

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
ex rel. LISA MADIGAN, Attorney General of )  
the State of Illinois, )  
 )  
Complainant, )  
 )  
v. ) No. PCB 09-74  
 )  
DAVID J. SHULTZ, )  
 )  
Respondent. )

**ANSWER**

Respondent, DAVID J. SHULTZ, by his attorneys, Drake, Narup & Mead, P.C.,  
for his Answer to the Complaint, states as follows:

**COUNT I**

1. Respondent admits the Complainant's statement as to what Act she brings these charges under.
2. Respondent admits the factual allegations of Paragraph 2 of Count I.
3. Respondent denies the factual allegations of Paragraph 3 of Count I.
4. Respondent admits the statutory language referenced in Paragraph 4 of Count I is quoted correctly.
5. Respondent admits the factual allegations of Paragraph 5 of Count I.
6. Respondent admits the statutory language referenced in Paragraph 6 of Count I is quoted correctly.

7. Respondent admits the statutory language referenced in Paragraph 7 of Count I is quoted correctly.

8. Respondent has no personal knowledge as to the truth of the allegations of paragraph 8 of Count I and therefore denies same and demands strict proof thereof. Respondent does admit the building known as "Building T" did have 3 floors and a "penthouse."

9-14. Respondent has no personal knowledge as to the truth of the allegations of paragraph 9-14 of Count I and therefore denies same and demands strict proof thereof.

15. Respondent admits the factual allegations of Paragraph 15 of Count I.

16-24. Respondent has no personal knowledge as to the truth of the allegations of paragraph 16-24 of Count I and therefore denies same and demands strict proof thereof.

25. Respondent admits the factual allegations of Paragraph 25 of Count I.

26. Respondent denies the factual allegations of Paragraph 26 of Count I.

27. Respondent denies the factual allegations of Paragraph 27 of Count I.

28. Respondent denies the factual allegations of Paragraph 28 of Count I.

29. Respondent denies the factual allegations of Paragraph 29 of Count I.

30. Respondent denies the factual allegations of Paragraph 30 of Count I.

31. Respondent admits the factual allegations of Paragraph 31 of Count I.

32. Respondent denies the factual allegations of Paragraph 32 of Count I.

33. Respondent admits the factual allegations of Paragraph 33 of Count I.

34. Respondent denies the factual allegations of Paragraph 34 of Count I.

WHEREFORE, Respondent prays judgment be entered in his favor and against the Complainant.

**COUNT II**

1-32. Respondent repeats his Answers from Paragraphs 1-32 of Count I as and for his Answers to Paragraphs 1-32 of Count II.

33. Respondent admits the statutory language referenced in Paragraph 33 of Count II is quoted correctly.

34. Respondent admits the statutory language referenced in Paragraph 34 of Count II is quoted correctly.

35. Respondent denies the factual allegations of Paragraph 35 of Count II.

36. Respondent denies the factual allegations of Paragraph 36 of Count II.

37. Respondent denies the factual allegations of Paragraph 37 of Count II.

38. Respondent denies the factual allegations of Paragraph 38 of Count II.

39. Respondent denies the factual allegations of Paragraph 35 of Count II and denies it was his responsibility under the Act to have such a person present.

40. Respondent denies the factual allegations of Paragraph 35 of Count II.

WHEREFORE, Respondent prays judgment be entered in his favor and against the Complainant.

DAVID J. SHULTZ, Respondent

**DRAKE, NARUP & MEAD, P.C.**

By 

Randall A. Mead  
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CERTIFICATE OF SERVICE

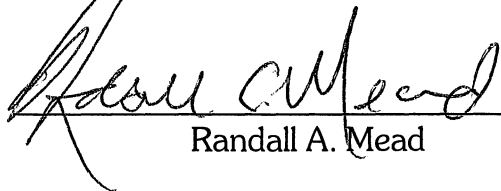
I hereby certify that on June 15, 2009, sent by regular mail, with postage thereon fully paid, by depositing with the United States Post Office a true and correct copy of the following instrument entitled ANSWER to the following:

Christine Zeivel  
Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

Carol Webb, Hearing Office  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Springfield, Illinois 62794

and sent via email for filing with COOL:

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

  
Randall A. Mead