

ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

NOV 22 2006

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
vs.)	AC 05-47
)	(IEPA County No. 686-04-AC)
STACY HESS,)	(Administrative Citation)
)	
Respondent.)	

The following is the transcript of a hearing held in the above-captioned matter, taken stenographically by Gale G. Everhart, CSR-RPR, a notary public within and for the County of Peoria and State of Illinois, before Carol Webb, Hearing Officer, at 111 South Capitol Street, Pekin, Illinois, on the 14th day of November, A.D. 2006, commencing at 12:40 p.m.

1 PRESENT:

2 HEARING TAKEN BEFORE:
3 ILLINOIS POLLUTION CONTROL BOARD
4 1021 North Grand Avenue East
5 Springfield, Illinois 62794-9274
6 (217) 524-8509
7 BY: CAROL WEBB

8 APPEARANCES:

9 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
10 BY: MICHELLE M. RYAN, ESQUIRE
11 Attorney at Law
12 1021 North Grand Avenue East
13 P.O. Box 19276
14 Springfield, Illinois 62794-9276
15 (217) 782-5544
16 On Behalf of the Complainant.

17 STACY HESS
18 Appearing PRO SE.

19 ALSO PRESENT:

20 JOHN TRIPSES
21 ROBERT J. WAGNER

I N D E X

17		Page
18		
19	GREETING BY HEARING OFFICER.	4

20		
21		
22	OPENING STATEMENTS:	Page
23	BY MS. RYAN	5
24	BY MR. HESS	5

1	WITNESS FOR THE COMPLAINANT:	Page
2	R. EUGENE FIGGE	
	Direct Examination by Ms. Ryan	6
3	Cross-Examination by Mr. Hess.	15

4	WITNESS FOR THE RESPONDENT:	
5	STACY HESS	
6	Testimony by Mr. Hess	17
	Cross-Examination by Ms. Ryan.	20
7	Continued Cross-Examination by Ms. Ryan. .	22

8	COMPLAINANT'S EXHIBIT:	Identified	Admitted
9			
	EXHIBIT 1.	8	14
10	Inspection Report		

11	RESPONDENT'S EXHIBIT:		
12			
	EXHIBIT 2.	20	21
13			

14 Exhibits were retained by the hearing officer.

15
16
17
18
19
20
21
22
23
24

1 HEARING OFFICER WEBB: Good afternoon. My name is
2 Carol Webb. I'm a hearing officer with the Pollution
3 Control Board. This is AC 05-47, EPA versus Hess. It
4 is November 14th, and we are beginning shortly before
5 1 p.m. I will note for the record that there are no
6 members of the public present. Members of the public
7 are allowed to provide public comment if they so choose.
8 I will note, however, there are a couple of people from
9 the EPA attending here today.

10 At issue in this case is the EPA's allegation
11 that Respondent violated sections 21(p)(1), (p)(3) and
12 (p)(7) of the Environmental Protection Act at a site in
13 Washington, Tazewell County.

14 You should know that it's the Pollution
15 Control Board and not me that will make the final
16 decision in this case. My purpose is to conduct the
17 hearing in a neutral and orderly manner so we have a
18 clear record of the proceedings. I will also assess the
19 credibility of any witnesses on the record at the end of
20 the hearing.

21 This hearing was noticed pursuant to the Act
22 and the Board's rules and will be conducted pursuant to
23 sections 101.600 through 101.632 of the Board's
24 procedural rules.

1 At this time I would like to ask the parties
2 to please make their appearances on the record.

3 MS. RYAN: Michelle Ryan, special assistant
4 attorney general for the Illinois EPA. I have my formal
5 written appearance here and the originals with the
6 paper-clipped copy on top.

7 HEARING OFFICER WEBB: And, Mr. Hess, you are here
8 representing yourself; is that correct?

9 MR. HESS: Correct.

10 HEARING OFFICER WEBB: Ms. Ryan, would you like to
11 make any opening statement?

12 MS. RYAN: Yes. We believe that the evidence today
13 will show that on December 21st, 2004, open dumping
14 resulting in litter, open burning and the deposition of
15 construction or demolition debris occurred at the Hess
16 property in -- near Washington in Tazewell County,
17 Illinois.

18 HEARING OFFICER WEBB: Okay. Mr. Hess, you may
19 make an opening statement as well. You are not required
20 to, but you may if you would like.

21 MR. HESS: As of June 24th of 2005 -- or 2004, this
22 property was foreclosed on. So, technically, if you
23 want to get down to it, I did not own that property at
24 the time. It was still in my name, but it had been

1 foreclosed on.

2 HEARING OFFICER WEBB: Okay. Well, you can expound
3 on that more when it's your turn to testify.

4 Ms. Ryan, would you like to call your first
5 witness?

6 MS. RYAN: Yes. We call Gene Figge.

7 (Witness sworn.)

8 R. EUGENE FIGGE,
9 called as a witness, after being first duly sworn, was
10 examined and testified upon his oath as follows:

11 DIRECT EXAMINATION

12 BY MS. RYAN:

13 Q Can you state your name for the record?

14 A Robert Eugene Figge.

15 Q What is your job?

16 A I am an environmental protection specialist
17 with the Illinois EPA employed in the Peoria regional
18 office.

19 Q How many years have you been employed in the
20 Peoria regional office?

21 A Sixteen.

22 Q What are your duties as a field inspector in
23 the regional office?

24 A I inspect various facilities for compliance

1 with the Act and the regulations. I also investigate
2 compliance during the normal course of my duty.

3 Q Approximately how many inspections have you
4 conducted in your 16 years as a field inspector?

5 A In excess of 1,000.

6 Q What's your educational background?

7 A I have a bachelor of arts degree in biology
8 from Monmouth College.

9 Q Have you had any additional training besides
10 that degree?

11 A Yes. Since I became employed with the
12 Agency, I have had various training courses including
13 40-hour HAZWOPER training and annual refreshers as well
14 as their training courses on various subjects including
15 different types of waste and the proper disposal
16 thereof.

17 Q Are you familiar with what we are terming the
18 Hess property near Washington in Tazewell County?

19 A Yes, I am.

20 Q Where is that property located?

21 A It is located -- as you are leaving
22 Washington going towards Eureka, if you are actually
23 heading towards Eureka on old Route 24 it would be on
24 the left-hand side.

1 Q On December 21st, 2004, who owned that
2 property?

3 A Stacy Hess.

4 Q How many inspections have you conducted at
5 this property?

6 A Eleven.

7 Q I'm going to show you what I have marked as
8 Exhibit 1. Can you tell me if you recognize that
9 document?

10 A Yes, I do.

11 Q What is it?

12 A It is the inspection report I have prepared
13 after the December 21st, 2004, inspection.

14 Q Can you look through all the pages for me?

15 A Yes.

16 (Pause in proceedings.)

17 Q Is Exhibit 1 a fair, accurate and complete
18 copy of your report?

19 A Yes, it is.

20 Q Can you describe this property generally?

21 A The property -- if I turn to my site sketch,
22 which is included in the report just before the
23 photographs, the site sketch sits to the east of Ready
24 Mix Concrete plant right along Route 24. As you are

1 leaving town heading east on -- it's -- well, old Route
2 24 now because they put a new spur on the other side of
3 town.

4 Q And what type of property is this?

5 A It was an old tractor junkyard originally,
6 used tractor parts, that sort of thing.

7 Q Are there any buildings or other structures
8 on the property?

9 A No. There is a fence around it.

10 Q Who took the photographs that are attached to
11 your report?

12 A I did.

13 Q And what do they show?

14 A Photograph Number 1 shows an accumulation of
15 concrete, dirt, various types of metal. I was trying to
16 show that burning had taken place there. But as you can
17 see, it's an overcast day and it didn't quite come out
18 with that photograph.

19 Photograph Number 2 shows a used tire as well
20 as the frame off of one type of vehicle or another. And
21 if you look in the upper right, you can see two other
22 used tires.

23 Q Can we go back to Photograph 1 really quick?

24 A Sure.

1 Q Can you describe for the Board where in this
2 photograph the burned area you are referring to is?

3 A It's in the middle at the top. It actually
4 looks like a tree is growing out of it, but the tree is
5 behind the area there. Bad angle on the camera. The
6 materials at the top, there is various types of metal.
7 There is an old bedspring and stuff of that nature in
8 there and we will see in further photographs. And it's
9 got a charred appearance is what I was trying to show,
10 but the lighting wasn't real good there.

11 Q Can you continue with Photograph Number 3?

12 A Yes. Photograph Number 3 shows three truck
13 tires, an old couch, looks like an old exercise bike, a
14 wooden frame, could be off a bed or other piece of
15 furniture, several old vehicles as well as if you look
16 in the upper left there is an air conditioner or
17 something. And just above that is a hot water heater,
18 white goods. Looks like some old storm windows as well.

19 Photograph Number 4 shows more old vehicles,
20 more tires to the left of the yellow item, old topper,
21 some general refuse of various types that are also just
22 to the left of the topper

23 Photograph Number 5 is another angle. The
24 pile I was trying to show, you can see a container at

1 the top of the pile. I'm not exactly sure, but I
2 believe that container is from agricultural chemicals.
3 They enclose them in those sorts of devices on occasion.
4 You can also see the fencing to the left of the
5 containers, the bedsprings I was referencing earlier.
6 There is an old camper shell in the lower right and
7 other types of twisted metal.

8 Photograph Number 6 is another angle of the
9 same area. What I was trying to show with this is where
10 the materials appear to have been pushed up with a piece
11 of equipment at the bottom of the photo where the
12 concrete and dirt shift into the pile. And by the
13 tangled nature of the debris, it looks like some sort of
14 piece of equipment was used to push it up.

15 Photograph Number 7 is of one of the areas
16 where open burning had occurred. The materials I'm
17 trying to show with that photograph are dead center, and
18 they are charred, round wire rings indicative of the
19 open burning of used tires. Those are actually the bead
20 rings; that's the wire bundle that seats against the rim
21 on a tire. And they are entirely enclosed in rubber
22 unless they have been burned off.

23 If you look down at Photograph Number 8, it
24 is a close-up of the same material. And you can, in

1 fact, see some ashes there in amongst the bead rings
2 showing that open burning had taken place in this area.

3 Photograph Number 9 shows more of the area of
4 open burning. Once more in the upper left you can see
5 ashes. The material at the center of the photograph is
6 processed lumber of various types. It looks like mostly
7 two-by-fours that has been partly burned indicative of
8 demolition debris left over after the demolition of
9 buildings or other structures. Also, if you look in the
10 lower left you can see a five-gallon plastic. It
11 appears to be a paint bucket. It looks to have been
12 partially melted by the heat of fire.

13 Photograph Number 10 is a differing angle.
14 And right at the center of it you can see another wire
15 ring indicative of a bead ring of a used tire being
16 burned. As well as in the lower center a twisted metal
17 support of some type even has a hole in it. It looks
18 like where a bolt or some other sort of fastener could
19 have gone through. As well as in the upper right, more
20 two-by-fours and material of that nature.

21 Photograph Number 11 shows six -- whoops,
22 seven truck tires as well as the rims off of tandems
23 which are used to mount dual truck tires. There is also
24 in the upper right a yellow cylindrical object that

1 appears to be the drum off of a concrete truck. In the
2 left-hand side you can see the back end of another
3 vehicle which obviously doesn't have a tire on it. It
4 looks like it was possibly a water-type hauling vehicle.
5 You can even see part of the license plate on the back.
6 Upper middle, it's various general refuse. Many types
7 of items in there. I can see a water tank, some, looks
8 like, foam of some sort, plastic-type material.

9 Dropping down to Photograph Number 12 it's the same
10 angle. It's just more of a close-up showing that the
11 tires are not on the rim and that the plastic in the
12 foreground is more evident.

13 Q You said that these two photographs showed
14 tandem rims. Could you identify those more specifically
15 in the photograph? Either one, whichever is more --

16 A They are actually in the lower right-hand
17 side on both photographs. They are the round objects,
18 looks like they might have some concrete on them. Those
19 are usually the -- part of the rim for mounting truck
20 tires on a dual where it holds the two tires together.

21 Q Can you identify which of these photographs
22 depict construction and demolition debris by their
23 photograph number there?

24 A Photograph Number 9, Photograph Number 10.

1 Q Do those photographs accurately depict what
2 you saw on the property on that day?

3 A Yes, they did.

4 Q When was this report generated?

5 A I prepare my reports immediately following my
6 inspection.

7 Q Does the Illinois EPA keep these reports in
8 the regular course of its business?

9 A Yes, we do.

10 MS. RYAN: At this time we move Exhibit 1 into
11 evidence.

12 HEARING OFFICER WEBB: Mr. Hess, do you have any
13 objection to Exhibit 1 being admitted into evidence?

14 MR. HESS: Can I go over each picture?

15 HEARING OFFICER WEBB: Well, you will have an
16 opportunity to cross-examine. This is just kind of a
17 formality just to see if you have any specific concerns
18 about the quality of the report. But it actually looks
19 pretty good so I'm just going to go ahead and admit this
20 into evidence. And you will have an opportunity to
21 cross-examine the witness when she is finished.

22 MS. RYAN: Which is now.

23

24

1 CROSS-EXAMINATION

2 BY MR. HESS:

3 Q This piece of property was rented to V-Mix
4 which is a concrete plant right -- connected to it.
5 Let's see, this is 2004 December. When Mr. Veltman
6 bought his property -- the building that he is in now is
7 brand new. His building fell in during a snowstorm.
8 Mr. Veltman pushed everything to the east of his
9 property which is now an entrance to that property.
10 That entrance which does not -- is not shown on here was
11 not here two years prior to this. It was put in in
12 2000-- I think it was put in in 2004 actually.

13 HEARING OFFICER WEBB: Mr. Hess, you will have an
14 opportunity actually to put on your own case when -- you
15 will be sworn in. But I just want to know if you have
16 any specific questions for this witness? You will have
17 an opportunity to explain everything as soon as we are
18 done with the EPA's witness.

19 Q Okay. Picture Number 5, you stated that the
20 plastic container enclosed in metal on top of that is
21 for insecticide purposes for farming.

22 A I stated that I suspected it could be. I
23 have seen similar items like that.

24 Q Could it be chemicals used in a concrete-type

1 business?

2 A Sure.

3 Q Item number -- Picture Number 11 and 12,
4 there is one tractor tire in Picture Number 12. The
5 other tires, could those possibly be off of concrete
6 trucks?

7 A Sure.

8 Q The tanker there to the left of the picture I
9 think if you would have checked the license plate, who
10 the owner of that was, it is not my piece of equipment.
11 The barrel in Picture Number 11 is a concrete -- off a
12 concrete truck.

13 A Yeah. I believe it probably is.

14 Q That was Mr. Veltman's.

15 HEARING OFFICER WEBB: Again, Mr. Hess, you will be
16 able to testify to all this when you make your own case,
17 but do you have any more questions for the witness?

18 MR. HESS: No.

19 HEARING OFFICER WEBB: Anything further, Ms. Ryan?

20 MS. RYAN: No.

21 HEARING OFFICER WEBB: Ms. Ryan, do you have any
22 further witnesses?

23 MS. RYAN: We have no further witnesses.

24 HEARING OFFICER WEBB: No further witnesses.

1 Mr. Hess, as soon as the court reporter
2 swears you in, you may make your complete defense. And
3 please start at the beginning because the other things
4 that you said weren't under oath.

5 (Witness sworn.)

6 HEARING OFFICER WEBB: Go ahead.

7 STACY HESS,
8 called as a witness, after being first duly sworn, was
9 examined and testified upon his oath as follows:

10 TESTIMONY

11 BY MR. HESS:

12 MR. HESS: Like I stated before, this property was
13 being rented to J. Veltman of Veltman Ready Mix Plant.
14 The pictures, I'm not going to -- they are true to
15 what's out there. Mr. Veltman is still burning debris
16 out there.

17 HEARING OFFICER WEBB: Now who is that?

18 MR. HESS: He is the owner of the concrete plant.

19 HEARING OFFICER WEBB: And he rents the property
20 from you? Or -- I don't understand.

21 MR. HESS: He did. I don't own the property
22 anymore.

23 HEARING OFFICER WEBB: But did you own it then?

24 MR. HESS: I didn't own it as of June 24th of 2004.

1 HEARING OFFICER WEBB: Okay. Go ahead.

2 MR. HESS: The debris out there, the majority of
3 the metal, is mine. I will admit that. That was hauled
4 in there for me. The tires came from Mr. Veltman except
5 for maybe that one tractor tire. That was left over
6 from when I cleaned up this property originally.
7 Mr. Figge knows about that. The concrete demolition
8 debris and all the washout, if anyone has been out
9 there, came from the concrete plant. And that's still
10 going on out there. The majority of the plastic,
11 building debris and that came from when the building on
12 top of the ground -- or on Veltman's property fell down
13 and they pushed it over to the east of my property. And
14 then when he put in the entrance. He pushed it to where
15 it's sitting from where these pictures were taken at.

16 As of right now, everything has been somewhat
17 cleaned up. I don't know what else -- I mean, I don't
18 own the property so I don't know, A, why I'm here for
19 sure since I have no control over it. I really haven't
20 had any control over it since 2004 June when they
21 foreclosed on it.

22 The owner now of the property is -- has
23 anyone been out there lately in the past six months?

24 HEARING OFFICER WEBB: Ms. Ryan, I don't know if

1 you care to --

2 MS. RYAN: I don't have an answer anyway.

3 HEARING OFFICER WEBB: I can't answer that or not.

4 MR. HESS: They are hauling in the same stuff I
5 hauled out. So it's no better than it was before. Now
6 the burning, I'm sure that's -- it's going on now on
7 Mr. Veltman's property and not on this property. As far
8 as -- well, I haven't been out there in three months. I
9 can't tell you what's going on.

10 I'll take responsibility for the scrap that's
11 out there. But the majority of the tires were from
12 Mr. Veltman off his concrete trucks. The burning, I did
13 not burn anything out there. That was from his
14 employees, which if I still owned it, I had taken care
15 of to go after Mr. Veltman because there were several
16 employees that admitted to doing what these pictures
17 show of the burning.

18 Plus the dumping in Picture Number 3 of a
19 couch, an exercise bike, I have got the owner; the
20 person that did that. It was an employee of his.
21 Otherwise -- and there is a building on that piece of
22 property which Mr. Figge said there wasn't.

23 HEARING OFFICER WEBB: Anything else?

24 MR. HESS: That's all.

1 HEARING OFFICER WEBB: I noticed you brought some
2 things with you. Is that anything that you were going
3 to introduce?

4 MR. HESS: Sure. This piece of paper has judgment
5 or foreclosure on it with the date.

6 HEARING OFFICER WEBB: Do you have a copy of that
7 by any chance?

8 MR. HESS: No, I don't.

9 HEARING OFFICER WEBB: I will let you look at it
10 first.

11 MS. RYAN: Yeah. I can see that.

12 (Pause in proceedings.)

13 MS. RYAN: I have some questions about this
14 whenever the appropriate time would be.

15 HEARING OFFICER WEBB: I think now. I think you
16 have finished what you are going to say. Ms. Ryan has
17 an opportunity to cross-examine you.

18 MS. RYAN: I'm not objecting yet to introducing
19 this document, but I have some questions about it.

20 CROSS-EXAMINATION

21 BY MS. RYAN:

22 Q First of all, it indicates there are three
23 different properties on here and there is legal
24 descriptions which I'm not familiar with. Do all of

1 these refer to this property that we are discussing
2 today, or --

3 A No.

4 Q Do you know which one is referring to the
5 property we are talking about today?

6 A It says Hess Industrial Park on it.

7 Q This is property number 2 here on page 2?

8 A Uh-huh.

9 Q Okay. So the other two properties are not
10 involved with this -- the property that's in the
11 administrative citation?

12 A Correct.

13 Q Okay. Thank you.

14 MS. RYAN: Yeah. I don't have an objection to that
15 if he wants to introduce that.

16 HEARING OFFICER WEBB: Okay. Would you like to
17 introduce this as evidence?

18 MR. HESS: Yes.

19 HEARING OFFICER WEBB: Okay. Since the EPA does
20 not object, I will admit this as Exhibit 2. This is the
21 notice of sale. And apparently property number 2 is the
22 property that we are discussing here today. May I keep
23 this?

24 MR. HESS: You can make a copy of it.

1 HEARING OFFICER WEBB: Well, I can make a copy at
2 my office and send it back to you.

3 MR. HESS: Sure.

4 HEARING OFFICER WEBB: Ms. Ryan, do you have any
5 cross-examination?

6 MS. RYAN: Yes, I do.

7 CONTINUED CROSS-EXAMINATION

8 BY MS. RYAN:

9 Q Mr. Hess, you indicated that you haven't been
10 the owner of the property since June 24th, 2004. What
11 happened on June 24th, 2004?

12 A Associated Bank foreclosed on the property.

13 Q And that property wasn't sold then until
14 sometime this year to Mr. Maxheimer; is that correct?

15 A Correct.

16 Q And you had access to the property up until
17 the time Mr. Maxheimer purchased it; is that correct?

18 A Access?

19 Q Uh-huh.

20 A Sure. To remove my personal items off of it.

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

22 HEARING OFFICER WEBB: Do you have anything further
23 you would like to present as part of your case,
24 Mr. Hess?

1 MR. HESS: I'm not 100 percent sure what else you
2 want to hear.

3 HEARING OFFICER WEBB: Well, I just didn't want to
4 cut you off if you have more to say. If you are
5 finished, that's fine. I just wanted to make sure you
6 were through before I went on.

7 MR. HESS: Am I done then?

8 HEARING OFFICER WEBB: Yeah.

9 MR. HESS: I can't say anything else?

10 MS. RYAN: That's the question is whether you are
11 done?

12 MR. HESS: I would like to ask Mr. Figge when he
13 was out there did he ever notice --

14 HEARING OFFICER WEBB: Well, he is not on the
15 stand. Would you like to recall him as a witness?

16 MR. HESS: No. That's fine.

17 HEARING OFFICER WEBB: Okay.

18 MR. HESS: The concrete plant, that's been a
19 problem out there from day one with runoff. I don't
20 know what area the EPA goes out there and inspects him,
21 but it's still going on. Now you got a problem with me
22 with scrap metal, burning, which I told you that was not
23 me, and everything else, but this gentleman out there
24 with the concrete plant continuously just lets runoff

1 onto my property, onto the City of Washington's
2 property, and nothing has been done about this.

3 HEARING OFFICER WEBB: I'm sorry. Who are you
4 referring to?

5 MR. HESS: The concrete plant.

6 HEARING OFFICER WEBB: Oh, the concrete plant?

7 MR. HESS: That's been going on ever since there
8 has been a concrete plant out there. And it's done
9 filled up a waterway. That property, you can't use it
10 when he is letting everything run on it because of the
11 soup. I mean, it's just wet continuously. It's an
12 ongoing problem. Which you are coming after me, and I
13 think no one has ever gone after him. I would like to
14 question on that since I'm not going to have another
15 chance about this since I don't own it anymore. But has
16 anyone looked into that? I know this isn't a part of
17 it, but the concrete that was pushed out there, the
18 piles of -- if you refer back to Picture Number 1 in the
19 bottom left-hand corner, what that is is concrete waste
20 that is generated out there that he was storing out
21 there. But Ms. Ryan told me I was the one responsible
22 for getting rid of that plus the concrete chunks when I
23 agreed to clean it up.

24 Now the new owner is filling it back up with

1 the same type of debris. Now if no one has been out
2 there lately, they need to go out there and take a look
3 at that. That's all.

4 HEARING OFFICER WEBB: Thank you. Any further
5 cross?

6 MS. RYAN: No.

7 HEARING OFFICER WEBB: Before we hear any closing
8 arguments, let's go off the record to discuss a briefing
9 schedule.

10 (Discussion off the record.)

11 HEARING OFFICER WEBB: We have just had an
12 off-the-record discussion regarding post hearing briefs.
13 Parties have agreed to a briefing schedule as follows:
14 The transcript of these proceedings will be available
15 from the court reporter by November 28th and will be
16 posted on the Board's web site. The public comment
17 deadline is December 12th. Public comment must be filed
18 in accordance with section 101.628 of the Board's
19 procedural rules. Complainant's is due by December
20 19th. Respondent's brief is due by January 17th. And
21 Complainant's reply, if needed, is due by January 24th.
22 The mailbox rule will apply.

23 Ms. Ryan, would you like to make a closing
24 argument?

1 MS. RYAN: No. I would like to reserve that for my
2 brief.

3 HEARING OFFICER WEBB: Mr. Hess, would you like to
4 make a closing argument?

5 MR. HESS: No.

6 HEARING OFFICER WEBB: There are no members of the
7 public present to make any statements on the record so I
8 will proceed to make a statement as to the credibility
9 of witnesses testifying during this hearing. Based on
10 my legal judgment and experience, I find both of the
11 witnesses testifying to be credible. At this time I
12 will conclude the proceedings. We stand adjourned, and
13 I thank all of you for your participation.

14

15 (Whereupon, the proceedings concluded
16 at 1:10 p.m.)

17

18

19

20

21

22

23

24

1 STATE OF ILLINOIS)
)
2 COUNTY OF PEORIA)

3

4

CERTIFICATE OF REPORTER

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

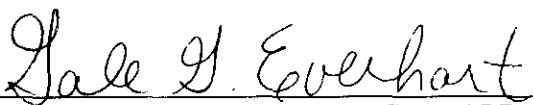
22

23

24

I, GALE G. EVERHART, CSR-RPR, Notary Public in and
for the County of Peoria, State of Illinois, do hereby
certify that the foregoing transcript, consisting of
pages 1 through 26, both inclusive, constitutes a true
and accurate transcript of the original stenographic
notes recorded by me of the foregoing proceedings had
before Hearing Officer Carol Webb, in Pekin,
Illinois, on the 14th of November, 2006.

Dated this 21st day of November, 2006.



GALE G. EVERHART, CSR-RPR
Illinois License No. 084-004217