

ILLINOIS POLLUTION CONTROL BOARD  
July 13, 2000

MICHAEL R. PAWLOWSKI and DIANE K. )  
PAWLOWSKI, )  
 )  
Complainants, )  
 )  
v. ) PCB 99-82  
 ) (Enforcement - Citizen, Noise)  
DAVID JOHANSEN and TROY QUINLEY, )  
individually and d/b/a BENCHWARMERS )  
PUB, INC., )  
 )  
Respondents. )

ORDER OF THE BOARD (by G.T. Girard):

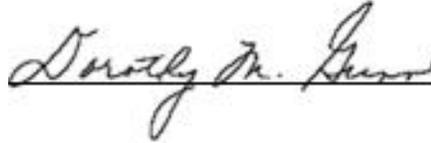
On May 26, 2000, the Board received a filing from respondents indicating that it was a motion to reconsider. On June 16, 2000 complainants filed a response to the motion along with a motion for leave to file the response. The motion for leave to file a response is granted. In addition, on June 8, 2000, the Board received a letter from respondents, which purported to be "the original Motion to Reconsider" although the only attachment was a one page document that is clearly not a motion to reconsider. On July 3, 2000, the complainants filed a response to that filing.

In ruling upon a motion for reconsideration, the Board is to consider factors including, but not limited to, error in the previous decision and facts in the record which were overlooked. 35 Ill. Adm. Code 101.246(d). In Citizens Against Regional Landfill v. County Board of Whiteside County (March 11, 1993), PCB 93-156, the Board stated that "[t]he intended purpose of a motion for reconsideration is to bring to the court's attention newly-discovered evidence which was not available at the time of the hearing, changes in the law, or errors in the court's previous application of the existing law." Korogluyan v. Chicago Title & Trust Co., 213 Ill. App. 3d 622, 572 N.E.2d 1154 (1st Dist. 1992).

The motion to reconsider is denied. The Board finds nothing in the motion to reconsider which persuades the Board that its decision of April 6, 2000, was in error, or that facts were overlooked. Further, the Board notes that the filings by respondents that were received by the Board on May 26, 2000, and June 8, 2000, were deficient under the Board's procedural rules. See, 35 Ill. Adm. Code 103.240, 101.103, 101.142, 101.143. Among other deficiencies, the May 26, 2000 motion to reconsider was not served on the complainants. These deficiencies are also sufficient grounds for denying the motion. The Board further notes that any future filings by respondents which do not conform with the Board's procedural rules will not be accepted.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 13th day of July 2000 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board