THE ILLINOIS POLLUTION CONTROL BOARD

CITIZENS AGAINST LANDFILL EXPANSION (CALE),	)	
Petitioner,	)	
v.	)	PCB 03-236
	)	(Pollution Control Facility
AMERICAN DISPOSAL SERVICES OF ILLINOIS, INC., and LIVINGSTON COUNTY BOARD,	)	Siting Appeal)
Respondents.	)	

NOTICE OF FILING

TO: See Attached Service List

Please take notice that on August 26, 2003, I caused to be filed by overnight mail with the Illinois Pollution Control Board an original and four copies of the attached Respondent American Disposal Services of Illinois, Inc.'s Opposition to Petitioner's Motion to Compel.

AMERICAN DISPOSAL SERVICES OF ILLINOIS, INC., Respondent

By EHRMANN GEHLBACH BADGER & LEE

By _____
Douglas E. Lee

Douglas E. Lee
Ehrmann Gehlbach Badger & Lee
Attorneys for Respondent American Disposal Services of Illinois, Inc.
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Dixon, IL 61021
(815) 288-4949
(815) 288-3068 (FAX)

Proof of Service

STATE OF ILLINOIS)
COUNTY OF LEE)

The undersigned, being first duly sworn, states that on August 26, 2003, a true and correct copy of the foregoing Notice of Filing, together with the Motion to Compel attached thereto, was served upon the following persons, at the addresses indicated, by overnight mail and that prior to 3 p.m. on August 27, 2003, said Respondent American Disposal Services of Illinois, Inc.'s Opposition to Petitioner's Motion to Compel was sent by e-mail to the Hearing Officer and counsel for the parties, at the e-mail addresses indicated:

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Christine K. Egyed

Subscribed and sworn to before me
this 27th day of August, 2003.

Joan E. Rhodes
Notary Public

OFFICIAL SEAL
JOAN E. RHODES
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES 5-2-2006

THE ILLINOIS POLLUTION CONTROL BOARD

CITIZENS AGAINST LANDFILL EXPANSION (CALE), Petitioner,	)	
v.	)	PCB 03-236 (Pollution Control Facility Siting Appeal)
AMERICAN DISPOSAL SERVICES OF ILLINOIS, INC., and LIVINGSTON COUNTY BOARD, Respondents.	)	

RESPONDENT AMERICAN DISPOSAL SERVICES OF ILLINOIS, INC.'S OPPOSITION TO PETITIONER'S MOTION TO COMPEL

Now comes Respondent American Disposal Services of Illinois, Inc. ("American"), by and through one of its attorneys, Douglas E. Lee of Ehrmann Gehlbach Badger & Lee, and opposes Petitioner's Motion to Compel ("Motion"). In support thereof, American states as follows:

I. Introduction

While the Illinois Pollution Control Board ("the Board") provides parties the right to engage in pre-hearing discovery, that right is not unlimited. Discovery directed at substantive criteria is not permitted because the Board's role in reviewing the substantive criteria is limited to the record before the County Board. See 415 ILCS 5/40.1(a); *Land and Lakes Co. v. Illinois Pollution Control Board*, 252 Ill. Dec. 614, 319 Ill. App. 3d 41, 743 N.E. 2d 188 (3rd Dist. 2000). While Petitioner is entitled to discovery of facts relevant to discrete issues of jurisdiction and claimed fundamental unfairness, Petitioner is not entitled to subject either Respondent to a fishing expedition. *See* 35 Ill. Adm. Code 101.616(a). That Petitioner is engaged in such expedition is evident from its Motion to Produce, where it admits that its fundamental fairness claim is based, at least in part, on "any such other bases of fundamental unfairness as may hereafter be discovered and established."

Board rules establish that a hearing officer must manage the hearing "to ensure development

of a clear, complete, and concise record for timely transmission to the Board." 35 Ill. Adm. Code 101.610. This duty is especially significant in a landfill siting hearing, for which the legislature sets a specific time frame for Board decision and for which the courts have clearly held that the Board's role is one of review of the local government's decision on the criteria, based upon the record created at the local hearing, on a manifest weight of the evidence standard. *See Land and Lakes, supra.*

Thus, to the extent information sought to be discovered by CALE, from either Respondent, is information relevant to the statutory criteria, the Hearing Officer should deny Petitioner's request to produce. *See* Section II.A. below. To do otherwise is to present the Board with a different record than the one presented to the County, a result directly contrary to that envisioned by the legislature in establishing the landfill siting review process.

In addition to seeking the production of evidence concerning the criteria, Petitioner casts a wide net in its attempt to require the production of new evidence under the guise of jurisdiction and fundamental fairness. The Hearing Officer should not be misled by such attempts but should focus instead on the specific jurisdictional and fundamental fairness claims made by Petitioner. To the extent CALE attempts to discover new evidence regarding any claimed jurisdictional defects, American asserts that all information relevant to the Board's decision on this question has been produced. *See* Section II.B. below.

To the extent CALE attempts to discover new evidence based upon claims of fundamental unfairness, the Hearing Officer must not allow the Petitioner to engage in a fishing expedition but, rather, must focus on Petitioner's specific claims of fundamental unfairness as it applies to the County's hearing process and decision, in light of the wealth of Board and court decisions on the question of what does and does not constitute fundamental unfairness. To do otherwise is to deny the Board a concise record of relevant information upon which to base its decision.

The only argument Petitioner articulates regarding claimed fundamental unfairness is that the County Board members pre-judged the statutory criteria because they were overly concerned about the money the County would receive from the expansion. In the Motion, for example, Petitioner claims the process was fundamentally unfair because many members of the siting authority pre-judged or failed to judge whether American had satisfied the statutory criteria "due to an overpowering desire to obtain the $162 million host fee that was previously negotiated."

On the basis of this proposition, Petitioner seeks to discover a myriad of information related to each County Board member's individual review of the record, attendance at the hearing, reasons for approval of the expansion, and pre-filing contacts. The Hearing Officer should deny such attempts to invade the mind of the County Board decision makers as it is wholly antithetical to Illinois' landfill siting process and the years of case law that serve as the basic foundation for this process. In one of the earliest Board cases on landfill siting review, the Board wisely recognized that

> local authorities will not be held to be biased simply because of a financial benefit which the county or municipality might derive from site approval. "County boards and other governmental agencies routinely make decisions that affect their revenues . . . Public officials should be considered to act without bias." *E&E Hauling*, [116 Ill. App. 3d 586, 451 N.E.2d 555, 71 Ill. Dec. 587 (2nd Dist. 1983)].
>
> [I]n their adjudicatory role, the decision makers are entitled to protection of their internal thought processes. This principle of not invading the mind of the administrative decision maker has been articulated in *Ash v. Iroquois County Board, supra*; in *Citizens to Preserve Overton Park, Inc.* v. *Volpe*, 401 U.S. 402 (1971), and in *United States v. Morgan*, 313 U.S. 409 (1941).

See DiMaggio v. Solid Waste Agency of Northern Cook County, PCB 89-138 (1990).

Soundly adopted by the Illinois courts, this early Board principle still serves as the foundation for landfill siting review. See *E&E Hauling, Inc. v. PCB, supra, affirmed, E&E Hauling, Inc. v. Pollution Control Board*, 107 Ill. 2d 33, 481 N.E.2d 664, 89 Ill. Dec. 821 (1985); *Waste*

Management of Illinois, Inc. v. Pollution Control Board, 175 Ill. App. 3d 1023, 530 N.E.2d 682, 125 Ill. Dec. 524 (2nd Dist. 1988), *appeal denied*, 125 Ill. 2d 575, 537 N.E. 2d 819, 130 Ill. Dec. 490 (1989). Furthermore, to the extent Petitioner claims bias on the part of any one of the County decision makers, such claim has been waived because it was not made to the County Board prior to its decision. *See Waste Management v. Pollution Control Board, supra.*

These basic principles have been specifically embedded in landfill siting case law throughout its history, and the Hearing Officer should avoid Petitioner's overreaching attempts to invade such basic principles. *See Fairview Area Citizens Taskforce v. Illinois Pollution Control Board*, 198 Ill. App. 3d 541, 555 N.E.2d 1178, 144 Ill. Dec. 659 (3rd Dist. 1990), *appeal denied*, 133 Ill. 2d 554, 561 N.E.2d 689, 149 Ill. Dec. 319 (local siting authority can properly consider economic benefit to community as a factor in approval of site, so long as statutory criteria are met); *City of Rockford v. County of Winnebago*, 186 Ill. App. 3d 303, 542 N.E.2d 423, 134 Ill. Dec. 244 (2nd Dist. 1989), *appeal denied*, 128 Ill. 2d 672, 548 N.E.2d 1067, 139 Ill. Dec. 511 (board members are not required to avail themselves of the opportunity to review the record); *E & E Hauling, Inc. v. Pollution Control Board, supra* (fundamental fairness does not require personal attendance of Board members at siting hearing); *E & E Hauling, Inc. v. Pollution Control Board, supra* (county board is not disqualified as decision maker because county will receive revenues from the landfill). *See also Woodsmoke Resorts, Inc. v. City of Marseilles*, 174 Ill. App. 3d 906, 529 N.E.2d 274, 124 Ill. Dec. 454 (3rd Dist. 1988) (city is not disqualified from reviewing application for site approval of landfill because it stood to gain $8,000,000 in waste fees, and city's plans to annex property is not evidence of adjudicative prejudgment).

Based upon the above, the Hearing Officer should deny Petitioner's broad attempts to ascertain through discovery facts regarding broad allegations of bias and prejudgment on the part of

the County Board members. Further, regarding Petitioner's requested discovery of evidence concerning pre-filing contacts, unless a specific claim of prejudgment of adjudicative facts has been made by Petitioner, as it was made recently in the Board's review of a landfill siting decision, but has not been made here, the Hearing Officer should deny such request. *See County of Kankakee v. City of Kankakee*, PCB 03-31 (2003); Section II.B.2 below.

II. Argument

A. Petitioner Is Not Entitled To Discovery Directed At The Substantive Siting Criteria.

As Petitioner concedes in its Motion, Interrogatory Nos. 6 and 19 are directed at Criterion 3 (specifically, American's real estate study). Interrogatory Nos. 13 and 14 are similarly directed at Criterion 1 and American's needs analysis. The record on these substantive criteria is closed, however, and discovery on these issues is not permitted. *Land and Lakes Co. v. Illinois Pollution Control Board, supra.* Under Illinois law, Petitioner did not have the right to compel American to produce documents during the siting hearing. Petitioner, however, had the right to cross-examine American's witnesses on the real estate and needs issues and it did so. Petitioner also had the right to introduce its own evidence and public comment on these issues, which it did. The fact that the Board's rules permit discovery on some issues, does not re-open the record regarding the substantive criteria. The Motion as to Interrogatory Nos. 6, 13, 14, and 19 should be denied.

B. Through Its Motion, Petitioner Seeks Information That Is Neither Relevant Nor Calculated To Lead To Information Relevant To Issues Of Jurisdiction And Fundamental Fairness.

1. The Information Petitioner Seeks Regarding Notice Is Irrelevant To The Board's Determination Of Jurisdiction.

In Interrogatory No. 4, Petitioner seeks information regarding communications between American and Amoco or BP Oil from and after January 1, 2002. American has responded that no

communications occurred related to any issue raised in the Petition for Review. In Interrogatory No. 12, Petitioner asks American to identify all contracts between American and the owner of the tank farm. American has responded that no contracts currently are in force. Petitioner complains that American's answers are not fully responsive.

As is set forth in Petitioner's responses to American's discovery, Petitioner claims American's notice to the owner of Parcel No. 09-33-200-002 was defective in part because American "presumably would have had contacts that could have provided information about the correct identity and address of the owner of the property." *See* Petitioner's Responses to American Disposal's Interrogatories at No. 2. What American's employees might or might not have surmised about the identity and address of the owner of the tank farm, however, is irrelevant to whether notice was properly served.

Section 39.2(b) of the Illinois Environmental Protection Act identifies only one source for the correct names and addresses of those property owners required to be served – "the authentic tax records of the County in which such facility is to be located." 415 ILCS 5/39.2(b). American was under no duty, as Petitioner suggests in its answer to Interrogatory No. 2, to "make reasonable further inquiries" regarding the ownership of the tank farm after American's timely served certified mailings were returned. Indeed, as the Board recently has held, American's service was effective upon mailing the notices by certified mail, return receipt requested. *See City of Kankakee, supra.* Interrogatory Nos. 4 and 12 are not calculated to lead to information relevant to the names and addresses contained in Livingston County's authentic tax records. Petitioner's Motion as to Interrogatory Nos. 4 and 12 should be denied.

2. The Information Petitioner Seeks Regarding Pre-Filing Contacts Between American And Members Of The County Board Is Not Calculated To Lead To Information Relevant To Whether The Siting Hearing Was Fundamentally Fair.

In the Motion, CALE addresses in narrative pre-filing contacts, contracts, and documents and objects to American's limited answers to Interrogatories 7, 10, and 11. Interrogatory No. 7 seeks information regarding all meetings between County Board members and American since January 1, 2001. This encompasses a period of almost two years before the filing of the siting application. CALE does not restrict or limit the subject matter of such meetings. Interrogatory No. 10 is really a refinement of Interrogatory No. 7 in that it seeks information for the same time period regarding communications or meetings between the Livingston County Board and American relating to any earlier application, the pending application, host fees, the proposed expansion, and opposition to the expansion. This Interrogatory, however, is also an expansion of Interrogatory No. 7 in that it seeks information related to meetings and communications between consultants for American and consultants for the County Board. Interrogatory No. 11 seeks identification of documents related to the subject matter of Interrogatory No. 10.

None of the three disputed Interrogatories seeks information regarding a specific pre-filing event or contact. Rather, they are broad fishing expeditions intended to cover all contacts over a two-year period. This is particularly important because CALE never alleges, either in its Petition for Review nor in its answers to American's discovery requests, that American or its agents ever did anything improper to influence the County Board. In fact, CALE's Answer to American's Interrogatory No.11 is that it has no knowledge of any impermissible *ex parte* contact between any member of the County Board and any representative of American. Moreover, when asked to describe the factual and legal bases for its claim that members of the County Board prejudged the

siting application, CALE lists 18 specific instances of bias, none of which are alleged to be related to, or resulting from, pre-filing contacts with American. Instead, the 18 cited instances of bias deal generally with the County's deliberative processes, its reliance upon its own technical consultants, and most significantly its desire to receive the host fees associated with the proposed expansion.

An applicant's prior participation and involvement in the legislative processes before a county board does not support an inference that the board prejudged the application. *E & E Hauling, Inc. vs. Pollution Control Board, supra.* There is a presumption that administrative officials are objective and capable of fairly judging a particular controversy. *Waste Management vs. Pollution Control Board*, 175 Ill.App.3d 1023, 530 N.E.2d 682, 125 Ill. Dec. 524 (2nd Dist. 1988). The Board previously relied upon these decisions to preclude altogether discovery regarding certain categories of pre-filing contacts between an applicant and a decision maker. The Board stated

> There is no authority for applying *ex parte* restrictions concerning Pollution Control facility siting prior to the filing of an application for siting approval. Because evidence of these contacts are not relevant to the siting criteria and are not indicative of impermissible pre-decisional bias of the siting authority, we find that the County Hearing Officer's failure to allow testimony concerning these allegations did not render the proceedings fundamentally unfair. Similarly, the contacts between the applicant and the County Board prior to the filing of the siting application are irrelevant to the question of whether the siting proceedings, themselves, were conducted in a fundamentally fair manner.

Residents Against A Polluted Environment v. County of LaSalle & Landcomp Corporation, PCB 96-243 (1996).

Based on its belief that the decision in *Land & Lakes Company vs. PCB, supra*, "implies that evidence of pre-filing contacts between the applicant and the actual decision maker . . . may factor into the fundamental fairness calculus," the Board qualified its previous ruling in *Residents Against A Polluted Environment* by finding that pre-filing contacts "may" be probative of prejudgment of adjudicative facts in *County of Kankakee*.

The holding in *County of Kankakee* should not be viewed as overruling the *Residents Against A Polluted Environment* but rather as qualifying and explaining the earlier decision. The facts of the instant case closely mirror the situation in *Residents Against A Polluted Environment* and are completely unlike the facts that caused the Board to qualify its earlier decision when deciding *County of Kankakee*. In *Residents Against A Polluted Environment*, the petitioners sought broad discovery related to Landcomp Corporation's prior participation in the County's legislative process, adoption of the Host Agreement, amendment of the Solid Waste Management Plan, and the like. That is precisely the kind of information CALE seeks here, and the production of such information by American is not only irrelevant but also would be onerous in light of the fact that American and Livingston County have enjoyed an on-going business relationship based upon American's operation of the existing landfill.

In *County of Kankakee*, on the other hand, the applicants sought to introduce evidence regarding specific pre-filing contacts that were both very close in time and content to the siting process. These included evidence of Town & Country's attorney drafting the Siting Hearing Ordinance and evidence of a pre-filing presentation regarding the application made by Town & Country to the City Council. In light of these directly related pre-filing contacts very close in time to the filing of the application, the Board in *County of Kankakee* determined that the evidence of those contacts should at least be considered on the issue of prejudgment. It is noteworthy to point out that the Board ultimately found that no prejudgment occurred.

Accordingly, American maintains its objection to discovery of pre-filing contacts in the broad, unrestricted, and general fashion CALE attempts here. Evidence of pre-filing contacts should only be admissible when they are closely related in time to the filing of the siting application and when a petitioner can make at least a preliminary showing (as was done by the petitioners in *County*

of Kankakee) that the subject matter of the pre-filing contacts has some logical relationship to the siting hearing process.

Lastly, American points out that discovery regarding pre-filing contacts between the technical consultants for the parties is entirely improper and not authorized by any previous decision of the courts or the Board. To the contrary, the decision in *Land & Lakes Company vs. Illinois Pollution Control Board, supra*, is unequivocal that in the absence of any pre-filing collusion between an applicant and the actual decision maker, pre-filing contact between an applicant and consultants for the decision maker cannot deprive any opponent of fundamental fairness. CALE has failed to allege even the possibility of such collusion.

Instead, CALE alleges that the County Board improperly desired host fees from American. The receipt of economic benefit by a decision maker, however, cannot legally be used to support an inference of bias or prejudgment. *Fairview Area Citizens' Task Force vs. Illinois Pollution Control Board*, 198 Ill.App.3d 541, 555 N.E.2d 1178, 144 Ill. Dec. 659 (3rd Dist. 1990).

In addition to seeking to inquire into "potential bias," CALE also cites in support of its Motion inquiry into financial interest of County Board members. This is not a basis for compelling further answers to Interrogatory Nos. 7, 10, 11, however, as the issue of financial interest of County Board members, and even their consultants, is completely answered in Interrogatory Nos. 9, 16, and 17. The Motion as to Interrogatory Nos. 7, 10, and 11 should be denied.

3. The Information Redacted From The Contract Between American And Jeanne Rapp Is Not Calculated To Lead To Information Relevant To Whether The Siting Hearing Was Fundamentally Fair.

When producing a Contract between it and Jeanne Rapp, American redacted the agreement's financial terms. In its Motion, Petitioner claims these terms are "highly relevant to issues of fundamental unfairness and possibly to the real property value criterion." To the extent Petitioner's

claim relates to Criteria 3, it should be rejected. *See* Section II.A. above. Nor does any basis exist to support Petitioner's theory that the Contract is relevant to evidence of fundamental unfairness. All parties agree that Ms. Rapp did not vote on American's Application. The purchases pursuant to the Contract were disclosed in Ms. Rapp's 2000 and 2001 Statements of Economic Interest, copies of which were produced by Petitioner and are attached hereto for the benefit of the Hearing Officer. Any potential bias Ms. Rapp may have had thus was appropriately disclosed and addressed. The financial details of these transactions are not relevant to any fundamental fairness issue. The Motion as to the redacted Contract should be denied.

C. Clarification By American Moots Petitioner's Motion As To Interrogatory Nos. 8 And 18.

In its Motion, Petitioner states American's answer to Interrogatory No. 8 "does not indicate whether there are other such contracts with Board Members." To the extent American's answer was unclear, American states it is not aware of any agreement, proposed agreement, understanding, or contract with any member of the County Board not disclosed in its answer to Interrogatory No. 8. In its Motion, Petitioner also states American failed to identify the "certain options to purchase real estate" referred to in American's answer to Interrogatory No. 18. To the extent American's answer was unclear, American states the options referred to in its answer to Interrogatory No. 18 are the options disclosed and produced with its responses to Petitioner's discovery. The Motion as to Interrogatory Nos. 8 and 18 should be denied as moot.

III. Conclusion

For all of the foregoing reasons, American respectfully requests that the Motion be denied.

Respectfully submitted,

AMERICAN DISPOSAL SERVICES OF ILLINOIS, INC., Respondent

By EHRMANN GEHLBACH BADGER & LEE

By _____
Douglas E. Lee

Douglas E. Lee
Ehrmann Gehlbach Badger & Lee
Co-Counsel for Respondent American Disposal Services of Illinois, Inc.
215 E. First St., Suite 100
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STATEMENT OF ECONOMIC INTERESTS
TO BE FILED WITH THE COUNTY CLERK

FILED
MAR 2 2004
County Clerk of Livingston County, Illinois

(TYPE OR HAND PRINT)

JEANNE RAPP
(name)

LIVINGSTON COUNTY BOARD DISTRICT TWO
(office or position of employment for which this statement is filed)

21912 N 1710 EAST RD, PONTIAC 61764
(full post office address to which notification of an examination of this statement should be sent)

GENERAL DIRECTIONS

The interest (if constructively controlled by the person making the statement) of a spouse or any other party, shall be considered to be the same as the interest of the person making the statement. Campaign receipts shall not be included in this statement. **If additional space is needed, please attach supplemental listing.**

1. List the name and instrument of ownership in any entity doing business with the unit of local government in relation to which the person is required to file, in which the ownership interest held by the person at the date of filing is in excess of $5,000 fair market value or from which dividends in excess of $1,200 were received during the preceding calendar year. (In the case of real estate, location thereof shall be listed by the street address, or if none, then by legal description.) No time or demand deposit in a financial institution, nor any debt instrument shall be listed.

Business Entity	Instrument of Ownership	Position of Management
None		

2. List the name, address and type of practice of any professional organization in which the person making the statement was an officer, director, associate, partner or proprietor or served in any advisory capacity from which income in excess of $1,200 was derived during the preceding calendar year.

Name	Address	Type of Practice
None		

3. List the nature of professional services rendered (other than to the unit of government in relation to which the person is required to file) and the nature of the entity to which they were rendered if fees exceeding $5,000 were received during the preceding calendar year from the entity for professional services rendered by the person making the statement. ("Professional services" means services rendered in the practice of law, accounting, engineering, medicine, architecture, dentistry or clinical psychology.)

None

4. List the identity (including the address or legal description of real estate) of any capital asset from which a capital gain of $5,000 or more was realized during the preceding calendar year.

Sale of 7 residential lots to Allied Waste Transportation, Inc. - Lots 2, 3, 7, 13, 21, 22, and 23 in Rapp's Whispering Oaks Subdivision, Livingston County, Illinois as recorded in Plat Book 12 at page 30 as document No. 457251.

5. List the name of any entity and the nature of the governmental action requested by any entity which has applied to the unit of local government in relation to which the person must file for any license, franchise or permit for annexation, zoning or rezoning of real estate during the preceding calendar year if the ownership interest of the person filing is in excess of $5,000 fair market value at the time of filing or if income or dividends in excess of $1,200 were received by the person filing from the entity during the preceding calendar year.

See Number 4

6. List the name of any entity doing business with the unit of local government in relation to which the person is required to file from which income in excess of $1,200 was derived during the preceding calendar year other than for professional services and the title or description of any position held in that entity. No time or demand deposit in a financial institution nor any debt instrument need be listed.

See Number 4 - no employment relationship

7. List the name of any unit of government which employed the person making the statement during the preceding calendar year other than the unit of government in relation to which the person is required to file.

None

8. List the name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of $500, was received during the preceding calendar year.

None

VERIFICATION

"I declare that this statement of economic interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my economic interests as required by the Illinois Governmental Ethics Act. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed $1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both fine and imprisonment."

Willa Jeanne Rapp March 2, 200
(signature of person making the statement) (date)

STATEMENT OF ECONOMIC INTERESTS

TO BE FILED WITH THE COUNTY CLERK

FILED

APR 28 2000

Judith F. McGlasson
County Clerk

(TYPE OR HAND PRINT)

W. Jeanne Rapp

(name)

County Board

(office or position of employment for which this statement is filed)

21912 N 1710 East Road, Pontiac, IL 61764

(full post office address to which notification of an examination of this statement should be sent)

GENERAL DIRECTIONS

The interest (if constructively controlled by the person making the statement) of a spouse or any other party, shall be considered to be the same as the interest of the person making the statement. Campaign receipts shall not be included in this statement. **If additional space is needed, please attach supplemental listing.**

1. List the name and instrument of ownership in any entity doing business with the unit of local government in relation to which the person is required to file, in which the ownership interest held by the person at the date of filing is in excess of $5,000 fair market value or from which dividends in excess of $1,200 were received during the preceding calendar year. (In the case of real estate, location thereof shall be listed by the street address, or if none, then by legal description.) No time or demand deposit in a financial institution, nor any debt instrument shall be listed.

Business Entity	Instrument of Ownership	Position of Management
None		

2. List the name, address and type of practice of any professional organization in which the person making the statement was an officer, director, associate, partner or proprietor or served in any advisory capacity from which income in excess of $1,200 was derived during the preceding calendar year.

Name	Address	Type of Practice
None		

3. List the nature of professional services rendered (other than to the unit of government in relation to which the person is required to file) and the nature of the entity to which they were rendered if fees exceeding $5,000 were received during the preceding calendar year from the entity for professional services rendered by the person making the statement. ("Professional services" means services rendered in the practice of law, accounting, engineering, medicine, architecture, dentistry or clinical psychology.)

None

4. List the identity (including the address or legal description of real estate) of any capital asset from which a capital gain of $5,000 or more was realized during the preceding calendar year.

Sale of 8 residential lots to Allied Waste Transportation, Inc. - Lots 1, 4, 5, 6, 9, 10, 19 and 20 in Rapp's Whispering Oaks Subdivision, Livingston County, Illinois, as recorded in Plat Book 12 at Page 30 as Document No. 457251.

5. List the name of any entity and the nature of the governmental action requested by any entity which has applied to the unit of local government in relation to which the person must file for any license, franchise or permit for annexation, zoning or rezoning of real estate during the preceding calendar year if the ownership interest of the person filing is in excess of $5,000 fair market value at the time of filing or if income or dividends in excess of $1,200 were received by the person filing from the entity during the preceding calendar year.

See Number 4

6. List the name of any entity doing business with the unit of local government in relation to which the person is required to file from which income in excess of $1,200 was derived during the preceding calendar year other than for professional services and the title or description of any position held in that entity. No time or demand deposit in a financial institution nor any debt instrument need be listed.

See Number 4 - no employment relationship

7. List the name of any unit of government which employed the person making the statement during the preceding calendar year other than the unit of government in relation to which the person is required to file.

None

8. List the name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of $500, was received during the preceding calendar year.

None

VERIFICATION

"I declare that this statement of economic interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my economic interests as required by the Illinois Governmental Ethics Act. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed $1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both fine and imprisonment."

T. J. Jeanne Rapp April 28, 2000

(signature of person making the statement) (date)

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FAX TRANSMISSION COVER SHEET

Date:	*August 27, 2003*
To:	*Bradley P. Halloran, Hearing Officer*
Fax:	*1-312-814-3669*
Re:	*Livingston County Landfill - Opposition to Petitioner's Motion to Compel*
Sender:	*Douglas E. Lee/cke*

YOU SHOULD RECEIVE 9 PAGES, INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 815-288-4949.

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