

ILLINOIS POLLUTION CONTROL BOARD  
December 20, 1990

JOSEPH P. COMER and MICHELLE )  
S. COMER d/b/a/ FLAMINGO LAKE, )  
 )  
Complainant, )  
 )  
v. ) PCB 90-145  
 ) (Enforcement)  
 )  
GALLATIN NATIONAL CO., )  
 )  
Respondent. )

ORDER OF THE BOARD (by J. D. Dumelle):

This matter is before the Board on a Motion to Recuse the Hearing Officer filed by the Complainants on November 29, 1990. On December 3, 1990, the Hearing Officer sent a letter to the Complainants which responds to their motion. The Board received a copy of that letter on December 4, 1990.

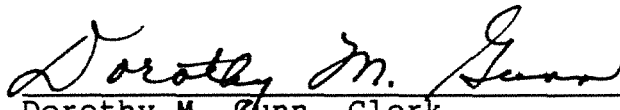
In support of their motion Complainants state that the Hearing Officer informed them that he had formerly worked for the attorneys representing the Respondent and that the Hearing Officer was friends with one of the attorneys at the firm. In addition, Complainants state that they "also had problems" with the Hearing Officer. (p. 1 of Motion).

The Hearing Officer stated that he had informed the Complainants of his former association with the firm representing Respondent; however, he also stated that he believed he could act fairly and impartially. The Hearing Officer stated that he continues to believe that he can act fairly and impartially. The Hearing Officer also pointed out that he has served as the Board's Hearing Officer in another case where the Respondent is a party and no one asked that he be recused. (p. 2 of Letter).

The Board believes that the Hearing Officer can act fairly and impartially in this matter; therefore, the Motion to Recuse is denied.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 20<sup>th</sup> day of December, 1990, by a vote of 7-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board