

ILLINOIS POLLUTION CONTROL BOARD
April 25, 2024

PAUL CHRISTIAN PRATAPAS,)
)
 Complainant,)
)
 v.) PCB 24-18
) (Enforcement – Water)
 M/I HOMES,)
)
 Respondent.)

HEARING OFFICER ORDER

On April 4, 2024, the Pollution Control Board ruled on a motion to dismiss in Paul Christian Pratapas v. Lexington Trace LLC and Lexington Trace 2 LLC, PCB 24-42. In that order the Board stated that “Harassment, name-calling, and threats have no place in Board proceedings.” The Board further stated “any further inappropriate comments from Mr. Pratapas will result in the Board dismissing this matter with prejudice.” In response to that order, Mr. Pratapas began sending a series of emails that contain inappropriate language and threats.

These emails expressed specific anger at the Board’s assigned hearing officer in these cases. As a result of these emails, the hearing officer’s supervisor decided that Mr. Halloran need not be subject to these types of threats. Therefore, the hearing officers listed below will now manage these cases for the Members of the Board.

In addition, the Board dismissed the case in PCB 24-42 on April 18, 2024, in response to the emails.

This order serves to introduce the parties to the new hearing officers and to remind the complainant of the authority of the hearing officer and the responsibility of any complainant in a Board enforcement case.

The Board’s hearing officer authority is outlined in the Board’s rules at 35 Ill. Adm. Code 101.610. A Board hearing officer does not decide the cases and does not rule on issues that are dispositive. The Board’s hearing officers manage the cases, rule on discovery issues, and preside over hearings. The Board’s hearing officers do not offer opinions on outcome of the case or on any dispositive motion. To be clear, a hearing officer does not have any authority to dismiss or decide a complaint, or even recommend such action to the Board.

The Board is a quasi-judicial Board and not an investigative agency. Complaints filed with the Board, like those filed in court, must then be proven through fact gathering by the parties, and hearings. It is the responsibility of the complainant to prove their case at hearing, following the rules of procedure and the rules of evidence. The Board does not conduct

independent investigations. Further, the Board does not represent or advocate for any of the parties before it.

In these cases, the Board referred complainant to the procedural rules, which outline the Board's procedures. The Board will decide each of these cases based on the arguments and filing in each case. However, neither the Board Members nor the hearing officers will tolerate intemperate language and threats. *See Paul Christian Pratapas v. Lexington Trace LLC and Lexington Trace 2 LLC*, PCB 24-42.

The Board also received an email from complainant indicating that the email address on file with the Board was not the proper email address. Since then, the Board has received an email from "Vincenzo Archibald Vincenzo.Archibald@hotmail.com" and indicating that this address should be the email used for the cases. The email listed the following as complainant's address:

Paul Pratapas
545 N Mendenhall Rd., #8
Memphis, TN 38117

At the next status call, the complainant must explain the identity of Mr. Archibald, and how he relates to the complainant and these cases. In the meantime, to be sure that this hearing officer order is received by the named complainant, this will be sent to each of the email addresses Mr. Pratapas has given the Board and sent by U.S. Mail.

Also, as Mr. Halloran is no longer the hearing officer, correspondence in this case should be addressed to the hearing officers listed below. To be clear, the parties are directed that Mr. Halloran must not be included on any future emails in these cases.

The parties are directed to provide a status update or participate in a telephone status conference with the hearing officer on May 1, 2024 at 9:30 a.m. The parties are directed to provide the hearing office a phone number at the emails below in order to participate, and the hearing officers will connect the call.

IT IS SO ORDERED.



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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were e-mailed on April 25, 2024, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was e-mailed to the following on April 25, 2024:

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@ Consents to electronic service

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