

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS )  
by LISA MADIGAN, Attorney General )  
of the State of Illinois, )

Complainant, )

v. )

MICK MORFEY, individually, and )  
WILLIAM KNAUER, individually, )

Respondents. )

PCB No. 07-144  
(Enforcement – Air)

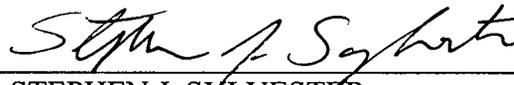
NOTICE OF ELECTRONIC FILING

TO: SEE ATTACHED SERVICE LIST

Please take notice that on the 21st day of February, 2008 I have filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complainant's Motion to Deem Facts Admitted and for Summary Judgment as to Respondent William Knauer a true and correct copy of which is attached and hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS,  
by LISA MADIGAN, Attorney General  
of the State of Illinois

By: \_\_\_\_\_



STEPHEN J. SYLVESTER  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., Suite 1800  
Chicago, IL 60602  
(312) 814-2087

Date: February 21, 2008

**SERVICE LIST**

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS )  
by LISA MADIGAN Attorney General )  
of the State of Illinois )  
Complainant, ) PCB No. 07-144  
v. ) (Enforcement- Air)  
MICK MORFEY, individually and )  
WILLIAM KNAUER, individually )  
Respondents. )

**MOTION TO DEEM FACTS ADMITTED AND FOR SUMMARY JUDGMENT  
AS TO RESPONDENT WILLIAM KNAUER**

Now comes the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Sections 103.204 and 101.516 of the Illinois Pollution Control Board's Procedural Rules, 35 Ill. Adm. Code 103.204 and 101.516, and hereby moves for the entry of an order deeming all material facts in Complainant's Complaint as admitted against Respondent WILLIAM KNAUER as to Counts I through VI of the Complaint. Further, Complainant moves this Illinois Pollution Control Board ("Board") for summary judgment as to Counts I through VI of the Complaint against Respondent WILLIAM KNAUER. In support thereof, Complainant states as follows:

1. On June 15, 2007, the Complainant filed its Complaint against Respondents MICK MORFEY ("MorfeY") individually and WILLIAM KNAUER ("Knauer") individually for alleged violations that occurred at barracks buildings 266 and 267, situated within the former Savanna Army Depot, Savanna, Carroll County, Illinois ("Site"). Complainant alleged violations of Sections 9(a), 9.1(d), 9.13(a) and 9(c) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/9(a), 9.1(d), 9.13(a), 9(c) (2006). Complainant further alleged violations of Sections

61.145(a) and (b), 61.145(c)(i), (c)(2), (c)(6) and (c)(8), 61.150(b) of the National Emissions Standards for Hazardous Air Pollutants ("NESHAP") for asbestos, 40 C.F.R. 61.145(a) and (b), 61.145(c)(i), (c)(2), (c)(6) and (c)(8), 61.150(b). Specifically, the Complaint alleged Air Pollution, Failure to Inspect and to Submit Complete and Accurate Notification of Demolition and Renovation, Failure to Remove and Contain Regulated Asbestos Containing Materials ("RACM") in compliance with NESHAP Requirements, Improper Disposal of Regulated Asbestos-Containing Materials, and Failure to Pay Asbestos Fee.

2. On July 2, 2007, Complainant filed its Proof of Service of the June 15, 2007 Complaint with the Board.

3. The Proof of Service indicated that Knauer had been served with the Complaint on June 18, 2007. Attached hereto as exhibit 1.

4. As of the date of the filing of this Motion, Knauer has not filed an Answer, nor otherwise pled, to the Complaint.

5. Section 103.204(d) and (e) of the Board's Procedural Rules, 35 Ill. Adm. Code 103.204(d) and (e), provides as follows:

- (d) Except as provided in subsection (e) of this Section, the respondent may file an answer within 60 days after receipt of the complaint if respondent wants to deny any allegations in the complaint. All material allegations of the complaint will be taken as admitted if no answer is filed or if not specifically denied by the answer, unless respondent asserts a lack of knowledge sufficient to form a belief. Any facts constituting an affirmative defense must be plainly set forth before hearing in the answer or in a supplemental answer, unless the affirmative defense could not have been known before hearing.
- (e) If the respondent timely files a motion under Section 103.212(b) or 35 Ill. Adm. Code 101.506, the 60-day period to file an answer described in subsection (d) of this Section will be stayed. The stay will begin when the motion is filed and end when the Board disposes of the motion.

6. By failing to answer the Complaint on or before August 14, 2007, and by failing to file a motion staying the 60-day period in which to file an Answer as required by Section 103.204(d) and (e) of the Board's Procedural Rules, 35 Ill. Adm. Code 103.204(d) and (e), Knauer has admitted the material allegations asserted in the Complaint.

7. Complainant therefore requests that the Board enter an order finding that pursuant to Section 103.204(d) and (e), 35 Ill. Adm. Code 103.204(d) and (e), Knauer has admitted all material allegations asserted in the Complaint.

8. Complainant's Complaint sufficiently states facts establishing the following violations of the Act, Board Air Pollution Regulations, and the NESHAP for asbestos against Knauer:

- Count I: Air Pollution: Violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2006) and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141;
- Count II: Failure to Inspect and to Submit Complete and Accurate Notification of Demolition and Renovation: Violation of 9.1(d) of the Act, 415 ILCS 5/9.1(d), and Sections 61.145(a) and (b) of the NESHAP for asbestos, 40 C.F.R. 61.145(a) and (b);
- Count III: Failure to Remove and Contain RACM in Compliance with NESHAP Requirements: Violation of Section 9.1(d) of the Act, 415 ILCS 5/9.1(d), and Sections 61.145(c)(1), (c)(2), (c)(6) and (c)(8) and 61.150(a)(1)(iii), (iv) and (v) of the NESHAP for asbestos, 40 C.F.R. 61.145(c)(1), (c)(2), (c)(6) and (c)(8) and 61.150(a)(1)(iii), (iv) and (v);
- Count IV: Improper Disposal of Regulated Asbestos-Containing Materials: Violation of Section 9.1(d) of the Act, 415 ILCS 5/9.1(d), and Section 61.150(b) of the NESHAP for asbestos, 40 C.F.R. 61.150(b);
- Count V: Failure to Pay Asbestos Fees: Violation of Section 9.13(a) of the Act, 415 ILCS 5/9.13(a); and
- Count VI: Open Burning of Refuse: Violation of Section 9(c) of the Act, 415 ILCS 5/9(c).

9. Section 101.516(b) of the Board's Procedural Regulations, 35 Ill. Adm. Code

101.516(b), provides as follows:

- (b) If the record, including pleadings, depositions and admissions on file, together with any affidavits, shows that there is no genuine issue of material fact, and that the moving party is entitled to judgment as a matter of law, the Board will enter summary judgment.

10. If the Board finds that Knauer has admitted all material allegations in Complainant's Complaint, than the record shows that there is no issue of material fact remaining for review. Therefore, pursuant to Section 101.516(b) of the Board's Procedural Regulations, 35 Ill. Adm. Code 101.516(b), Complainant is entitled to summary judgment in its favor as a matter of law.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, respectfully request that that Board issue an order in favor of Complainant and against Respondent WILLIAM KNAUER, individually, as follows:

1. Ordering all material allegations in the Complaint admitted against Respondent William Knauer;
2. Finding that Respondent William Knauer violated Sections 9(a), 9.1(d), 9.13(a) and 9(c) of the Act, 415 ILCS 5/9(a), 9.1(d), 9.13(a), 9(c) (2006) and Sections 61.145(a) and (b), 61.145(c)(i), (c)(2), (c)(6) and (c)(8), 61.150(b) of the NESHAP for asbestos, 40 C.F.R. 61.145(a) and (b), 61.145(c)(i), (c)(2), (c)(6) and (c)(8), 61.150(b);
3. Granting summary judgment in favor of Complainant and against Respondent William Knauer on Counts I through VI of the Complaint; and

**REMEDY**

The June 21, 2007 Board Order in this cause provides, in pertinent part:

Accordingly, the Board further directs the hearing officer to advise the parties that in summary judgment motions and responses, at hearing, and in briefs, each party should consider: (1) proposing a remedy for a violation, if any (including whether to impose a civil penalty), and supporting its position with facts and arguments that address any or all of the Section 33(c) factors; and (2) proposing a civil penalty, if any (including a specific total dollar amount and the portion of that amount attributable to the respondent's economic benefit, if any, from delayed complaint), and supporting its position with facts and argument that address any or all of the Section 42(h) factors...

4. Pursuant to the June 21, 2007 Board Order, Complainant is proposing a remedy for Respondent's violations of Sections 9(a), 9.1(d), 9.13(a) and 9(c) of the Act, 415 ILCS 5/9(a), 9.1(d), 9.13(a), 9(c) (2006) and Sections 61.145(a) and (b), 61.145(c)(i), (c)(2), (c)(6) and (c)(8), 61.150(b) of the NESHAP for asbestos, 40 C.F.R. 61.145(a) and (b), 61.145(c)(i), (c)(2), (c)(6) and (c)(8), 61.150(b).

**Impact on the Public Resulting from Respondent's Alleged Non-Compliance**

Section 33(c) of the Act, 415 ILCS 5/33(c) (2006), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Complainant states the following:

1. The impact to the public resulting from Respondent's failure to comply with the work practice standards of the asbestos NESHAP in connection with regulated building renovation activities resulted in the emission of asbestos fibers, a known carcinogen, which threatened human health and the environment. In addition, the Illinois Environmental Protection Agency ("Illinois EPA") and the public were not privy to information that is important to monitor of hazardous material in Illinois, because no notification of activities was received by the Illinois EPA, prior to the commencement of asbestos removal activities at the Site.

2. The Buildings at the Site, which are the subject of the Complaint, have social and economic value.

3. The Buildings at the Site, which are the subject of the Complaint, are suitable to the area in which they are located.

4. Complying with the applicable provisions of the Act, the Board's Air Pollution Regulations and the NESHAP for asbestos was both technically practicable and economically reasonable.

5. Complainant states that the Site is now in compliance with the Act, the Board Regulations, and the NESHAP for asbestos.

A civil penalty should be assessed against Knauer because of the potentially severe impact the exposure to asbestos, a known carcinogen for which there is no known safe level of exposure, had on human health and the environment.

**Explanation of Civil Penalties Requested**

Section 2(b) of the Act, 415 ILCS 5/2(b) (2006), provides:

It is the purpose of this Act, as more specifically described in later sections, to establish a unified, state-wide program supplemented by private remedies, to restore, protect and enhance the quality of the

environment, and to assure that adverse effects upon the environment are fully considered and borne by those who cause them. (Emphasis added.)

The primary purpose of civil penalties is to aid in the enforcement of the Act. *See People v. McHenry Shores Water Co.*, 295 Ill. App. 3d 628, 638 (2d Dist. 1998). Civil penalties should reflect the severity of the violation(s) of the Act. *Southern Illinois Asphalt Company, Inc. v. Pollution Control Board*, 60 Ill. App. 2d 204, 208 (5th Dist. 1975). But the Act authorizes civil penalties regardless of whether violations resulted in actual pollution. *ESG Watts, Inc. v. Illinois Pollution Control Board*, 282 Ill. App. 3d 43, 52 (4th Dist. 1996). Moreover, the award of a civil penalty “serves the legislative purpose of aiding enforcement of the Act, for through penalties upon those who blatantly disregard applicable rules and regulations, others, who might consider cutting corners at the expense of the environment, are deterred.” *Wasteland, Inc. v. Illinois Pollution Control Board*, 118 Ill. App. 3d 1041, 1055 (3d Dist. 1983) (subsequently cited by the First District; *see e.g. Standard Scrap Metal Co. v. Pollution Control Board*, 142 Ill. App 3d 655, 665 (1st Dist.1986)).

Section 42 of the Act provides guidance for calculating civil penalties for violations of the Act. The statutory maximums provided in the Act have been used as “a natural or logical benchmark from which to begin considering factors in aggravation and mitigation of the penalty amounts.” *Illinois EPA v. Allen Barry, Individually and d/b/a Allen Barry Livestock*, PCB No. 88-71, p. 72 (May 10, 1990).

Section 42(a) of the Act, 415 ILCS 5/42(a) (2006), provides in pertinent part, as follows:

- a) Except as provided in this Section, any person that violates any provision of this Act or any regulation adopted by the Board, or any permit or term or condition thereof, or that violates any order of the Board pursuant to this Act, shall be liable for a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues;

If the Board finds that Respondent violated the statutory and regulatory provisions alleged in Counts I through VI of the Complaint, on or before January 13, 2006, the date when Respondent Mick Morfey first retained William Knauer to remove and dispose of asbestos-containing siding material, asbestos-containing pipe covering, scrap metal, and waste material located at the Site and continuing to at least October 30, 2006, the maximum statutory penalty that Section 42(a) of the Act, 415 ILCS 5/42(a) (2006), authorizes for those violations is \$6,400,000 including the penalty for continuing violations of \$10,000 per day.

Penalties for violations of the Act and the Board Air Pollution Regulations are calculated according to the formula contained in Section 42(a), 415 ILCS 5/42(a) (2006). The statutory maximum is calculated as follows:

**Count I**

1 violation of Section 9(a)	\$ 50,000
1 violation of Section 201.141	50,000
2 violations continuing 290 days	5,800,000

**Count II**

1 violation of Section 9.1(d)/40 C.F.R. 61.145(a)	50,000
1 violation of Section 9.1(d)/40 C.F.R. 61.145(b)	50,000

**Count III**

1 violation of Section 9.1(d)/40 C.F.R. 61.145(c)(1)	50,000
1 violation of Section 9.1(d)/40 C.F.R. 61.145(c)(2)	50,000
1 violation of Section 9.1(d)/40 C.F.R. 61.145(c)(6)	50,000
1 violation of Section 9.1(d)/40 C.F.R. 61.145(c)(8)	50,000
1 violation of Section 9.1(d)/40 C.F.R. 61.150(a)(1)(iii), (iv) and (v)	50,000

**Count IV**

1 violation of Section 9.1(d)/40 C.F.R. 61.150(b)	50,000
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**Count V**

1 violation of Section 9.13(a) 50,000

**Count VI**

1 violation of Section 9(c) 50,000

**Total \$6,400,000**

**Consideration of Section 42(H) Factors**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2006), provides as follows:

In determining the appropriate civil penalty to be imposed under ..., the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the violator and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the violator.
6. whether the respondent voluntarily self-disclosed, in accordance with Subsection (i) of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in

settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In response to these factors, the Complainant states as follows:

1. The duration of the violations that are the subject of the Complaint are alleged by Complainant to have occurred on or before January 13, 2006 through at least October 30, 2006. The gravity of the alleged violations is enhanced, due to the hazardous nature of the RACM that was disturbed during Respondent's activities at the Site, exposing, at a minimum, Respondents to carcinogenic asbestos fibers.
2. Respondent failed to act diligently in this matter, as evidenced by improperly disturbing, handling and disposing of dry, friable RACM at the Site. By failing to retain a contractor trained in the requirement of the NESHAP for asbestos and by improperly disturbing, handling and disposing of dry, friable RACM at the Site, Knauer caused, threatened or allowed the discharge or emission of asbestos, a known human carcinogen for which there is no known safe level of exposure, into the environment.
3. Respondent accrued a nominal economic benefit by delaying proper abatement of asbestos containing materials prior to commencing activities at the Site and the civil penalty requested by Complainant would include any economic benefit that Knauer may have accrued as a result of the delay in compliance.
4. Complainant states that a maximum civil penalty payment of One Hundred Thousand Dollars (\$100,000.00) will serve to deter further violations by Respondent and to otherwise aid in enhancing voluntary compliance with the Act, Board Regulations, and the NESHAP for asbestos by Knauer and other persons similarly subject to the Act, Board Regulations, and the NESHAP for asbestos.

5. To Complainant's knowledge, Knauer has had no previously adjudicated violations.

6. Self-disclosure is not at issue in this matter.

7. Knauer did not offer to perform a supplemental environmental project.

These aggravating and mitigating factors provide guidance to the Board in determining the appropriate amount of a civil penalty in an environmental enforcement case. Accordingly, the Complainant brings these factors to the Board's attention.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, respectfully requests that the Board grant its Motion to Deem Facts Admitted and for Summary Judgment against Respondent, WILLIAM KNAUER, individually, and award the relief requested herein, and take such other action as the Board believes to be appropriate and just.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
by LISA MADIGAN  
Attorney General of the State of Illinois

BY:

  
STEPHEN J. SYLVESTER  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., Suite 1800  
Chicago, Illinois 60602  
Tel: 312-814-2087  
[ssylvester@atg.state.il.us](mailto:ssylvester@atg.state.il.us)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Respondents. )

PCB No. 07-144  
(Enforcement – Air)

NOTICE OF FILING

TO: See Attached Service List

(VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that on July 2, 2007, the Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, filed before the Illinois Pollution Control Board, its Proof of Service, a true and correct copy of which is attached and hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS,  
by LISA MADIGAN, Attorney General  
of the State of Illinois

BY:

  
STEPHEN J. SYLVESTER  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., Suite 1800  
Chicago, Illinois 60602  
(312) 814-2087

Date: July 2, 2007

THIS FILING IS SUBMITTED ON RECYCLED PAPER



SERVICE LIST

Mr. Mick Morfey  
9734 Route 84 South  
Savanna, IL 61074

Mr. William Knauer  
9885 Prairie St.  
Walker Edition  
Savanna, IL 61074

Mr. Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
Chicago, Illinois 60601

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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Respondents. )

PROOF OF SERVICE

COMES NOW the Complainant, People of the State of Illinois, and pursuant to the Board's procedural rules, provides proof of service of the Complaint. Attached are copies of the Notice of Filing, Certificate of Service, and Return Receipt from Respondents, Mick Morfey and William Knauer.

PEOPLE OF THE STATE OF ILLINOIS,  
by LISA MADIGAN, Attorney General  
of the State of Illinois

BY:   
STEPHEN J. SYLVESTER  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., Suite 1800  
Chicago, Illinois 60602  
(312) 814-2087

Date: July 2, 2007

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p style="text-align: center;">William Knauer                      9885 Prairie Street                      Walker Edition                      Savanna, Illinois 61074</p>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</span></p> <p><i>Jo Anne Thoverson</i></p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p><i>Jo Anne Thoverson</i> <span style="float: right;"><i>6/18/07</i></span></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                      If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

2. 7004 2510 0004 1999 2218

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p style="text-align: center;">Mr. Mickey Morfey                      Savanna Cellars Winery &amp; Vineyard                      9734 Route 84 south                      Savanna, Illinois 61074</p>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</span></p> <p><i>X S. Mickey Morfey</i></p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p><i>S. Mickey Morfey</i> <span style="float: right;"><i>6/18/07</i></span></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                      If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

2. 7004 2510 0004 1999 2201

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

CERTIFICATE OF SERVICE

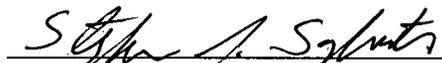
I, STEPHEN J. SYLVESTER, an Assistant Attorney General in this case, do certify that I caused to be served this 2nd day of July, 2007, the foregoing Notice of Filing and Proof of Service upon the persons listed on said Notice by depositing same in an envelope, by first class postage prepaid, with the United States Postal Service at 100 West Randolph Street, Chicago, Illinois, at or before the hour of 5:00 p.m.

  
STEPHEN J. SYLVESTER

CERTIFICATE OF SERVICE

I, STEPHEN J. SYLVESTER, an Assistant Attorney General in this case, do certify that I caused to be served this 21st day of February, 2008, the foregoing Notice of Filing and Complainant's Motion to Deem Facts Admitted and for Summary Judgment as to Respondent William Knauer upon the persons listed on said Notice by depositing same in an envelope, by first class postage prepaid, with the United States Postal Service at 100 West Randolph Street, Chicago, Illinois, at or before the hour of 5:00 p.m.

BY:

  
STEPHEN J. SYLVESTER