

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PAUL CHRISTIAN PRATAPAS)
Complainant) PCB No. 2024-009
v.)
PULTE HOMES COMPANY, LLC,)
Respondent.)

CERTIFICATE OF SERVICE

TO: Paul Pratapas at paulpratapas@gmail.com
and
Paul Pratapas
545 N. Mendenhall Rd., #8
Memphis, TN 38117

The undersigned attorney, on oath, state that I served **Respondent's Motion to Dismiss with Prejudice** on behalf of *Respondent, Pulte Home Company, LLC* on Complainant at the electronic address listed above before 5:00 p.m. on April 26, 2024

SWANSON, MARTIN & BELL, LLP

By: _____ /s/ Michael J. Maher
[X] Under penalties as provided by law pursuant to 735 ILCS 5/1-109,
I certify that the statements set forth herein are true and correct.

Michael J. Maher (mmaher@smbtrials.com)
J. A. Koehler (jkoehler@smbtrials.com)
SWANSON, MARTIN & BELL, LLP
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PAUL CHRISTIAN PRATAPAS)	
)	
Complainant,)	PCB No. 2024-009
)	
v.)	
)	
PULTE HOME COMPANY, LLC,)	
)	
Respondents.)	
)	

RESPONDENT'S MOTION TO DISMISS WITH PREJUDICE

Respondent, PULTE HOME COMPANY, LLC, by and through its attorneys, SWANSON, MARTIN & BELL, LLP, respectfully moves the Illinois Pollution Control Board to not accept Mr. Pratapas' Citizen's Complaint in this matter and to dismiss the complaint with prejudice based on complainant's failure to comply with multiple Board Orders, including the Order of April 25, 2024 prohibiting Complainant from further intemperate language, actions and threats.

I. PENDING MOTION TO DISMISS

1. On December 7, 2023, Respondent moved this Honorable Board to dismiss Complainant's claims against Pulte Home Company, LLC, based on, *inter alia*, Complainant's failure to comply with the Board's order to file an amended complaint before December 4, 2023 and for failure to allege facts stating violations.
2. Respondent's December 7, 2023, motion remains pending.

II. NEW MOTION TO DISMISS

3. On April 4, 2024, this Honorable Board warned Complainant, under threat of dismissal with prejudice, against further “harassment, name-calling” or threats to board personnel – under threat of dismissal with prejudice. However, Complainant continued his prohibited tirades of inappropriate action and correspondence.
4. Complainant’s response to the April 4, 2024, Order was to issue additional threatening, harassing and name-calling correspondence to IPCB personal – *on nine occasions*. [See IPCB Docket, 2024-009 for Complainant’s correspondence of April 8, 2024 (twice), April 9, 2024, April 11, 2024, April 18, 2024 (twice), April 22, 2024, April 24, 2024 (twice).]
5. On April 25, 2024, this Honorable Board issued yet-another order, under threat of dismissal with prejudice, directing Complainant to cease his improper conduct and correspondence. (See attached Exhibit A, IPCB order of April 25, 2024.)
6. Shortly after receiving the Order of April 25, 2024, Complainant responded to the Board with profanity and inappropriate assertions, which directly disobeyed the Order’s warning that continued violations by Complainant would be met with dismissal with prejudice. (See attached Exhibit B, Complainant correspondence of April 25, 2024.)
7. As of this filing, Complainant has not complied with the Board’s November 2, 2024, Order to file an amended complaint and continues to degrade this Board and its statutory obligation to address meaningful issues by continuing to file harassing documents and threatening inappropriate conduct.

8. Respondent urges this Honorable Board to enforce its orders of April 4, 2024 (in PCB24-42) and April 25, 2024 (in PCB24-000) and dismiss with prejudice Complainant's actions against Pulte Home Company, LLC.

WHEREFORE, for the foregoing reasons, Respondent, PULTE HOME COMPANY, LLC respectfully moves the Illinois Pollution Control Board to dismiss with prejudice Complainant's complaints against Pulte Home Company, LLC.

SWANSON, MARTIN & BELL, LLP

/s/ Michael J.Maher/Jay Koehler
Attorneys for Respondent,
**Lincoln Valley By DR HORTON
Earthworks Environmental LLC**

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J. A. Koehler. (jkoehler@smbtrials.com)
Robert R. Harmening III (rharmering@smbtrials.com)
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ILLINOIS POLLUTION CONTROL BOARD

April 25, 2024

PAUL CHRISTIAN PRATAPAS,)
)
Complainant,)
)
v.) PCB 24-9
) (Enforcement – Water)
PULTE HOME COMPANY, LLC,)
)
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 10:30 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.



Marie E. Tipsord
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Timothy J. Fox
Senior Attorney
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Tim.Fox@illinois.gov
(312) 814-3460

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:

Don Brown
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, Illinois 60605



Marie E. Tipsord
General Counsel
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@ Consents to electronic service

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Electronic Filing: Received, Clerk's Office 04/26/2024

From: [Tipsord, Marie](#)
To: [Brown, Don](#)
Subject: FW: [External] Re: Official Service: PCB 2024-009, Paul Christian Pratapas v. Pulte Home Company, LLC, hearing officer order and service list
Date: Thursday, April 25, 2024 3:06:34 PM

From: Paul Pratapas <paulpratapas@aol.com>
Sent: Thursday, April 25, 2024 3:06 PM
To: Mims, Barbara <Barbara.Mims@illinois.gov>; Michael Maher <mmaher@smbtrials.com>; jkoehler@smbtrials.com; rharmening@smbtrials.com; vincenzo.archibald@hotmail.com
Cc: Fox, Tim <Tim.Fox@illinois.gov>; Tipsord, Marie <Marie.Tipsord@illinois.gov>
Subject: [External] Re: Official Service: PCB 2024-009, Paul Christian Pratapas v. Pulte Home Company, LLC, hearing officer order and service list

All of you can go yourselves.

Can you provide the legal basis for explaining the origin of email addresses and how/when/why this authority was granted to a corrupt pollution board?

Brad is being reported to the FBI today for public service corruption.

The attorneys of record (this email list) who made materially false statements to the board in an effort to conceal fraud and sidestep the contractor responsibilities agreed to under penalty of law will be reported to the attorney disciplinary board. Also, those who made initial appearances with attacks against me for exercising rights protected by the constitution.

Feel free to shove this order you sent me up your .

Paul Pratapas

On Thursday, April 25, 2024, 2:10 PM, Mims, Barbara <Barbara.Mims@illinois.gov> wrote:

By this e-mail, the Illinois Pollution Control Board serves you with the attached order of April 25, 2024.

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff

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communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

Electronic Filing: Received, Clerk's Office 04/25/2024

From: [Tipsord, Marie](#)
To: [Brown, Don](#)
Subject: FW: [External] Board Failure
Date: Thursday, April 25, 2024 3:19:43 PM

From: Paul Pratapas <paulpratapas@aol.com>
Sent: Thursday, April 25, 2024 3:10 PM
To: Tipsord, Marie <Marie.Tipsord@illinois.gov>
Cc: PCB.Clerks <PCB.Clerks@illinois.gov>
Subject: [External] Board Failure

Seeing as we're several years into filing complaints and the only orders being dealt out are to me.
Still.

I am going to pursue these cases within the criminal justice system, and then address the Illinois
pollution control board and get it dissolved.

You should all be ashamed of yourselves. You're a joke. and it will forever be on the Internet.

Paul Pratapas

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