

ILLINOIS POLLUTION CONTROL BOARD  
June 29, 1972

ELGIN JAYCEES )  
 )  
 v. ) # 71-59  
 )  
 TRI-COUNTY LANDFILL COMPANY )  
 et al. )

OPINION AND ORDER OF THE BOARD TO BAR ATTORNEY (by Mr. Currie):

The respondents move that we forbid further participation in this case of the attorney for the complainant on the ground he has acted in wholly unrelated matters as a hearing officer for the Board. Our procedural rule 602 is cited, which prohibits ex parte contacts with Board members or employees about pending cases. The motion misconceives the rule. It forbids the attorney to talk to the Board about this case, but there is no allegation he has done so. Hearing officers are Board employees for this purpose only in cases in which they are hearing officers. Hearing officers are employed for discrete cases on a contractual basis and have no continuing relationship to the Board. Since they cannot under Rule 602 contact the Board except as to cases in which they preside, there is no reason they should not participate as parties or counsel in other cases. If the rule were otherwise it would be impossible to hire part-time hearing officers, on which our program depends.

The motion is denied.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion this 29<sup>th</sup> day of June, 1972, by a vote of 4-0.

