

ILLINOIS POLLUTION CONTROL BOARD
February 28, 1974

Mrs. Maurice McClure and)
Mrs. Joseph A. Ringbauer,)
)
 Complainants,)
)
)
 vs.) PCB 73-357
) PCB 73-358
Foremost Liquors,)
)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Seaman):

On February 19, 1974, Foremost Liquors, Respondent in the above-captioned cause, filed its motion for re-hearing. Petitioner alleges that "while being aware of the complaint filed against it, [it] appeared to answer the complaint on the wrong date, which appearance was made by him in fact after the hearing on the complaint was heard."

Petitioner contents itself with this bare assertion, offering no reason for its failure to appear at the hearing.

At the October 8, 1973 hearing in this matter, the Hearing Officer, Alexander P. Matug, stated as follows:

"Second of all, for the Board's consideration of this matter, I would just like to mention that the order which the Board has a copy of in the file, was delivered to Foremost Liquor, and I will present to the Board the certificate of receipt, the Certified Mail Return Receipt, and it shows that the day it was delivered was the 11th day of September, 1973.

Also for the record, I will enclose to the Board the statement from Christan L. Moffett, the Clerk of the Pollution Control Board, that this matter was in fact published pursuant to the Board's rules in a newspaper of general circulation, to give notice to all parties concerned.

Also for the Board, I would like to state that on the 15th of September, 1973, I

personally delivered to Mr. Caravetta, the owner of the liquor store in question, a copy of the Board's procedural rules, and also at this time, once again, informed him that the hearing date was the 8th of October, 1973, and that the place of the hearing was the Oak Lawn Public Library." (R. 22,23).

Petitioner's request for a re-hearing to review the Order entered January 4, 1974 is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted on this 28th day of February, 1974 by a vote of 5-0.

Christan L. Moffett