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STATE OF ILLINOIS
Pollution Control Board

**BEFORE THE POLLUTION CONTROL BOARD**
**OF THE STATE OF ILLINOIS**

| | | |
|---|---|---|
| SUTTER SANITATION, INC. and LAVONNE HAKER, Petitioners, | ) | |
| v. | ) | PCB No. 04-187 |
| ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent. | ) | (Permit Appeal) |

**NOTICE**

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Chicago, IL 60603

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a MOTION FOR LEAVE TO FILE INSTANTER and MOTION FOR SUMMARY JUDGMENT, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent

John J. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: August 6, 2004

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BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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| ILLINOIS AYERS OIL COMPANY, Petitioner, | ) | |
| v. | ) | PCB No. 03-214 |
| ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, | ) | (LUST Appeal) |
| Respondent. | ) | |

**MOTION FOR LEAVE TO FILE INSTANTER MOTION FOR SUMMARY JUDGMENT**

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, John J. Kim, Assistant Counsel and Special Assistant Attorney General, and, pursuant to 35 Ill. Adm. Code 101.500 and 101.508, hereby submits this motion for leave to file instanter a motion for summary judgment. In support of this motion for leave to file instanter, the Illinois EPA states as follows:

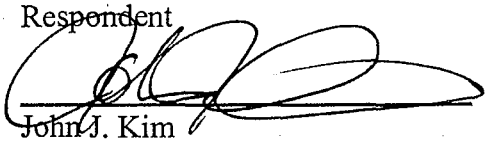
1. The motion for summary judgment that is the subject of this motion for leave to file instanter was due to be filed with the Illinois Pollution Control Board ("Board") on or before July 30, 2004. Unfortunately, the press of work created by a number of multi-case settlements and other pleadings due in unrelated appeals has caused this filing to be delayed.

2. The undersigned attorney regrets the delay in this filing, and commits to ensuring that future filings in this case will suffer the same consequence. The Petitioners should not be unduly prejudiced here, since there is still sufficient time to complete all necessary filings to present the matter to the Board on motions for summary judgment within the decision deadline.

WHEREFORE, for the reasons stated above, the Illinois EPA hereby respectfully requests that this motion for leave to file instanter be granted and the Illinois EPA's motion for summary judgment be accepted.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



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| SUTTER SANITATION, INC. and LAVONNE HAKER, Petitioners, | ) | |
| v. | ) | PCB No. 04-187 |
| ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent. | ) | (Permit Appeal) |

**MOTION FOR SUMMARY JUDGMENT**

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, John J. Kim, Assistant Counsel and Special Assistant Attorney General, and, pursuant to 35 Ill. Adm. Code 101.500, 101.508 and 101.516, hereby respectfully moves the Illinois Pollution Control Board ("Board") to enter summary judgment in favor of the Illinois EPA and against the Petitioners, Sutter Sanitation, Inc. ("Sutter") and Lavonne Haker ("Haker") ("Petitioners," collectively), in that there exist herein no genuine issues of material fact, and that the Illinois EPA is entitled to judgment as a matter of law with respect to the following grounds. In support of said motion, the Illinois EPA states as follows:

## I. STANDARD FOR ISSUANCE AND REVIEW

A motion for summary judgment should be granted where the pleadings, depositions, admissions on file, and affidavits disclose no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Dowd & Dowd, Ltd. v. Gleason, 181 Ill.2d 460, 483, 693 N.E.2d 358, 370 (1998).

After the Illinois EPA's final decision on a permit is made, the permit applicant may appeal that decision to the Board pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/40(a)(1)). The question before the Board in permit appeal proceedings is

whether the applicant proves that the application, as submitted to the Illinois EPA, demonstrated that no violation of the Act would have occurred if the requested permit had been issued. Panhandle Eastern Pipe Line Company v. Illinois EPA, PCB 98-102 (January 21, 1999); Joliet Sand & Gravel Co. v. Illinois Pollution Control Board, 163 Ill. App. 3d 830, 833, 516 N.E.2d 955, 958 (3rd Dist. 1987), citing Illinois EPA v. Illinois Pollution Control Board, 118 Ill. App. 3d 772, 455 N.E. 2d 189 (1st Dist. 1983). Furthermore, the Illinois EPA's denial letter frames the issues on appeal. ESG Watts, Inc. v. Illinois Pollution Control Board, 286 Ill. App. 3d 325, 676 N.E.2d 299 (3rd Dist. 1997).

## II. BURDEN OF PROOF

Pursuant to Section 105.112(a) of the Board's procedural rules (35 Ill. Adm. Code 105.112(a)), the burden of proof shall be on the petitioner. Here, the Petitioners must demonstrate to the Board that approval of the permit application would not cause a violation of the Act or underlying regulations. On appeal, the sole question before the Board is whether the applicant proves that the application, as submitted to the Illinois EPA, demonstrated that no violation of the Act would occur if the permit was granted. Saline County Landfill, Inc. v. Illinois EPA, PCB 02-108 (May 16, 2002), p. 8.

## III. ISSUE

The issue before the Board is whether the Illinois EPA correctly interpreted and applied Section 22.14 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/22.14) in its review of a permit application submitted by the Petitioners. More specifically, as of what date or milestone is the term "establish" as used in Section 22.14(a) of the Act to be applied when determining whether a dwelling is or is not within the defined setback zone?

## IV. FACTS

The facts in this case are largely undisputed, and for purposes of this motion for summary judgment, can be summarized as follows. On December 26, 2001, Sutter and Ray Haker entered into a lease agreement whereby Sutter would lease a parcel of property (upon which the proposed transfer station would be located) ("Haker property"). AR, pp. 292-299.[1] This lease agreement was later amended on September 11, 2003. AR, pp. 291-297. Also on December 26, 2001, pursuant to a provision in the lease agreement, Sutter agreed to purchase the Haker property from Haker through a Warranty Deed Agreement. AR, pp. 300-209. Following initiation of transfer operations, it was anticipated that the purchase provision would be exercised by Sutter. AR, p. 273. The parcel in question is approximately three acres in size and is located seven miles south of Altamont, in Effingham County, Illinois. AR, p. 273.

On September 16, 2002, the Effingham County Board approved local siting approval for a solid waste transfer station proposed for development at the Haker property. AR, p. 258.[2] Sometime after the County Board approved local siting, a building described by Sutter as a mobile home was located onto property within 1,000 feet of the proposed facility.[3] Although there may be some dispute as to the exact date, it seems that both Sutter and the inhabitants of the mobile home (as of March 18, 2004) agree that the mobile home was placed in its present location, within 1,000 feet of

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1 References to the Administrative Record will henceforth be made as "AR, p. ___."

2 Counsel for Sutter represented the following facts to the Illinois EPA in correspondence dated January 30, 2004: Sutter Sutter took possession of the Haker property in February 2002. In April 2002, Sutter filed its transfer station siting application with Effingham County. After a hearing on August 14, 2002, and a public comment period, Effingham County approved the local siting approval on September 16, 2002. Following an appeal, the Board affirmed the County's siting approval. At some time after September 16, 2002, Duane Stock moved a mobile home onto property across the street from the transfer facility ("mobile home"). AR, pp. 232, 349.

3 An attorney representing the inhabitants of the mobile home stated in a letter to the Illinois EPA that the building (referred to simply as either a home or manufactured home) was set up and first occupied as a residence in October 2002, and the current (as of March 18, 2004) inhabitants moved into the home on October 1, 2003. AR, p. 93.

the proposed transfer station, on a date after local siting approval was issued but before the application for development of the transfer station was submitted to the Illinois EPA.

On September 23, 2003, Sutter sent an application to the Illinois EPA, seeking a permit to develop a new solid waste transfer station on the Haker property. AR, pp. 140-229. On December 12, 2003, following discussions between Sutter and the Illinois EPA, a revised permit application was submitted to the Illinois EPA. AR, pp. 248-340. On March 30, 2004, the Illinois EPA issued a final decision denying Sutter's permit application to develop a transfer station. AR, pp. 1-2. That final decision forms the basis for the present appeal. There are three denial points in the final decision, but for purposes of this motion for summary judgment, only the third denial point is being addressed. AR, p. 2.

## V. THE PLAIN LANGUAGE OF SECTION 22.14 SUPPORTS THE ILLINOIS EPA'S DECISION

This motion, and the cross-motion filed by the Petitioners, turns on the third denial point found in the final decision under appeal. That denial point reads as follows:

> Issuance of a permit for this facility would violate Section 22.14 of the Act because the proposed garbage transfer station would be located closer than 1000 feet from a dwelling that was so located before the application was submitted to the Illinois EPA.

AR, p. 2. The Illinois EPA's position as set forth in the final decision is that the existence of the mobile home dwelling less than 1,000 feet from the proposed transfer station (at least as of the date the permit application was submitted) creates a situation in which approval of the permit application would result in a violation of Section 22.14 of the Act. The parties are in agreement that the home was in place after local siting approval was issued but before the permit application was submitted to the Illinois EPA. Thus, the Board's determination should be based upon its interpretation of the language of Section 22.14 of the Act to that fact pattern.

Section 22.14 of the Act provides as follows:

> a) No person may **establish** any pollution control facility for use as a garbage transfer station, which is located less than 1000 feet from the nearest property zoned for primarily residential uses or within 1000 feet of any dwelling, except in counties of at least 3,000,000 inhabitants. In counties of at least 3,000,000 inhabitants, no person may establish any pollution control facility for use as a garbage transfer station which is located less than 1000 feet from the nearest property zoned for primarily residential uses, provided, however, a station which is located in an industrial area of 10 or more contiguous acres may be located within 1000 feet but no closer than 800 feet from the nearest property zoned for primarily residential uses. However, in a county with over 300,000 and less than 350,000 inhabitants, a station used for the transfer or separation of waste for recycling or disposal in a sanitary landfill that is located in an industrial area of 10 or more acres may be located within 1000 feet but no closer than 800 feet from the nearest property zoned for primarily residential uses.
>
> b) This Section does not prohibit (i) any such facility which is in existence on January 1, 1988, nor (ii) any facility in existence on January 1, 1988, as expanded before January 1, 1990, to include processing and transferring of municipal wastes for both recycling and disposal purposes, nor (iii) any such facility which becomes nonconforming due to a change in zoning or the **establishment** of a dwelling which occurs after the **establishment** of the facility, nor (iv) any facility established by a municipality with a population in excess of 1,000,000, nor (v) any transfer facility operating on January 1, 1988. No facility described in item (ii) shall, after July 14, 1995, accept landscape waste and other municipal waste in the same vehicle load. However, the use of an existing pollution control facility as a garbage transfer station shall be deemed to be the **establishment** of a new facility, and shall be subject to subsection (a), if such facility had not been used as a garbage transfer station within one year prior to January 1, 1988. (Emphasis added.)

Based on the language above, and focusing on the highlighted text, the Illinois EPA's position is that the facts presented here support and justify the final decision.

Section 22.14(a) of the Act states in pertinent part that no person may establish a pollution control facility for use as a garbage transfer station which is located within 1,000 feet of any dwelling. Further, Section 22.14(b) of the Act states in part that Section 22.14 does not prohibit any such garbage transfer station which becomes nonconforming due to the establishment of a dwelling which occurs after the establishment of the facility.

Although the Petitioners may question whether the mobile home is a dwelling, the Illinois

EPA was in possession of information at the time of its decision that supporting a finding that the mobile home situated after the issuance of local siting approval was a dwelling. There is no specific definition provided in the Act of what constitutes a dwelling, but given that a mobile home is recognized as a common place of dwelling, and that the Illinois EPA was informed that the mobile home had been inhabited from at least October 1, 2003, through March 18, 2004 (AR, p. 90), it was reasonable to conclude that the mobile home was a dwelling. Thus, the mobile home is a dwelling, and all parties agree it is located within 1,000 feet of the proposed garbage transfer station. The dispositive question then becomes whether the proposed garbage transfer station was established prior to the dwelling. This is due to the exemption carved in Section 22.14(b), which prevents noncompliance of a facility if it is established prior to the establishment of a dwelling within the described setback zone.

The Illinois EPA's interpretation of Section 22.14(a) of the Act to the facts presented is that the dwelling in question was established prior to the establishment of the proposed garbage transfer station. To reach that determination, a review of the definitions of the terms "establish" and "establishment" is necessary.

There are guidelines to follow in matters involving statutory interpretation. The construction of a statute is a question of law. Krall v. Secretary of State, 168 Ill. App. 3d 478, 522 N.E.2d 814 (1988). A court's function in interpreting statutory provisions is to ascertain and give effect to the legislative intent underlying the statute; thus, the court must look at the statute as a whole, taking into consideration its nature, its purposes and the evil the statute was intended to remedy. Rodgers v. Department of Employment Security, 186 Ill. App. 3d 194, 542 N.E.2d 168 (1989). Each word, clause, or sentence of a statute must not be rendered superfluous but must, if possible, be given some

reasonable meaning. Peoria Roofing & Sheet Metal Co. v. Industrial Commission, 181 Ill. App. 3d 616, 537 N.E.2d 381 (1989). When the statutory language is clear and unambiguous, this court's only function is to enforce the law as enacted by the legislature. Eckman v. Board of Trustees, 143 Ill. App. 3d 757, 493 N.E.2d 671 (1986). When construing a statute, the words used in the statute must be given their plain and ordinary meanings. Land v. Board of Education of City of Chicago, 202 Ill.2d 414, 421, 781 N.E.2d 249, 254 (2002).

In this situation, the language of Section 22.14 is clear and, reading both subsection (a) and (b) as a whole, its meaning and intended application are clear. The terms "establish" and "establishment" are not defined in the Act. However, there are other sources that can be used to determine the plain and ordinary meaning of those terms. "Establish" is defined in the American Heritage Dictionary as: To make firm or secure, to settle in a secure position or condition, to cause to be recognized and accepted, to found, to make a state institution of, to introduce and put into force, or to prove the validity or truth of. The internet version of the Merriam-Webster Dictionary defines "establish" as: To institute permanently by enactment or agreement, to make firm or stable, to introduce and cause to grow and multiply, to bring into existence, to put on a firm basis, to put into a favorable position, to gain full recognition or acceptance of, or to make a state or national institution. "Establishment" is defined as the act of establishing or the state of being established.

Applying those definitions to Section 22.14, the clear meaning of Section 22.14(a) of the Act is that if a dwelling exists less than 1,000 feet from a pollution control facility intended to be used as a garbage transfer station before the facility is established, then a violation of Section 22.14(a) occurs. The relevant sequence of events here is the approval of local siting approval for the proposed facility, the placement of the mobile home less than 1,000 feet from the proposed facility,

the submission of a permit application to the Illinois EPA seeking approval to develop the proposed facility, the occupancy of the mobile home (which may or may not have also take place prior to the submission of the permit application), and the issuance of the final decision. For purposes of the Illinois EPA's review, and now the Board's review, the relevant fact is that the mobile home was in place well before the final decision was issued, and in fact was in place before the permit application was ever submitted.

Therefore, the language of Section 22.14 must be applied here, since there is no credible argument that the proposed transfer station was established prior to the placement of the mobile home.[4] The proposed transfer station was not established prior to the placement of the mobile home, as proven through the sequence of events and the commonly understood definitions of "establish." Though the proposed transfer station was the subject of a successful request for local siting approval, that prerequisite step to filing a permit application cannot be considered tantamount to the establishment of the proposed transfer station. Approval of local siting does not demonstrate that a proposed facility has been established, because approval of local siting approval is nothing more than a preliminary step that must be taken in order for the proposed facility to become established. This point was made in the case of Medical Disposal Services, Inc. v. Illinois EPA, 286 Ill. App. 3d 562, 677 N.E.2d 428 (1st Dist. 1997). In Medical Disposal, the appellate court made clear that in the context of permit applications, local siting approval given pursuant to the Act is only a condition that is required before permits can be issued. Thus, while a permit gives the holder the specified rights therein, local siting approval only gives the specific applicant the right to apply for a permit. Medical Disposal, 286 Ill. App. 3d at 569, 677 N.E.2d at 433. The court noted that local siting

4Again, it should be noted that although the dwelling here is a mobile home, the situation would be no different if a "permanent" home with a foundation and fixed walls was built in the same time frame (i.e., after issuance of local siting

approval is not a property right, and for that matter that even permits are only privileges from which no vested property rights attach. Id.

The Petitioners have previously provided case law to the Illinois EPA that was argued to be persuasive for the argument that receipt of local siting approval was sufficient to deem the proposed transfer station established. AR, pp. 349-350. A review of those cases, although old in age, shows that in fact the cases are more supportive of the Illinois EPA's position than that of the Petitioners.

The first case identified by the Petitioners is Village of Villa Park v. Wanderer's Rest Cemetery Co., 316 Ill. 226, 147 N.E. 140 (1925). In Villa Park, the Illinois Supreme Court reviewed a matter involving the propriety of the establishment of a cemetery within a distance that possibly violated terms of a local ordinance. The issue was whether the passage of the ordinance restricting the establishment of a cemetery prohibited a cemetery that had undertaken certain steps both before and after the passage of the ordinance. The court held that the nature of the activities taken by the developer of the cemetery which pre-dated the passage of the ordinance resulted in the "establishment" of the cemetery such that the ordinance was not applicable. Villa Park, 316 Ill. At 232, 147 N.E. at 106.

However, the Villa Park court's findings and rationale actually support the Illinois EPA's position. The court held that the ordinance which restricted location of a cemetery was prospective in nature, thus the question was whether the acts taken to develop the cemetery were sufficient to find that the cemetery had been established prior to the ordinance's effective date. The court considered the actions taken by the developer and ruled that when a cemetery has been platted and lots sold with reference to a plat, the purchasers of the lots acquire a vested interest in the use of the premises for burial purposes, of which right they cannot be divested without due process. Id. But, as

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approval and before submission of the permit application).

the court in Medical Disposal held, the receipt of local siting approval does not result in a vested right, and neither does the issuance of a permit. That being the case, a court has already held that the action specifically relied upon by the Petitioners (i.e., receipt of local siting approval) does not confer a vested right, therefore the rationale of the Villa Park court cannot be relied upon to argue that the proposed transfer station here was established as of the receipt of local siting approval.

If anything, the Villa Park case is consistent with the Illinois EPA's position. Here, the proposed transfer station cannot take any pre-operational steps (i.e., develop the facility itself) unless and until a permit authorizing such development has been issued. The closest analogy fact-wise that can be drawn between the Villa Park case and the present situation is that the Petitioners here cannot take the type of steps relied on by the Villa Park court until after a permit to develop the transfer station is issued. Until that happens, no establishment of the transfer station could ever take place. This is not even a perfect analogy, since again the Villa Park court relied on the creation of vested rights prior to the passage of the cemetery ordinance, whereas no vested right will be conferred here even with the issuance of a permit to develop the facility.

The second case offered by the Petitioners was Moseid v. McDonough, 103 Ill. App. 3d 23, 243 N.E.2d 394 (1st Dist. 1968). A review of that case again finds that it is more persuasive for the Illinois EPA's position than the Petitioners'. In Moseid, the court considered an ordinance that created a library. The issue was whether the passage of the ordinance was equated to the establishment of the library, as the date the library was established had certain tax implications. The court decided that the ordinance in question established the library such that fees that could be charged after establishment of a library could be collected following the passage of the ordinance. Moseid, 103 Ill. App. 3d at 30-31, 243 N.E.2d at 397-398.

But, in Moseid, the court specifically stated that "[w]hile there are numerous dictionary definitions of the word ["establish"], many of them would substantiate the 'establishment' of the library on September 30, 1963, with the enactment of the County ordinance *purporting so to do*." Moseid, 103 Ill. App. 3d at 31, 243 N.E.2d at 398. Thus, the wording of the ordinance in Moseid must have included language that stated the ordinance was itself establishing the library. The wording of the resolution memorializing the approval of local siting does not in any way state that the proposed transfer station is established as of the passage of the resolution. AR, p. 261.

Of course, even if the resolution did have such wording, it would still not be sufficient to meet the standard in Moseid, since to actually develop the proposed transfer station a permit was still required of the Illinois EPA. In Moseid, the ordinance in question was the official declaration that the library was established. There is no evidence in Moseid that any other official permitting or authorization was needed prior to the construction and operation of the library. Compare that situation with the present, in which a permit issued by the Illinois EPA authorizing development of the proposed transfer station is the official declaration that must be obtained before the facility can actually be developed and operated. In short, the ordinance referenced in Moseid is most closely analogous to the development permit sought by the Petitioners here. Since the development permit has not been issued, the proposed transfer station has not yet been established. If the Illinois EPA were to issue the permit, thus resulting in the establishment of the transfer station, it would result in a violation of Section 22.14 of the Act since it would establish a garbage transfer station within the setback zone prescribed by Section 22.14. The Illinois EPA's denial of the permit application on that ground alone was thus proper and justified.

## VI. THE ILLINOIS EPA'S DECISION IS CONSISTENT WITH SECTION 22.14 AND OTHER RELEVANT PROVISIONS OF THE ACT

Further support for the Illinois EPA's position is found when viewing the wording and purpose of Section 22.14 of the Act in context with other relevant provisions of the Act. For example, the Petitioners claim that the issuance of local siting approval pursuant to Section 39.2 of the Act (415 ILCS 5/39.2) resulted in the establishment of the proposed garbage transfer station. However, even if that were the case, consider the following hypothetical. If the mobile home in question were a house (so no argument existed regarding the mobility of the dwelling), and if the house was in existence and occupied before the Petitioners ever applied for local siting approval, an absurd result would occur in that the local unit of government (here, the Effingham County Board) issued local siting approval in that it would result in the very violation intended to be prohibited by Section 22.14 of the Act. How could the County Board allow that violation to happen? Simply put, the County Board is not authorized to enforce the provisions of Section 22.14, so that even if they had some inkling that a violation of Section 22.14 would occur, there would be no legal justification for them to deny local siting on that basis.

Section 22.14 of the Act is not a provision that is found within the statutory provisions that set forth the local siting approval process in the Act. In fact, Section 39.2(b) of the Act (415 ILCS 5/39.2(b)), which defines the parties that must receive notice of an impending request for local siting approval, limits such parties to those who own property within 250 feet of the proposed facility's boundary. Section 22.14(a) of the Act creates a setback zone of 1,000 feet from a dwelling to a garbage transfer station. Therefore, a party could own a home within the prescribed setback zone but outside of the distance which defines parties required to receive notice of a local siting approval application. Since the local unit of government cannot enforce Section 22.14, and since the local

siting approval process does not require notice to parties that may be included within the setback zone, it would frustrate the purpose of Section 22.14 if local siting approval was tantamount to establishment of a transfer station. A county board would be helpless to deny a siting on the basis that Section 22.14 would be violated, and the Illinois EPA would not be able to deny a permit on that basis since the facility would already be established. The Petitioners position, taken in this light, is all the more untenable and weak. The Illinois EPA's final decision was consistent with the interplay of Sections 39.2 and 22.14 of the Act, and with the respective roles to be played by local units of government and the Illinois EPA.

## VII. CONCLUSION

For the reasons stated herein, the Illinois EPA respectfully requests that the Board affirm the Illinois EPA's decision to deny the permit application submitted by the Petitioners.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

Respondent

John J. Kim
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Dated: August 6, 2004

This filing submitted on recycled paper.

## CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on August 6, 2004, I served true and correct copies of a MOTION FOR LEAVE TO FILE INSTANTER and MOTION FOR SUMMARY JUDGMENT, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class Mail postage affixed thereto, upon the following named persons:

Dorothy M. Gunn, Clerk
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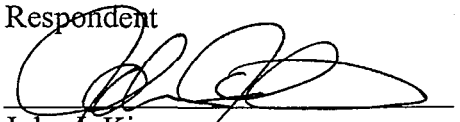

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