

ILLINOIS POLLUTION CONTROL BOARD
April 11, 2019

LAWRENCE REED,)	
)	
Complainant,)	
)	
v.)	PCB 19-1
)	(Citizen's Enforcement – Noise)
MARTIN PASILLAS,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.M. Santos):

On December 20, 2018, the Board accepted for hearing Lawrence Reed's amended complaint against Martin Pasillas. The amended complaint concerns noise allegedly emitted from vehicles operated by Pasillas, whose address is 164 North Winston Drive in Palatine, Cook County.

When the Board accepted the amended complaint, it directed its hearing officer "to proceed expeditiously to hearing." Reed v. Pasillas, PCB 19-1, slip op. at 2 (Dec. 20, 2018). The hearing officer scheduled a telephonic status conference on January 15, 2019, and directed the parties or their representatives to participate. In the report of that conference, the hearing officer stated that "[n]either party appeared" and directed the parties to participate in a second status conference on January 29, 2019. The report of the second conference again stated that "[n]either party appeared." The hearing officer stressed that he needed to be aware of discovery or settlement negotiations undertaken by the parties. He directed the parties to participate in a third status conference on February 28, 2019. The hearing officer report of the third status conference again stated that "[n]either party appeared." Although he scheduled a fourth status conference on March 21, 2019, the hearing officer added that, "[i]f no one appears, I am inclined to refer this matter to the Board for a ruling, including a possible dismissal."

The hearing officer's report of the fourth status conference on March 21, 2019, states that "[n]either party appeared, nor have they ever communicated with the hearing officer or appeared for a telephonic status conference." Consequently, the hearing officer referred this matter to the Board for a ruling, including possible dismissal.

The Board finds that the hearing officer has provided notice to the parties, but the complainant has failed to diligently pursue this matter. Therefore, the Board dismisses this case and closes the docket. See City of Freeport v. IEPA, PCB 98-108, slip op. at 1 (Aug. 9, 2007). If the complainant wishes, he may file a new complaint, which would be treated as a new case and assigned a new docket number.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2016); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Lawrence Reed 211 N. Winston Dr. Palatine, Illinois 60074	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Martin Pasillas 164 N. Winston Dr. Palatine, Illinois 60074	
Yuri Birg 790 W. Frontage Rd., Suite 215 Northfield, Illinois 60093 birg@chicagolawgroup.com	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 11, 2019, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board