

ILLINOIS POLLUTION CONTROL BOARD
July 22, 1999

GINA PATTERMANN, LISA COLLINS,)
and DEEN COLLINS,)
)
Complainants,)
)
v.) PCB 99-187
) (Enforcement - Noise, Air, Citizens)
BOUGHTON TRUCKING AND)
MATERIALS, INC.,)
)
Respondent.)

ORDER OF THE BOARD (by N. J. Melas):

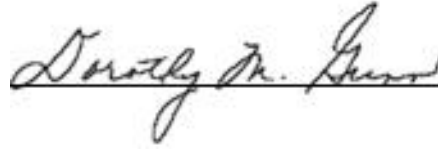
This matter is before the Board on the June 17, 1999 filing of a citizens' enforcement complaint (complaint). On June 29, 1999, Boughton Trucking and Materials, Inc. (Boughton) filed a motion for extension of time to file motion to dismiss as duplicitous/frivolous (motion) and an affidavit in support of the motion. Boughton requests that Board grant it a 35-day extension. The Board grants the motion and directs Boughton to file a motion to dismiss with the Board no later than August 2, 1999.

The Board must address another matter as well. Of the three named complainants (Gina Pattermann, Lisa Collins, and Deen Collins), only Pattermann signed the complaint. According to the Board's procedural rules, any person may appear before the Board as "a natural person in his own behalf or by an attorney at law licensed and registered to practice in the State of Illinois or both." 35 Ill. Adm. Code 101.107(a)(1). The Board's procedural rules also provide that "the original of each document filed shall be signed by the party or by its authorized representative or attorney." 35 Ill. Adm. Code 101.103(g). The Board has subsequently determined that representation of other parties before the Board is the practice of law and, therefore, only an attorney may represent another party before the Board. See In re Petition of Recycle Technologies (July 10, 1997), AS 97-9, slip op. at 4; Graf v. Valiquet, Inc. (April 15, 1999), PCB 99-125, slip op. at 3; Smith v. Heritage Tool & Die Manufacturing, Inc. (June 3, 1999), PCB 99-145, slip op. at 3. It does not appear that Pattermann is an attorney, and she should not have signed the complaint on behalf of the other complainants.

The Board grants complainants until August 13, 1999, to file an amended complaint with the Board. The complaint must be signed by each complainant or by his or her attorney. After August 13, complainants will be dismissed from this matter if they have not signed the complaint either personally or through an attorney. All future pleadings filed by complainants in this matter must be signed either personally by complainants or through an attorney.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 22nd day of July 1999 by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board