

ILLINOIS POLLUTION CONTROL BOARD  
August 23, 2018

LAWRENCE REED, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 19-1  
 ) (Citizens Enforcement – Noise)  
 MARTIN PASILLAS, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by C.M. Santos):

On July 5, 2018, Lawrence Reed filed a complaint *pro se* against Martin Pasillas. The complaint concerns vehicle noise allegedly emitted from vehicles at Pasillas' residential property located at 164 North Winston Drive in Palatine, Cook County. As discussed below, the Board declines to accept the complaint for hearing at this time because the record does not show that Reed has properly served the complaint on Pasillas.

A complainant must serve an enforcement complaint on each respondent either personally, by U.S. Mail with a recipient's signature recorded upon delivery, or by a third-party commercial carrier with a recipient's signature recorded upon delivery. 35 Ill. Adm. Code 101.304(c)(2), 103.204(a). Accompanying Reed's complaint was a sworn documentation of service stating that he served the complaint on Pasillas by U.S. Mail or third-party commercial carrier with a record of the recipient's signature. Reed also submitted a U.S. Postal Service receipt showing payment of certified mail postage and fees on June 21, 2018.

"A party serving a document upon another party must also file documentation of that service." 35 Ill. Adm. Code 101.304(d). Documenting service by certified mail requires "the delivery confirmation containing the recipient's signature." 35 Ill. Adm. Code 101.304(d)(2); see Leesman v. Cimco Recycling, Sterling and Cimco Resources, Inc., PCB 11-1, slip op. at 1 (Sept. 2, 2010), citing Thigpen v. Morton Mobile Home Park, LLC, PCB 08-12, slip op. at 2 (Sept. 6, 2007); Trepanier v. Board of Trustees of the Univ. of Ill. at Chicago, PCB 97-50, slip op. at 4 (Nov. 21, 1996). If this confirmation was not available to Reed when he filed the complaint on July 5, 2018, then he must file it with the Board within seven days after it becomes available to him. 35 Ill. Adm. Code 101.304(d)(2)(B).

The record in this case lacks the required documentation of service on Pasillas. Under these circumstances, the Board directs Reed to file with the Board proper documentation that he has served the complaint on Pasillas. Reed must file this documentation by Monday, September 24, 2018, or the Board may dismiss this case. 35 Ill. Adm. Code 101.304(d). The Board today reserves ruling on whether the complaint is duplicative, frivolous, or otherwise deficient. See 415 ILCS 5/31(d)(1); 35 Ill. Adm. Code 103.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 23, 2018, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, circular initial "D".

Don A. Brown, Clerk  
Illinois Pollution Control Board