

ILLINOIS POLLUTION CONTROL BOARD
April 6, 2004

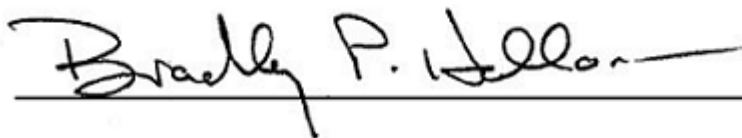
BARBARA and RONALD STUART,)
)
 Complainants,)
)
 v.) PCB 02-164
) (Citizens Enforcement - Noise)
FRANKLIN FISHER and PHYLLIS FISHER,)
)
 Respondents.)

HEARING OFFICER ORDER

On March 9, 2004, a hearing was held and completed in this matter. On March 25, 2004, the complainants filed a motion for leave to supplement the record. The complainants' motion to supplement the record include various photographs, brochures, and respondents' answers to interrogatories which complainants did not introduce at hearing. On March 29, 2004, the respondents filed their response. Among other things, respondents object to complainants' motion on the basis that they would not be afforded the opportunity to cross-examine.

The complainants' motion to supplement the record is denied. The hearing has concluded. The complainants did not offer the additional photographs or information at the hearing. To allow supplementation at this late date would deprive the respondents of their rights to cross-examine or present opposing testimony regarding the additional photographs and information.

IT IS SO ORDERED.



Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917