

ILLINOIS POLLUTION CONTROL BOARD  
June 20, 1986

WELLS MANUFACTURING COMPANY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 86-48  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by J. D. Dumelle):

This matter comes before the Board upon a June 6, 1986, motion to disqualify filed on behalf of Wells Manufacturing Company (Wells) and a June 19, 1986, response to that motion filed on behalf of the State's Attorney's Office and the Illinois Environmental Protection Agency (Agency). Wells argues that Richard M. Daley, Glenn Sechen and Susan Schroeder, representing the Agency and the State's Attorney's Office, should be disqualified under the reasoning of People ex rel. Scott v. Briceland, 65 Ill. 2d 485, 359 N.E.2d 149, 3 Ill Dec. 739 (1979).


The Board disagrees. Briceland stands for the proposition that the Agency may not exclude the Attorney General and hire its own attorney to represent it without the approval of the Attorney General. According to the affidavit of Del Haschemeyer which accompanies the response, both the Agency and the State's Attorney's Office have been authorized by the Attorney General to act as co-counsel in this matter. That being the case, Briceland does not act to bar their appearance.

Therefore, the motion to disqualify is hereby denied.

IT IS SO ORDERED.

Board Members W. Nega and J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 20th day of June, 1986 by a vote of 5-2.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board