

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PAUL CHRISTIAN PRATAPAS,

Complainant,

v.

EVERCLEAN CAR WASH, and
WOODRIDGE POLICE
DEPARTMENT,

Respondents.

PCB 2023-069

NOTICE OF ELECTRONIC FILING

PLEASE NOTICE, on January 19, 2023, I filed with the Office of the Clerk of the Pollution Control Board via the Clerk's Office On-Line, or (COOL) e-filing system, the (1) Appearance of Jordan Matyas on behalf of Respondent (2) Respondent's Motion to Dismiss Complainant's Enforcement Complaint and Exhibits on behalf of Respondent and (3) Certificate of Service. Copies of the above are attached served upon you.

Respectfully Submitted,

Dated: January 19, 2023

Jordan Matyas
/s/ Jordan Matyas
1818

200 W Monroe St. Suite 2025
Chicago, IL 60606
jordan@1818legal.com
(312) 968-9600

Respondent: Everclean Car Wash
6804 Route 53
Woodridge, IL 60517
thomas@evercleancw.com

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that the above Notice and any attached documents were served via email transmission to the Clerk and all other parties listed below at the addresses indicated by 5:00 p.m. on January 19, 2023.

Illinois Pollution Control Board
Don Brown – Clerk of the Board
100 W. Randolph St., #11-500
Chicago, IL 60601
Email: don.brown@illinois.gov

Paul Christian Pratapas
(Complainant)
1330 E. Chicago Avenue, #110
Naperville, IL 60540
Email: paulpratapas@gmail.com

Jordan Matyas :
1818
200 W Monroe St, Ste. 2025
Chicago, Illinois 60606
jordan@1818legal.com
(312) 968-9600

Respectfully submitted,

Jordan Matyas,
/s/ Jordan Matyas

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APPEARANCE

The undersigned Jordan Matyas, of the firm of MATYAS LAW FIRM
D/B/A 1818, hereby enters his appearance as attorney for the
Respondent, EVERCLEAN CAR WASH, in this matter.

Respectfully Submitted,

Dated: January 19, 2023

Jordan Matyas
/s/ Jordan Matyas
1818

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Chicago, IL 60606
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PCB 2023-067

**RESPONDENT EVERCLEAN CAR WASH'S MOTION TO DISMISS
ENFORCEMENT COMPLAINT**

Respondent, EVERCLEAN CAR WASH, through its attorney, Jordan Matyas of Matyas Law P.C., D/B/A 1818, moves pursuant to 35 Ill. Adm. Code §§ 101.506, 101.202, and 103.212 to dismiss Complaint filed by PAUL CHRISTIAN PRATAPAS ("Complainant") as frivolous, as it fails to state a cause of action upon which the Illinois Pollution Control Board ("the Board") has authority to grant relief. This motion is supported by the following:

BACKGROUND

1. On December 5, 2022, Complainant filed the above-captioned complaint with the Illinois Pollution Control Board ("the Board") against Respondent, EVERCLEAN CAR WASH. This Complaint is one of twenty-five (25) filed by the Complainant against various entities within December 2022. [Exhibit 1].
2. Complainant alleges a wide range of claims against Respondent and the Woodridge Police Department, including unsubstantiated claims that

people intimidated him or threatened him. The only claims with any relevance to Respondent are those regarding water discharge from a hose on a construction site. Complainant allegedly witnessed a “hose from a water pump extending from the Everclean build site onto IL RT53,” and that the water coming from the hose was “laden with sediment.” [Compl., ¶ 5.]

3. Complainant makes unsubstantiated claims that Respondent violated the Illinois Environmental Protection Act (“the Act”), 415 ILCS 5/1 et seq. by letting water discharge from the hose. Specifically, Complainant alleges that Respondent violated 415 ILCS 5/12(a) and (d). [Compl., ¶ 4.] In describing why he thinks this alleged discharge adversely affects the environment, Complainant claims, while pointing to no particular injury or damage, that the “effects of sediment laden water on plant and animal life are widely known and accepted.” [Compl., ¶ 7.]

4. Complainant seeks a wide range of relief from the Board. Complainant asks the board to find that Respondent “violated The Act,” and to “Assess a maximum civil penalty.” [Compl., ¶ 8.] Complainant also makes an unsubstantiated claim that Respondent lacks a Pollution Prevention Plan and asks the board to issue an order “prohibiting Everclean Car wash from building additional sites without a Pollution Prevention Plan.” [Id. ¶ 8.]

ARGUMENT

5. Respondent requests that the Board find the Complaint frivolous, deny Complainant's petition for a hearing, and dismiss the Complaint in its entirety. According to 415 ILCS 5/31(d)(1) and 35 Ill. Adm. Code 101.202, the Board may dismiss a complaint if it is frivolous. A claim is frivolous if the Complaint fails to state a cause of action upon which the Board can grant relief, or if the Complaint requests relief that the Board does not have authority to grant. 415 ILCS 5/31(d)(1); 35 Ill. Adm. Code 101.202. Section 101.202. The unsupported facts alleged in the Complaint arise to a frivolous claim for the following reasons:

A. COMPLAINT FAILS TO STATE A CAUSE OF ACTION

6. Complainant makes sweeping claims that Respondent violated the Illinois Environmental Protection Act ("the Act"), 415 ILCS 5/1 et seq without substantiating the allegations with specific facts. Specifically, Complainant alleges that Respondent violated 415 ILCS 5/12(a) and (d). Section 5/12(a) of the Act states, in part, that no person shall "[c]ause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois[.]" Section 5/12(d) of the Act states that no person shall "[d]eposit any contaminants upon the land in such place and manner so as to create a water pollution hazard."

7. In order to assert these claims, 45 ILCS 5/31(c), states that the Complaint shall allege specific facts to show a violation of the above acts.

It says that the Complainant “shall specify the provision of the Act or the rule or regulation...under which such person is said to be in violation, and a statement of the manner in, and the extent to which such person is said to violate the Act or such rule or regulation[.]” 415 ILCS 5/31(c).

8. This standard is reflected in the Board’s procedural rules as well. The Rules require that a complaint must include “dates, location, events, nature, extent, duration, and strength of discharges or emissions and consequences alleged to constitute violations,” and a “concise statement of the relief that the complainant seeks.” 35 Ill. Adm. Code 103.204(c). The Complainant must set out all the facts to support their cause of action.

9. The Complaint fails to allege the necessary facts to constitute an adequate cause of action. Rather, Complainant provides a short summary of the alleged incident including the day and location of the alleged incident (May 17, 2022, at a Construction site on IL RT53) and his desired relief. Complainant neglects to include in the Complaint any other facts relevant to the incident. Nothing alleged in the Complaint addresses the “extent, duration, or strength” of the alleged pollution. Instead, the Complaint leaps to unsupported conclusions of law and fact that a hose from a “water pump extending from the Everclean build site onto IL RT53” “is in violation” because water coming from the hose was “laden with sediment.” [Compl., ¶ 5.]

10. The photos themselves offer little support for Complainant's allegations. While the Complaint alleges that the pictured hose is extending from an Everclean build site, nothing in the photos substantiate this. The photos simply show a construction site and a hose, with nothing indicating that it is an Everclean-owned property. Further, any entity or persons that would have used the hose at the time of the alleged violation would not have been Respondent. As the location was construction site, Everclean would not be in operation, and any actions taken at this location would have been by a construction or excavation crew. Instead of inquiring about who was conducting the construction work, Complainant makes blanket accusations against Respondent.

11. The only other photos provided as evidence of this alleged violation are of a manhole (which is not once mentioned anywhere else in the Complaint), an unnamed police officer, and a construction worker (who is wearing a Jensen Excavating shirt). The photos are also not timestamped in the Complaint (as Complainant so claims). Other than two photos of a hose, the Complainant offers no further evidence to support his allegations or that his facts actually constitute a violation of the Act.

12. Alternatively, Complainant also fails to allege any facts to substantiate his claims that Everclean or any construction entity working on the site was barred from removing water from a construction

site in the manner alleged. Complainant mentions “NDPES SWPPP permits” in his complaint but again fails to provide any evidence that any party in his complaint is lacking the correct permits for the construction site for water removal. Complaint merely asks the “ILEPA from issuing any new NPDES SWPPP permits.” [Compl., ¶ 7.]

13. The bare facts and conclusions alleged in the Complaint fail to show that Respondent either caused or allowed the discharge of any containments in violation of the Act. Because Complainant makes bare conclusions as to what constitutes a violation of the Act, including that mere water discharge from a hose is a violation of the Act, the Complaint fails to assert a cause of action.

CONCLUSION

WHEREFORE for the foregoing reasons, Respondent, EVERCLEAN CAR WASH, respectfully moves the Illinois Pollution Control Board not to accept the Complaint in this matter for hearing and to dismiss EVERCLEAN CAR WASH from the Complaint and any related proceedings.

Respectfully Submitted,

Dated: January 19, 2023

Jordan Matyas
/s/ Jordan Matyas
1818
200 W Monroe St. Suite 2025
Chicago, IL 60606
jordan@1818legal.com
(312) 968-9600

Respondent: Everclean Car Wash
6804 Route 53

Woodridge, IL 60517
thomas@evercleancw.com

EXHIBIT 1

⊕ Anyone, 6 months of age and older, is eligible to receive the COVID-19 vaccine. Find your nearest vaccination location at [vaccines.gov](https://www.vaccines.gov) (https://www.vaccines.gov/)

⊕ Due to the Covid-19 pandemic, there is limited access to the Board's offices. All filers should use electronic filing by following the "Clerk's Office And COOL" pull down screen below or the link below.

⊕ Please direct any questions to the Clerk's Office at 312-814-3620. Clerk's Office And COOL (https://pcb.illinois.gov/IdentityGuardAuth/IdentityGuardLogin.aspx?IGDest=https://pcb.illinois.gov/ClerksOffice/ElectronicFiling)

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⊕ We Moved! As of June 1, 2022, the Board's Chicago office address is 60 E. Van Buren St., Ste. 630, Chicago, IL 60605 Click this link for current information on meeting locations and access: ⓘ Title 2 Administrative Rules (https://pcb.illinois.gov/documents/dsweb/Get/Document-14026/)

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Case #

Case Number

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Status






All Open Closed

Show entries

Case Number 	Case Type 	Media 	Case Name 	County 
PCB 2023-085 (/Cases/GetCaseDetailsById? caselId=17316)	Enforcement	Water	Paul Christian Pratapas v. Lexington Homes and Illinois Environmental Protection Agency	Statewide
PCB 2023-083 (/Cases/GetCaseDetailsById? caselId=17314)	Enforcement	Water	Paul Christian Pratapas v. Steeple Run Elementary School; and Ozynga Concrete Yard 281	DuPage
PCB 2023-082 (/Cases/GetCaseDetailsById? caselId=17313)	Enforcement	Water	Paul Christian Pratapas v. Midwest Construction Partners, and City of Naperville: Mayor Steve Chirico	DuPage
PCB 2023-081 (/Cases/GetCaseDetailsById? caselId=17312)	Enforcement	Water	Paul Christian Pratapas v. Silo Bend and The Townes by Silo Bend by M/I Homes	DuPage
PCB 2023-079 (/Cases/GetCaseDetailsById? caselId=17310)	Enforcement	Water	Paul Christian Pratapas v. Winding Creek by Pulte Homes and City of Batavia	Kane
PCB 2023-077 (/Cases/GetCaseDetailsById? caselId=17308)	Enforcement	Water	Paul Christian Pratapas v. DeJames Builders, and City of Naperville: Mayor Steve Chirico	DuPage
PCB 2023-076 (/Cases/GetCaseDetailsById? caselId=17307)	Enforcement	Water	Paul Christian Pratapas v. Wille Brothers Company and DuPage County Sheriff	DuPage
PCB 2023-075 (/Cases/GetCaseDetailsById? caselId=17306)	Enforcement	Water	Paul Christian Pratapas v. Willow Run by M/I Homes	Statewide
PCB 2023-074 (/Cases/GetCaseDetailsById? caselId=17305)	Enforcement	Water	Paul Christian Pratapas v. Sawgrass by Pulte Homes	Will
PCB 2023-073 (/Cases/GetCaseDetailsById? caselId=17304)	Enforcement	Water	Paul Christian Pratapas v. Cadillac of Naperville, and Joseph Nicolas Construction	DuPage

Electronic Filing: Received, Clerk's Office 01/19/2023














Case Number 	Case Type 	Media 	Case Name 	County 
PCB 2023-072 (/Cases/GetCaseDetailsById? caselId=17303)	Enforcement	Water	Paul Christian Pratapas v. First Class Outdoor Services	DuPage
PCB 2023-071 (/Cases/GetCaseDetailsById? caselId=17301)	Enforcement	Water	Paul Christian Pratapas v. Woodridge Police Department	DuPage
PCB 2023-069 (/Cases/GetCaseDetailsById? caselId=17299)	Enforcement	Water	Paul Christian Pratapas v. Everclean Car Wash and Woodridge Police Department	DuPage
PCB 2023-067 (/Cases/GetCaseDetailsById? caselId=17297)	Enforcement	Water	Paul Christian Pratapas v. Lakewest Custom Homes and Rathbun Cservenyak & Kozol LLC	DuPage
PCB 2023-064 (/Cases/GetCaseDetailsById? caselId=17294)	Enforcement	Water	Paul Christian Pratapas v. Cantera Development Holdings, LLC	DuPage
PCB 2023-063 (/Cases/GetCaseDetailsById? caselId=17293)	Enforcement	Water	Paul Christian Pratapas v. Trillium Farm by Pulte Homes	DuPage
PCB 2023-062 (/Cases/GetCaseDetailsById? caselId=17292)	Enforcement	Water	Paul Christian Pratapas v. Charleston Building and Development and Ozinga Concrete Yard #281	DuPage
PCB 2023-060 (/Cases/GetCaseDetailsById? caselId=17271)	Enforcement	Water	Paul Christian Pratapas v. Lexington Trace by Lexington Homes	DuPage
PCB 2023-059 (/Cases/GetCaseDetailsById? caselId=17270)	Enforcement	Water	Paul Christian Pratapas v. Carillon at Cambridge Lake, DR Horton and Earthworks Environmental Carillon at Cambridge Lake, DR Horton	Kane
PCB 2023-058 (/Cases/GetCaseDetailsById? caselId=17269)	Enforcement	Water	Paul Christian Pratapas v. Lincoln Valley by Dr Horton and Earthworks Environmental	Kane
PCB 2023-057 (/Cases/GetCaseDetailsById? caselId=17268)	Enforcement	Water	Paul Christian Pratapas v. Chelsea Manor by M/I Homes	DuPage
PCB 2023-055 (/Cases/GetCaseDetailsById? caselId=17266)	Enforcement	Water	Paul Christian Pratapas v. Naper Commons by Pulte Homes	DuPage

Case Number 	Case Type 	Media 	Case Name 	County 
PCB 2023-054 (/Cases/GetCaseDetailsById? caselId=17265)	Enforcement	Water	Paul Christian Pratapas v. Wagner Farms by Pulte Homes	Will
PCB 2023-014 (/Cases/GetCaseDetailsById? caselId=17213)	Enforcement	Water	Paul Christian Pratapas v. Horizon Construction Group, Inc.	Will
PCB 2023-013 (/Cases/GetCaseDetailsById? caselId=17207)	Enforcement	Water	Paul Christian Pratapas v. Lisle Township Road District	DuPage





Showing 1 to 25 of 25 entries



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-  [Board Privacy Statement \(/AboutIPCB/PrivacyNotice\)](/AboutIPCB/PrivacyNotice)
-  [Kids Privacy \(https://www.consumer.ftc.gov/articles/0031-protecting-your-childs-privacy-online\)](https://www.consumer.ftc.gov/articles/0031-protecting-your-childs-privacy-online)
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-  [Webmaster \(mailto:pcb.webmaster@illinois.gov\)](mailto:pcb.webmaster@illinois.gov)

Offices

 Illinois Pollution Control Board
 60 E. Van Buren St., Ste. 630
 Chicago, Illinois 60605
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 Phone: (312) 814-3620  Fax: (312) 814-3669  TTY: (866) 323-1677

Clerk's Office Phone:  (312) 814-3461  Email: [PCB.Clerks@illinois.gov \(mailto:PCB.Clerks@illinois.gov\)](mailto:PCB.Clerks@illinois.gov)
 Please do not send filings to the email address of the Clerk's Office. For electronic filing, please go to Clerk's Office and COOL (/ClerksOffice)
 For FOIA-related questions, please go to Freedom of Information Act (FOIA) (/Resources/FOIA)

 Illinois Pollution Control Board
 1021 North Grand Avenue East,

P.O. Box 19274

Springfield, Illinois 62794-9274

(<https://www.google.com/maps/dir//Pollution+Control+Board,+Springfield,+Illinois+62794-9274/>)

☎ Phone: (217) 524-8500 📠 Fax: (217) 524-8508

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📋 State Agencies (<http://www.illinois.gov/SitePages/Agencies.aspx>)

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EXHIBIT 2

FORMAL COMPLAINT

Before the Illinois Pollution Control Board

)	
)	
PAUL CHRISTIAN PRATAPAS,)	
an American)	
)	
<i>Complainant,</i>)	
)	
v.)	PCB 20 -
)	[For Board use only]
)	
Everclean Car Wash;)	
And)	
Woodridge Police Department)	
)	
<i>Respondents</i>)	
)	

1. Your Contact Information

Name: Paul Christian Pratapas
Street Address: 1330 E. Chicago Ave.
Naperville
County: DuPage
State: IL
Phone Number: (630) 210 - 1637

2. Name and Address of Respondents

Name: Everclean Car Wash
Thomas Kim
Address: 6804 IL-53
Woodridge, IL 60517
Phone: 847.833.7058

Name: Woodridge Police Department
Chief Brian Cunningham
Deputy Chief **Ken Ostarello**
Address: 1 Plaza Drive
Woodridge, IL 60517
Phone: (480) 436 - 0041

- 3. Describe the type of business or activity that you allege is causing or allowing pollution (e.g., manufacturing company, home repair shop) and give the address of the pollution source if different than the address above.**

Construction of an automatic Car Wash by Thomas Kim CEO of Everclean Carwash.

- 4. List specific sections of the Environmental Protection Act, Board regulations, Board order, or permit that you allege have been or are being violated.**

1. 415 ILCS 5.12(a)
2. 415 ILCS 5/12 (d)

- 5. Describe the type of pollution that you allege (e.g., air, odor, noise, water, sewer back-ups, hazardous waste) and the location of the alleged pollution. Be as specific as you reasonably can in describing the alleged pollution.**

Water. Complainant was driving South on IL RT53 when he noticed a hose from a water pump extending from the Everclean build site onto IL RT53. Upon closer inspection the water was laden with sediment and in violation. Within moments of looking and taking pictures, the excavator operator walked across the site and directly in front of complainant who was off site and standing in the curb area of IL RT 53. The operator began making denials saying the hose was allowed to be directed onto IL RT 53 and that the water was clean. He then began trying to intimidate complainant with threats of calling the police on complainant and demanding to know who I was and what I was doing. The threats continued and were of concern because the contact began by the operator leaving his vehicle, walking all the way across the site and then offsite onto the public road to intimidate complainant. Given the number of similar incidents occurring complainant called the Woodridge Police to discuss the highly confident polluters attempts to make a false police report of an offense against him. Complainant left site briefly and returned to find the officer pictured in the photographic evidence section speaking with the excavator operator who was smiling. The officer then told me "I have been doing this for 20 years" "People call the police" and nothing within the area of a crime has occurred. He told me what the person violating several laws wanted him to tell me.

6. **Describe the duration and frequency of the alleged pollution. Be as specific as you reasonably can about when you first noticed the alleged pollution, how frequently it occurs, and whether it is still continuing (include seasons of the year, dates, and times of day if known).**

May 17, 2022 and all photos/emails time/date stamped

7. **Describe any bad effects that you believe the alleged pollution has or has had on human health, on plant or animal life, on the environment, on the enjoyment of life or property, or on any lawful business or activity.**

The effects of sediment laden water on plant and animal life are widely known and accepted.

Not having the support of the police during the ungodly number of citizen enforcement actions I have had to do only goes to show how imperative it is the ILEPA be stopped from issuing any new NPDES SWPPP permits and there be a review of all active sites.

If I had a problem and needed help, the police are going to be the last people I call. This experience really illustrates why.

8. **Describe the relief that you seek from the Board.**

1. Find that Respondent has violated The Act
2. Assess a maximum civil penalty
3. Independent investigation into the officer for the purposes of protecting civil liberties of Americans
4. Complainant requests the Chief resign in the interest of the public
5. An order prohibiting Everclean Car Wash from building additional sites without a Pollution Prevention Plan
6. A board order explaining the role law enforcement has in enforcing environmental laws alongside Americans exercising their civil liberties
7. A board order listing any and all laws subject to exemption after 20 years of being a police officer

9. Identify any identical or substantially similar case you know of brought before the Board or in another forum against this respondent for the same alleged pollution (note that you need not include any complaints made to the Illinois Environmental Protection Agency or any unit of local government).

No identical or substantially similar cases have been brought to The Board which I am aware of.

10. *Paul Pratapas*
Complainant's Signature

CERTIFICATION

I, PAUL PRATAPAS, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

Paul Pratapas
Complainant's Signature

Subscribed to and sworn before me

this 5 day

of December, 2022.

Ana Herrera Campos
Notary Public



My Commission Expires: 9/6/2026

NOTICE OF FILING

Note to the Complainant: This Notice of Filing must accompany the Formal Complaint and the Documentation of Service. Once you have completed the Notice of Filing, the Formal Complaint, and the Documentation of Service, you must file these three documents with the Board's Clerk *and* serve a copy of each document on each respondent.

Please take notice that today I, Paul Christian Pratapas, filed with the Clerk of the Illinois Pollution Control Board (Board) a Formal Complaint, a copy of which is served on you along with this Notice of Filing. You may be required to attend a hearing on a date set by the Board.

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney. 35 Ill. Adm. Code 103.204(f).


Complainant's Signature

Street: 1330 E Chicago Ave.

City/State/Zip: Naperville, IL 60540

Date: 12/5/22

INFORMATION FOR RESPONDENT RECEIVING FORMAL COMPLAINT

The following information has been prepared by the Board for general informational purposes only and does not constitute legal advice or substitute for the provisions of any statute, rule, or regulation. Information about the Formal Complaint process before the Board is found in the Environmental Protection Act (Act) (415 ILCS 5) and the Board's procedural rules (35 Ill. Adm. Code 101, 103). These can be accessed on the Board's website (www.ipcb.state.il.us). The following is a summary of some of the most important points in the Act and the Board's procedural rules.

Board Accepting Formal Complaint for Hearing; Motions

The Board will not accept this Formal Complaint for hearing if the Board finds that it is either "duplicative" or "frivolous" within the meaning of Section 31(d)(1) of the Act (415 ILCS 5/31(d)(1)) and Section 101.202 of the Board's procedural rules (35 Ill. Adm. Code 101.202

(definitions of the terms “duplicative” and “frivolous”). “Duplicative” means the complaint is identical or substantially similar to a case brought before the Board or another forum. See 35 Ill. Adm. Code 103.212(a) and item 10 of the Formal Complaint.

“Frivolous” means that the Formal Complaint seeks relief that the Board does not have the authority to grant or fails to state a cause of action upon which the Board can grant relief. For example, the Board has the authority to order a respondent to stop polluting and pay a civil penalty, to implement pollution abatement measures, or to perform a cleanup or reimburse cleanup costs. The Board does not have the authority, however, to award attorney fees to a citizen complainant. See 35 Ill. Adm. Code 103.212(a) and items 5 through 9 of the Formal Complaint.

If you believe that this Formal Complaint is duplicative or frivolous, you may file a motion with the Board, within 30 days after the date you received the complaint, requesting that the Board not accept the complaint for hearing. The motion must state the facts supporting your belief that the complaint is duplicative or frivolous. Memoranda, affidavits, and any other relevant documents may accompany the motion. See 35 Ill. Adm. Code 101.504, 103.212(b). If you need more than 30 days to file a motion alleging that the complaint is duplicative or frivolous, you must file a motion for an extension of time within 30 days after you received the complaint. A motion for an extension of time must state why you need more time and the amount of additional time you need. Timely filing a motion alleging that the Formal Complaint is duplicative or frivolous will stay the 60-day period for filing an Answer to the complaint. See 35 Ill. Adm. Code 103.204(e), 103.212(b); see also 35 Ill. Adm. Code 101.506 (generally, all motions to strike, dismiss, or challenge the sufficiency of any pleading must be filed within 30 days after service of the challenged document).

The party making a motion must “file” the motion with the Board’s Clerk and “serve” a copy of the motion on each of the other parties to the proceeding. The Board’s filing and service requirements are set forth in its procedural rules (35 Ill. Adm. Code 101.300, 101.302, 101.304), which are located on the Board’s website (pcb.illinois.gov).

If you do not file a motion with the Board within 30 days after the date on which you received the Formal Complaint, the Board may find that the complaint is not duplicative or frivolous and accept the case for hearing without any input from you. The Board will then assign a hearing officer who will contact you to schedule times for holding telephone status conferences and a hearing. See 35 Ill. Adm. Code 103.212(a).

Answer to Complaint

You have the right to file an Answer to this Formal Complaint within 60 days after you receive the complaint. If you timely file a motion alleging that the complaint is duplicative or frivolous, or a motion to strike, dismiss, or challenge the sufficiency of the complaint, then you may file an Answer within 60 days after the Board rules on your motion. See 35 Ill. Adm. Code 101.506, 103.204(d), (e), 103.212(b).

Failing to file an Answer to the Formal Complaint within 60 days after you were served with the complaint may have severe consequences. Failure to timely file an Answer will mean that all allegations in the Formal Complaint will be taken as if you admitted them for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office, or an attorney. See 35 Ill. Adm. Code 103.204(f).

Necessity of an Attorney

Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. In addition, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, even if an individual is not an attorney, he or she is allowed to represent (1) himself or herself as an individual or (2) his or her unincorporated sole proprietorship. See 35 Ill. Adm. Code 101.400(a). Such an individual may nevertheless wish to have an attorney prepare an Answer and any motions or briefs and present a defense at hearing.

Costs

In defending against this Formal Complaint, you are responsible for your attorney fees, duplicating charges, travel expenses, witness fees, and any other costs that you or your attorney may incur. The Board requires no filing fee to file with the Board your Answer or any other document in the enforcement proceeding. The Board will pay its own hearing costs (*e.g.*, hearing room rental, court reporting fees, hearing officer expenses).

If you have any questions, please contact the Clerk's Office at (312) 814-3461.

DOCUMENTATION OF SERVICE

Note to the Complainant: This Documentation of Service must accompany the Formal Complaint and the Notice of Filing. Once you have completed the Documentation of Service, the Formal Complaint, and the Notice of Filing, you must file these three documents with the Board's Clerk *and* serve a copy of each document on each respondent.

This form for the Documentation of Service is designed for use by a non-attorney and must be notarized, *i.e.*, it is an "affidavit" of service. An attorney may modify the form for use as a "certificate" of service, which is not required to be notarized.

Affidavit of Service

I, the undersigned, on oath or affirmation, state that on the date shown below, I served copies of the attached Formal Complaint and Notice of Filing on the respondent at the address listed below by one of the following methods: [*check only one—A, B, C, D, or E*]

A. ____ U.S. Mail or third-party commercial carrier with the recipient's signature recorded by the U.S. Postal Service or the third-party commercial carrier upon delivery. Attached is the delivery confirmation from the U.S. Postal Service or the third-party commercial carrier containing the recipient's signature and showing the date of delivery as _____ [*month/date*], 20___. [*Attach the signed delivery confirmation showing the date of delivery.*]

B. ____ U.S. Mail or third-party commercial carrier with a recipient's signature recorded or to be recorded by the U.S. Postal Service or the third-party commercial carrier upon delivery. However, the delivery confirmation from the U.S. Postal Service or the third-party commercial carrier containing the recipient's signature is not available to me at this time. On _____ [*month/date*], 20__, by the time of __:__ AM/PM, at _____ [*address where you provided the documents to the U.S. Postal Service or the third-party commercial carrier*], copies of the attached Formal Complaint and Notice of Filing were provided to the U.S. Postal Service or the third-party commercial carrier, with the respondent's address appearing on the envelope or package containing these documents, and with proper postage or delivery charge prepaid. [*Within seven days after it becomes available to you, file with the Board's Clerk the delivery confirmation—containing the recipient's signature and showing the date of delivery—and identify the Formal Complaint to which that delivery confirmation corresponds.*]

C. ____ Personal service and I made the personal delivery on _____ [*month/date*], 20__, by the time of __:__ AM/PM.


D. ____ Personal service and another person made the personal delivery. Attached is the affidavit of service signed by the other person (or the declaration of service signed by the process server) who made the personal delivery, showing the date of delivery as _____ [month/date], 20___. [Attach the other person's signed affidavit or declaration showing the date of delivery.]

E. X Personal service and I will make the personal delivery. However, the affidavit of service is not available to me currently.

RESPONDENTS' ADDRESS:

Name: Everclean Carwash
Street: 6804 IL 53
City/State/Zip: Woodridge, IL 60517

Name: Woodridge Police Department
Street: 1 Plaza Drive
City/State/Zip: Woodridge, IL 60517


Complainant's Signature

Street: 1330 E. Chicago Ave.

City, State, Zip Code: Naperville, IL 60540

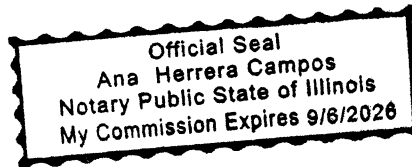
Date: 12/5/22

Subscribed to and sworn before me

this 5 day

of December, 2022


Notary Public



My Commission Expires: 9/6/2026

(720 ILCS 5/12-6) (from Ch. 38, par. 12-6)

Sec. 12-6. Intimidation.

(a) A person commits intimidation when, with intent to cause another to perform or to omit the performance of any act, he or she communicates to another, directly or indirectly by any means, a threat to perform without lawful authority any of the following acts:

- (1) Inflict physical harm on the person threatened or any other person or on property; or
- (2) Subject any person to physical confinement or restraint; or
- (3) Commit a felony or Class A misdemeanor; or
- (4) Accuse any person of an offense; or**
- (5) Expose any person to hatred, contempt or ridicule; or
- (6) Take action as a public official against anyone or anything, or withhold official action, or cause such action or withholding; or
- (7) Bring about or continue a strike, boycott or other collective action.

(b) Sentence.

Intimidation is a Class 3 felony for which an offender may be sentenced to a term of imprisonment of not less than 2 years and not more than 10 years.

(Source: P.A. 96-1551, eff. 7-1-11.)

Illinois Disorderly Conduct Statute

The Illinois Disorderly Conduct Statute, found at 720 ILCS 5/26-1, is an extremely comprehensive statute that prohibits a wide variety of different activities, all commonly referred to as "disorderly conduct." The statute bars:

1. Breaches of the peace
2. False fire alarms
3. False bomb reports
4. School-related threats of violence or destruction
5. False reports of crimes or safety issues
6. Calling 911 without a valid reason
7. False reports to the Department of Children and Family Services
8. False reports regarding nursing home, mental hospital or intellectual disabilities facility neglect/abuse
9. False requests for an ambulance
10. False reports of violence
11. 'Peeping Tom' invasions of privacy
12. Collection agency harassment

The Right to Petition Government

Grade Level:

6, 7, 8, 9, 10, 11, 12

Keywords:

Constitution of the United States

The right to petition grants people not only the freedom to stand up and speak out against injustices they feel are occurring, but also grants the power to help change those injustices. The nonprofit community plays an active role by providing an organized medium to join citizens together in support of causes or in petition of practices that violate their cause.

Definition

To understand the definition of the concept, right to petition government, one must first understand where this concept originates. The right to petition is one of the fundamental freedoms of all Americans, and is documented in the First Amendment to the Constitution of the United States.

The First Amendment consists of five “freedoms,” which are: Religion, Free Speech, Free Press, Assembly, and Petition. The Petition section of the first amendment, also commonly referred to as the Petition Clause, states that “People have the right to appeal to government in favor of or against policies that affect them or in which they feel strongly. This freedom includes the right to gather signatures in support of a cause and to lobby legislative bodies for or against legislation,” (Copley First Amendment Center) (2). A more simple definition of the right to petition, is “the right to present requests to the government without punishment or reprisal. This right is guaranteed in the First Amendment to the U.S. Constitution” (History Central, 1).

Looking at the specific definition of the word petition, as it relates to the freedom of petition and the First Amendment, the word can be used to describe “any nonviolent, legal means of encouraging or disapproving government action, whether directed to the judicial, executive or legislative branch. Lobbying, letter-writing, e-mail campaigns, testifying before tribunals, filing lawsuits, supporting referenda, collecting signatures for ballot initiatives, peaceful protests and picketing: all public articulation of issues, complaints and interests designed to spur government action qualifies under the petition clause...” (Copley First Amendment Center) (1).

The **Clean Water Act (CWA)** is the primary federal law in the United States governing water pollution. Its objective is to restore and maintain the chemical, physical, and biological integrity of the nation's waters; recognizing the responsibilities of the states in addressing pollution and providing assistance to states to do so, including funding for publicly owned treatment works for the improvement of wastewater treatment; and maintaining the integrity of wetlands.

The Clean Water Act was one of the United States' first and most influential modern environmental laws. Its laws and regulations are primarily administered by the U.S. Environmental Protection Agency (EPA) in coordination with state governments







