

RECEIVED
CLERK'S OFFICE

DEC 18 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

vs.

COLORADO REAL ESTATE &
INVESTMENT CO., (KINGSPARK
MOBILE ESTATES),

Respondent.

AC 04-25

(IEPA No. 628-03-AC)

NOTICE OF FILING

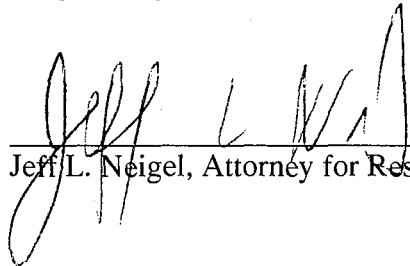
To: Illinois Pollution Control Board
State of Illinois Center
100 West Randolph St., Ste. 11-500
Chicago, IL 60601

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 61794-9276

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the
Pollution Control Board of the State of Illinois the following instrument(s) entitled PETITION
FOR REVIEW.

Dated this 18th day of December, 2003.

Respectfully Submitted,


Jeff L. Neigel, Attorney for Respondent.

Prepared by:
Jeff L. Neigel
SEBO, CLARK & NEIGEL
122 North Avenue A
Canton, IL 61520
(309) 647-5065

RECEIVED
RD 7700'S OFFICE

DEC 22 2003

STATE OF ILLINOIS
Pollution Control Board

AC

(IEPA No. 628-03-AC)

04-25

RESPONSE TO ALLEGATIONS OF FACT

3. Allegation three is admitted.

4. Allegation four is admitted to the extent that Agent Tripses appears to have entered Kingspark Estates property on October 16, 2003, but is otherwise denied.

FURTHER PLEADING

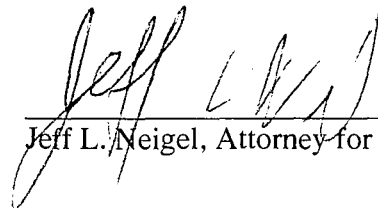
By way of further pleading:

1. That Respondent states affirmatively that Agent Tripses came onto private property owned by Respondent on or about October 16, 2003, without seeking consent and without obtaining a search warrant or other authorization to do so and that Respondent is not aware of any exception to the requirement that Agent Jones either have consent or a warrant; and specifically Respondent states that the site of the alleged violation is not in plain view from any public property or private property that Agent Jones would have had legal access to and thus Respondent believes that the Administrative Citation was issued based on information obtained during an improper search in violation of the Fourth Amendment of the United States Constitution and Act 1 § 6 of the Illinois State Constitution. Since any information or evidence ascertained from said search including subsequent interviews or investigations would be inadmissible in this or any other proceedings, the Administrative Citation should be dismissed.

2. The Respondent denies that Respondent caused or allowed the open dumping of waste in a manner resulting in litter in violation of 415 ILCS 5/21(p)(1).

3. The Respondent denies that Respondent caused or allowed the open dumping of waste in a manner resulting in open dumping in violation of 415 ILCS 5/21(p)(3).

4. The Respondent denies that Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of general construction debris or clean construction debris in violation of 415 ILCS 5/21(p)(7).



Jeff L. Neigel, Attorney for Respondent

Jeff L. Neigel
SEBO, CLARK & NEIGEL
122 North Avenue A
Canton, IL 61520
(309) 647-5065