

ILLINOIS POLLUTION CONTROL BOARD
NOVEMBER 12, 2009

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STATE OF ILLINOIS
Pollution Control Board

THE ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
vs)
)
HIRAM VANDERHEIDEN JUNIOR,)
)
Respondent.)

No. AC 0827

REPORT OF PROCEEDINGS at the hearing of the above-entitled cause before the Carol Webb, Hearing Officer, taken before Rebecca A. Graziano, Certified Shorthand Reporter within and for the County of Mason and State of Illinois, at the Mason County Courthouse, County Board Room, Havana, Illinois, commencing at the hour of 10:00, on the 12th day of November, A.D., 2009.

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A P P E A R A N C E S

ILLINOIS POLLUTION CONTROL BOARD
Ms. Carol Webb

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Ms. Michelle Ryan
Mr.

1 MS. WEBB: Good morning. My name is
2 Carol Webb, and this is the hearing for AC 0827 IEPA
3 versus Hiram Vanderheiden Junior. It is
4 November 12th, and we are beginning at 10:00 a.m. I
5 will note for the record that there are no members
6 of the public present.

7 At issue in this case are
8 allegations that respondent violated Sections 21 P1,
9 P3, and P7 of the Environmental Protection Act at
10 his facility located at 510 North Park Avenue in
11 Manito, Mason County.

12 The Pollution Control Board
13 members will make the final decision in this case.
14 My purpose is to conduct the hearing in a neutral
15 and orderly manner so that we have a clear record of
16 the proceeding.

17 This hearing was noted pursuant to
18 the acts in the Board's rules, and will be conducted
19 pursuant to Sections 101.600 through 101.632 of the
20 Board's procedural rules.

21 At this time, I'd like to ask the
22 parties to please make their appearances on the
23 record.

24 MS. RYAN: Michelle Ryan, special

1 assistant attorney general for the Illinois EPA.

2 MS. WEBB: And Mr. Vanderheiden, you
3 are here representing yourself. Is that correct?

4 MR. VANDERHEIDEN: Yes, ma'am.

5 MS. WEBB: Okay. Thank you.

6 Ms. Ryan, would you care to make any opening
7 statement?

8 MS. RYAN: Yes. We believe that the
9 evidence will show on February 7th, 2008, open
10 dumping resulting in litter, open burning in the
11 deposition of general or clean construction or
12 demolition debris occurred at the Vanderheiden
13 property in Manito, and that there are no legal
14 defenses to this activity.

15 MS. WEBB: Okay. Mr. Vanderheiden,
16 would you like to make any opening statement? You
17 don't have to.

18 MR. VANDERHEIDEN: The name of the
19 town is Manito.

20 MS. WEBB: Manito.

21 MR. VANDERHEIDEN: Just letting you
22 know.

23 MS. WEBB: Thank you.

24 MR. VANDERHEIDEN: Nothing.

1 MS. WEBB: Ms. Ryan, you may call your
2 first witness.

3 MS. RYAN: I call Paul Eisenbrandt.

4 MS. WEBB: Would the court reporter
5 please swear in the witness?

6 (Witness sworn.)

7 D I R E C T E X A M I N A T I O N

8 BY MS. RYAN:

9 Q. Can you state your name again and
10 spell the last name for the court reporter, please?

11 A. Paul Eisenbrandt,
12 E-i-s-e-n-b-r-a-n-d-t.

13 Q. What is your job?

14 A. I am an Illinois EPA inspector,
15 investigator, and geologist.

16 Q. And what office do you work out of?

17 A. The Springfield regional office.

18 Q. How many years have you been a field
19 inspector for Illinois EPA?

20 A. Approximately five years.

21 Q. And what duties do you have as a field
22 inspector?

23 A. I go out and inspect open dumping
24 complaints, I investigate above-ground storage tanks

1 that might be leaking, I investigate groundwater
2 contamination, I inspect landfills.

3 Q. Over the five years you've been a
4 field inspector, approximately how many inspections
5 have you conducted?

6 A. Several. Let's see. Probably over
7 200.

8 Q. Okay. What's your educational
9 background?

10 A. I have a degree in geology out of
11 Western Illinois University.

12 Q. And have you had any additional
13 training besides that geology degree?

14 A. Yes. I've had additional training
15 through the USEPA, and training through the National
16 Enforcement Technical Institute, and also the
17 Midwest Environmental Enforcement Agency. They've
18 held training approximately every year.

19 Q. Are you familiar with the property
20 at -- excuse me. Are you familiar with the
21 Vanderheiden property in Manito?

22 A. Yes.

23 Q. And where is that property located?

24 A. On the northwest -- northeast side of

1 Manito.

2 Q. Okay. And do you have the address
3 there?

4 A. Not in front of me.

5 Q. Okay. Who owns that property?

6 A. Hiram Vanderheiden Junior.

7 Q. How many inspections have you
8 conducted at this property?

9 A. I believe four or five inspections.

10 Q. I'm going to show you what I've marked
11 as Exhibit 1. Can you tell me if you recognize this
12 document?

13 A. Yes, I recognize this document.

14 Q. What is it?

15 A. This is an inspection report for the
16 inspection of February 7th, 2008. This is the third
17 inspection that took place at the Vanderheiden
18 residence -- or Vanderheiden property.

19 Q. And who drafted this report?

20 A. I did.

21 Q. Okay. Can you page through it for me,
22 please, and make sure all the pages are there?

23 A. It appears that the report and all the
24 photographs are here.

1 Q. Okay. Is this a fair, accurate, and
2 complete copy of your report?

3 A. Yes.

4 Q. Can you describe the property in
5 general?

6 A. It's a residential lot located on the
7 northeast side of Manito. The lot has an older home
8 on it that is in need of repair, a garage -- a
9 separated garage, and also a shed in the middle of
10 the property, a metal shed.

11 Q. Who took the photographs attached to
12 your report?

13 A. I took those photographs.

14 Q. And if you could start with Photograph
15 Number 1 and tell us what they show.

16 A. Photograph one shows an old wooden
17 garage that's in need of repair. It's located on
18 the southwest corner of the property. During
19 previous inspections and this last inspection, it
20 doesn't seem that repairs have been done to the
21 structure. A portion of the roof is missing. The
22 rafters are missing, and now the northeast side of
23 the building, even the sheeting or the wood siding,
24 is now missing.

1 It has unrestricted access. The
2 front door or garage door, I should say, has been
3 open the entire time. At one time, there was a blue
4 tarp that was draped across the opening on the
5 street side of the building, but it has since either
6 been blown down or taken down, and partially ripped.
7 It also shows out of the garage there are numerous
8 materials stacked up and some waste outside of the
9 building.

10 Q. Can you identify any of those
11 materials out there?

12 A. Yes. There's a stack of cinder block
13 to the north side of the garage door. There are
14 several buckets there. It looks like a vehicle ramp
15 and engine block, there's some wood siding, an old
16 torn up garbage can. There were several lawn tools
17 there, a number of miscellaneous items, part of a
18 barbeque grill.

19 Q. Does Photograph 2 relate to
20 Photograph 1 in some way?

21 A. Yes. It's a close-up of the waste
22 that's on the northwest side of the garage.

23 Q. Okay.

24 A. It's a close-up of the stacked cinder

1 block, scrap metal, lawn tools, the siding, part of
2 the torn plastic garbage can, and other
3 miscellaneous items just stacked in front of the
4 garage.

5 Q. Okay. Can we move to Photograph
6 Number 3, and can you explain where this photograph
7 was in relation to the other ones?

8 A. This photograph is taken facing east
9 into the structure. It shows that the ceiling joist
10 and part of the rafters are missing, that the roof
11 is missing over the vehicle that you can see on the
12 left-hand-side of the photograph.

13 You cannot walk into this building
14 very far because of the stacked debris. It looks
15 like a lot of tools and automotive equipment is
16 inside of this building. However, since the roof is
17 missing on the north half of the building, these
18 items are exposed to the weather.

19 Q. And number four?

20 A. This is off of the north -- I'm sorry,
21 the southwest side of the building. It shows a
22 floor jack, several plastic buckets, scrap metal --
23 more than one floor jack actually -- a bucket full
24 of automotive parts. It has a distributor cap, some

1 type of a gauge, some heavy cable or hose in the
2 picture as well.

3 Q. Whenever you're ready, you can
4 continue on.

5 A. Photograph five is the location where
6 Mr. Vanderheiden had a -- it looked like a landscape
7 waste degree burn pile at one point. After the
8 first inspection, it seems that it was cleaned up
9 and no waste was observed -- no charred waste was
10 observed in that area on the second and third
11 inspections.

12 In the background on the
13 photograph, there's a three-pane window. You can
14 see a lawn mower and some other items the distance
15 of the photograph.

16 In photograph six, there's a hose,
17 a hose reel, a cooler, a stack of shingles. In the
18 background, there's a tarp laying on the ground.
19 There's some lawn chairs up near the building.

20 Photograph seven shows a close-up
21 of some of the weathered items around a tree in the
22 center of the yard. There's a red gasoline can on
23 the ground. There's some window units there, a
24 black plastic bucket. This area hasn't changed much

1 in the last -- in several inspections.

2 Photograph eight shows the
3 northeast side of the building. We're facing south.
4 The roof has been missing off of this structure
5 since the beginning of this case when
6 examining -- when inspecting the property. However,
7 between the second and the third inspection, this
8 wall on the northeast side has been taken down. The
9 siding is gone, all of the studs are gone, and the
10 rafters are now also removed.

11 In the foreground of the picture,
12 there is some type of cart laying on its side, and
13 under the snow in this portion there were some
14 street-style lights or commercial lights there on
15 the ground. There was some PVC conduit stacked up
16 on the ground.

17 Photograph nine shows two
18 lawnmowers near a dirt pile that's on the property.
19 It's wintertime. There's snow on the ground. These
20 lawnmowers are not protected. They're out in the
21 yard. There's other miscellaneous items on the dirt
22 hill.

23 Photograph ten shows a white
24 bucket. It shows some type of animal cage and some

1 scrap metal in the thickets behind that hill, seen
2 in photograph nine.

3 Photograph 11 shows the two
4 casement windows that are leaning up against the
5 tree. It shows near the gas can there's
6 also -- that would be the third floor jack observed
7 at the site, a bin, a blue bin on its side. The
8 black bucket is tipped over on its side.

9 Photograph 12 is looking down at
10 the southeast portion of the main house that's on
11 this property. You can see directly into the
12 basement. There is no sheeting or insulation on the
13 side of the home. You can see several cinder blocks
14 stacked at the bottom, a milk crate, weathered
15 lumber. There was a tarp initially covering the
16 side of the structure, but has weathered away to
17 just strands of blue plastic.

18 This also shows on the right of
19 the photograph part of an addition to the home that
20 has been cinder blocked. It would have been on the
21 east side of the structure, however, the top of this
22 addition, whether they be floor joist or was
23 intended to be a roof, has rotted away and you can
24 see down into that portion of the building as well.

1 Photograph 13 shows the south and
2 east stud walls looking into the first floor of the
3 home. Several items are stacked inside of the home,
4 however, they're exposed to the weather since there
5 is no windows or sheeting, siding on this home. And
6 to the east side, you can also see that the
7 addition, the roof or floor joists are rotten, and
8 you can see where it goes down into the addition.

9 Photograph 14 is in front of the
10 home, and there's a bucket of roof cement, another
11 bucket of Christmas lights in the background of the
12 picture that's tipped on its side. There's some
13 screen doors, a windowpane, several wooden ladders,
14 some yard tools, things stacked up on the east side
15 of this trailer. This trailer is one of 15 trailers
16 on the site. This has not moved since the initial
17 inspection.

18 Photograph 15 shows that the roof
19 and the rafters of the front porch on the west end
20 of the home are still missing. There are some items
21 inside of this porch unprotected. They're exposed
22 to the weather. This part of the building is in
23 need of repair.

24 Photograph 16 shows the north end

1 of North Park Avenue. Initially there had been a
2 boat parked in this area. Mr. Vanderheiden has
3 either moved the boat or disposed of the boat.

4 Photograph 17 is looking southeast
5 at the trailer that is parked right off the street,
6 several casement windows, a sliding door, it looks
7 like. There's a chainlink fence gate. There's
8 three ladders leaning up against the trailer. There
9 are several items of the back end of the trailer.
10 There's some boxes sitting on the ground full of
11 miscellaneous tools and nails and other items that
12 are also underneath the back end of the trailer
13 itself.

14 Photograph 18 shows the north or
15 the back end of that trailer. There are numerous
16 containers of materials. One of the sections is
17 covered with a canvas tarp. It looks like there's
18 some roofing paper there. The buckets and these
19 containers, these boxes, are out in the open.

20 Photograph 19 is taken further
21 north. There's several pallets with piles of
22 shingles. They look -- they're new shingles, and
23 also new roofing paper. However, they've been here
24 for -- since the first inspection. In the

1 background, you can see an air conditioner
2 condenser, and it looks like it might be a lawnmower
3 on the far left-hand-side of the photograph. These
4 materials have remained unchanged since the first
5 inspection.

6 Photograph 20 shows the east side
7 of the wooden garage. There are stacks of materials
8 behind the garage. The processed or dimensional
9 lumber has been out here since the first inspection.
10 Some of it is partially covered with sheet metal.
11 There are at least three wheelbarrows seen in this
12 photograph. There was a garage door in the
13 photograph stacked up. There seems to be some tank
14 up against the building.

15 Photograph 21 shows another
16 trailer. It looks to have plywood or some type of
17 processed lumber stacked on it. It is partially
18 covered with a blue tarp. To the east of that is
19 another stack of, I believe, lumber that's covered
20 with black tarp. This has remained unchanged since
21 the first inspection. There's a blue bucket on the
22 side up against this trailer, and it looks like a
23 milk crate with some things in it sitting on the
24 trailer.

1 Photograph 22 shows a small metal
2 boat and a large fiberglass watercraft, two boats of
3 the four boats that are on the property. There's
4 also a truck bed trailer -- it is covered -- near
5 the boats, and there's miscellaneous items stacked
6 up against the trailer, and there's a sink and other
7 items stacked under the metal boat.

8 Q. Can you explain what you mean by a
9 truck bed trailer?

10 A. Mr. Vanderheiden has several truck
11 beds that have been converted to trailers. Most of
12 them do have pickup truck cabs on the back, and this
13 is what you can -- a type of trailer you can pull
14 materials around in.

15 Q. With a car?

16 A. With a car, yes.

17 Q. Okay.

18 A. Photograph 23 shows the materials in
19 front of the truck bed trailer, also seen in
20 Photograph 22. There's a fiber drum in the
21 background. As you can see through the window of
22 the truck bed trailer, it is stacked full. There's
23 a milk crate and a wheel and some other items
24 stacked in front of the truck bed trailer.

1 Photograph 24 is looking behind
2 that trailer. It shows that there's a camper on the
3 property. It looks like a parts washer is in the
4 middle of the photograph. There's a blue tarp on
5 the ground. A rusty fiber drum that seems to be
6 collapsing is visible near the back end of the truck
7 bed trailer in Photograph 24.

8 Photograph 25 is looking towards
9 the metal shed that's located in the middle of the
10 property. There's stacks of lumber in front of that
11 shed. Some of it is covered with a blue plastic
12 tarp. There's some scrap metal in the foreground.
13 It shows the camper in the background. It looks
14 like there is some galvanized duct work sitting on
15 top of the stack of lumber.

16 Photograph 26 is looking further
17 east of the multicolored metal shed. There's a lawn
18 spreader there. There's a 55-gallon drum -- a rusty
19 55-gallon drum. There looks to be some type of
20 metal tank on its side. There's several sections of
21 duct work for forced air. There's several piles of
22 stacked wood in the trees with the trees growing up
23 around it. There's also a truck bed toolbox.
24 Several tires were observed in this area.

1 Photograph 27 shows numerous
2 ladders and piles of materials in the trees. It
3 shows there's an engine lift over on the
4 right-hand-side.

5 Photograph 28 shows a close-up of
6 tires stacked on the east side of the shed. There
7 are approximately 27 tires seen in the photograph.
8 They're covered with some type of plywood. The
9 plywood has leaves and snow on top. There's also a
10 vehicle rim there in the photograph. There was a
11 total of 30 tires seen during this inspection on the
12 site.

13 Photograph 29 is further east of
14 the shed. It shows a roll of corrugated drain tile,
15 black corrugated drain tile. It shows two truck bed
16 toppers on the ground. It shows piles of wood and
17 items in the trees.

18 Photograph 30 also shows the truck
19 bed toppers, and in this photograph you can see
20 there's actually four truck bed toppers in the trees
21 and some sheet metal and weathered lumber.

22 Photograph 31 shows a couple
23 garbage cans on their side. It shows the stack of
24 wood behind the shed, the metal shed. The truck

1 toppers are also seen in that photograph, just an
2 alternate view.

3 Photograph 32 is directly east of
4 the home and down the hill from the shed. There are
5 two ladders leaning up against yet again a truck
6 bed -- or a truck bed trailer. There's
7 miscellaneous items inside of the trailer. There's
8 a tire on the ground in front of the trailer.
9 There's a ladder laying on its side.

10 Photograph 33 is further north.
11 It shows one of five snow mobiles on the property.
12 The snowmobile is not covered. There's a radiator
13 seen right behind the snowmobile, a vehicle
14 radiator. There's an old fiberglass shower stall
15 that has algae and is covered with dust laying on
16 its side behind the snowmobile.

17 Photograph 34 shows two engine
18 blocks that are sitting on the ground, some heavy
19 timbers stacked up. It also shows vehicle axles on
20 the ground with some tires. It looks like a door
21 from a vehicle. There was miscellaneous auto parts
22 in this area, kind of, stacked together.

23 Photograph 35 shows two additional
24 truck bed trailers located on the north edge of the

1 property. There's a pile of shingles that were
2 draped over the hitch on the blue truck bed trailer.

3 Photograph 36 shows another truck
4 bed sitting on the ground. It shows a wheelbarrow.
5 It shows some snow fencing, another truck bed
6 toolbox. It shows a tarp rolled up, and there's
7 some type of box trailer. It reminds me of one that
8 would be on a farm. It's resting on the ground and
9 it has a tarp covering its contents. There's also
10 another wheelbarrow just on the right-hand-side of
11 the photograph.

12 Photograph 37 shows the northeast
13 corner of the property. There's a snowplow, there's
14 a wheelbarrow, and other -- actually, there's two
15 snowplows amongst the trees.

16 Photograph 38 shows a cement
17 mixer, another stack of wood. It is partially
18 covered with sheet metal. There's some rubber
19 hoses, heavy gauge, there. It looks like some yard
20 hydrant sitting on the side. There's another
21 wheelbarrow and miscellaneous building materials
22 that are exposed to the elements.

23 Photograph 39 shows that there's a
24 truck bed camper and a horse trailer in the

1 northeast portion of the site. There's piles of
2 scrap metal. There's some scaffolding. There's
3 metal fence posts, a saw horse, another wooden
4 ladder, and other items stacked against these
5 trailers. The horse trailer appears to be full of
6 materials.

7 Photograph 40 shows the scrap
8 metal, the yellow scaffolding, several plastic
9 buckets, miscellaneous scrap metal, and waste in
10 with the trees.

11 Photograph 41 is looking back
12 towards the home. It shows the front side of that
13 horse trailer. There's several sections of
14 scaffolding and piles of miscellaneous waste in the
15 trees.

16 Photograph 42 shows several
17 snowmobiles and boats that are stacked along East
18 Avenue, which is on the east side of the property.
19 There was at least four or five bicycles out there.
20 There were four snow mobiles covered with tarps.
21 There was a back portion of a van that has been
22 converted into a shed. There was a large flat bed
23 trailer with some lumber on it. Two boats -- the
24 two boats seen in the photograph are covered with

1 tarps.

2 Photograph 43 shows wooden ladders
3 leaning up against the converted van shed, a green
4 roto tiller, just an alternate view of the
5 miscellaneous items stacked on the east side of the
6 property.

7 Photograph 44 shows the two boats
8 that are covered. There's several items stacked in
9 between the boats and the van, the back end of this
10 van. There's also an axle assembly there in the
11 foreground of the photograph.

12 Photograph 45 shows a gray Acura.
13 The back window -- back passenger's side of the
14 window is broken. This vehicle appears to be
15 property licensed, but is parked on the northwest
16 side of the property -- I should say southeast side
17 of the property. I'm sorry.

18 Photograph 46 shows sheet metal
19 air duct and sections of this air duct out on a pile
20 of miscellaneous debris. There is a wheelbarrow in
21 the photograph, there's some lumber in the
22 photograph, and most of it is covered with -- the
23 dirt is covered with weed and vegetation -- weedy
24 vegetation.

1 Photograph 47 shows a large
2 exterior, possibly a commercial light. There's
3 dimensional lumber, some scrap metal, and some metal
4 wire up against a tree.

5 Photograph 48 shows a pile of
6 landscape waste. This was the second burn pile
7 observed at the site. It is on the east end of the
8 site. During this inspection, most of what you see
9 in the photograph is landscape waste.

10 Photograph 49, I knelt down and
11 pushed aside the snow, and I could see a beer can.
12 I could see some charred, processed wood, a hose
13 clamp, a wrench, a rusty old saw blade. There was
14 other miscellaneous charred waste that was still
15 observed under the landscape waste in this portion
16 of the site.

17 The debris -- the charred debris
18 and the ash was supposed to have been cleaned up.
19 It does not appear that Mr. Vanderheiden had been
20 burning recently, but this seems to be old waste
21 that has not been cleaned up.

22 Photograph 50 is an alternate view
23 of the trailer and one of the boats on the east side
24 of the property. To the left of the photograph,

1 more materials are in with the trees on the
2 southeast side of the site.

3 Photograph 51 shows an alternate
4 view of the items stored on the east side of the
5 rear yard.

6 Q. Do these photographs accurately depict
7 what you saw on February 7th, 2008, at the
8 Vanderheiden property?

9 A. Yes, they do.

10 Q. When was this report generated?

11 A. The inspection was on February 7th,
12 2008, and the report was written on February 27th,
13 2008.

14 Q. Does Illinois EPA keep these reports
15 in the regular course of its business?

16 A. Yes.

17 Q. Is it the regular course of business
18 to make such records at or reasonably after the
19 event reflected thereon?

20 A. Yes.

21 MS. RYAN: I move for the admission of
22 Exhibit 1 into evidence.

23 MS. WEBB: Exhibit 1 is admitted.

24 MS. RYAN: And I have no further

1 questions at this point.

2 MS. WEBB: Okay. Mr. Vanderheiden,
3 you will have a chance to present your own defense,
4 but right now I'll just ask you if you have any
5 questions for this witness about anything he just
6 testified to.

7 MR. VANDERHEIDEN: Nope.

8 MS. WEBB: Okay.

9 MR. VANDERHEIDEN: I don't think so.

10 MS. WEBB: Ms. Ryan, do you have
11 anything further you'd like to --

12 MS. RYAN: I do not. Thank you.

13 MS. WEBB: Okay. Mr. Vanderheiden,
14 you may make a statement in your own defense, but
15 first I will ask the court reporter to please swear
16 you in.

17 (Witness sworn.)

18 MR. VANDERHEIDEN: Well, I mean, the
19 pictures tell it all, and I'm not going to deny
20 anything about it. I mean, I'm not going to sit
21 here and argue with you over anything. I have
22 cleaned it up now, that's all I can say. Not
23 totally.

24 I don't know who I've talked to

1 off and on. I don't keep track of anybody I talk to
2 on any phone. I'm a terrible procrastinator. I'm
3 terrible about getting rid of anything. I have
4 cleaned up a lot. Not enough, by no means.

5 But, I mean, there's a lot of
6 things he -- I mean, he's picked out everything, and
7 you can see it in the pictures everything that's in
8 my yard and on my property. The house is in no
9 better shape than it was when he's taken these
10 pictures. It's time. I'm in my -- like I said, I'm
11 a terrible procrastinator. I really have nothing
12 else to say for now

13 MS. WEBB: Ms. Ryan, do you have any
14 questions for --

15 MS. RYAN: I do just have one
16 question.

17 D I R E C T E X A M I N A T I O N

18 BY MS. RYAN:

19 Q. This property that we're talking about
20 where the photographs came from, that is located at
21 510 North Park Avenue?

22 A. Right.

23 Q. In Manito, correct?

24 A. Right.

1 Q. Okay. Thank you.

2 MS. WEBB: Okay. Let's go off the
3 record for a moment to discuss a briefing schedule.

4 (Whereupon, a discussion was had
5 off the record.)

6 MS. WEBB: The transcript of these
7 proceedings will be available from the court
8 reporter by November 24th and will be posted on the
9 Board's website. The public comment deadline is
10 November 30th. The public comment must be filed in
11 accordance with Section 101.628 of the Board's
12 procedural rules. The complainant's brief is due by
13 December 15th, and respondent's brief is due by
14 January 11th.

15 Ms. Ryan, would you like to make
16 any closing argument?

17 MS. RYAN: No, I would like to reserve
18 that for my brief.

19 MS. WEBB: Mr. Vanderheiden, would you
20 like to make any closing statement?

21 MR. VANDERHEIDEN: No.

22 MS. WEBB: Okay. Again, I will note
23 that there are no members of the public present, and
24 we will now adjourn. I thank everyone for their

1 participation.
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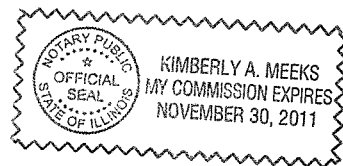
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REBECCA A. GRAZIANO, being first
duly sworn on oath says that she is a court reporter
doing business in the City of Chicago; that she
reported in shorthand the proceedings given at the
taking of said hearing and that the foregoing is a
true and correct transcript of her shorthand notes
so taken as aforesaid and contains all the
proceedings given at said hearing.

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of November, A.D., 2009.

Kimberly A. Meeks
Notary Public



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