

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Paul Christian Pratapas)	
)	
Complainant,)	PCB No. 2023-014
)	(Enforcement)
v.)	
)	
Horizon Construction Group, Inc.)	
)	
Respondent.)	

SUPPLEMENTAL MOTION TO DISMISS WITH PREJUDICE

Respondent Horizon Construction Group, by its undersigned counsel, files this Supplemental Motion to Dismiss the above-captioned case, PCB No. 2023-014. This motion provides additional and alternative grounds for the Board to dismiss this matter based on the egregious conduct of the Petitioner, Paul Christian Pratapas.

In support of this Motion, Respondent respectfully states as follows.

INTRODUCTION

Respondent's original Motion to Dismiss (filed June 21, 2023) was based on Rule 219(c)(v) which gives the Board the authority to dismiss a Complaint with prejudice. The Petitioner ceased contact over a sustained period of time, missed numerous mandatory scheduling conferences without explanation or request for rescheduling, and failed to do any of the things necessary to meet his burden of proof. For the reasons explained below, this Supplemental Motion seeks dismissal for Complainant's egregious recent filings and disregard for Board authority and procedures, in addition to the reasons stated in the original Motion to Dismiss.

FACTS AND ARGUMENT

On April 25, 2024, Hearing Officers Tipsord and Fox issued a Hearing Officer Order (the “Order”) informing the parties to the above-captioned matter that they would replace Hearing Officer Halloran on Mr. Pratapas’ complaint against Horizon Construction Group, Inc. A copy of the Order is attached hereto and incorporated herein by reference as Exhibit A.

The Order directed the parties “to provide a status update or participate in a telephone status conference with the hearing officer on May 1, 2024 at 2:00 pm.” *Id.* p. 2.

After the Board staff sent the Order to the parties, Mr. Pratapas sent an email dated April 25, 2024 at 3:05 pm Central time stating, “All of you can go [anatomically impossible obscenity deleted] yourselves.” A copy of the email, sent to Hearing Officers Tipsord and Fox, Board staff member Mims, undersigned counsel for Horizon, and an email address “vicenzo.archibald@hotmail.com” is attached hereto and incorporated herein by reference as Exhibit B.

Mr. Pratapas’ email concludes, “Feel free to shove this order you sent me up your ass.” *Id.*

The Order describes the April 4, 2024 Board ruling dismissing two of Mr. Pratapas’ complaints in a different matter, Lexington Trace LLC and Lexington Trace 2 LLC, PCB 24-42. The Order quoted the separate Board order in the Lexington Trace matters, explaining in part,

“Harassment, name-calling and threats have no place in Board proceedings.” The Board further stated, “any further inappropriate comments from Mr. Pratapas will result in the board dismissing this matter with prejudice. In response to that order, Mr. Pratapas began sending a series of emails that contain inappropriate language and threats.

* * *

In addition, the Board dismissed the case in PCB 24-42 on April 18, 2024, in response to the emails.” Exhibit A, p. 1

Exhibit B shows that Mr. Pratapas did not modify his behavior in response to the dismissal of his Lexington Trace complaints, and instead doubled down with respect to his Horizon Construction complaint.

Horizon Construction respectfully moves the Board to impose the same consequence on Mr. Pratapas for his obscene and abusive email (Exhibit B), sent in response to the Hearing Officers' very reasonable Order (Exhibit A).

It is worth noting that Mr. Pratapas continues to flaunt and disregard the authority of the Board. The Order concluded,

The parties are directed to provide a status update or participate in a telephone status conference with the Hearing Officer on May 1, 2024 at 2:00 pm. The parties are directed to provide the hearing office with a phone number at the emails below in order to participate, and the hearing officers will connect the call.

Id., p. 2.

Mr. Pratapas did not provide a telephone number and did not call in. *See*, May 1, 2024 Hearing Officer Order, attached hereto and incorporated herein by reference as Exhibit C. He also did not provide a status update. (The threats and obscenities in Exhibit B do not constitute a “status update.”)

The rules of the Board allow citizens to file complaints, and Mr. Pratapas has done that in numerous cases in the greater Chicago area. But any citizen choosing to file complaints must follow the rules and procedures of the Board, and recognize that he or she has the burden of proof. Any attorney filing obscene and threatening communications with a state agency like in this matter and in Lexington Trace would be subject to disciplinary sanctions, likely including suspension or revocation of the right to practice law for a significant period of time. Mr. Pratapas does not have a law license, and thus does not face licensing sanctions, but his egregious conduct can and should be sanctioned by the Board by dismissal of the Horizon Construction complaint.

Dated this 7th day of May, 2024

Respectfully submitted,

HUSCH BLACKWELL LLP

Husch Blackwell LLP

Jon Micah Goeller
Husch Blackwell LLP
120 South Riverside Plaza, Suite 2200
Chicago, IL 60606
Illinois Bar #6337904
(312) 655- 1624
JonMicah.Goeller@huschblackwell.com

Richard J. Lewandowski
Husch Blackwell LLP
33 East Main Street, Suite 300
Madison, WI 53703
Wisconsin Bar #1018459
Illinois ARDC # 6343394
Pro hac vice
(608) 255-4440
richard.lewandowski@huschblackwell.com

**Attorneys for Respondent Horizon Construction
Group**

ILLINOIS POLLUTION CONTROL BOARD

April 25, 2024

PAUL CHRISTIAN PRATAPAS,)	
)	
Complainant,)	
)	
v.)	PCB 23-14
)	(Enforcement – Water)
HORIZON CONSTRUCTION GROUP, INC.,)	
)	
Respondent.)	

HEARING OFFICER ORDER

On April 4, 2024, the Pollution Control Board ruled on a motion to dismiss in Paul Christian Pratapas v. Lexington Trace LLC and Lexington Trace 2 LLC, PCB 24-42. In that order the Board stated that “Harassment, name-calling, and threats have no place in Board proceedings.” The Board further stated “any further inappropriate comments from Mr. Pratapas will result in the Board dismissing this matter with prejudice.” In response to that order, Mr. Pratapas began sending a series of emails that contain inappropriate language and threats.

These emails expressed specific anger at the Board’s assigned hearing officer in these cases. As a result of these emails, the hearing officer’s supervisor decided that Mr. Halloran need not be subject to these types of threats. Therefore, he hearing officers listed below will now manage these cases for the Members of the Board.

In addition, the Board dismissed the case in PCB 24-42 on April 18, 2024, in response to the emails.

This order serves to introduce the parties to the new hearing officers and to remind the complainant of the authority of the hearing officer and the responsibility of any complainant in a Board enforcement case.

The Board’s hearing officer authority is outlined in the Board’s rules at 35 Ill. Adm. Code 101.610. A Board hearing officer does not decide the cases and does not rule on issues that are dispositive. The Board’s hearing officers manage the cases, rule on discovery issues, and preside over hearings. The Board’s hearing officers do not offer opinions on outcome of the case or on any dispositive motion. To be clear, a hearing officer does not have any authority to dismiss or decide a complaint, or even recommend such action to the Board.

The Board is a quasi-judicial Board and not an investigative agency. Complaints filed with the Board, like those filed in court, must then be proven through fact gathering by the parties, and hearings. It is the responsibility of the complainant to prove their case at hearing, following the rules of procedure and the rules of evidence. The Board does not conduct

independent investigations. Further, the Board does not represent or advocate for any of the parties before it.

In these cases, the Board referred complainant to the procedural rules, which outline the Board's procedures. The Board will decide each of these cases based on the arguments and filing in each case. However, neither the Board Members nor the hearing officers will tolerate intemperate language and threats. See Paul Christian Pratapas v. Lexington Trace LLC and Lexington Trace 2 LLC, PCB 24-42.

The Board also received an email from complainant indicating that the email address on file with the Board was not the proper email address. Since then, the Board has received an email from "Vincenzo Archibald Vincenzo.Archibald@hotmail.com" and indicating that this address should be the email used for the cases. The email listed the following as complainant's address:

Paul Pratapas
545 N Mendenhall Rd., #8
Memphis, TN 38117

At the next status call, the complainant must explain the identity of Mr. Archibald, and how he relates to the complainant and these cases. In the meantime, to be sure that this hearing officer order is received by the named complainant, this will be sent to each of the email addresses Mr. Pratapas has given the Board and sent by U.S. Mail.

Also, as Mr. Halloran is no longer the hearing officer, correspondence in this case should be addressed to the hearing officers listed below. To be clear, the parties are directed that Mr. Halloran must not be included on any future emails in these cases.

The parties are directed to provide a status update or participate in a telephone status conference with the hearing officer on May 1, 2024 at 2:00 pm. The parties are directed to provide the hearing office a phone number at the emails below in order to participate, and the hearing officers will connect the call.

IT IS SO ORDERED.



Marie E Tipsord
General Counsel
60 E. Van Buren
Chicago, IL 60605
Marie.Tipsord@illinois.gov
(312) 814-3460



Timothy J. Fox
Senior Attorney
60 E. Van Buren
Chicago, IL 60605
Tim.Fox@illiois.gov
(312) 814-3460

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on April 25, 2024, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on April 25, 2024:

Don Brown
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605



Marie E Tipsord
General Counsel
60 E. Van Buren
Chicago, IL 60605
Marie.Tipsord@illinois.gov
(312) 814-3460



Timothy J. Fox
Senior Attorney
60 E. Van Buren
Chicago, IL 60605
Tim.Fox@illiois.gov
(312) 814-3460

@ Consents to electronic service

PCB 2023-014@
Jon Micah Goeller
Husch Blackwell LLP
120 S. Riverside Plaza
Suite 2200
Chicago, IL 60606

PCB 2023-014@
Paul Christian Pratapas
545 N. Mendenhall Rd. #8
Memphis, TN 38138

PCB 2023-014@
Richard J. Lewandowski
Husch Blackwell LLP
33 East Main Street
Suite 300
Madison, WI 53703

From: [Paul Pratapas](#)
To: [Mims, Barbara](#); [Goeller, Jon Micah](#); [Lewandowski, Richard](#); vincenzo.archibald@hotmail.com
Cc: [Fox, Tim](#); [Tipsord, Marie](#)
Subject: Re: Official Service: PCB 2023-014, Paul Christian Pratapas v. Horizon Construction Group, Inc.
Date: Thursday, April 25, 2024 3:05:03 PM

[EXTERNAL EMAIL]

All of you can go fuck yourselves.

Can you provide the legal basis for explaining the origin of email addresses and how/when/why this authority was granted to a corrupt pollution board?

Brad is being reported to the FBI today for public service corruption.

The attorneys of record (this email list) who made materially false statements to the board in an effort to conceal fraud and sidestep the contractor responsibilities agreed to under penalty of law will be reported to the attorney disciplinary board. Also, those who made initial appearances with attacks against me for exercising rights protected by the constitution.

Feel free to shove this order you sent me up your ass.

Paul Pratapas

On Thursday, April 25, 2024, 2:00 PM, Mims, Barbara <Barbara.Mims@illinois.gov> wrote:

By this e-mail, the Illinois Pollution Control Board serves you with the attached order of April 25, 2024.

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

~~EXHIBIT C~~

ILLINOIS POLLUTION CONTROL BOARD

May 1, 2024

PAUL CHRISTIAN PRATAPAS,)	
)	
Complainant,)	
)	
v.)	PCB 23-14
)	(Enforcement – Water)
HORIZON CONSTRUCTION GROUP, INC.,)	
)	
Respondent.)	

HEARING OFFICER ORDER

On May 1, 2024, the respondent participated in a status call. The complainant did not provide a telephone number and did not participate. The parties are directed to participate in a status call on July 1, 2024, at 2:00 pm, if necessary.

IT IS SO ORDERED.



Marie E Tipsord
 General Counsel
 60 E. Van Buren
 Chicago, IL 60605
Marie.Tipsord@illinois.gov
 (312) 814-3460



Timothy J. Fox
 Senior Attorney
 60 E. Van Buren
 Chicago, IL 60605
Tim.Fox@illiois.gov
 (312) 814-3460

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on May 1, 2024, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on May 1, 2024:

Don Brown
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605



Marie E Tipsord
General Counsel
60 E. Van Buren
Chicago, IL 60605
Marie.Tipsord@illinois.gov
(312) 814-3460



Timothy J. Fox
Senior Attorney
60 E. Van Buren
Chicago, IL 60605
Tim.Fox@illiois.gov
(312) 814-3460

@ Consents to electronic service

PCB 2023-014@
Jon Micah Goeller
Husch Blackwell LLP
120 S. Riverside Plaza
Suite 2200
Chicago, IL 60606

PCB 2023-014@
Paul Christian Pratapas
545 N. Mendenhall Rd. #8
Memphis, TN 38138

PCB 2023-014@
Richard J. Lewandowski
Husch Blackwell LLP
33 East Main Street
Suite 300
Madison, WI 53703

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of May 2024, I electronically filed RESPONDENT'S SUPPLEMENTAL MOTION TO DISMISS WITH PREJUDICE and Exhibits A, B and C, with the Clerk of the Board using the Clerk's Office On-Line (COOL) EFile system.

The COOL EFile system will send email notification of such filing to:

Complainant: Paul Christian Pratapas

Interested Party: Don Brown, Clerk of the Board



Jon Micah Goeller