, 58,  
7 75.

8 Q. Based on your previous inspections of  
9 the property, how long had the waste that you  
10 observed on April 1, 2005 been present at the site  
11 at that time?

12 A. Most materials have been present  
13 since my initial inspection in July of 1999.

14 Q. When was this report generated?

15 A. April 4, 2005.

16 Q. Does Illinois EPA keep these reports  
17 in the regular course of it is business?

18 A. Yes.

19 MS. RYAN: At this time, I would move  
20 Exhibit 1 into evidence.

21 HEARING OFFICER WEBB: Mr. Stutsman,  
22 do you have any objection?

23 MR. STUTSMAN: No. I just wished I  
24 would have got a copy of these pictures that I could

1 read.

2 HEARING OFFICER WEBB: Pardon me?

3 MR. STUTSMAN: I just wished I had a  
4 copy of these pictures. What they sent me was so  
5 black you couldn't see anything.

6 HEARING OFFICER WEBB: Well, I'm  
7 going to admit Exhibit No. 1 into evidence.

8 (Complainant's Exhibit 1 was  
9 admitted into evidence at this  
10 time.)

11 MS. RYAN: That's all I have at this  
12 point.

13 HEARING OFFICER WEBB: Okay.

14 Mr. Stutsman, do you have any  
15 questions for this witness?

16 MR. STUTSMAN: Her or her?

17 HEARING OFFICER WEBB: Her.

18 MR. STUTSMAN: Well, I have some  
19 questions, yes.

20 HEARING OFFICER WEBB: Okay. What  
21 are they?

22 CROSS-EXAMINATION

23 BY MR. STUTSMAN:

24 Q. In June of 2002 when we was doing a

1 walk around inspection down there, did you not tell  
2 me I could keep my scrap iron?

3 A. In general.

4 We understand that you wanted to  
5 recycle the materials, but we also stated on several  
6 occasions and in writing that you had to show  
7 turnover of the material and keep the materials  
8 organized on your property.

9 Q. Why do you need to have turnover when  
10 the long game plan was that I could hold it till I  
11 retired and then use it as income?

12 A. That was your plan.

13 As stated in our letters and in the  
14 site visits, you had to show turnover of the  
15 material so that we knew that you were going to  
16 eventually recycle all the material, and you chose  
17 not to remove any of the waste materials on the  
18 property.

19 Q. I did remove some material.

20 HEARING OFFICER WEBB: Mr. Stutsman,  
21 just questions. You'll have an opportunity to  
22 present your testimony in full. I'm just asking  
23 right now if you have any specific questions for  
24 this witness.

1 MR. STUTSMAN: I guess not.

2 HEARING OFFICER WEBB: Okay.

3 Michelle anything further.

4 MS. RYAN: No, I don't have anything

5 further. Thank you.

6 HEARING OFFICER WEBB: Okay. Thank

7 you very much.

8 (Witness excused.)

9 HEARING OFFICER WEBB: Ms. Ryan, you  
10 may call your next witness.

11 MS. RYAN: We have no further

12 witnesses at this time.

13 HEARING OFFICER WEBB: Okay. Thank

14 you very much.

15 Mr. Stutsman, you may present your  
16 testimony as soon as the court reporter swears you  
17 in.

18 (Whereupon the witness was sworn

19 by the reporter.)

20 HEARING OFFICER WEBB: You may

21 proceed.

22 NARRATIVE TESTIMONY

23 BY JAMES STUTSMAN:

24 This whole thing has been totally out

1 of proportion because it's not a dump, never has  
2 been a dump, and never will be a dump. I'm a  
3 licensed scrap processor and upgrader, and I have  
4 been working to get the place cleaned up.

5                   I will grant you, there was a lot of  
6 debris from the tornadoes, tree limbs and brush and  
7 stuff down. Trees have growed and made it look  
8 terrible. I've got the scrap mostly all picked up  
9 and into the proper piles and separated and sorted  
10 so that I can start moving it now because I have  
11 retired.

12                   Like I say, I had the license. Every  
13 time I get cited with something different, I mean,  
14 they keep changing the program it seems like to me.

15                   I called Michelle and asked her what  
16 this construction demolition amounted to and  
17 basically got told to read the letter and decipher  
18 it from that.

19                   She did say some trash was on the  
20 township side of the road, not actually on my  
21 property, and some lumber that I had on a trailer --  
22 it was not on the ground; it was on the trailer --  
23 was the only thing she really said that I needed to  
24 get rid off.

1                   Then when I called her and told her  
2 that that stuff had all been picked up, she told me  
3 that the junk had to all go. I had to get rid of  
4 all the scrap iron, all the cars, even with the  
5 license, so it just sounds to me like they just  
6 don't want me to have a business at all and any  
7 income.

8                   HEARING OFFICER WEBB: Anything  
9 further?

10                  MR. STUTSMAN: I have been cleaning  
11 it up. I retired first of April. So far to date,  
12 I've taken five loads of scrap in, that's one a  
13 week, and I've done a lot of cleaning, more cleaning  
14 down there, and I'm making things look more  
15 presentable, and if I keep going, I'll eventually  
16 get it all cleaned up and get rid of most of the  
17 stuff other than I intend to stay in the salvage  
18 business for the rest of my life.

19                  HEARING OFFICER WEBB: Is that it?

20                  MR. STUTSMAN: Yes.

21                  HEARING OFFICER WEBB: Ms. Ryan, do  
22 you have any questions for Mr. Stutsman?

23                  MS. RYAN: Yes.

24



1 CROSS-EXAMINATION

2 BY MS. RYAN:

3 Q. Mr. Stutsman, the tornado waste you  
4 referred to, when was that or those tornadoes?

5 A. They would have been 1995/1996 I  
6 believe.

7 Q. And when you said you retired the  
8 first part of April, that was April 2006, is that  
9 right?

10 A. Right.

11 Q. Mr. Stutsman, I'm showing you what  
12 I've marked as Exhibit 2 for the record.

13 Can you look at that and see if you  
14 recognize it?

15 (Pause)

16 HEARING OFFICER WEBB: Have you  
17 finished reviewing it?

18 THE WITNESS: Yes.

19 Q. BY MS. RYAN: Do you recognize that  
20 document?

21 A. Yes.

22 Q. Did you receive that from Illinois  
23 EPA?

24 A. Yes.

1           Q.       This is an administrative citation  
2 warning notice, and you'll notice on there that it  
3 indicates the corrective actions that are required  
4 beginning at the bottom of the first page and  
5 continuing on to the second page.

6                    Can you look through those for me?

7                    (Pause)

8           A.       Just read through all them?

9           Q.       Just review them there so you can  
10 have an idea of what they say.

11           A.       Yeah.

12           Q.       Okay. And you'll notice from there  
13 that this administrative citation warning notice  
14 indicates that a lot more material needed to be  
15 removed than the lumber that you mentioned  
16 previously.

17           A.       A lot more material?

18           Q.       Yeah. This refers to specifically  
19 general refuse, scrap metal, used and waste tires,  
20 lead acid batteries, white goods, gas cylinders,  
21 vehicles.

22           A.       All this stuff... The acid batteries  
23 were sold that Michelle and I discussed that day  
24 down there.

1                   I sent her a copy of the receipt, and  
2 she claims she never got it, which I don't  
3 understand why, but she didn't get it or the copy of  
4 my salvage license.

5                   It says here basically you can't take  
6 scrap metal to the landfill.

7                   I have no intention of taking it to  
8 the landfill. I've taken nothing to the landfill  
9 because there's been nothing to take to the  
10 landfill.

11                Q.       Mr. Stutsman, on Page 1 of this  
12 document, do you see that there's a deadline for  
13 completing these corrective actions; specifically in  
14 paragraph 2 there?

15                A.       Yeah.

16                Q.       And then on the second page it  
17 indicates that you need to respond to this notice in  
18 writing.

19                   Did you do that?

20                A.       Yes, I did. I got extensions  
21 whenever the deadlines was due until they quit  
22 telling me that I had to have extensions. They  
23 never asked for any more extensions.

24                Q.       Mr. Stutsman, I'm showing you what

1 I've marked as Exhibit 3.

2 Is that your response to this  
3 administrative citation warning notice?

4 A. Yes.

5 Q. Okay. And what is your estimated  
6 completion date as indicated on your response here?

7 A. Well, it says here 2005, May 1st.

8 Q. And that's your handwriting there?

9 A. Yes.

10 MS. RYAN: I would move Exhibits 2  
11 and 3 into evidence at this time.

12 HEARING OFFICER WEBB: Any objection,  
13 Mr. Stutsman?

14 MR. STUTSMAN: No.

15 I do think that you should read this  
16 here and see what it says. It doesn't say that I'm  
17 going to get rid of anything. It says I'm just  
18 getting it into the proper piles.

19 HEARING OFFICER WEBB: Well, if you  
20 don't object to my admitting them into evidence, I'm  
21 going to go ahead and admit them into evidence.

22 (Complainant's Exhibits 2 and 3  
23 were admitted into evidence at  
24 this time.)

1                   MR. STUTSMAN: That was supposed to  
2 have been 2006. I don't understand how it ended up  
3 5 for that because that was my retirement date.

4                   HEARING OFFICER WEBB: Okay.

5                   Ms. Ryan, do you have any further  
6 questions for Mr. Stutsman?

7                   MS. RYAN: No.

8                   HEARING OFFICER WEBB: Okay.

9                   Mr. Stutsman, do you have any further  
10 testimony or were you finished saying what you  
11 wanted? Did you get all your points in?

12                  MR. STUTSMAN: No, I...

13                  HEARING OFFICER WEBB: Anything to  
14 respond about what Ms. Ryan just asked you?

15                  NARRATIVE TESTIMONY

16 BY JAMES STUTSMAN: (ON REDIRECT)

17                  When they come down and inspected  
18 after we cleaned up the citation we're in here for  
19 today, Michelle come down with Mr. Jensen and done  
20 the inspection, and the only thing they even looked  
21 at that day was tires. They never looked at the  
22 trash or the lumber or anything like that.

23                  HEARING OFFICER WEBB: What day was  
24 that?

1                   MR. STUTSMAN: That would have been  
2 on September 29th of 2005. We walked around, and  
3 the only thing they looked at and talked about that  
4 day was tires, and they lead me to believe that day  
5 that I was in compliance totally other than the  
6 tires needed to go, and EPA was supposed to come and  
7 get a thousand tires whenever they were satisfied  
8 everything else was completed, and a few days later,  
9 I got the letter saying they'd be coming and getting  
10 the tires.

11                   HEARING OFFICER WEBB: Ms. Ryan, do  
12 you have any questions about that?

13                   MS. RYAN: Yeah.

14                   RE CROSS-EXAMINATION

15 BY MS. RYAN:

16                   Q. Mr. Stutsman, what date was that you  
17 said that they lead you to believe you were in  
18 compliance?

19                   A. September 29, 2005.

20                   I have a bunch of pictures here of  
21 the scrap iron in question showing it doesn't look  
22 that bad. It's not hurting anything. Some of it is  
23 already gone. More of it is to go. The grounds are  
24 halfway maintained.

1                   HEARING OFFICER WEBB: Well, I don't  
2 know anything -- I can't just admit pictures without  
3 having some kind of background about when they were  
4 taken and what the circumstances were. Well, I  
5 guess you didn't offer them anyway.

6                   Mr. Stutsman, did you receive  
7 anything in writing that would give you any  
8 indication that the EPA thought you were in  
9 compliance?

10                  MR. STUTSMAN: Nothing in writing.  
11 Everything was verbal. They said the only thing I  
12 had to do is negotiate a fine or a fee that day is  
13 all he told me.

14                  MS. RYAN: I found what I was looking  
15 for.

16                  MR. STUTSMAN: There is the litter  
17 that they was complaining about that actually wasn't  
18 on me, it was on the township, but it all fit in  
19 them two bags [referring to a photo].

20                  HEARING OFFICER WEBB: Well, I don't  
21 have any information about your photos,  
22 Mr. Stutsman, and I don't think they're relevant at  
23 this point.

24                  MS. RYAN: It's actually still my

1 turn anyway.

2 HEARING OFFICER WEBB: Yes, it is  
3 still Ms. Ryan's turn anyway.

4 MS. RYAN: I only have one copy of  
5 this so I'm going to show it to the witness and then  
6 I'll give it to you.

7 HEARING OFFICER WEBB: Okay.

8 Q. BY MS. RYAN: Mr. Stutsman, I'm  
9 showing you what I've marked as Exhibit No. 4.

10 Can you review that for me, please?

11 A. Yeah.

12 Q. And do you notice in that second  
13 paragraph, that last sentence, it indicates that the  
14 alleged violations previously cited remain  
15 unresolved?

16 A. Yes.

17 Q. Okay. And that was following the  
18 inspection that you just referred to in September of  
19 '05? I mean, the date of the letter is following  
20 that inspection, is that right?

21 A. Yes.

22 MS. RYAN: I would move for admission  
23 of Exhibit 4 into evidence.

24 HEARING OFFICER WEBB: Okay.



1                   Mr. Stutsman, I'm going to admit  
2 Exhibit 4 into evidence.

3                   (Complainant's Exhibit 4 was  
4 admitted into evidence at this  
5 time.)

6                   MS. RYAN: That's all the questions I  
7 have for this witness.

8                   HEARING OFFICER WEBB: Okay.

9                   Before we hear any closing  
10 arguments --

11                   MS. RYAN: Actually, I would like to  
12 have a rebuttal witness.

13                   HEARING OFFICER WEBB: Oh, I'm sorry.  
14 I assumed we were finished.

15                   MS. RYAN: No.

16                   HEARING OFFICER WEBB: Okay.

17                   MS. RYAN: I'm going to recall  
18 Michelle Cozadd.

19                   HEARING OFFICER WEBB: All right.

20                   Ms. Cozadd, I'll remind you you're  
21 still under oath.

22

23

24

1 MICHELLE ELLEN COZADD  
2 recalled as a witness herein on behalf of the  
3 Complainant, having been previously sworn, was  
4 examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. RYAN:

7 Q. Mr. Stutsman testified earlier that  
8 you kept changing the program on him.

9 Over your eight inspections that you  
10 conducted on the property, did the nature of the  
11 violations cited change in any way?

12 A. No.

13 Q. And was Mr. Stutsman given copies of  
14 all these inspections with a list of violations?

15 A. Yes.

16 Q. And did you ever discuss with him  
17 that he was in compliance at any time since July of  
18 1999?

19 A. We discussed how to come back into  
20 compliance and what he needed to do.

21 We discussed what kept changing may  
22 have been the date about removal of the tires.  
23 Initially, years ago, everything had to be taken  
24 off-site before we came and got the tires, but with

1 the West Nile virus and the problems associated with  
2 used tires, there has been a change, and we have  
3 cleaned up sites, cleaned up the tires before the  
4 other waste materials had been removed, and that is  
5 what happened in this case.

6 Also, there was a point at one time  
7 where funding had ceased, and so that had stopped us  
8 from getting the tires until we had more funding.

9 So there was a couple of problems  
10 over the course of the last six years with going and  
11 getting tires.

12 Q. But Illinois EPA has cleaned up the  
13 tires at this point, is that correct?

14 A. Yes.

15 MS. RYAN: That's all I have.

16 HEARING OFFICER WEBB: Mr. Stutsman,  
17 do you have any questions about anything Ms. Cozadd  
18 just said?

19 CROSS-EXAMINATION

20 BY MR. STUTSMAN:

21 Q. I wasn't doing any cleanup? You  
22 couldn't see any difference, any improvements in the  
23 property over the eight inspections?

24 A. In my inspection reports, between the

1 first and second inspections, you did put some  
2 things in some piles, but overall, over the last  
3 eight inspections, there has not been a substantial  
4 removal of waste materials from the property.

5 Q. Waste materials, what are you calling  
6 waste materials?

7 A. Abandoned vehicles, used tires,  
8 school bus, metal tanks, mobile homes.

9 Q. According to the Secretary of State,  
10 I have to have vehicles on the property in order to  
11 keep my license.

12 HEARING OFFICER WEBB: Mr. Stutsman,  
13 you can make that argument in your post-hearing  
14 brief.

15 I'm just asking you right now if you  
16 have any questions about anything Ms. Cozadd said to  
17 Ms. Ryan.

18 MR. STUTSMAN: No.

19 HEARING OFFICER WEBB: Okay.  
20 Anything further?

21 MS. RYAN: No. Thank you.

22 HEARING OFFICER WEBB: Okay.

23 Now we'll go off the record.

24

1 (Whereupon an off-the-record  
2 discussion transpired at this  
3 time.)

4 HEARING OFFICER WEBB: We've just had  
5 an off-the-record discussion regarding post-hearing  
6 briefs. The parties have agreed to a briefing  
7 schedule as follows:

8 First, the transcript of these  
9 proceedings will be available from the court  
10 reporter by May 22nd and will be posted on the  
11 board's Web site.

12 The public comment deadline is  
13 June 5th although the mailbox rule will apply.

14 Public comment must be filed in  
15 accordance with Section 101.628 of the Board's  
16 procedural rules.

17 Complainant's brief is due by  
18 June 7th and respondent's brief is due by June 28th,  
19 and the mailbox rule will apply.

20 Ms. Ryan, would you like to make any  
21 closing argument?

22 MS. RYAN: No. I'd like to reserve  
23 that for my brief. Thank you.

24 HEARING OFFICER WEBB: Mr. Stutsman,

1 would you like to make any closing argument?

2 MR. STUTSMAN: No.

3 HEARING OFFICER WEBB: As there are  
4 no members of the public present, I will proceed to  
5 make a statement as to the credibility of witnesses  
6 testifying during this hearing.

7 Based on my legal judgment and  
8 experience, I find both of the witnesses testifying  
9 to be credible.

10 At this time, I'll conclude the  
11 proceedings. We stand adjourned, and I thank you  
12 all for your participation.

13 (Which were all of the  
14 proceedings held at this time.)

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