

ILLINOIS POLLUTION CONTROL BOARD
August 13, 1992

COUNTY OF JACKSON,)	
)	
Complainant,)	
)	
v.)	AC 92-39
)	(County No. None)
)	(Administrative Citation)
)	
LESLIE NORMAN FRED, SR.,)	
d/b/a MURPHYSBORO/NORMAN)	
FRED TRUCKING,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.C. Marlin):

On July 17, 1992, the Board received a letter from counsel for complainant which stated:

Please be advised that the Respondent Leslie Norman Fred, Sr. filed a Petition for Review with our office within thirty five days of service of Administrative Citation in the above noted cause. Based on my representations which were erroneously given, the Respondent did not file the original Petition with the Board, but rather with our office.

Accordingly, I request that you have the final order of the Board vacated and that this matter be set for hearing pursuant to Section 1032 of the Act.

Attached to the letter is a copy of a one page petition which bears a June 5, 1992 date stamp of the Jackson County State's Attorney.

The Board notes that the administrative citation was served upon respondent on May 21, so that any appeal was due to be filed with the Board on or before June 25, 1992. As no petition for review was filed with the Clerk of the Board, the Board entered its default order in this matter on July 9, 1992.

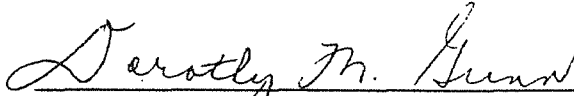
The respondent has made a good faith effort to timely perfect an appeal in compliance with instructions complainant admits were in error. Under these circumstances, the Board vacates its order of July 9, 1992, and accepts this petition for hearing. The Board trusts that this sort of error will not occur in the future.

IT IS SO ORDERED.

B. Forcade and J. Theodore Meyer dissented.

0135-0379

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 13th day of August, 1992, by a vote of 5-2.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board