

ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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MAR 15 2007

STATE OF ILLINOIS
Pollution Control Board

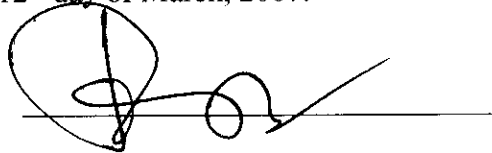
COUTY OF MACON,)
)
 Complainant,)
)
v.)
)
TIM WALKER,)
)
)
 Respondent.)

AC07-21
(MCSWDMD No. 2006-005-AC)
(Administrative Citation)

NOTICE OF FILING AND CERTIFICATE OF SERVICE

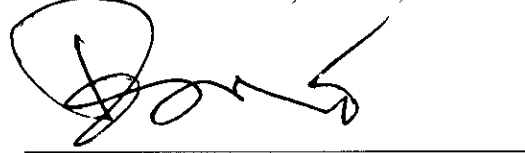
To: Kenneth Boles, Assistant State's Attorney
Macon County State's Attorney
253 East Wood Street
Decatur, IL 62523

YOU ARE HEREBY NOTIFIED that the MOTION TO RECONSIDER MODIFY, OR VACATE JUDGMENT OF THE ILLINOIS POLLUTION CONTROL BOARD was filed on this date by forwarding the original and nine copies to the Clerk of the Illinois Pollution Control Board on the 12th day of March, 2007.



A handwritten signature in black ink, appearing to be 'K. Boles', written over a horizontal line.

The undersigned certifies that he forwarded a copy of the MOTION TO RECONSIDER, MODIFY, OR VACATE JUDGMENT OF THE ILLINOIS POLLUTION CONTROL BOARD to: Kenneth Boles, Assistant State's Attorney, Macon County State's Attorney, 253 East Wood Street, Decatur, IL 62523, by placing the document in an envelope, properly addressed and with proper postage affixed, and mailing the envelope at the U.S. Post Office located at Monticello, Illinois, on this 12th day of March, 2007.



A handwritten signature in black ink, appearing to be 'David K. Cox', written over a horizontal line.

David K. Cox
Attorney for Respondent
Washington Plaza
112 West Washington Street
Monticello, IL 61856
217/762-3800

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COUTY OF MACON,)	
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Complainant,)	
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v.)	AC07-21
)	(MCSWDMD No. 2006-005-AC)
)	(Administrative Citation)
TIM WALKER,)	
)	
Respondent.)	

MOTION TO RECONSIDER, MODIFY, OR
VACATE JUDGMENT OF THE ILLINOIS POLLUTION CONTROL BOARD

NOW COMES the Respondent Tim Walker, by counsel David K. Cox, and files his MOTION TO RECONSIDER, MODIFY OR VACATE JUDGMENT OF THE ILLINOIS POLLUTION CONTROL BOARD, and in support thereof, states as follows:

1. The Illinois Pollution Control Board entered judgment against the Respondent on January 26, 2007 and assessed a fine of \$4,500.00.
2. Counsel for the Respondent was served with the Judgment on February 5, 2007.
3. The Respondent asserts that there is a reasonable basis to reconsider, modify, or vacate the judgment based on the following:
 - A. The Respondent, nor counsel for the Respondent, were served with the Complainant's submission to the IPCB addressing the issue of the date of service and therefore it should not be considered as a basis for the judgment based on the alleged timing of the service of the Petition for Review.
 - B. The Respondent contends that he was served on October 19, 2006, and was in Florida on October 17, 2006, and that therefore, his submission was timely.

- C. In the alternative, in the event the Respondent's submission was untimely, counsel for the Respondent suffered a medical health emergency on November 14, 2006, and was out of the office until November 24, 2006. Therefore, the submission did not occur until November 24, 2006, due to circumstances beyond the control of the Respondent.
- D. The Respondent also contends, that the information relied on by the State and ultimately the same information which serves as the basis for the Board judgment was obtained illegally in that representatives of the state entered his property without legal authority. (See Respondent's Amended Petition to Review.)

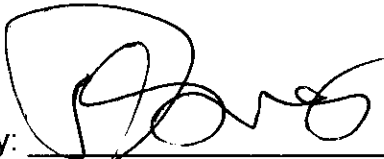
4. The Respondent believes that the state concurs that any funds available to the Respondent are best used directly on the property rather than paid as a fine.

5. The Respondent believes the state may concur in vacating the judgment.

6. The Respondent and the state are negotiating a resolution to the outstanding issues.

WHEREFORE, the Respondent requests that you grant his MOTION TO RECONSIDER, MODIFY OR VACATE JUDGMENT OF THE ILLINOIS POLLUTION CONTROL BOARD.

TIM WALKER, RESPONDENT

By: 

David K. Cox
Attorney for Respondent