

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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4 LAND AND LAKES COMPANY,

5 Petitioner,

6 vs.

No. PCB 99-069

7 RANDOLPH COUNTY BOARD OF

8 COMMISSIONERS,

9 Respondent.

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13 Proceedings held on May 10, 2000, at 9:35 a.m., the
14 continuation of the hearing which started on May 9, 2000, at the
15 Randolph County Courthouse, 1 Taylor Street, Chester, Illinois,
16 before the Honorable John Knittle, Hearing Officer.

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21 Reported by: Darlene M. Niemeyer, CSR, RPR
22 CSR License No.: 084-003677

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A P P E A R A N C E S

MCKENNA, STORER, ROWE, WHITE & FARRUG
BY: Elizabeth S. Harvey
Attorney at Law
200 North LaSalle Street
Chicago, Illinois 60601-1083
On behalf of the Petitioner.

AND

BY: Stephen Hedinger
Attorney at Law
133 South Fourth Street, Suite 306
Springfield, Illinois 62707
On behalf of Petitioner.

(Attorney James W. Kelley was not present for the second day of the hearing.)

HINSHAW & CULBERTSON
BY: Richard S. Porter
Attorney at Law
100 Park Avenue
Rockford, Illinois 61105-1389
On behalf of the Respondent.

BY: Kenneth A. Bleyer
Attorney at Law
601 West School Street, #610
Chicago, Illinois 60657-2143
On behalf of Amicus Curiae.

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1	I N D E X	
2	WITNESS	PAGE NUMBER
3	DON GUEBERT	281

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6	E X H I B I T S		
7	NUMBER	MARKED FOR I.D.	ENTERED
8	(No exhibits were marked during this portion of the hearing.)		

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1 P R O C E E D I N G S

2 (May 10, 2000; 9:35 a.m.)

3 HEARING OFFICER KNITTLE: On the record. Good morning. We
4 are here for the second day of hearings in Pollution Control
5 Board Docket Number 1999-069, Land of Lakes Company versus
6 Randolph County Board of Commissioners. As I informed everybody
7 yesterday, my name is John Knittle. I am the Hearing Officer on
8 this case.

9 We are currently continuing with the petitioner's
10 case-in-chief. Before we get started, are there any preliminary
11 motions anybody has to make? I see shakings of the head, so we
12 will say no.

13 On public comments, if anybody has them, we are going to
14 entertain additional public comment in a little bit. We will do
15 that after both cases-in-chief and any rebuttal that the
16 petitioner has are finished. So if you just hold on a second, we
17 will give you a chance then.

18 Ms. Harvey, do you have any further witnesses to call in
19 your case-in-chief?

20 MS. HARVEY: Mr. Knittle, I don't have any further
21 witnesses to call.

22 HEARING OFFICER KNITTLE: Mr. Porter, do you have any
23 witnesses that you would like to call in your case-in-chief?

24 MR. PORTER: Our case was presented during

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1 cross-examination. We have no witnesses.

2 HEARING OFFICER KNITTLE: Thank you, sir.

3 Ms. Harvey, this is pretty much a no-brainer now, but do
4 you have any rebuttal testimony?

5 MS. HARVEY: No, I don't have any rebuttal testimony.

6 Thank you, Mr. Knittle.

7 HEARING OFFICER KNITTLE: Which brings us to the public
8 comment I was talking about earlier. Is there anybody here who
9 wishes to provide public comment at this point?

10 Yes, sir, why don't you step up.

11 DON GUEBERT: Yes, I have a question, two questions.

12 HEARING OFFICER KNITTLE: Sir, if you are going to provide
13 public comment -- I should have covered this in the beginning.
14 My apologies. We are going to ask that you come up here and have
15 a seat and be sworn in by the court reporter. Also, if either of
16 the attorneys wants to afterwards they can ask you a couple of
17 questions about what you have said.

18 First, could you identify yourself for the court reporter,
19 please.

20 DON GUEBERT: I am Don Guebert.

21 HEARING OFFICER KNITTLE: Can you spell that for her? She
22 has to write it down.

23 DON GUEBERT: G-U-E-B-E-R-T.

24 HEARING OFFICER KNITTLE: Could you swear him in.

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1 (Whereupon the witness was sworn by the Notary Public.)

2 HEARING OFFICER KNITTLE: Sir, you can provide any comment
3 you wish to provide.

4 DON GUEBERT: I got two questions. Who is responsible for
5 letting this mess get this far? And the second one is if this
6 thing is so great, why don't you take it back to Chicago and put
7 it where you live?

8 HEARING OFFICER KNITTLE: Well, I am going to interject
9 here. I don't know if Ms. Harvey wants to address those. She
10 does not have to, though. This is public comment, and you can
11 make any comments that you want, but I don't know that either
12 side has to respond to your questions. So you can take those as
13 rhetorical or, Ms. Harvey, if you want to address those you can,
14 but you have no obligation to.

15 MS. HARVEY: I don't think it is appropriate in this
16 proceeding for me to answer those kinds of questions. I would be
17 happy to just let the record stand as rhetorical questions for
18 the Board's consideration.

19 HEARING OFFICER KNITTLE: Okay. Sir, do you understand
20 that? Do you have anything else you want to say?

21 THE WITNESS: (Shook head from side to side.)

22 HEARING OFFICER KNITTLE: Any questions, Ms. Harvey?

23 MS. HARVEY: I don't have any questions, no.

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1 MR. PORTER: No.

2 HEARING OFFICER KNITTLE: Thank you, sir.

3 (The witness left the stand.)

4 HEARING OFFICER KNITTLE: Is there anybody else wishing to
5 provide public comment at this point?

6 I see nobody raising their hands. Mr. Porter, can you look
7 around the corner again for me?

8 MR. PORTER: Yes. There is nobody back there.

9 HEARING OFFICER KNITTLE: Okay. We see nobody raising
10 their hands. This will be your last opportunity to provide
11 public comment at the hearing orally. You will, of course, be
12 able to provide written public comment and we will set that up in
13 just a second here.

14 I do note that none of the approximately 20 people present
15 here today are indicating that they want to provide public
16 comment, which takes us to closing arguments, starting with Ms.
17 Harvey, if you have one.

18 MS. HARVEY: Thank you, Mr. Knittle. I have an extremely
19 brief closing argument. It will be extremely brief because these
20 are legal issues that are best raised and explored in our written
21 briefs, which we will file. So we are reserving our argument for
22 those briefs.

23 However, this is just to outline for the Board and for the

24 public again the three issues that Land and Lakes has raised on

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1 this appeal. Those three issues are Land and Lakes contends that
2 this proceeding was fundamentally unfair. The cumulative affect
3 of the improper ex parte contacts between opponents of the siting
4 and the County Board and Planning Commission members, when
5 coupled with threats and intimidation towards those members made
6 it impossible for Land and Lakes to receive a fair hearing on its
7 application for siting approval. That is issue number one.

8 Issue number two is our contention that the County Board's
9 decision that the application did not satisfy criterion 2
10 regarding public health, safety and welfare. That decision is
11 against the manifest weight of the evidence.

12 And, number three, a similar contention, that the County
13 Board's decision that our application does not meet criterion 8
14 regarding the County's Solid Waste Management Plan is also
15 against the manifest weight of the evidence.

16 I appreciate your courtesies and your attention over the
17 last couple of days. We will reserve further argument on that
18 for our briefs, Mr. Knittle.

19 HEARING OFFICER KNITTLE: Thank you, Ms. Harvey.

20 Mr. Porter?

21 MR. PORTER: Thank you. Illinois case law is clear that a
22 court will not reverse an agency's decision because of improper

23 ex parte contacts without a showing that the complaining party
24 suffered prejudice from those contacts. That's similar in

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1 landfill siting hearings, which is E&E Hauling. Furthermore,
2 existence of strong public opposition does not render a hearing
3 fundamentally unfair, whereas here -- I am quoting now the waste
4 management case, whereas here the hearing committee provides a
5 full and complete opportunity for the applicant to offer evidence
6 in support of its application. Further, ex parte communications
7 from the public to their elected representatives are perhaps
8 inevitable given a county board member's perceived legislative
9 position.

10 Finally, the Second District had an opportunity to address
11 the same issue in the City of Rockford case in 1989 when it held
12 the existence of strong public opposition does not invalidate the
13 county board's decision where the applicant was given an
14 opportunity to present its case and where the applicant has not
15 demonstrated that the board's denial was based upon the public
16 opposition rather than the record. Therefore, there are two
17 issues that have to be addressed.

18 First, we have to determine whether or not the Board gave
19 the applicant an opportunity to present its case. Second, it is
20 the burden of the applicant to demonstrate that the board's
21 denial of their application was based upon public opposition
22 rather than the record. There has been no such showing in this

23 case.

24 First, Land and Lakes was given an ample opportunity to

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1 present its case. They filed a ten to twelve-volume application.
2 There was then a complete review by the Planning Commission.
3 There was a hearing over two long days in July of 1998, and a
4 complete review by the County Board. There was then a 30-day
5 public comment period. Obviously, Land and Lakes was given an
6 ample opportunity to present its case. In this particular
7 instance they were even given an additional opportunity. Land
8 and Lakes complained about these contacts from the public to the
9 Planning Commission and the County Board, which the County Board
10 in no way agrees are improper ex parte contacts, as there is no
11 evidence that any of the contacts were ever made by a party to
12 this litigation -- or to this application. Excuse me.

13 But in the interest of providing a pristine hearing, the
14 County Board allowed Land and Lakes the opportunity, on October
15 19th, 1998, to meet with the Board or to address the Board before
16 they voted on the application. That opportunity was designed to
17 allow the applicant to address the ex parte contacts -- what they
18 believed to be ex parte contacts. Rather than making such a
19 presentation, Land and Lakes decided to try to take one more stab
20 at criterion number 8, and the fact that the application did not
21 comply with Solid Waste Management Plan. They made a futile

22 argument at that time that the word slough, contained in the
23 Solid Waste Management Plan, was not intended to be exclusionary.
24 This argument was, obviously, rejected by the Board and they

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1 rendered the decision unanimously denying the application based
2 on criterion 8 and criterion 2.

3 Not only was Land and Lakes given a complete opportunity to
4 present their case, but they failed to meet their burden of
5 proving that the Board's decision was based upon public
6 opposition rather than the record. During this hearing each of
7 the three Board members testified that his decision was based
8 solely on the record. That is what the testimony was. Each
9 Board member further explicitly testified that his decision was
10 not even influenced by any of the attempted contacts by the
11 public.

12 Two out of three of the Board members, specifically Mr.
13 Esker and Mr. Moore, testified that they received very few
14 contacts from the public and that they always told the public
15 that they could not discuss the issues.

16 Since the majority of the Board did not even receive any
17 substantive contacts, obviously, Land and Lakes was not
18 prejudiced by any of these public contacts. Even Mr. Stork
19 explained that though he received more contacts than the other
20 two Board members, his opinion and his vote was based on the fact
21 that the landfill was going to be placed within one mile of the

22 city limits of Sparta. And the Solid Waste Management Plan,
23 which had been adopted before the application was ever filed,
24 explicitly provided that any area within one and a half miles of

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1 a municipal corporate limits would be excluded from consideration
2 by the County.

3 That was the basis of Mr. Stork's opinion. That is what he
4 said. What he said was that if all of the criteria had been met
5 it would have been a difficult task to approve the application,
6 considering the strong public sentiment against it. But that
7 issue did not arise for him because it was clear and indisputable
8 that the application was inconsistent with the Solid Waste
9 Management Plan.

10 Indeed, the fundamental fairness issues in this case are
11 nothing but a red herring. There is no way that anyone can
12 dispute that the landfill application proposed a landfill within
13 one mile of the city limits of Sparta. There is no way that
14 anyone can dispute the Solid Waste Management Plan explicitly
15 provided that any landfill within one and a half miles of a
16 corporate municipal limits would not be considered.

17 Illinois case law establishes that if there is no prejudice
18 to the applicant and if the Board members would have voted
19 affirmatively anyway, and right there I am citing the town of St.
20 Charles versus the Kane County Board Case, PCB Numbers 83-228,

21 83-229, and 83-230, that if the County Board members would have
22 voted affirmatively anyway that there is no issue, there is no
23 prejudice, and the County Board's decision must be affirmed.

24 Likewise, as to the manifest weight arguments, they are

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1 simply nonsensical. How Land and Lakes can argue that the
2 manifest weight weighed in favor of finding consistency with the
3 Solid Waste Management Plan given the plain language of the plan
4 and its obvious import, makes it clear that the manifest weight
5 of the evidence weighed in support of the finding of the Board,
6 certainly not in support of a finding of compliance with
7 criterion number 8.

8 Likewise, in regard to criterion number 2, there was ample
9 evidence regarding the affects of the trucks on the roadways and
10 that the transportation issues had not been adequately addressed,
11 as the roadway was not designed to support the level of
12 transportation and the weight of the trucks that was going to
13 travel on the roadway.

14 The opinions and the vote of the County Board were
15 supported by the record and should not be overturned.
16 Accordingly, Randolph County prays that the Pollution Control
17 Board issue an order affirming the Randolph County decision.

18 HEARING OFFICER KNITTLE: Thank you, Mr. Porter.

19 Ms. Harvey, any final comments?

20 MS. HARVEY: The only final comments are just to reiterate

21 that although we disagree with the County's position, we will set
22 those arguments out in our written briefs.

23 HEARING OFFICER KNITTLE: Thank you, both. Are there any
24 motions from either side prior to submitting this to the Board?

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1 MS. HARVEY: I have no motions. I mostly have a question.
2 Could we go over the exhibits that were admitted and the numbers
3 before we close the --

4 HEARING OFFICER KNITTLE: It is on my list, but I
5 appreciate you bringing it up.

6 Mr. Porter, any motions on your end?

7 MR. PORTER: No, Mr. Knittle.

8 HEARING OFFICER KNITTLE: Okay. Let's quickly go over the
9 exhibits. I have Petitioner's Exhibit Number 1, which was -- I
10 am going to have to check the record on this. I don't know if I
11 ever denied it or if we then moved it additionally, but it was
12 admitted into the record. We took official notice of that. That
13 is the report.

14 MS. HARVEY: The Rhutasel Report.

15 HEARING OFFICER KNITTLE: Yes, of Rhutasel. We have
16 Petitioner's Number 2, which is the Solid Waste Management Plan.
17 That was admitted.

18 We have -- let me go to the next Petitioner's. It is
19 Number 3, which is an October 26, 1998, article which was not

20 offered.

21 MS. HARVEY: August 26, 1998.

22 HEARING OFFICER KNITTLE: Is that correct? I have October,
23 but I could be --

24 MR. PORTER: Yes, that is the date, but it was not offered.

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1 MS. HARVEY: Right.

2 HEARING OFFICER KNITTLE: Right. But it is going to be on
3 the exhibit list. But it was not offered and will not be
4 submitted. We have Petitioner's Number 4. It is a letter
5 opposing landfills -- oh, a letter that said oppose landfill
6 written on it. That was admitted. That that's all I have for
7 the petitioner.

8 The respondent, I have Respondent's Number 1, article 6
9 conditions from the code. That was admitted provisionally, as
10 you recall. There is perhaps a better copy of that available in
11 the record. If there is we are going to use that instead of the
12 one that was admitted at the hearing.

13 Respondent's Number 2 was proposed findings. That was also
14 admitted provisionally.

15 Respondent's Number 3 was the Randolph County Board
16 commissioner meeting. I am assuming it is the minutes.

17 MS. HARVEY: It is an actual court reporter transcript.

18 HEARING OFFICER KNITTLE: The transcript of the October
19 19th, 1998 meeting.

20 MR. PORTER: I am sorry. Mr. Knittle, what was Number 2?

21 HEARING OFFICER KNITTLE: Oh, that was the -- I have
22 written down proposed findings.

23 MR. PORTER: That's correct. Thanks.

24 HEARING OFFICER KNITTLE: And that was admitted

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1 provisionally.

2 Number 3, which was the transcript of the October 19th,
3 1998 meeting was admitted for the use of the hearing only. As
4 you recall, there is a better copy of that.

5 MR. PORTER: Okay. So it is definitely in the record, we
6 know that?

7 HEARING OFFICER KNITTLE: It is in the record, but this one
8 we -- it was attached to -- actually, Ms. Harvey filed something
9 with the Board and there was an order that used the correct copy
10 of this and we are going to use that. I can get the Board order
11 date if you are interested. This is in the transcript.

12 MR. PORTER: At some point I will see the record and be
13 able to cite to it, I hope.

14 HEARING OFFICER KNITTLE: Right. I am going to include in
15 my Hearing Officer Report, or the Hearing Report the correct
16 version to use. But this is admitted for the use of the hearing
17 only. If, in fact, by some fluke of nature it is not in there I
18 am going to admit it, so it will be in the record regardless.

19 Respondent's Number 4, I have findings. I don't have that
20 in front of me.

21 MS. HARVEY: The County Board's written decision.

22 HEARING OFFICER KNITTLE: Okay.

23 MR. PORTER: Which is definitely in the record. It is
24 attached to her petition.

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1 HEARING OFFICER KNITTLE: Right. That one was admitted
2 provisionally. And that is all I have for Respondent.

3 MR. PORTER: That is correct.

4 HEARING OFFICER KNITTLE: I have four written public
5 comments that were submitted to me.

6 Written Public Comment Number 3 was objected to by the
7 petitioner, and that's going to be for the Board to decide. I
8 can identify those public comments if it is necessary.

9 MS. HARVEY: No, I know.

10 MR. PORTER: Number 3 was the earthquake?

11 MS. HARVEY: No, Number 3 is the --

12 HEARING OFFICER KNITTLE: Let me pull it out to
13 double-check.

14 MS. HARVEY: I believe that Exhibit 3 is the group of
15 resolutions or ordinances from Randolph County municipalities
16 opposing the siting of the landfill.

17 HEARING OFFICER KNITTLE: Correct.

18 MS. HARVEY: Which I objected to on the grounds of

19 relevancy.

20 HEARING OFFICER KNITTLE: It is a group exhibit containing
21 City of Sparta Resolution, City of Red Bud Resolution, a number
22 of other resolutions, and it looks like a petition.

23 MS. HARVEY: Yes, which I also objected to.

24 HEARING OFFICER KNITTLE: No, you objected to both parts of

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1 the written public comment.

2 MS. HARVEY: Right. Is that all one public comment?

3 HEARING OFFICER KNITTLE: It was all submitted as one
4 comment.

5 MS. HARVEY: Okay. That is fine. As long as I am clear.

6 HEARING OFFICER KNITTLE: I can break it up if you think it
7 would be cleaner.

8 MS. HARVEY: No, I don't think it is necessary.

9 HEARING OFFICER KNITTLE: Just for the record, I will go
10 over the other ones as long as I have these out. Public Comment
11 Number 1 was a letter from Robert Moffat dated May 9th.

12 Public Comment Number 2 was information about earthquakes,
13 earthquakes in the Illinois area accompanied with a letter from
14 Nellie.

15 MS. HARVEY: Gerlach, I believe.

16 MS. HARVEY: It looks like Gerlach or Genlach. Does
17 anybody know.

18 MEMBER OF THE PUBLIC: Gerlach.

19 HEARING OFFICER KNITTLE: Gerlach. Excuse me. My
20 apologies.

21 Written Public Comment Number 3 was the resolutions and the
22 petition that we just talked about.

23 Written Public Comment Number 4 was a comment submitted by
24 Chris Tabing.

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1 We have already decided that we didn't have any motions,
2 correct?

3 MR. PORTER: Correct.

4 HEARING OFFICER KNITTLE: Which leaves us to the briefing
5 schedule. Pursuant to an off-the-record discussion, we have
6 agreed on a briefing schedule. It will be as follows, and this
7 will also be included in my Hearing Report.

8 Written public comments are going to be due at the Board on
9 June 2nd, 19 -- my apologies. June 2nd, 2000.

10 Petitioner's post-hearing brief will be due on or before
11 June 16th, 2000.

12 Respondent's post-hearing brief and the brief of the amici
13 curiae will be due on July 14th of the year 2000.

14 Petitioner's reply brief will be due on or before July
15 28th, 2000.

16 Ms. Harvey has indicated that she will provide a waiver
17 giving the Board some additional time to decide this matter.

18 Is that correct, Ms. Harvey?

19 MS. HARVEY: That's correct, Mr. Knittle.

20 HEARING OFFICER KNITTLE: We are going to work out how long
21 that waiver shall be in terms of Board meetings and whatnot after
22 the hearing.

23 Finally, the regulations call for me to make a credibility
24 statement based upon my legal experience and judgment. I did not

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1 find any credibility issues with any of the witnesses at the
2 hearing. Therefore, credibility is not an issue in this hearing
3 in my opinion.

4 That is all that I have. Thank you all very much for your
5 attention. Have a good day.

6 MS. HARVEY: Thank you.

7 MR. PORTER: Thank you.

8 (Discussion off the record.)

9 HEARING OFFICER KNITTLE: We are back on the record after
10 closing up.

11 I just wanted to -- we had a question after the record was
12 closed by a citizen wanting to know where written public comments
13 should be sent. I said the Board. I meant the Illinois
14 Pollution Control Board. That is located at 100 West Randolph
15 Street, Suite 11-500, James R. Thompson Center, Chicago,
16 Illinois.

17 MS. HARVEY: 60601.

18 HEARING OFFICER KNITTLE: Thank you, Ms. Harvey.

19 By no means did I mean to infer -- mean for you to infer
20 that you should send comments to the Randolph County Board or the
21 Planning Commission or anything like that. If you want your
22 comments to be considered by the Illinois Pollution Control
23 Board, you have to send them to the address that I gave you in
24 Chicago.

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1 MEMBER OF THE PUBLIC: Do we need to cite a case number?

2 HEARING OFFICER KNITTLE: It would be helpful if you put it
3 on a caption or at least cited the case number, the Pollution
4 Control Board Case Number PCB 1999-069.

5 MEMBER OF THE PUBLIC: Is there someone that we should
6 bring it to the attention of?

7 HEARING OFFICER KNITTLE: The Clerk of the Board. That is
8 Dorothy Gunn. Just address it to the Clerk of the Illinois
9 Pollution Control Board.

10 MEMBER OF THE PUBLIC: Okay.

11 HEARING OFFICER KNITTLE: Any other questions about written
12 public comments.

13 DON GUEBERT: Explain that credibility thing just a minute,
14 would you, please?

15 HEARING OFFICER KNITTLE: Sure. I found that all of the
16 witnesses who testified -- I didn't think any of them were trying

17 to evade the truth or not telling the truth as they saw it or
18 intentionally lying. I found them all to be credible witnesses.
19 I didn't think any of them were not answering questions, and I
20 didn't think any of them were avoiding questions, along those
21 lines. This is my credibility statement.

22 Anything further, as long as we are still on the record?

23 MEMBER OF THE PUBLIC: Mr. Knittle, could you run by that
24 address one more time?

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1 HEARING OFFICER KNITTLE: Sure. It is the Illinois
2 Pollution Control Board, addressed to the Clerk of the Board, at
3 100 West Randolph Street, Suite 11-500, James R. Thompson Center,
4 Chicago, Illinois.

5 MS. HARVEY: 60601.

6 HEARING OFFICER KNITTLE: 60601. Thanks.

7 MS. HARVEY: It is across the street from my office.

8 HEARING OFFICER KNITTLE: Thanks, Ms. Harvey. She is
9 giving me a break.

10 Yes, ma'am, you have a question?

11 MEMBER OF THE PUBLIC: Do they have an 800 number?

12 HEARING OFFICER KNITTLE: No, but I can give you a
13 Springfield number if you want. It would be a little closer for
14 you. It is 217-524-8500. The Chicago number is 312-814-3620.

15 MEMBER OF THE PUBLIC: Could you repeat that? I don't

16 write quite that fast.

17 HEARING OFFICER KNITTLE: Which one, ma'am?

18 MEMBER OF THE PUBLIC: The Chicago number.

19 HEARING OFFICER KNITTLE: 312-814-3620. Also, if you have
20 any questions feel free to call me. My direct number is
21 814-3473. I would be happy to answer any questions that I can
22 within the bounds of legal propriety.

23 MEMBER OF THE PUBLIC: Thank you.

24 HEARING OFFICER KNITTLE: Okay. Thank you all very much

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1 again.

2 (All hearing exhibits were retained by Hearing Officer
3 Knittle.)

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF MONTGOMERY)

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I, DARLENE M. NIEMEYER, a Notary Public in and for the
County of Montgomery, State of Illinois, DO HEREBY CERTIFY that
the foregoing 23 pages comprise a true, complete and correct
transcript of the proceedings held on the 10th of May A.D., 2000,
which is the continuation of the hearing that began on May 9,
2000, at Randolph County Courthouse, 1 Taylor Street, Chester,
Illinois, in the case of Land and Lakes v. Randolph County Board
of Commissioners, in proceedings held before the Honorable John
Knittle, Hearing Officer, and recorded in machine shorthand by
me.

15 IN WITNESS WHEREOF I have hereunto set my hand and affixed
16 my Notarial Seal this 17th day of May A.D., 2000.

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21 Notary Public and
22 Certified Shorthand Reporter and
23 Registered Professional Reporter

24

CSR License No. 084-003677

23 My Commission Expires: 03-02-2003

24

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