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APPEARANCES:

HEARING TAKEN BEFORE:

ILLINOIS POLLUTION CONTROL BOARD
BY: MR. JOHN KNITTLE
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(312) 814-6923

OFFICE OF THE ATTORNEY GENERAL
BY: MR. GERALD T. KARR
188 West Randolph Street
Chicago, Illinois 60601
(312) 814-3369

Appeared on behalf of the Complainant.

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I N D E X

THE WITNESS: KAARE JACOBSEN PAGE

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THE WITNESS: TODD J. MARVEL PAGE

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E X H I B I T S

MARKED FOR IDENTIFICATION

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1 HEARING OFFICER KNITTLE: Good morning. My
2 name is John Knittle. I'm a hearing officer with the
3 Illinois Pollution Control Board. I'm also the assigned
4 hearing officer for this matter entitled People of the
5 State of Illinois versus Dayne Rogers and Black Gold
6 International, PCB 2000-127. This is a People of the
7 State of Illinois enforcement case.

8 This matter has been publicly noticed
9 pursuant to the Board's regulations. A notice of
10 hearing went out on February 8th, 2001. I just want to
11 note for the record this is a bit unusual that we have
12 the People of the State of Illinois here present today,
13 but we do not have anybody appearing on behalf of the
14 respondent Dayne Rogers and/or Black Gold International.
15 During the last few status conferences at least, if not
16 more than that, the respondent has not appeared, so he
17 will not be presenting a case today.

18 We have a couple things to go over before we
19 get started. Today's date is April 24th, 2001. It's
20 approximately 9:40 a.m. We are here in the Rockford
21 Regional State Office Building at 4302 North Main
22 Street. At this point in time, I'd like to have the
23 parties introduce themselves or I should say the party
24 introduce himself. Sir?

1 MR. KARR: My name is Gerald Karr. I'm an
2 assistant attorney general on behalf of the complainant,
3 People of the State of Illinois.

4 HEARING OFFICER KNITTLE: And as I've stated, we
5 have no one from the respondents here nor I think do we
6 have anybody from the public here. Is everyone here
7 affiliated with the parties?

8 So we have no members of the public here. If
9 they were here, of course, they would be given the
10 opportunity to provide public comment either now or at
11 the close of the cases in chief. If there was someone
12 here and there was a conflict and they had to leave,
13 we'd, of course, let them speak now; however, that's not
14 the case. So let's just proceed with preliminary
15 matters.

16 Sir, do you have any preliminary matters?

17 MR. KARR: No.

18 HEARING OFFICER KNITTLE: Of course, the
19 respondent has no preliminary matters because he's not
20 here. Then we could start with your opening statement,
21 sir, if you have some.

22 MR. KARR: Yes, I have a brief opening
23 statement. Again, my name is Gerald Karr. I'm here on
24 behalf of the complainant, People of the State of

1 Illinois and this hearing today is being convened
2 pursuant to the Board's November 2nd, 2000, order
3 directing that a hearing be held to determine whether
4 and what amount of punitive damages should be imposed in
5 this case.

6 The case began with the filing of a complaint
7 to recover \$38,730.46 spent by the Illinois
8 Environmental Protection Agency in removing used and
9 waste tires from the site operated by the respondent
10 Dayne Rogers. Mr. Rogers has failed to participate in
11 any aspect of these proceedings including the complete
12 failure to respond to any of the pleadings and to show
13 up here today as ordered by the hearing officer.

14 The question of whether punitive damages are
15 warranted is set out in section 55.3H of the Illinois
16 Environmental Protection Act. It provides that any
17 person liable to the Agency for costs incurred under
18 Subsection G of Section 55.3 may be liable to the state
19 of Illinois for punitive damages in an amount at least
20 equal to and not more than two times the costs incurred
21 by the State if such person's failure is without
22 sufficient cause to take preventative or corrective
23 action pursuant to the notice issued under Subsection D
24 of 55.3.

1 Complainant filed a motion for summary
2 judgment in this case which was granted, in part, by the
3 Board on November 2nd, 2000. In granting the motion,
4 the Board found Mr. Rogers was liable under Section
5 55.3G of the Act for the cleanup costs of \$38,730.46.
6 The Board also found Mr. Rogers had failed to take any
7 preventative or corrective action in response to the
8 notice served pursuant to section 55.3D of the Act.

9 So looking again at Section 55.3H of the Act,
10 punitive damages will be allowed if a person is liable
11 to the Agency for costs incurred under Subsection G of
12 this section which the Board found Mr. Rogers was;
13 secondly, that the person failed to take preventative or
14 corrective action pursuant to the notice issued under
15 Subsection D of 55.3, which the Board found Mr. Rogers
16 did fail to take the action; and, finally, the person's
17 failure to take action was without sufficient cause.

18 It's this final element that today's hearing
19 relates to. The complainant will prove this final
20 element required by the Act that Mr. Rogers failed to
21 take preventative and corrective action without
22 sufficient cause. Testimony will be presented by
23 Mr. Kory Jacobsen, an inspector with the Illinois EPA

24 who has recently been to Mr. Rogers' facility, and

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1 Mr. Todd Marvel, the manager of the IEPA's Used Tire
2 Unit.

3 This testimony will support complainant's
4 position that Mr. Rogers did not have sufficient cause
5 to fail to take corrective or preventative action in
6 response to the notice, and for this reason and based on
7 Mr. Rogers' current actions, punitive damages for the
8 full amount should be allowed -- pardon me -- punitive
9 damages for the full amount allowed under the statute,
10 \$77,460.92, should be imposed.

11 HEARING OFFICER KNITTLE: Thank you, Mr. Karr.

12 MR. KARR: As one matter before we call our
13 first witness, and I'm not sure how this would be
14 handled, I would like to have the Board's two orders
15 relating to the motion for summary judgment and the
16 motion for reconsideration, the November 2nd, 2000,
17 order and the --

18 HEARING OFFICER KNITTLE: The January 4th order.

19 MR. KARR: -- those be part of the hearing
20 record as exhibits.

21 HEARING OFFICER KNITTLE: They are, of course,
22 part of the record already in the case because they're
23 Board orders, but if you would like to make them

24 exhibits, why don't we do that for ease of reference.

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1 I'd prefer chronological in terms of the numbers if we
2 could.

3 MR. KARR: I've marked as Exhibit Number 1 the
4 Board's order of November 2nd, 2000, and Exhibit
5 Number 2, the Board's order of January 4th, 2001.

6 HEARING OFFICER KNITTLE: These will be accepted
7 and entered into the record. Sir, you could call your
8 first witness if you'd like and begin your case in
9 chief.

10 MR. KARR: I'd like to call Kory Jacobsen.

11 HEARING OFFICER KNITTLE: Will Kory Jacobsen
12 please raise his hand? You could stay right there if
13 that's okay with you, Mr. Karr.

14 MR. KARR: I have no problem with that.

15 HEARING OFFICER KNITTLE: In light of the small
16 setting here, we could just swear you in over there.
17 Would you swear him in?

18 KAARE JACOBSEN,
19 having been first duly sworn, was examined and testified
20 as follows:

21 DIRECT EXAMINATION

22 by Mr. Karr

23 Q. Would you state your name for the record,
24 please?

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1 A. Kaare Christopher Jacobsen.

2 Q. Could you spell that for the court reporter,
3 please?

4 A. K-a-a-r-e, Jacobsen, J-a-c-o-b-s-e-n.

5 Q. And, Mr. Jacobsen, where are you employed?

6 A. Illinois EPA.

7 Q. And how long have you been employed?

8 A. Eleven months.

9 Q. And what is your current position?

10 A. I'm a member of the FOS Used Tire Unit.

11 Q. And FOS?

12 A. Filed operating services.

13 Q. And is that the only position you've had?

14 A. Correct.

15 Q. And in that position, what are -- generally what
16 are your duties?

17 A. I go out to certain facilities, regulate most
18 likely tire facilities to make sure they're in
19 compliance with rules and regulations.

20 Q. And in the course of completing these tire
21 inspections, have you had an opportunity to go to
22 Mr. Rogers' facility?

23 A. Correct.

24 Q. Could you describe the general neighborhood?

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1 A. Well, industrial area. There is -- within about
2 two miles away, there is a residence and I'd say about
3 three miles north of there a couple of restaurant
4 facilities.

5 Q. And when was the last time you were there?

6 A. I was there in February.

7 Q. And could you describe the general condition of
8 the property?

9 A. The general condition of the property is
10 operating right now. I know we had a cleanup back in
11 '88, but somehow the facility owner found his way to get
12 new tires on the premises for resale.

13 Q. So, again, Mr. Rogers is bringing used and waste
14 tires on to the property?

15 A. Correct.

16 Q. And in conducting this operation, is he
17 complying with the Board's rules and regulations for
18 used tires?

19 A. Not whatsoever.

20 Q. Did you discuss his apparent violations?

21 A. Yes, and he never -- we sent him out a letter

22 back in February and nothing came around to it, him not
23 responding to it.

24 Q. So then it would be correct to say that after

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1 the Illinois EPA spent almost \$40,000 to clean up a
2 problem he created, he's again creating the same
3 problem?

4 A. Correct.

5 MR. KARR: I have nothing further.

6 HEARING OFFICER KNITTLE: Thank you, sir. You
7 could step down so to speak.

8 MR. KARR: As for my next witness, I'd like to
9 call Mr. Todd Marvel.

10 HEARING OFFICER KNITTLE: And is that you, sir?

11 MR. MARVEL: Yes.

12 HEARING OFFICER KNITTLE: You could have a seat
13 up there if you want.

14 TODD J. MARVEL,
15 having been first duly sworn, was examined and testified
16 as follows:

17 DIRECT EXAMINATION

18 by Mr. Karr

19 Q. Would you state and spell your name for the
20 record, please?

21 A. My name is Todd Jackson Marvel, T-o-d-d, the

22 last name is M-a-r-v-e-l.

23 Q. And where are you employed, Mr. Marvel?

24 A. With the Illinois Environmental Protection

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1 Agency.

2 Q. And how long have you been employed there?

3 A. Just over 14 years.

4 Q. And briefly, could you run through the positions
5 you've held going from your earliest to latest?

6 A. Beginning in February of 1987, I was a field
7 inspector in the Maywood regional office in the Chicago
8 area. I inspected hazardous and solid waste facilities
9 for almost exactly two years at which time I moved to
10 Springfield at our headquarters, worked in our field
11 operation section and then as the hazardous waste
12 program coordinator for approximately -- beginning in
13 1992 to the present and then in 1997, I have had
14 additional duties, one of them being the manager of the
15 used tire program and also the assistant manager of the
16 field operation section and I currently hold those
17 positions.

18 Q. As the manager of the Used Tire Unit, could you
19 generally describe your duties?

20 A. Our used tire program has -- is a two-phased

21 program. We have a cleanup program and we have a
22 regulatory program and we have several different types
23 of cleanups, one of which we refer to as our forced
24 cleanups or 55.3Ds and I coordinate those activities and

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1 communicate with field staff in executing the cleanups
2 and managing the contracts that are necessary to perform
3 the cleanups.

4 On the regulatory side, we inspect used tire
5 facilities, storage facilities, storage exempt
6 facilities, retailers, processors and also transporters
7 of used tires. We register used tire transporters and
8 we receive notifications and registrations from all of
9 the facilities that are required to do so and that's
10 about it.

11 Q. The whole used tire program sounds quite
12 extensive. Why such strict regulation in this area? Is
13 there a problem with used tires?

14 A. Yes. When the Used Tire Management Act was
15 passed by the legislature in 1992, the state of Illinois
16 had approximately -- we estimated 7 to 12 million tires
17 on the ground primarily in dumps throughout the state
18 that had been accumulated for 40, 50 years or so. And
19 the legislature found that this created several problems
20 primarily the proliferation of the Asian Tiger Mosquito

21 throughout the United States had reached Illinois and
22 it's a species of mosquito that carries the encephalitis
23 virus and it was largely believed that and scientific
24 evidence showed that used tire stockpiles throughout the

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1 state contributed to the proliferation of this mosquito.

2 There have been several tire fires throughout
3 the country and so certainly there was a fire hazard as
4 well as a runoff danger from fighting those fires and
5 the legislature also found that these used tires
6 presented an economic opportunity for recovery primarily
7 at that time in the form of energy recovery through
8 burning of the tires as a fuel and also recognizing in
9 the future there would be other recycling opportunities
10 available, so those were the primary factors for the
11 creation of the Used Tire Management Act.

12 Q. Of the two aspects or areas in the used tire
13 section, you said one of them was forced cleanups,
14 55.3D?

15 A. Yes.

16 Q. Could you describe that process and how the
17 Illinois EPA gets to issuing one of those orders?

18 A. Sure. Under Section 55.3D of the Environmental
19 Protection Act, the Illinois EPA has the authority to

20 issue notice to the owner or operator or both of a site
21 where the accumulation of used tires presents a threat
22 to human health of the environment. This is an
23 authority that we very much like to take advantage of in
24 instances where the tire accumulations are particularly

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1 close to a large population or other sensitive receptor
2 areas.

3 There are other avenues we can proceed to get
4 tires -- tire accumulations -- we could get rid of tire
5 accumulations, but Section 55.3D is reserved for those
6 instances where there is an immediate threat by the
7 mosquitos, the fires, the runoff and what have you.

8 Q. And how is it that this immediate threat is
9 determined?

10 A. Well, there are several factors that come into
11 play there. Like I said before, if it's in or near a
12 large center, a large population particularly in a
13 municipality of over 100,000 people, that certainly
14 would come into play. If it's in or near a wetland
15 where the runoff from fighting a tire fire were to
16 present an environmental hazard to a sensitive
17 environment, that would be a factor.

18 If they're located near, as I said, sensitive
19 receptor areas, nursing homes, daycare, schools or just

20 in general population, those are the types of things
21 that we would consider to be a threat to human health in
22 the environment.

23 Q. There would be though employees of the Illinois
24 EPA that have observed these and documented those

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1 situations?

2 A. Yes. Before a 55.3D notice is issued, there is
3 an inspection of the site and the documentation of
4 violations of the statutes and/or regulations and that's
5 the beginning of the process of determining if Section
6 55.3D is the appropriate matter to proceed under.

7 Q. Prior to the issuance of the 55.3D order,
8 obviously the preferable method would be to have the
9 owner or operator remedy the problem?

10 A. Yes. There are instances where we may issue a
11 violation notice to the responsible party prior to the
12 issuance of the 55.3D. There are some instances where
13 we would go with a tire removal agreement if it's a tire
14 disposal site, but there is an opportunity prior to the
15 issuance of the notice for the property owner to remove
16 the tires and there's also an opportunity after the
17 issuance of the notice for the property owner to take
18 whatever preventative and corrective actions are

19 necessary that's required by statute as well.

20 Q. Assuming that scenario hasn't taken place, the
21 55.3D notice is issued, then what happens, do the people
22 respond, what happens?

23 A. When the Section 55.3D notice is issued, there
24 is a section in the notice that identifies the response

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1 that's required of the issuee and typically we demand a
2 cleanup plan be submitted within 30 days, which was the
3 case in this particular 55.3D and from the date that the
4 notice is received, they have 30 days to respond. We're
5 looking for a cleanup plan. We're looking for
6 information on how long it's going to take them to get
7 rid of the tires and what they're going to do with them
8 and also demanding any business records primarily
9 receipts to show the proper disposal of the tires.

10 Q. And generally, when these notices are issued to
11 owners and/or operators, do you receive a response from
12 the parties?

13 A. We receive a response -- probably in most of the
14 cases we do receive a response, but there is also a
15 significant percentage of notices we send out where we
16 do not receive a response.

17 Q. When you do receive a response and it's
18 inadequate, what steps does the Agency then take?

19 A. If we receive a response and it doesn't include
20 all of the components that we're looking for, typically
21 what we'll do is make -- put conditions into a response
22 letter to them referencing their initial response and
23 adding some conditions that would make it acceptable to
24 us and then issue an approval based on those conditions

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1 and give them an opportunity in the letter to protest
2 those conditions if they so wish.

3 Q. So it's fair to say when you issue a 55.3D
4 notice and the person does respond, you will work with
5 them in some way to hopefully effectuate a cleanup of
6 this site?

7 A. Yes. It's our preference and we believe in the
8 best interest of the party to remove the tires
9 themselves and as a matter of procedure, as a matter of
10 policy, we will always work with the owner as much as
11 possible. In addition, that's a requirement under
12 Section 55.3D that we give them that opportunity.

13 Q. Let me show you a document that I have marked as
14 Plaintiff's Exhibit Number 3 and ask you to take a look
15 at that if you would. Have you seen this document
16 before, Mr. Marvel?

17 A. Yes, I have.

18 Q. What is it?

19 A. This is a -- what we refer to as a 55.3D notice,
20 officially called a notice pursuant to Section 55.3D of
21 the Environmental Protection Act.

22 Q. And who did this notice go to?

23 A. This particular notice was issued to Black Gold
24 International, Inc., and Crosby & Associates, P.C.

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1 Q. And turning your attention to the last page of
2 the document, does that indicate who it was served upon,
3 this particular notice was served upon?

4 A. Yes, it does.

5 Q. And who was that?

6 A. Black Gold International care of Dayne Rogers.

7 Q. Did the Agency ever receive a response from
8 Mr. Rogers in light of this notice?

9 A. No, we did not.

10 Q. And if you had received a notice, what steps
11 would have been taken? Would it be similar to what
12 we've discussed, you would try to work with them to
13 clean it up?

14 A. Yes. We would look for some basic information
15 in the response and considering the large amount of
16 tires that were there, we would like for a rate.

17 Typically an owner/operator can't remove the tires all

18 at once, but if they give us a rate of cleanup, for
19 instance, 1000 tires a month, 2000 tires a month, we
20 would like for that.

21 We would look for information on who was
22 going to haul the tires if they were a registered
23 transporter and where the tires were going to go and
24 what steps they would take to treat the tires for

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1 mosquitos. Those are some of the basic components we
2 would look for in a cleanup plan.

3 Q. So in this instance, even though the State came
4 in and cleaned it up and did it in a matter of days, you
5 would be willing to give somebody, it sounds to me, like
6 months to fix the problem?

7 A. Yes, yes, we would and we have in many instances
8 done that.

9 Q. I'm showing you a document that's been marked
10 Exhibit Number 4 and have you take a look at that and
11 tell me if you recognize that document?

12 A. Yes, I do.

13 Q. And what is that document?

14 A. This is a letter that I send out to parties that
15 have received a 55.3D notice but have not responded to
16 the notice. There is no specific statutory requirement

17 that we send this letter, but our identified
18 preventative and corrective actions under the statute
19 are subject to constitutional limitations and this is a
20 step that we take as a matter of policy to properly
21 notify the individuals that we haven't received a
22 response and that we're going to come in and execute
23 those actions that we feel are necessary.

24 Q. In looking at the letter, the second full

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1 paragraph, in particular the last sentence, could you
2 describe what that refers to?

3 A. Concerning Sections 55.3D and 55.3H?

4 Q. Correct, and G also.

5 A. This is just a reiteration of language --
6 similar language that's already in the notice that
7 indicates that we do reserve the right to pursue cost
8 recovery and punitive damages as allowed under the
9 Environmental Protection Act.

10 Q. And did you receive a response from Mr. Rogers
11 in light of this November 6th, 1998, letter?

12 A. I did not.

13 Q. Both Exhibits 3 and 4, were those documents that
14 were made in the ordinary course of the Agency's
15 business?

16 A. Yes.

17 Q. And was it the Agency's ordinary course of
18 business to make and keep such documents?

19 A. Yes.

20 MR. KARR: I'd like to move that Exhibits 3 and
21 4 be admitted as evidence in this matter.

22 HEARING OFFICER KNITTLE: They will both be
23 admitted.

24 BY MR. KARR:

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1 Q. One other matter. You said prior to the 55.3D
2 notice going out during the time when the Agency's
3 inspectors were out there, there is also the opportunity
4 for owners/operators to step in and do cleanups. Was
5 there ever any effort made by Mr. Rogers at that point?

6 A. Prior to the issuance of the notice?

7 Q. Right.

8 A. No. There was no effort on his part. There
9 were several inspections done over the course of a few
10 years and to my knowledge, he made no effort to improve
11 the site conditions or respond to any notices that we
12 had issued during that time frame.

13 MR. KARR: I have nothing further.

14 HEARING OFFICER KNITTLE: Go off.

15 (Discussion had off the record.)

16 BY MR. KARR:

17 Q. Mr. Marvel, do you know if there have been
18 personal contacts with Mr. Rogers regarding this
19 proceeding?

20 A. Yes. There have been.

21 Q. And he is aware that there could be a finding of
22 punitive damages against him?

23 A. Yes. We have his signature on proof of service
24 documents on the documents and we also have evidence in

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1 our files of discussions with various Agency field
2 representatives concerning this matter.

3 Q. It's also my understanding that one of your
4 inspectors, Mr. Jacobsen, has recently talked to him
5 about this proceeding?

6 A. Yes. That is correct.

7 MR. KARR: I have nothing further.

8 HEARING OFFICER KNITTLE: Thank you, sir. You
9 could step down.

10 Do you have any further witnesses at this
11 point in time, Mr. Karr?

12 MR. KARR: I do not.

13 HEARING OFFICER KNITTLE: Let's take a brief
14 recess here.

15 (Recess taken.)

16 HEARING OFFICER KNITTLE: We're back on the
17 record after a discussion. Concerning briefing
18 schedules, we've set a briefing schedule. Complainant's
19 brief will be due on May 25th, 2001. Response brief
20 will be due on June 15th, 2001, and the reply brief will
21 be due on June 22nd, that's complainant's reply brief.
22 If, in fact, there is no response brief filed by
23 June 15th, the record will close and, of course, you're
24 not going to be filing a reply brief then because there

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1 will be nothing to reply to.

2 MR. KARR: That's correct.

3 HEARING OFFICER KNITTLE: And I jumped the gun
4 just a little bit, but we did discuss this off the
5 record, Mr. Karr, I take it you do not want to have a
6 closing argument at this point in time. Are you waiving
7 that?

8 MR. KARR: I am waiving that.

9 HEARING OFFICER KNITTLE: There is no, of
10 course, case in chief of the respondent because the
11 respondent is still not here, so we're pushing past that
12 and then, of course, there is no rebuttal case because
13 there is nothing to rebut. So this hearing is
14 essentially closed aside from the fact that we are going

15 to hold it open until 1:00 o'clock for public comments.
16 Of course, there are no members of the public present
17 right now. We want to give them ample opportunity to
18 provide comment if they so desire.

19 I should have stated this at the beginning,
20 but I think everybody here knows anyway that I do not
21 make the ultimate decision in this case. That decision
22 is made by the Illinois Pollution Control Board
23 comprised of seven members throughout the state of
24 Illinois chosen for their environmental knowledge. They

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1 will review the record and the posthearing briefs and
2 all other documents of record in this case and reach a
3 decision.

4 I'm also required to make a credibility
5 statement based on my legal experience and judgment. I
6 find no credibility issues existing with any of the two
7 witnesses who testified today. That's all I have.

8 Mr. Karr, do you have anything else you want
9 to add at this point in time?

10 MR. KARR: Nothing further.

11 HEARING OFFICER KNITTLE: All right. We're
12 going to take a recess until 1:00 o'clock. Thank you.

13 (Discussion had off the record.)

14 HEARING OFFICER KNITTLE: We're back on the

15 record. We wanted to before we close the hearing down
16 for this period of time go over the exhibits that were
17 admitted. I have four exhibits that the complainant has
18 offered. They've all been admitted.

19 Complainant's Exhibit Number 1 was a
20 November 2nd Board order. Complainant's Exhibit
21 Number 2 was a January 4th, 2001, Board order.
22 Complainant's Exhibit Number 3 was the 55.3D notice and
23 Complainant's Exhibit Number 4 was a letter sent to
24 Dayne Rogers on 11/6/98 by Mr. Marvel, correct?

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1 MR. KARR: Correct.

2 HEARING OFFICER KNITTLE: Those are the correct
3 exhibits, right, Mr. Karr, I'm not missing anything?

4 MR. KARR: That is all then. That's correct.

5 HEARING OFFICER KNITTLE: Then let's, at this
6 point in time, try once again to close the hearing until
7 1:00 o'clock.

8 (Recess taken.)

9 HEARING OFFICER KNITTLE: Good afternoon. We
10 are back on the record after a recess. It is
11 approximately 1:00 p.m. There are no members of the
12 public here. There is only Mr. Karr, the complainant,
13 and Ms. Losurdo and myself. As there are no members of

14 the public wishing to provide public comment, I'm going
15 to close this hearing.

16 Mr. Karr, as long as you're here, do you have
17 anything you want to add?

18 MR. KARR: Nothing further.

19 HEARING OFFICER KNITTLE: Thank you very much
20 and thank you, Ms. Losurdo.

21 (End of proceeding.)

22

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28

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF DUPAGE)

4

4 I, Michele J. Losurdo, Certified Shorthand
5 Reporter of the State of Illinois, do hereby certify
6 that I reported in shorthand the proceedings had at the
7 taking of said hearing, and that the foregoing is a
8 true, complete, and accurate transcript of the
9 proceedings at said hearing as appears from my
10 stenographic notes so taken and transcribed under my
11 personal direction and signed this _____ day of
12 _____, 2001.

13

14

15

16

Notary Public, DuPage County, Illinois

CSR No. 084-004285

17

Expiration Date: May 31, 2001.

18

19

20

SUBSCRIBED AND SWORN TO

before me this _____ day

21

of _____, A.D., 2001.

22

Notary Public

23

24

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