

ILLINOIS POLLUTION CONTROL BOARD
July 20, 2023

PAUL CHRISTIAN PRATAPAS,)
)
 Complainant,)
)
 v.) PCB 23-74
) (Citizen's Enforcement - Water)
 PULTE HOME COMPANY, LLC,)
)
 Respondent.)

ORDER OF THE BOARD (by M. Gibson):

On December 12, 2022, Paul Christian Pratapas filed a citizen's complaint (Comp.) against "Sawgrass by Pulte Homes" (Pulte), alleging violations related to a development in DuPage County, Illinois.

On December 19, 2022, Pulte filed a motion requesting that the Board not accept the complaint for failure to properly serve the complaint, as well as a motion to dismiss the complaint on the grounds that Mr. Pratapas alleges a wholly past violation.

On June 1, 2023, The Board directed Mr. Pratapas to file the required proof of service of the complaint on the respondent no later than July 3, 2023, or face dismissal of the complaint for failure to properly serve the respondent. *See* 35 Ill. Adm. Code 101.304(c), (d); *see also* 35 Ill. Adm. Code 103.204(a).

On July 3, 2023, Mr. Pratapas filed a motion for extension of time to file the required proof of service. (Pratapas Mot.) Mr. Pratapas' reasons for requesting an extension of time are that he "currently cannot afford to re-serve Respondent via certified mail..." and that he "still has not been able to identify a registered agent to receive service." Pratapas Mot. at 1. Also on July 3, 2023, Pulte filed a motion objecting to Mr. Pratapas' motion. (Pulte Mot.) Pulte argues that Mr. Pratapas' motion is "devoid of justification for extension, at law or in equity." Pulte Mot. at 1.

On July 17, 2023, Mr. Pratapas filed a certified mail receipt indicating that he mailed something to the respondent's attorney that was mailed on July 15, 2023. Mr. Pratapas did not file documentation of what was mailed on July 15, 2023

A total of 220 days have elapsed since Mr. Pratapas initially filed the complaint with the Board. Additionally, the Board has already granted Mr. Pratapas an extension of 30 days to file the required proof of service. The Board notes that Mr. Pratapas used a sample citizen complaint form, available on the Board's website. The instructions accompanying those forms include detailed steps on how to serve complaints on respondents in accordance with the Board's rules. *See* IPCB Form. Comp. Pkg. at 4. Additionally, the instructions inform potential files of the following:

To file with the Board your Formal Complaint or any other document in the enforcement proceeding, you do not pay any filing fee to the Board. The Board will pay its own hearing costs, such as hearing room rental, court reporting fees, and hearing officer expenses. You are responsible for the costs that you or your attorney may incur in pursuing your complaint (e.g., attorney fees, duplicating charges, travel expenses, and witness fees). *Id.* at 6.

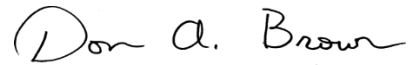
The nominal expense of serving the complaint upon a respondent is an expense that must be borne by the complainant. Therefore, the Board denies Mr. Pratapas’ motion. Because Mr. Pratapas failed to timely file the required proof of service of the complaint, the Board does not accept the complaint and the respondent’s motion to dismiss is moot. Therefore, the Board dismisses this case and closes the docket.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2022); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board’s procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Paul Christian Pratapas 1779 Kirby Parkway, Ste. 1, #92 Memphis, Tennessee, 38138 paulpratapas@gmail.com	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov
SWANSON, MARTIN & BELL, LLP Michael J. Maher J. A. Koehler 330 N. Wabash Ave., Suite 3300 Chicago, IL 60611 mmaher@smbtrials.com jkoehler@smbtrials.com	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 20, 2023, by a vote of 3-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, circular initial "D".

Don A. Brown, Clerk
Illinois Pollution Control Board