

alleged violations. The Stipulation states that Batavia Bank and Brian Restaurant Corporation had no control over the transactions which resulted in the alleged violations and the Settlement proposes dismissal of the case against those parties.

Inasmuch as the eleven named beneficiaries of Trust No. 274 have admitted sole control over the subject matter of this cause, the Board sees no reason to hold Batavia Bank and Brian Restaurant responsible.

Based upon paragraphs 20, 21, and 22 of the Stipulation the Board will find Respondent David Dyer and the other named beneficiaries of Trust No. 274 to have violated Board Regulations and the Act as alleged in the Third Amended Complaint. The Board also finds the proposed \$500.00 penalty to be adequate given the particular facts of this case. The record indicates (R.5) that these violations have already been remedied. In addition, the restaurant closed on February 15, 1976 (Stip. Par. 33).

This Opinion constitutes the Board's findings of fact and conclusions of law.

Mr. Young abstained.

ORDER

- A. The Complaint as against Brian Restaurant Corporation and Batavia Bank is hereby dismissed.
- B.
 1. Respondents David Dyer, Medeyo Cotti, Meric Belding, Glen Smilie, Brian Stuhlsatz, David Neri, P. Bruce Isherwood, Anthony Marcello, Pauline Neri, Mario Savino and Robert J. Hankes, are hereby found to have violated Water Pollution Regulations 953(a) as alleged in Counts I and III of the Complaint, 951(a) as alleged in Count II of the Complaint, and hence Section 12(a) of the Act.
 2. The aforementioned Respondents jointly shall pay, as a penalty for the aforesaid violations, the sum of \$500.00 to the State of Illinois. Payment shall be made by certified check or money order within 35 days of the date of this Order to:

State of Illinois
Fiscal Services Division
Illinois Environmental Protection
Agency
2200 Churchill Road
Springfield, Illinois 62706

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 2nd day of December, 1976 by a vote of 3-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board