

ILLINOIS POLLUTION CONTROL BOARD
April 2, 2015

JAMES R. FISER,)
)
 Complainant,)
)
 v.) PCB 15-93
) (Citizens Enforcement – Noise)
 JAMES “HENRY” MEADOR,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by C.K. Zalewski):

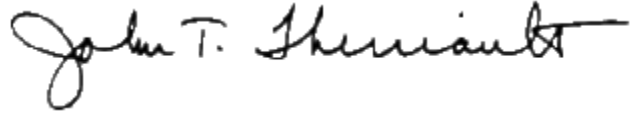
On November 13, 2014, James R. Fiser (Fiser) filed a *pro se* complaint against James “Henry” Meador alleging noise pollution violations at Meador’s bar and restaurant “Henry’s Double K” located at 834 South Jackson Street, Mt. Carroll, Carroll County. On December 11, 2014, Meador filed a motion to deny acceptance of the formal complaint. On December 23, 2014, Fiser filed a reply to Meador’s motion.

In an order dated February 19, 2015, the Board found that Fiser’s complaint “fails to state a cause of action upon which the Board can grant relief.” James R. Fiser v. James “Henry” Meador, PCB 15-93, slip op. at 3 (Feb. 2, 2015). In the same order, however, the Board allowed Fiser to file an amended complaint correcting the deficiencies identified in the Board’s order. The Board stated, “[a]ny such amended complaint must be filed by March 23, 2015 . . . Failure to file an amended complaint before that date will subject this case to dismissal.” *Id.* To date, Fiser has not filed an amended complaint. Accordingly, the Board dismisses this case and closes the docket. If Fiser wishes, he may file a new complaint, which would be treated as a new case and assigned a new docket number.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2012); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board’s procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 2, 2015, by a vote of 5 to 0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Clerk
Illinois Pollution Control Board