

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
                                  Complainant, )  
)  
                                  v. )  
)  
APLENA VISION RESOURCES, LLC, )  
a Michigan limited liability company, )  
)  
                                  Respondent. )

PCB No. 13-16  
(Enforcement - Water)

**NOTICE OF ELECTRONIC FILING**

To: See Attached Service List


PLEASE TAKE NOTICE that on November 8, 2012, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601, COMPLAINANT'S MOTION TO FIX ANSWER DEADLINE, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General of the  
State of Illinois

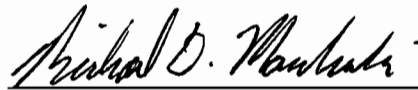
MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY:   
MICHAEL D. MANKOWSKI  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: November 8, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that I did on November 8, 2012, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING and COMPLAINANT'S MOTION TO FIX ANSWER DEADLINE upon the persons listed on the Service List.



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Michael D. Mankowski  
Assistant Attorney General

This filing is submitted on recycled paper.

**SERVICE LIST**

Fred C. Prillaman  
Mohan, Alewelt, Prillaman & Adami  
1 N. Old Capitol Plaza, Ste. 325  
Springfield, IL 62701-1323

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
DOUGLAS COUNTY, ILLINOIS**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>No. 13-16</b>
	)	<b>(Enforcement–Water)</b>
<b>ALPENA VISION RESOURCES, LLC,</b>	)	
<b>a Michigan limited liability company,</b>	)	
	)	
<b>Respondent.</b>	)	

**COMPLAINANT’S MOTION TO FIX ANSWER DEADLINE**

NOW COMES Complainant, the PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and moves the Board, pursuant to Section 103.204 of its Procedural Rules to establish a date certain for the Respondent to answer the complaint, and states as follows:

1. On October 4, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois, filed a three-count complaint against Alpena Vision Resources, LLC. As documented by the certificate of service filed with the complaint, copies of the complaint and required notice were sent that same date via certified mail to the Respondent’s registered agent, Gerald Lee Nudo at 636 Wellington, Chicago, IL 60657. The attached printout from the Illinois Secretary of State’s website of corporate and limited liability company information identifies Gerald Lee Nudo as the registered agent since January 24, 2006 and lists the 636 Wellington address.
2. On October 18, 2012 the Board issued an order accepting the complaint for hearing. On that same date the hearing officer issued an order and sent a copy to the

Respondent's registered agent, Gerald Lee Nudo at 636 Wellington, Chicago, IL 60657. It is not known whether the registered agent accepted or received this copy of the hearing officer order.

3. On October 25, 2012 attorneys Fred C. Prillaman and Patrick D. Shaw entered their appearances on behalf of the Respondent. Mr Prillaman thereafter informed the undersigned Assistant Attorney General that he believed the Respondent had not yet been formally served with the complaint.

4. On November 5, 2012 the Attorney General's Office received the certified mailing that had been directed to the Respondent's registered agent, Gerald Lee Nudo at 636 Wellington, Chicago, IL 60657. The manila envelope contained a sticker dated November 2, 2012 indicating that it was being returned to sender because it had been unclaimed. Upon information and belief, the Respondent's registered agent failed to claim the mailing and to thereby allow such service to be effectuated.

5. Section 103.204(a) requires that a complaint be served by certified mail. The United States Postal Service regulations state that certified mail is a service that provides a mailing receipt to the sender and a record of the delivery at the office of the delivery. 39 C.F.R. part 3001, subpart C, app. A, § 941.11. The sender may request that the postal clerk stamp on the mailing receipt the time that the post office accepted the letter. 39 C.F.R. part 3001, subpart C, app. A, § 941.22. A record of the delivery is retained at the office of the delivery for a specified period of time. 39 C.F.R. part 3001, subpart C, app. A, § 941.23. For an additional fee, the sender can request a return receipt. 39 C.F.R. part 3001, subpart C, app. A, § 941.41. The Attorney General's Office routinely pays this fee in order to document the certified mail service, and the mailing to the registered agent cost \$6.15.

6. The Respondent as a foreign limited liability company must continuously maintain in Illinois a registered agent and registered office, which agent must be an individual resident of Illinois, a domestic corporation, or a foreign corporation having a place of business in, and authorized to do business in, Illinois. This is a statutory requirement imposed by Section 1-35 of the Illinois Limited Liability Companies Act, 805 ILCS 180/1-35. Section 1-50 of that Act requires that service of process regarding an LLC be made upon the register agent. 805 ILCS 180/1-50.

7. The Board's procedural rules make no provision for an alternative service method or for waiver of service in the event that certified mailing properly directed to a registered agent is improperly refused or inadvertently unclaimed.


8. Now that the Respondent is represented by counsel, and counsel have obtained a copy of the complaint, the Complainant requests that the Respondent be ordered to respond to the allegations it may choose to deny by filing an answer to the complaint by a date certain. The Complainant suggests that this date be established as 60 days from the October 25, 2012 filing of legal appearances, i.e. December 26, 2012. This request and suggestion are directed to the Board's hearing officer pursuant to Section 101.502.

WHEREFORE, the Complainant asks that the Board's hearing officer fix a date by which an answer is due.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* LISA MADIGAN,  
Attorney General  
of the State of Illinois,

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY:   
MICHAEL D. MANKOWSKI  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: November 8, 2012



**LLC FILE DETAIL REPORT**

Entity Name	ALPENA VISION RESOURCES, LLC	File Number	01117912
Status	ACTIVE	On	01/30/2012
Entity Type	LLC	Type of LLC	Foreign
File Date	02/19/2004	Jurisdiction	MI
Agent Name	GERALD LEE NUDO	Agent Change Date	01/24/2006
Agent Street Address	636 WELLINGTON	Principal Office	636 WELLINGTON CHICAGO, IL 60657
Agent City	CHICAGO	Management Type	MBR <a href="#">View</a>
Agent Zip	60657	Duration	PERPETUAL
Annual Report Filing Date	01/30/2012	For Year	2012
Assumed Name	INACTIVE - VISION RESOURCES		
Series Name	NOT AUTHORIZED TO ESTABLISH SERIES		

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(One Certificate per Transaction)

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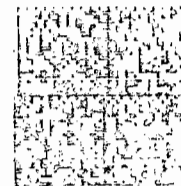


Electronic Filing Received, Clerk's Office, 11/08/2012



7011 2970 0003 6446 8255

LISA MADIGAN  
Attorney General  
500 South Second Street  
Springfield, IL 62706



Madigan

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US POST

NIXIE 3043 1 17 11/02/12

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD  
RETURN TO SENDER

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CERTIFIED MAIL/RETURN RECEIPT REQUESTED

*NL*  
*10-10-12*

**RECEIVED**  
ATTORNEY GENERAL  
NOV 5 2012  
ENVIRONMENTAL

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Alpena Vision Resources, LLC  
c/o Gerald Lee Nudo, R.A.  
636 Wellington  
Chicago, IL 60657

2. Article Number  
(Transfer from service label)

7011 2970 0003 6446 8255

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes