

ILLINOIS POLLUTION CONTROL BOARD
April 8, 1976

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 76-6
)
 JOHN TARKOWSKI,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

On March 18, 1976, Respondent filed with the Board a Request for Appointment of Attorney. This request must be denied. Although Section 32 of the Environmental Protection Act (Act) grants parties to hearings a right to be represented by counsel, the Act does not confer a right to appointment of counsel by the Board. Furthermore, the Board is not constitutionally mandated to appoint counsel for Respondent. See, e.g., Goldberg v. Kelly, 397 U.S. 254(1970), Nees v. Securities and Exchange Commission, 414 F.2d 211(1969). Therefore, Respondent's Request for Appointment of Attorney is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 8th day of April, 1976 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board