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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF SANGAMON,	MAR - 7 2005
Petitioner,	STATE OF ILLINOIS Pollution Control Board
v.) AC 2005-051
PATRICK O'KEEFE,) ADMINISTRATIVE CITATION) SCDPH 05-AC-1
Respondent.)

PETITION FOR REVIEW OF ADMINISTRATIVE CITATION

NOW COMES Respondent, PATRICK O'KEEFE, through his undersigned attorney, and files this Petition for Review of Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1, and pursuant to 35 Ill. Adm. Code, Part 105, Subpart B, and seeks reversal and denial of the administrative citation issued by the Petitioner, COUNTY OF SANGAMON, dated January 28, 2005, which accuses Respondent of open burning and open waste dumping. In support of this petition, Respondent states as follows:

- 1. Respondent, PATRICK O'KEEFE, operates a business, known as Falcon Bobcat Services within Sangamon County, Illinois.
- 2. On November 3, 2004, a contract was signed between Petitioner and Respondent, calling for Respondent to demolish a dangerous structure located at 11548 Main Street. Petitioner claimed to have complied with all legal requirements relating to the demolition.
- 3. On December 29, 2004, Respondent was performing pursuant to the contract, but his actions were interfered with and terminated by actions of Petitioner. Petitioner's administrative citation allegations are based upon its actions of December 29, 2004.
- 4. Respondent hereby appeals from the administrative citation by the COUNTY OF SANGAMON. The decision should be reversed for one or more of the following reasons:
 - a. The COUNTY OF SANGAMON citation is arbitrary and unreasonable, and lacks any basis in law or fact;
 - b. The COUNTY OF SANGAMON citation is vague and unintelligible;

c. The COUNTY OF SANGAMON citation was issued solely for the improper

purpose of interfering with the contract between Petitioner and Respondent, and

providing a basis for Petitioner to not pay Respondent under the contract.

d. The COUNTY OF SANGAMON failed to follow all necessary procedural

requirements for issuing and serving an administrative citation, including but not

limited to having failed to timely serve upon Respondent all statutorily-required

information;

e. The COUNTY OF SANGAMON is disqualified from pursuing this administrative

citation action, and has a conflict of interest for the reasons expressed above and

others;

f. Respondent reserves the right to raise such other and further bases for review and

reversal as such bases become known and apparent.

WHEREFORE, Respondent, PATRICK O'KEEFE, requests that this Board set this matter

for a hearing regarding the administrative citation of COUNTY OF SANGAMON, and, after the

hearing, enter an order reversing the decision of the COUNTY OF SANGAMON, dismissing this

action, and entering full relief in favor of Respondent. Respondent further requests that this Board

grant such other and further relief as this Board deems just and appropriate.

Respectfully submitted,

Patrick O'keefe,

Respondent,

By his attorney,

HEDINGER LAW OFFIC

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NOTICE OF FILING AND PROOF OF SERVICE

The undersigned certifies that an original and nine copies of Respondent's Petition for Review of Administrative Citation was served upon the Clerk of the Illinois Pollution Control Board, and one copy was served upon the following party of record in this cause by enclosing same in envelopes addressed to:

Dorothy Gunn, Clerk Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph St., Suite 11-500 Chicago, IL 60601 Sheri L. Carey Assistant State's Attorney Sangamon County 2501 North Dirksen Parkway Springfield, IL 62702

with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office Mail Box in Springfield, Illinois on the 4/4 day of March, 2005, before 5:30 p.m..

Stephen F. Hedinger

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This Pleading is being submitted on recycled paper