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ILLINOIS POLLUTION CONTROL BOARD

TIMBER CREEK HOMES, INC.)	
)	
Petitioner,)	
)	
vs)	No. PCB 14-99
)	(Permit
VILLAGE OF ROUND LAKE PARK,)	Appeal-Land
ROUND LAKE PARK VILLAGE)	
BOARD and GROOT INDUSTRIES,)	
INC.)	
)	
Respondents.)	

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STATE OF ILLINOIS
Pollution Control Board

REPORT OF THE PROCEEDINGS had at the hearing on a motion of the above-entitled cause before the Honorable BRADLEY HALLORAN, Hearing Officer, Illinois Pollution Control Board, 203 East Lake Shore Drive, Board Room, Round Lake, Illinois, on the 2nd day of June, 2014, at the hour of 8:57 a.m.

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THE WITNESS: DALE KLESZYNSKI

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1 HEARING OFFICER HALLORAN: Good
2 morning, everyone. My name is Bradley Halloran.
3 I'm a Hearing Officer with the Illinois Pollution
4 Control Board. I'm also assigned to this matter
5 entitled Timber Creek Homes, Inc., petitioner,
6 versus Village of Round Lake Park, Round Lake Park
7 Village Board and Groot Industries, Inc.,
8 respondents. It is docketed under PCB 14-99. It
9 is a Pollution Control Board facility siting
10 appeal.

11 Today is June 2nd, 2014. It is
12 approximately 8:57 in the morning. The hearing
13 has been scheduled and noticed in accordance to
14 the act and the Board's procedural rules and it
15 will be conducted according to procedural rules
16 found in Section's 101 and 107.

17 I think what we're going to do
18 for the first part of the hearing we've decided
19 and agreed to have a final prehearing conference
20 addressing evidentiary issues. This afternoon we
21 may or may not have one witness and it was agreed
22 that Mr. Blazer would take the lead on the
23 stipulations, but I guess first we should have
24 everybody introduce themselves.

1 MR. BLAZER: Sure. Michael Blazer
2 for Timber Creek Homes.

3 MR. KARLOVICS: Peter Karlovics,
4 spelled K-A-R-L-O-V, as in Victor, I-C-S for the
5 Round Lake Park Village Board.

6 MR. SECHEN: Glenn Sechen for the
7 Village of Round Lake Park.

8 MR. PORTER: Rick Porter for
9 respondent Groot and I will be joined later with
10 my partner Charles Helsten.

11 HEARING OFFICER HALLORAN: All
12 right. Mr. Blazer?

13 MR. BLAZER: Thank you, Mr. Hearing
14 Officer. Actually, before we get to the stips,
15 there are some additional items that I think will
16 help us go through the stips a little more
17 quickly. You'll note from the stips I've actually
18 marked our potential Exhibit's 1 through 61 and
19 you have copies of all those in the folder I gave
20 you this morning. I'm tendering here, and I've
21 skipped some numbers just in case, our Exhibit's
22 70 to 73. I have a set of those for you,
23 Mr. Hearing Officer.

24 HEARING OFFICER HALLORAN: Thank

1 you.

2 MR. BLAZER: I'll very briefly go
3 through these and tell you what they are. TCH
4 Exhibit 70 are Groot's Supplemental Answers to
5 TCH's Interrogatories dated April 25, 2014, and in
6 accordance with Supreme Court Rule 213(h) I'm
7 tendering just one statement from that document,
8 it is on page two, into the record and that
9 statement is the relevant exhibits to petitioner's
10 requests to admit that are related to the transfer
11 station are Exhibit's 2, 3, 4, 7, 24, 25, 26, 27
12 and 28.

13 And, for the record, Mr. Hearing
14 Officer, those exhibits that are identified in
15 those interrogatories relate to the items -- those
16 item numbers in the request to admit that we
17 served earlier in this case. The table in the
18 stipulation that we've provided to you just
19 coincides those so you know what they are.
20 Request to admit number two is TCH Hearing Exhibit
21 19. Item three is TCH 20.

22 HEARING OFFICER HALLORAN: I'm
23 sorry, Mr. Blazer. Am I looking in the wrong
24 place? The stipulation and graph you gave me

1 earlier this morning I'm looking at hearing
2 exhibit when you say number --

3 MR. BLAZER: Request to admit number
4 two is TCH 19. The TCH -- if you look at the 19
5 all the way in the far left-hand column, that is
6 number two. Going back to the interrogatory
7 answer number three is TCH 20. Are you with me so
8 far?

9 HEARING OFFICER HALLORAN: No, I'm
10 not.

11 MR. PORTER: I'm confused. He is
12 offering new exhibits. I thought we were going to
13 go from Hearing Exhibit 1 on down?

14 MR. BLAZER: The only reason I'm
15 doing -- these are admissions and the only reason
16 I'm doing this at this point is because these
17 admissions will relate to some of the exhibits
18 that we'll be talking about.

19 MR. PORTER: I would suggest we wait
20 until we get to those exhibits.

21 HEARING OFFICER HALLORAN: I would,
22 too.

23 MR. BLAZER: All right.

24 HEARING OFFICER HALLORAN: I think

1 it will help.

2 MR. BLAZER: Okay. Fine. Then
3 turning to the proposed exhibits there are six
4 identified subcategories; four are mine and one is
5 the Village Boards and one is the Villages. My
6 four are identified as Table's A through D. So
7 we'll start with Table A and that is TCH Exhibit's
8 1 through 18 -- Hearing Exhibit's 1 through 18.

9 (Documents marked as TCH Exhibit
10 No.'s 1-18 for identification.)

11 MR. BLAZER: And what we've done,
12 Mr. Hearing Officer, is as you can see just for
13 the record on these tables the first column is the
14 exhibit number for this hearing; the second column
15 is the number of that document that was used
16 during the depositions that were taken in this
17 case, the exhibit number; the third column to the
18 extent it applies is the paragraph of our request
19 to admit that was issued back in February and then
20 you can see the date; the fourth column is only
21 relevant to this Table A because our Exhibit's 1
22 through 18 are all documents that are already in
23 the record of the siting hearing that is under
24 review and for each of those exhibits we've

1 included the specific record page numbers for that
2 document. Then going -- again, going from left to
3 right the next thing is which facility or issue
4 the parties agree or disagree the matter relates
5 to --

6 MR. PORTER: On that one,
7 Mr. Halloran, be aware just because it has some
8 designations that Mr. Blazer has used, we're not
9 necessarily agreeing it has to do with the
10 transfer station. We're still going to argue
11 about each one of these and when you bog down on
12 semantics on a general description of it --

13 MR. BLAZER: Right. This was
14 principally for -- this started life as one
15 overall table. We ultimately split it up. When
16 it started life as one overall table, some of the
17 documents clearly relate to a particular facility
18 and we did that -- we ultimately split it up to
19 be -- to try to address your previous discovery
20 rulings in the case. So this stayed that way.

21 HEARING OFFICER HALLORAN: All
22 right. But basically TCH Exhibit's 1 through 18
23 when it says transfer station facility/issue, it
24 is in the hearing record --

1 MR. BLAZER: Correct.

2 HEARING OFFICER HALLORAN: -- now
3 and before the Board?

4 MR. BLAZER: Correct, except for
5 one. Number 17, which is in the record, but it
6 actually relates to Groot's construction and
7 demolition debris facility, but all those items
8 are in the record. So I think rather than going
9 through them one by one first, you'll see the last
10 two columns are admissible as to fundamental
11 fairness, yes/no and then offer of proof, yes/no.
12 Admissible as to fundamental fairness was
13 something that the respondents requested be the
14 heading for that column.

15 So I think it may be appropriate
16 at this point since all these items are already in
17 the record, part of this hearing record, I believe
18 one or more of the respondents take the position,
19 I don't want to speak for them, that's why I want
20 to turn it over in a moment, take the position
21 that these exhibits can't be used for all
22 purposes.

23 So I think it may be appropriate
24 since we're dealing with a group here of 18

1 exhibits that it may be appropriate to hear from
2 respondents on what their position is on how these
3 might be --

4 HEARING OFFICER HALLORAN: Sure. I
5 know how I'm going to rule, but I'll entertain a
6 response argument.

7 MR. PORTER: The issue,
8 Mr. Halloran, that in regard to this hearing we're
9 having the applicant -- I'm sorry -- the
10 petitioner is allowed to submit additional
11 evidence on the topics of fundamental fairness and
12 Exhibit's 1 through 18 the vast majority of which
13 do not relate to those issues.

14 For example, just taking the
15 very first one is a title insurance policy which
16 is not related to any claim of bias of the
17 decisionmaker. It certainly doesn't show any
18 prejudgment by the decisionmaker. It certainly
19 shows no evidence of collusion. This is a title
20 policy for one of the properties owned by Groot
21 and it is simply not relevant to any of the claims
22 that had been raised in the petition regarding
23 fundamental fairness.

24 Furthermore, it is not -- it was

1 actually a document that is dated before the date
2 that Mr. Kleszynski was hired. You'll recall that
3 the petitioners during discovery somehow suggested
4 that the Kleszynski hire -- the Kleszynski hiring
5 was somehow evidence of bias and, Mr. Halloran,
6 you limited discovery to the date that he was
7 hired through the date of decision. This is
8 predated of that. And it certainly has nothing to
9 do with the alleged allegation that somehow the
10 Hearing Officer usurped his authority.

11 So while it is in the record it
12 certainly should not be offered again and it is
13 being offered apparently for the purpose of
14 proving somehow fundamental unfairness. That has
15 absolutely nothing to do with any of the
16 allegations I'm going to raise.

17 HEARING OFFICER HALLORAN:

18 Mr. Sechen?

19 MR. SECHEN: I'll adopt to what he
20 just said.

21 HEARING OFFICER HALLORAN:

22 Mr. Karlovics?

23 MR. KARLOVICS: I'll adopt as well.

24 HEARING OFFICER HALLORAN: Thank

1 you, Mr. Porter, but it is in the local siting
2 record that is now before the Board and however
3 you coin it whether it is criteria or fundamental
4 fairness, it is in the local record and now it is
5 before the Board. So the Board makes its decision
6 exclusively on the record unless of course to
7 fundamental fairness. So if they had the local
8 record in front of them, they look at that as
9 well.

10 MR. PORTER: But there is no reason
11 to be remarking these 1 through 18 for the purpose
12 of this hearing, which is the hearing on public --
13 which is the hearing on fundamental fairness. If
14 it's already in the record, it's already in the
15 record. You can go cite to C00833.

16 HEARING OFFICER HALLORAN: Well, he
17 is doing both. Again, I was relating to someone
18 earlier. It makes it easier for the Board just to
19 go to the record. When they do issue the opinion,
20 they don't have to cite it in both places, but
21 Mr. Blazer has added the record number in the
22 chart.

23 MR. BLAZER: I'm sorry. Just to
24 respond to that for the sake of convenience. A

1 principal reason that we've -- we're including
2 these as separate exhibits is because they were
3 used -- all of them were used in the depositions
4 and it will be impossible to understand the
5 deposition testimony that relates to these
6 exhibits because they're referred to by deposition
7 exhibit numbers, not necessarily by record page
8 numbers.

9 So it would make the record
10 incredibly confusing to do it otherwise, but as
11 you point out once it is in, it's in. So we can
12 use it for any purpose.

13 MR. PORTER: What I was seeking,
14 Mr. Halloran, was a ruling on the relevancy of
15 this document to the issue of fundamental
16 fairness. The other way from your standpoint that
17 it could be addressed would be to not make a
18 ruling one way or the other as to relevancy,
19 fundamental fairness and just state what you just
20 stated, which is --

21 HEARING OFFICER HALLORAN: Exactly.

22 MR. PORTER: So I was asking for a
23 ruling that this document is irrelevant to the
24 issue of fundamental fairness.

1 HEARING OFFICER HALLORAN: I'm not
2 going to go there, Mr. Porter. I appreciate the
3 offer, but it is either in or not and for whatever
4 purposes the Board can take that into
5 consideration.

6 MR. PORTER: And so we're clear
7 you're also not making a ruling that it is
8 relevant to fundamental fairness, you're just not
9 ruling on that issue, correct?

10 HEARING OFFICER HALLORAN: Correct.

11 MR. BLAZER: Okay.

12 HEARING OFFICER HALLORAN: So, with
13 that said, Mr. Blazer, Exhibit's -- TCH Exhibit's
14 1 through 18 and I think we have all this on
15 record -- I'm sorry. Go ahead, Mr. Porter.

16 MR. PORTER: Sorry for interrupting.
17 Mr. Blazer has indicated that number 17 actually
18 was not already in the record.

19 MR. BLAZER: Yes, it is. They are
20 all in.

21 MR. PORTER: I thought I heard that
22 earlier.

23 MR. BLAZER: No, 17 -- there is
24 record page numbers, Mr. Porter.

1 MR. PORTER: I see that. I could
2 have sworn you said that.

3 MR. BLAZER: No.

4 MR. PORTER: Maybe I'm
5 hallucinating. Thank you.

6 HEARING OFFICER HALLORAN: So I
7 do -- I do appreciate your chart and I'll use it
8 off and on, but as far as I'm not making a ruling
9 on whether it is admissible as to fundamental
10 fairness or criteria, offer of proof at least at
11 this point, so what are we doing with TCH's
12 Exhibit's 1 through 18? We've heard the
13 respondent's view, I guess somewhat of an
14 objection.

15 MR. PORTER: Each and every one of
16 those, there is a very similar objection. Now,
17 there were some that I had no objections, but for
18 the most part several of these -- for example, 17
19 is related to C and D facilities. So I would be
20 making the same objection that it is irrelevant to
21 this proceeding and wasn't even subject to
22 discovery, but I think you're ruling that if it's
23 in the record, it's in the record. Regardless of
24 relevancy, you're not making a decision to that.

1 So it seems to me you're ruling on 1 through 18 as
2 in and we need not argue each one.

3 HEARING OFFICER HALLORAN: Your
4 objection is noted. So, without further adieu,
5 TCH Exhibit's 1 through 18 are admitted.

6 MR. BLAZER: If it all could go this
7 quickly.

8 HEARING OFFICER HALLORAN: All
9 right.

10 MR. BLAZER: Then we can turn to
11 Table B in the stipulation. I don't recall if we
12 actually filed this with the Board, the stips. I
13 can't remember if I did or not. Do you guys
14 recall? I probably should -- or that's going to
15 be part of your record, correct, of this hearing?

16 HEARING OFFICER HALLORAN: Yeah. I
17 could -- should I take it as Hearing Officer
18 Exhibit A? I could do that.

19 MR. PORTER: The stipulation, that
20 is what we're talking about?

21 MR. BLAZER: Yes.

22 MR. PORTER: No objection.

23 MR. SECHEN: No objection.

24 MR. BLAZER: This is Hearing Exhibit

1 A.

2 (Document marked as Hearing
3 Officer Exhibit No. A for
4 identification.)

5 MR. SECHEN: That's Table B?

6 MR. BLAZER: Yes, it has all the
7 tables.

8 MR. SECHEN: Okay.

9 HEARING OFFICER HALLORAN: It
10 entails the stipulation that was handed to me this
11 morning by Mr. Blazer and attached to it are the
12 charts that we have been talking about.

13 MR. BLAZER: Glenn, this is the one
14 we signed that has all the tables attached
15 including yours and Peter's as exhibits.

16 MR. SECHEN: I'll catch up in a few
17 seconds here. It's still early.

18 HEARING OFFICER HALLORAN: Are you
19 ready?

20 MR. BLAZER: Then going onto Table B
21 and this is Exhibit's -- TCH Exhibit's 19 through
22 31 except for 23 and 24. So it's TCH 19, 20, 21,
23 22, 25, 26, 27, 28, 29, 30, and 31.

24 HEARING OFFICER HALLORAN: Can you

1 run through that again?

2 MR. BLAZER: Sure. TCH 19, 20, 21,
3 22, 25, 26, 27, 28, 29, 30 and 31.

4 (Documents marked as TCH Exhibit
5 No.'s 19, 20, 21, 22, 25, 26,
6 27, 28, 29, 30 and 31 for
7 identification.)

8 HEARING OFFICER HALLORAN: Thank
9 you.

10 MR. BLAZER: With this one I guess
11 we'll go one at a time rather than in the cluster
12 we did in the last bunch. These are documents
13 that the -- and this is in connection with your
14 April 7th discovery order. These are documents
15 that are acknowledged by the respondents as
16 related to TCH's requests to admit that are in
17 turn related to the transfer station per your
18 April 7th order. I should add that we agreed to
19 use the word related to here even though in their
20 answers to interrogatories they say relevant
21 rather than related to, but I'll get to those --
22 that is part of what I wanted to introduce
23 earlier, but I'll get to that.

24 HEARING OFFICER HALLORAN: Okay.

1 MR. BLAZER: Number -- TCH 19, which
2 is Deposition Exhibit 1, request to admit number
3 two, is a set of Round Lake Park Board meeting
4 minutes dated September 2, 2008, and reflects --
5 this is the language out of the exhibit. Mayor
6 McCue, Jean McCue, who today is a member of the
7 Round Lake Park Village Board at the time of these
8 minutes was the mayor of Round Lake Park and these
9 minutes reflect that Mayor McCue has met with a
10 company called Groot who is interested in putting
11 a transfer station in our town. They will be here
12 the second board meeting this month to give a
13 Power Point presentation and answer any questions
14 or concerns.

15 This is actually the first
16 official mention in any of the documents that
17 we've seen of a contact between a member of the
18 Village Board and Groot relating to the transfer
19 station that is at issue in this case.

20 With that, I'll turn it to
21 whichever one of the respondents wants to address
22 that one.

23 MR. PORTER: Certainly. This
24 document is dated September 2nd, 2008. It is a --

1 nothing, but a statement by Mayor McCue that Groot
2 is interested in bringing a transfer station. It
3 is absolutely irrelevant to any claim of
4 fundamental fairness that is being brought by the
5 petitioner. It does not show any bias. It does
6 not show any preadjudication of the merits. It
7 certainly does not show that the Hearing Officer
8 somehow usurped his authority. It is simply
9 irrelevant and way before the filing of the
10 application and, therefore, certainly does not
11 show that the process employed here was in any way
12 fundamentally unfair and should not be in this
13 record.

14 HEARING OFFICER HALLORAN:

15 Mr. Blazer?

16 MR. BLAZER: Thank you. It would be
17 easy if there was a document that said "I have
18 predetermined this application and I don't care
19 what it says," but we'll never see that. What we
20 have in this case is as you do in most cases where
21 an issue like this comes up is a series of
22 communications; pre-application, pre-decision that
23 relates to contacts between the applicant and the
24 hearing body or members of the hearing body. This

1 is the first one of those. It relates to several
2 others because as I said this one is the mayor
3 talking about the fact that Groot is coming to the
4 Village to make a presentation. The immediately
5 succeeding exhibits relate to that presentation
6 that was made and also all of this relates to
7 exhibits -- certain of the Exhibit's 1 through 18
8 that are already in the record where Groot
9 acknowledged what went on in those early periods
10 submitting a conceptual design for this transfer
11 station, talking about the property where it was
12 going to go, talking about the fact that the
13 transfer station, the construction of the
14 demolition debris facility and the truck terminal,
15 which were also permitted, were all connected
16 items that's our Exhibit 2 which talks about
17 those, which is already in evidence.

18 So this is the first contact and
19 it goes with all of the other evidence to
20 substantiate the fact that this was an ongoing
21 process where certain Village Board members made
22 up their mind in advance to approve this facility.

23 HEARING OFFICER HALLORAN: Do not
24 all siting applications and pre-filing don't they

1 all have conversations with the potential waste
2 companies? You know --

3 MR. BLAZER: Yes, they will all have
4 conversations of some sort, but, again, it is
5 the -- you can't look at one exhibit in isolation
6 because you have to look at all of them. This
7 is -- it's the story that will ultimately be told
8 when we do our post-hearing briefs, but this is
9 the beginning of this process that led to the
10 approval of this transfer station.

11 HEARING OFFICER HALLORAN: I guess
12 Mayor McCue was not a decisionmaker back then.

13 MR. BLAZER: She wasn't back then,
14 but she was on this application. She did vote.
15 She is a member of the Board of Trustees. And
16 actually the mayor in this proceeding, who is now
17 Linda Lucassen, did vote because the Board members
18 themselves were tied 3-3. This was a 4-3 decision
19 with the mayor voting, but you'll see as we go
20 further some of this we've skipped because it's in
21 Exhibit's 1 through 18 Mayor McCue became
22 intimately involved in the Groot approval for all
23 of its facilities in Round Lake Park.

24 MR. PORTER: Objection. There is no

1 evidence of that whatsoever.

2 HEARING OFFICER HALLORAN:

3 Sustained. Let me withhold my ruling for the
4 moment. I mean, this standing alone says nothing
5 to me and I don't think it is relevant. It is
6 just -- it's Mayor McCue met with Groot, but let's
7 hold off on TCB Exhibit 19.

8 MR. BLAZER: TCH.

9 HEARING OFFICER HALLORAN: I'm
10 sorry.

11 MR. BLAZER: No problem.

12 HEARING OFFICER HALLORAN: TCH. All
13 right. Exhibit 20.

14 MR. BLAZER: Twenty. TCH 20 is
15 Deposition Exhibit 2, request to admit three.
16 These are meeting minutes dated September 16th,
17 2008, and these are minutes of the presentation on
18 behalf of Groot that were referred to in the last
19 exhibit that I mentioned. This one -- you
20 actually have to look at 20 and 21 together
21 because 21 is the actual presentation that was
22 made at the meeting that is reflected in 20 and
23 just a few things about 20. The person making the
24 presentation on behalf of Groot was Devin Moose

1 with Shaw Environmental who was -- was and is
2 Groot's consultant. The minutes reflect that
3 Mr. Moose stated they had already found the
4 location for the transfer station, talked about
5 what it would take to do a transfer station, then
6 there is a -- there is reflected a discussion of
7 what the Board thought and this is a quote "If we
8 should proceed to investigate further for the
9 transfer station, the mayor asked the clerk to
10 poll the Board expressing interest for
11 investigating further into the transfer station
12 for the Village of Round Lake Park" and that vote
13 was unanimously approved.

14 And if you look at Exhibit 21,
15 which is the actual presentation itself, again
16 they both go together. You really -- 21 is what
17 20 is discussing except for the Board expressing
18 interest in pursuing this further.

19 MR. KARLOVICS: I'm going to object
20 to the characterization of pursuing this further.
21 I think the language is investigate further.

22 MR. BLAZER: I'm sorry. "Briefly
23 discussed what the Board thought and if we should
24 proceed to investigate further for the transfer

1 station." Expressing interest for investigating
2 further into the transfer station. And 21 is that
3 presentation among other things and this will
4 relate to, Mr. Hearing Officer, your April 7th
5 order if you look at pages five to eight of 21
6 those are Power Point slides and they are
7 numbered, the pages are numbered. You'll see
8 pages five to eight indicate where Groot wants to
9 begin its development efforts in connection with
10 the transfer station.

11 That entire document is about a
12 proposed transfer station except at pages five to
13 eight relate to the site that became the home of
14 Groot's -- what we refer to as Groot's truck
15 terminal. And the point of this is, number one,
16 this was along with 19 that you've reserved ruling
17 on the first formal presentation to the Board
18 about this transfer station, the Board expressing
19 interest in investigating further with respect to
20 this transfer station, but it also reflects along
21 with Exhibit 2 that is now in evidence the fact
22 that Groot was pursuing all of these facilities in
23 a unified effort including its truck terminal and
24 including construction of a demolition debris

1 facility all of which were approved by the Board
2 as a unified whole.

3 MR. PORTER: Objection. There is no
4 evidence they were approved as a unified whole.
5 It's quite the contrary. The Board had special
6 use hearings, there were permitted uses and there
7 was a transfer station site hearing. There is
8 absolutely no evidence that this was approved in a
9 unified time or location or as one hearing.

10 MR. KARLOVICS: I want to add the
11 objection that the proceedings regarding the C and
12 D facility and the contractor equipment storage
13 yard are not in any way related to the transfer
14 station and they're completely irrelevant.

15 MR. SECHEN: I join in the
16 objection.

17 HEARING OFFICER HALLORAN: Your
18 objections are noted. I'm not -- I'm trying to
19 rule on evidentiary issues. The Board will take
20 note of your particular objections.

21 MR. BLAZER: Our --

22 MR. PORTER: I'm sorry. Are you
23 done, Mike?

24 MR. BLAZER: No, I was just going to

1 respond to what Mr. Karlovics said. Our position
2 is, of course, the opposite. What these documents
3 show, along with Exhibit 2 that is now in
4 evidence, which was another presentation that
5 Groot did which is in the record which relates to
6 both this -- which relates directly to this
7 presentation reflects Groot's overall plan to site
8 all of these facilities in the Village of Round
9 Lake Park all of which had been approved.

10 MR. PORTER: Groot's plans are not
11 relevant to the question of whether or not the
12 members of a siting authority have -- that a
13 disinterested observer would conclude that members
14 of a siting authority or its members prejudge the
15 facts or law of a case. Exhibit's 20 and 21,
16 which we are now discussing, again, are completely
17 irrelevant to the question of whether or not there
18 was a bias or preadjudication of the
19 decisionmakers and as you know, Mr. Halloran,
20 members of the siting authority are presumed to
21 have made their decision in a fair and objective
22 manner.

23 Of course as responsible
24 officials they were presented first with the

1 question of what is a transfer station, is it
2 something that we might be interested in and that
3 is exactly what Exhibit 21 discusses. It is in an
4 effort to show the Village what a transfer station
5 is and whether or not it's something that they
6 might want sited within their jurisdiction. There
7 is nothing nefarious, there is nothing that would
8 suggest prejudgment of the facts or the law of
9 this case in relation to Exhibit's 20 or 21.

10 To the contrary, all it says is
11 those Board members would be interested in
12 investigating further a transfer station for Round
13 Lake Park. In fact, three of those Board members
14 ultimately voted against it. So there is
15 absolutely no probative value to Exhibit's 20 or
16 21.

17 MR. SECHEN: I add to that -- adopt
18 and add to that that this is all part of a typical
19 legislative process of determining land use in a
20 municipality.

21 MR. BLAZER: May I respond to those,
22 Mr. Halloran?

23 HEARING OFFICER HALLORAN: Yes, you
24 may.

1 MR. BLAZER: Thank you. I need to
2 respond by referring you to exhibits that are
3 already in evidence, if I may. TCH Exhibit 15.

4 HEARING OFFICER HALLORAN: Okay.
5 I'm there.

6 MR. BLAZER: TCH Exhibit 15, which
7 is Deposition Exhibit 31, request to admit number
8 24 is a set of meeting minutes roughly four years
9 after the period that we're discussing now in 20
10 and 21. This is the tail end of everything that
11 went before, that ultimately led to the approval
12 of this transfer station. And I'd like to direct
13 your attention to -- it's record page number
14 C04389 if you can see that in the corner.

15 HEARING OFFICER HALLORAN: Yes.

16 MR. SECHEN: First page.

17 MR. BLAZER: There is a special
18 presentation there by still Mayor McCue. She was
19 mayor until May of last year when she became a
20 trustee and this is a discussion regarding the
21 negotiations between Groot and the Village for the
22 host agreement for this transfer station.

23 MR. PORTER: Again, Mr. Halloran, it
24 is completely irrelevant to this proceeding. This

1 is a question of a host agreement, not a transfer
2 station.

3 MR. BLAZER: This is already in the
4 record.

5 MR. PORTER: I realize it is in the
6 record, but that was the whole reason for my prior
7 objection that it is not related to fundamental
8 fairness of the transfer station proceedings.

9 MR. BLAZER: Here is where I just
10 want to point out to you, Mr. Halloran. It starts
11 about the middle of the paragraph there "After
12 meeting with Groot's attorney, they stated" I can
13 either come around the table and point for you
14 there or -- it's right there.

15 HEARING OFFICER HALLORAN: Okay.
16 Thanks.

17 MR. BLAZER: "After meeting with
18 Groot's attorney, they stated that in order to get
19 things done in a timely fashion and make this a
20 reality by next operating season, they did" --
21 there is a need missing there, but "they did to
22 get approval of the host agreement." The "this"
23 that is being referred to is the transfer station
24 that they want to make a reality by the next

1 operating season. Now, this is eight months
2 before the application is even filed. The
3 application was filed June 21, 2013, and then you
4 go further down the next paragraph immediately
5 below the one you're looking at "Board discussed
6 what had been explained so far and they don't want
7 to push too far and end up losing everything."

8 MR. SECHEN: We believe this relates
9 to the C and D facility and not the transfer
10 station.

11 MR. BLAZER: No, that was already
12 addressed in the depositions. Mr. Karlovics
13 acknowledged this relates specifically to the host
14 agreement for the transfer station, which was
15 approved at the following meeting referred to here
16 on October 16th.

17 MR. PORTER: May I respond?

18 MR. BLAZER: I'm not done. I'm not
19 done. Which is -- bear with me one second. The
20 October 16 meeting is -- the host community
21 agreement is TCH Exhibit 14. That is the
22 agreement that was approved as being discussed at
23 the October 9 meeting and the meeting where it was
24 approved is TCH Exhibit 13. So you need to look

1 at 13, 14 and 15 together. Fifteen is October 9
2 what I just read to you. Fourteen is the
3 agreement that is approved seven days later.
4 Thirteen is that meeting seven days later where
5 that agreement is approved and that agreement is
6 the host agreement for the transfer station, not
7 for the C and D facility.

8 MR. PORTER: That's actually not the
9 basis for my objecting.

10 MR. BLAZER: The agreement for the C
11 and D facility was approved several months before
12 that in April 2012. This entire discussion is
13 about the transfer station, getting it approved in
14 the next operating season and the Village Board
15 not pushing too hard because they don't want to
16 risk losing everything.

17 MR. KARLOVICS: I want to respond to
18 this because I think there is an attempt to
19 misconstrue the minutes and I believe that based
20 on the proper construction of these minutes this
21 is not relevant, but the language is "after
22 meeting with Groot's attorney, they stated,"
23 meaning Groot's attorney stated, not anybody of
24 the Village Board. So this is not probative in

1 any way, shape or form of any predisposition by
2 any Board member because that particular language
3 is attributable to Groot's attorney, not of any
4 Village Board member or decider of fact.

5 As to the issue of deciding a
6 host fee, a host fee is a matter of negotiation.
7 Groot at any time can file an application for
8 local siting approval without a host agreement and
9 so there is a way to construe that we don't want
10 to push too firm, we want to get them approved,
11 but it can also be, hey, this is a company that
12 can file an application without a host agreement
13 and so we don't want to push too hard or push too
14 firm because we want a host agreement going into
15 this hearing. I don't think it is probative,
16 again, of any desire of the Board to -- any member
17 of the Board to prejudge.

18 Further, the Board discussed as
19 a summary statement it is not attributable to any
20 specific Board member. So these minutes really --
21 there is no -- there is no ability to take this --
22 this -- these general -- this general statement of
23 the minutes and attribute it to any Board member.
24 How do we know it's not Trustee Kenyon who voted

1 against the agreement or Trustee Williams who
2 voted -- excuse me. Trustee Williams or Kenyon
3 who voted against the mobile siting application?

4 MR. PORTER: Mr. Halloran?

5 MR. BLAZER: If I can respond to
6 that?

7 MR. PORTER: Please.

8 HEARING OFFICER HALLORAN: Let's
9 keep the order of turns.

10 MR. BLAZER: Sure.

11 MR. PORTER: First, you've already
12 ruled Exhibit 15 is in the record and so I don't
13 know why we're arguing on Exhibit 15. The
14 question right now is Exhibit 20 and Exhibit 21
15 and Exhibit 15 has absolutely nothing to do with
16 Exhibit 20 and Exhibit 21. Exhibit 20 and 21 are
17 from 2008 and merely an introductory meeting of a
18 potential transfer station. It is irrelevant to
19 the question of fundamental fairness. Flipping
20 back, though, it is -- somehow Mr. Blazer is going
21 to try to relate 15 to 20 and 21 which happened
22 four years later. Exhibit 15 is only in relation
23 to the negotiation of a host agreement. The
24 Mega-Dump case, which is 979 N.E. 2d 524, has

1 already explicitly held that the question of
2 whether or not there might be revenue or other
3 financial considerations are irrelevant to a
4 prejudgment inquiry and that is at page 15 of 17
5 of that decision and I have copies if you like,
6 Mr. Halloran.

7 So if we had been allowed to get
8 into arguing whether or not Exhibit 15 is relevant
9 to fundamental fairness, you kind of usurped that.
10 I would have pointed out that this is wholly
11 irrelevant. This is on the host agreement and the
12 Second District court has already ruled that host
13 agreements are irrelevant to the question of
14 prejudgment or bias.

15 HEARING OFFICER HALLORAN: You're
16 saying the Board can't even look at that, it is
17 already in the local siting hearing?

18 MR. PORTER: I'm saying it is
19 irrelevant to the issue of fundamental fairness.

20 HEARING OFFICER HALLORAN: Okay.
21 You know what, the Board is pretty competent and
22 they can take a look at that.

23 MR. PORTER: Right.

24 HEARING OFFICER HALLORAN: I

1 appreciate your argument, but anyway,

2 Mr. Blazer --

3 MR. BLAZER: My response to what
4 they all say -- Mr. Karlovics is correct. The
5 first statement I read to you was from -- was on
6 behalf of Groot. "In order to get things done in
7 a timely fashion and make this a reality by next
8 operating season," that is coming from the
9 applicant who wants to get things done quickly and
10 make this a reality by the next operating season.
11 What does the Board, not Groot's lawyer, respond?
12 That's the next paragraph down in Exhibit 15 --
13 the reason why I'm talking about Exhibit 15 in
14 relation to 20 and 21 is because it all relates to
15 the same subject.

16 MR. PORTER: It doesn't. Objection.
17 This relates --

18 MR. BLAZER: Wait. I'm not done.
19 I'm not done.

20 HEARING OFFICER HALLORAN: You can
21 make -- I'm going to short circuit this because
22 we're just going back and forth on the same thing.

23 MR. BLAZER: Right.

24 HEARING OFFICER HALLORAN:

1 Mr. Porter, let Mr. Blazer finish.

2 MR. BLAZER: Thank you very much,
3 Mr. Halloran. Mr. Karlovics was right about that
4 first statement. That was from Groot's lawyer.
5 Not about the second statement. Board discussed
6 what had been explained so far and they don't want
7 to push too far and end up losing everything. I'm
8 not talking about how much money they're getting
9 from the host agreement, nor are they. They're
10 talking about the transfer station.

11 MR. PORTER: Objection.

12 MR. BLAZER: What they're arguing
13 here now then is not relevance. It's weight.
14 Weight is something that the Board has to
15 determine whether or not this tends to prove along
16 with all the other evidence whether or not there
17 was a fundamental fairness violation.

18 HEARING OFFICER HALLORAN: That was
19 my inclination to rule, but you may proceed. I
20 mean, the Board -- the Board can take a look at
21 this. I think it is farfetched and it's a
22 stretch, but my knee jerk thought right now is to
23 let it in. If it goes to the weight, fine, on its
24 admissibility and the Board can decide from there.

1 MR. BLAZER: The one we're
2 specifically talking about are 20 and 21.

3 HEARING OFFICER HALLORAN: Yeah.
4 Twenty and 21 and with that Exhibit No. 19 --

5 MR. BLAZER: All right.

6 HEARING OFFICER HALLORAN: -- as
7 well. TCH Exhibit's 19, 20 and 21 and I have a
8 feeling the next three are probably about the
9 same.

10 MR. BLAZER: A lot of these are
11 going to be the same. My response to all of these
12 is it's an issue of weight.

13 HEARING OFFICER HALLORAN: I will
14 allow over objection TCH Exhibit's 19, 20 and 21.

15 MR. BLAZER: All right. The next
16 one, 22, is an aerial photo. It was used during
17 the deposition of Lee Brandsma, Groot's designated
18 corporate representative, and it's a little hard
19 to read on there just because it's a copy of a
20 copy, but I had him draw during his deposition
21 just to identify the three sites. If you want, I
22 can just come around and just point to you where
23 they are.

24 MR. KARLOVICS: It's on the first

1 page actually.

2 MR. BLAZER: He drew for me --

3 HEARING OFFICER HALLORAN: Who drew
4 for you?

5 MR. BLAZER: Mr. Brandsma who was
6 Groot's corporate representative. This was his
7 corporate deposition. Right here, he drew -- he
8 wrote Stock Lumber, which is this. That's what he
9 wrote there. I call it a truck terminal. What
10 you folks call it I can't remember.

11 MR. KARLOVICS: Contractor equipment
12 storage yard.

13 MR. BLAZER: Contractor equipment
14 storage yard. That's this one. And then down
15 here he wrote C and D. That's the construction
16 and demolition debris facility and then over
17 here -- I'm sorry -- over here, C and D. And then
18 over here truck -- maintenance storage yard, C and
19 D facility. This is all Mr. Brandsma's writing.
20 And over here he wrote transfer station. That's
21 where the transfer station is proposed to be. I
22 had him identify that just so we can understand
23 where these facilities are. That actually relates
24 directly to both Exhibit 2 that is in evidence and

1 to Exhibit 21 that is now in evidence, that Power
2 Point. Those pages five to eight also contain
3 similar maps except in that one they seem to be
4 talking about the transfer station going in what
5 is now identified as the contractor equipment
6 storage area. So it was more of a demonstrative
7 exhibit, but he used it to identify in his
8 deposition, admitted on behalf of Groot Industries
9 where these facilities are.

10 HEARING OFFICER HALLORAN:

11 Mr. Porter?

12 MR. PORTER: Same objection. All it
13 is is a depiction of various facilities. It does
14 include the transfer station, but it in no way is
15 relevant or probative in any respect to a question
16 of a lack of fundamental fairness of the
17 proceedings.

18 HEARING OFFICER HALLORAN: My ruling
19 is the same. You know, it will go to the weight.
20 I'm not sure how these things tie together, but
21 I'll let the Board decide and they can disregard
22 it if they so choose. So TCH's Exhibit 22 is
23 admitted over objection.

24 MR. BLAZER: The next one -- we skip

1 a couple because they actually went to a different
2 table. The next one is 25, TCH 25, Deposition
3 Exhibit 9, request to admit item number four.
4 These are -- I'll wait until you get there. I'm
5 sorry.

6 HEARING OFFICER HALLORAN: So you
7 skipped over 23 and 24?

8 MR. BLAZER: Yes, 23 and 24 are
9 going to be in Section C. Twenty-five is the next
10 one. They're meeting minutes dated October 30,
11 2012.

12 HEARING OFFICER HALLORAN: I have
13 26. I have 23, 24 and 26.

14 MR. BLAZER: May I?

15 HEARING OFFICER HALLORAN: Sure.
16 I'm wondering if something might have gotten
17 stapled together.

18 MR. BLAZER: Here is 25. It is
19 there.

20 HEARING OFFICER HALLORAN: Thank
21 you.

22 MR. BLAZER: Yup.

23 HEARING OFFICER HALLORAN: TCH
24 Exhibit 25.

1 MR. BLAZER: TCH Exhibit 25 this is
2 a meeting following -- immediately following that
3 presentation that is reflected in Exhibit's 20 and
4 21 and it is Mayor McCue -- it reflects -- this is
5 on page two of this document. "Mayor McCue spoke
6 to Lee from Groot," and that's Lee Brandsma, "to
7 see if there was an update on the transfer
8 station."

9 MR. PORTER: Same objection. It is
10 irrelevant. Absolutely not probative of any fact.
11 It just says that she spoke to Lee from Groot to
12 see if there was an update. How in the world does
13 that show prejudice, bias, fundamental fairness?
14 It just shows the absolute triviality of this
15 entire appeal.

16 MR. BLAZER: If it were only that
17 easy.

18 HEARING OFFICER HALLORAN: I agree
19 with Mr. Porter, but if Mr. Blazer is trying to go
20 further with this it might be part and parcel of
21 the whole thing.

22 MR. BLAZER: That is our position.
23 It is part of the whole. It is another brick in
24 this particular wall.

1 MR. PORTER: Well, the brick has to
2 be an evidence of prejudice or bias. You can't
3 simply trot out evidence that there was a
4 communication looking for an update and then
5 somehow suggest to the Board that that is
6 nefarious, that is beyond the scope of relevancy.

7 MR. BLAZER: It is going to be up to
8 the Board to determine whether or not they want to
9 attribute any weight to that.

10 MR. PORTER: But there gets to be a
11 point where it is beyond the weight. It has no
12 probative value.

13 HEARING OFFICER HALLORAN: Well, on
14 the standing alone, but I'll let the Board decide.

15 MR. KARLOVICS: Mr. Halloran, just
16 one housekeeping matter.

17 HEARING OFFICER HALLORAN: Yes.

18 MR. KARLOVICS: Just to save
19 everybody's breath here, I'm going to be adopting
20 Groot's arguments unless I indicate otherwise for
21 the record.

22 HEARING OFFICER HALLORAN: Okay.

23 MR. KARLOVICS: I wanted to have a
24 standing understanding that we're adopting their

1 arguments unless we state otherwise going forward.

2 HEARING OFFICER HALLORAN:

3 Mr. Sechen?

4 MR. SECHEN: We'd like to do the
5 same.

6 HEARING OFFICER HALLORAN: All
7 right. TCH Exhibit 25 is admitted over objection.

8 MR. BLAZER: Okay. Number 26 is
9 Deposition Exhibit 22.

10 MR. PORTER: I'll save you the
11 breath. No objection.

12 MR. BLAZER: I should wait until you
13 get there. Twenty-six no objection?

14 MR. PORTER: No objection.

15 HEARING OFFICER HALLORAN: TCH
16 Exhibit 26 is admitted without an objection.

17 MR. BLAZER: Twenty-seven is the
18 next one. Twenty-seven is a set of meeting
19 minutes dated January 7th, 2014. This one -- and
20 it was -- I used it with Mayor Lucassen. She
21 confirmed these are the meeting minutes where the
22 Village Board -- as you may know, the Village
23 Board prepares meeting minutes of a meeting and
24 then in a subsequent meeting they approve the

1 prior meeting's minutes. This is the meeting at
2 which the Village Board approved the meeting
3 minutes for their deliberations on the transfer
4 station decision and which was December 10th,
5 2013, and then the ultimate decision on the
6 transfer station, which was December 12th, 2013.
7 So these meeting minutes if you look --

8 HEARING OFFICER HALLORAN: What
9 page?

10 MR. BLAZER: I think it's on the
11 first page. If you can hand it to me. It is on
12 the consent agenda and it is items H and J. Thank
13 you. H approved special Board meeting minutes for
14 December 2010 and -- excuse me. In I. H and I.
15 I approved special Board meeting minutes for
16 December 12th. Those were the deliberations and
17 the decision.

18 MR. PORTER: Mr. Halloran, we've
19 already stipulated to the foundation of the
20 meeting minutes. As to all of these documents,
21 foundation has already been stipulated. So there
22 is simply no purpose whatsoever in submitting
23 meeting minutes to apparently lay the foundation
24 for another set of meeting minutes.

1 MR. BLAZER: Well, I didn't because
2 10 and 11 are already in the record. They were
3 already in the --

4 MR. PORTER: Again, this has
5 absolutely no relevance or probative value.

6 MR. BLAZER: Except that this was
7 part of a discussion I had with Mayor Lucassen
8 where it became clear that she had improperly
9 voted on one of the issues at the December 12th
10 meeting and that vote was misrepresented in the
11 subsequent meeting minutes.

12 MR. PORTER: There is no evidence of
13 that and certainly no --

14 MR. BLAZER: I --

15 MR. PORTER: If I may, there is no
16 allegation in the petition of any improper voting.

17 MR. SECHEN: Legislative matter.

18 MR. KARLOVICS: I don't know how it
19 is probative that a mayor votes when there is not,
20 in fact, a tie. I don't know how that is
21 probative in any way, shape or form in the case.

22 MR. PORTER: What he is alluding to,
23 Mr. Halloran, is apparently the mayor voted when I
24 think it was almost unanimous -- or there was a

1 unanimous agreement that certain criteria were met
2 and the mayor joined that unanimous criteria. How
3 in the world does that show preadjudication or
4 bias when all of them agree that those criteria
5 had been met?

6 MR. BLAZER: She admitted on the
7 record, and we'll get to that when we get to the
8 dep designations, that she is only entitled to
9 vote when there is a tie.

10 MR. KARLOVICS: Entitled to vote. A
11 mayor expressing her opinion during a
12 deliberation, she is not entitled to express her
13 opinion?

14 MR. BLAZER: She didn't express an
15 opinion. She voted.

16 MR. KARLOVICS: It didn't have any
17 weight on the corporate act that was taken by
18 making the decision. It had no weight. It was
19 irrelevant, but it in no way was prohibitive of
20 any type of improper act on the part of the mayor.

21 MR. SECHEN: When a mayor votes in
22 other than a tie, it simply makes no difference
23 because it is already passed.

24 MR. BLAZER: Except for two things.

1 MR. PORTER: Regardless, this
2 document he is seeking to admit now relates to
3 apparently laying foundation to meeting minutes he
4 has already told us are in the record. You don't
5 have to lay the foundation. We've stipulated to
6 the foundation. The meeting minutes are the
7 meeting minutes. There is no purpose to Exhibit
8 27.

9 MR. BLAZER: No. This has nothing
10 to do with laying a foundation. This has to do
11 with the fact that the Village Board or the
12 Village of Round Lake Park approved a set of
13 meeting minutes, which misrepresented the mayor's
14 vote and the mayor's vote on an uncontested issue
15 is indicative of her predetermination. She was so
16 anxious to vote in favor of this, I think.

17 MR. PORTER: Objection.

18 MR. BLAZER: She was so anxious to
19 vote in favor of this that she violated the
20 express provision of the Illinois Municipal Code
21 and voted when she wasn't entitled to.

22 MR. PORTER: Objection.

23 MR. KARLOVICS: There -- first of
24 all, there is -- this whole issue of a mayor

1 expressing her opinion during deliberations it is
2 not in any way probative that a mistake was made
3 in the minutes. It is not probative in any way,
4 shape or form. So to take the wild leap that the
5 minutes were inaccurate, there are transcripts
6 that reflect something different from the minutes,
7 the clerk made a mistake, the clerk making a
8 mistake is not in any way, shape or form
9 attributable to the mayor and a mayor expressing
10 an opinion on something that was voted unanimous
11 by the entire Board, even the people that voted no
12 on whether Groot met its burden on other issues it
13 is not probative in any way, shape or form.

14 MR. BLAZER: Two responses and then
15 I'll stop.

16 MR. PORTER: Let me -- if I can make
17 them all. I also don't want my silence to suggest
18 that I agreed that it is improper for a mayor to
19 vote when there is no tie. There is certainly no
20 prescription in the law from that. The mayor is
21 allowed to pass a vote. She does not have to.

22 MR. KARLOVICS: There is nothing in
23 the Illinois Municipal Code and I challenge
24 Mr. Blazer to show specifically that it's illegal

1 for the mayor to vote. So, in other words, is it
2 a criminal act for the mayor to vote when there is
3 no tie? There is no -- it is not a Class A
4 misdemeanor. It is not a Class B misdemeanor. It
5 is not a petty offense. It's not a violation.

6 So when the word violation is
7 used, it indicates there is some type of criminal
8 act that was performed when, in fact, the essence
9 of this issue is that the mayor's vote had no
10 weight whatsoever. It was not -- it was not
11 effective in any way, shape or form.

12 MR. PORTER: And, regardless,
13 Exhibit 27 isn't even involving that vote. This
14 is the next meeting.

15 HEARING OFFICER HALLORAN: Were you
16 done, Mr. Blazer?

17 MR. BLAZER: Thank you. The
18 transcript of that meeting, which is another one
19 of the exhibits, I can't remember which one now,
20 we'll get to it, clearly reflects that the mayor
21 was not as Mr. Karlovics suggests stating an
22 opinion. She voted. Number two, he is correct.
23 It wasn't a criminal offense. It was a violation
24 of a provision of the Illinois Municipal Code.

1 And number three --

2 MR. PORTER: What provision?

3 MR. BLAZER: I'll be happy to
4 address that in my brief. And, number three,
5 there is no evidence in this record at all to
6 support Mr. Karlovics's suggestion that the clerk
7 made a mistake. That was the reason I asked the
8 mayor about these specific minutes that you have
9 in your hand because that's where the Board
10 approved the minutes that misrepresent what the
11 mayor did during the vote on the transfer station.

12 MR. KARLOVICS: Objection on the
13 misrepresentation. A mistake is not a
14 representation.

15 MR. BLAZER: I'll leave it to your
16 good graces, Mr. Hearing Officer.

17 HEARING OFFICER HALLORAN: I've
18 heard all the arguments. The Board will hear the
19 arguments after reading the transcript. I'm going
20 to allow it. Somehow if it's -- supposedly if
21 there is some more material in some law of the
22 provision the Board will take a look at it and I
23 have full faith that they can make the right
24 decision.

1 MR. BLAZER: All right.

2 HEARING OFFICER HALLORAN: So TCH
3 Exhibit 27 is admitted over objection.

4 MR. BLAZER: Thank you. The next
5 one is -- rolling along. Twenty-eight.

6 HEARING OFFICER HALLORAN: I'm
7 there.

8 MR. BLAZER: Twenty-eight is another
9 set of meeting minutes. This is one of the ones
10 that the defendants acknowledge do relate to the
11 transfer station. This might be an appropriate
12 time for me unless you rather I do it later get
13 into these interrogatory answers.

14 HEARING OFFICER HALLORAN: I don't
15 know. What do you think, respondents?

16 MR. PORTER: Well, it is irrelevant.
17 The meeting minutes, again, is a report from the
18 mayor as to what she was up to in the week or two
19 preceding this meeting and that she went a public
20 hearing that Groot was at and she went to a public
21 hearing that SWALCO was at. So what? It doesn't
22 have anything to do with fundamental fairness.

23 HEARING OFFICER HALLORAN: I'm not
24 sure that was the question.

1 MR. KARLOVICS: I think
2 discussing -- I don't know why we're discussing
3 the interrogatory answers. There were
4 discovery -- if there was an objection to our
5 discovery or --

6 MR. BLAZER: No.

7 MR. KARLOVICS: -- if this is in any
8 way related to any objection that we provided in
9 discovery or answers to interrogatories, the horse
10 is out of the barn.

11 HEARING OFFICER HALLORAN: Okay.
12 Let's just go straight through this. Exhibit 28.
13 TCH 28.

14 MR. BLAZER: Twenty-eight is
15 Deposition Exhibit 37, request to admit number
16 seven, which the respondent's have acknowledged in
17 their -- have admitted pursuant to Supreme Court
18 Rule 213 are relevant to petitioner's request to
19 admit that are related to the transfer station.

20 MR. PORTER: May I respond to that?
21 This respondent never responded to any request to
22 admit. None were served on Groot.

23 HEARING OFFICER HALLORAN: So noted.
24 Mr. Blazer?

1 MR. BLAZER: I just read from
2 Groot's supplemental answers to our
3 interrogatories.

4 MR. PORTER: That is not a request
5 to admit.

6 BY MR. BLAZER: Meeting minutes
7 dated October 13th, 2009. The is Mayor McCue
8 again. This time she is attending a meeting of
9 the Solid Waste Agency of Lake County and she is
10 telling the Board a couple of things. Number one,
11 she is telling them one issue is the landfills are
12 filled to capacity, which obviously relates to the
13 issue of need and I'm not talking here about
14 criterion one. I'm talking about an apparent
15 predetermination of criterion one. And further
16 down -- this is all on the first page of this.

17 She also reported Groot is
18 looking to transfer stations and she, McCue,
19 suggested that SWALCO and Groot work together.
20 SWALCO was looking into transfer stations as
21 opposed to landfills. So this is Mayor McCue,
22 number one, long before an application is filed
23 making a representation to the Board about whether
24 or not a transfer station is needed and, number

1 two, promoting Groot to the Solid Waste Agency of
2 Lake County.

3 HEARING OFFICER HALLORAN: Response?

4 MR. PORTER: Again, it has
5 absolutely nothing to do with the allegations of
6 lack of fundamental fairness, preadjudication of
7 the merits or bias.

8 MR. SECHEN: It's simply functioning
9 as a member of the Solid Waste Agency in reporting
10 back to the Board. That is all.

11 HEARING OFFICER HALLORAN: I'll let
12 it in. My ruling stands as before. Exhibit 28 I
13 find it is a stretch and I'm sure the Board will
14 sort this out. It's admitted over objection, TCH
15 Exhibit 28.

16 MR. BLAZER: Item 29 is not a set of
17 meeting minutes. I'll wait until you're done
18 writing and I'll let you get that out.

19 HEARING OFFICER HALLORAN: All
20 right.

21 MR. BLAZER: Number 29 is an e-mail
22 dated October 25, 2012, from Mr. Helsten, the
23 attorney for Groot, to Mr. Karlovics, the attorney
24 for -- at that point he was acting for both the

1 Village and the Village Board and it is
2 Mr. Helsten providing extensive commentary on the
3 ordinance that was ultimately adopted that was --
4 that governed the process by which this transfer
5 station was approved. What you're looking at, the
6 attachment --

7 HEARING OFFICER HALLORAN: I'm
8 sorry. Where -- okay.

9 MR. BLAZER: Yeah, that's the e-mail
10 from Helsten to Karlovics, the attachment is
11 Helsten's red lined version of the local pollution
12 control facility siting ordinance that the Village
13 of Round Lake Park adopted to govern the process
14 by which Mr. Helsten's client's transfer station
15 application was approved. Again --

16 MR. PORTER: I want to respond --
17 sorry.

18 MR. BLAZER: Again, from our
19 perspective, it's another bit of evidence showing
20 the collusive relationship between the Village or
21 the Village Board and Groot and its counsel.

22 MR. PORTER: Objection. This
23 communication never went to the Village Board.

24 MR. BLAZER: It went to the

1 Village's attorney.

2 MR. PORTER: You keep
3 mischaracterizing the evidence however. That is
4 not -- it doesn't have anything to do with the
5 communication of the Village Board. As a matter
6 of fact, you've admitted that you have no evidence
7 and are not even arguing that there has been any
8 improper ex-parte communication with the Village
9 Board.

10 MR. BLAZER: I certainly didn't
11 acknowledge the former.

12 MR. PORTER: You did in your
13 interrogatory answers. You have already admitted
14 that you are not seeking -- you are not pursuing
15 any ex-parte communication allegations. Your
16 allegation is alleged bias or preadjudication of
17 the merits. This is a communication between
18 counsel for Groot and counsel for the Village.
19 There is no evidence whatsoever that this was ever
20 shared in any respect with the Village Board and,
21 therefore, it is completely irrelevant to the
22 questions of preadjudication.

23 HEARING OFFICER HALLORAN:
24 Mr. Blazer?

1 MR. BLAZER: Other than the fact
2 that Mr. Karlovics did share this with the Board
3 and this is the ordinance that the Board adopted.

4 MR. KARLOVICS: I think we need
5 something more than just -- I'm objecting on the
6 probative value of this that if Mr. Blazer can
7 explain what substantively was changed? Did we
8 use different criteria than were provided in the
9 statute? Was there something that Mr. Helsten
10 suggested that required a lower burden of proof or
11 something that -- I mean, perhaps there were
12 things that he added that provided some clarity,
13 but clarity is not obviously an indication of
14 preadjudication or bias.

15 HEARING OFFICER HALLORAN:
16 Mr. Karlovics, did you share this with the Board,
17 TCH Exhibit 29?

18 MR. PORTER: And when you're --

19 HEARING OFFICER HALLORAN: I'm
20 sorry. I'm asking him.

21 MR. KARLOVICS: I don't believe I
22 shared the e-mail. Obviously, the ordinance in
23 and of itself was shared because the ordinance
24 was -- the ordinance was adopted. There was some

1 style changes that Mr. Helsten suggested that were
2 considered by the Board, yes.

3 HEARING OFFICER HALLORAN:

4 Mr. Porter?

5 MR. PORTER: I was going to point
6 out that in your question that there is two
7 actions here. There is the e-mail and the
8 attachment that Mr. Karlovics caught.

9 HEARING OFFICER HALLORAN: Thank
10 you.

11 MR. SECHEN: The only comment I have
12 was assuming what Mr. Blazer is seeking to infer
13 was actually true, which I don't believe it is
14 that it was shared with the Board, it is simply
15 part of the legislative contract, a separate
16 branch of government.

17 HEARING OFFICER HALLORAN: So --

18 MR. KARLOVICS: I need to clarify
19 something here.

20 HEARING OFFICER HALLORAN: Go ahead.

21 MR. KARLOVICS: I'm sorry. The red
22 lined was not shared. The final product was
23 shared. So was this exact document shared? No.
24 Was the final product shared? Yes. So I believe

1 we incorporated many of the changes that were
2 suggested, but there was no red line shown to the
3 Board.

4 HEARING OFFICER HALLORAN:

5 Mr. Blazer?

6 MR. BLAZER: Number one, when we
7 hear the words probative value, we're hearing
8 weight, not relevance. But, number two, the fact
9 that the Village's attorney, in fact, was
10 accepting commentary and changes to the procedural
11 ordinance that would govern the process from the
12 attorney for the party who was going to be
13 governed by that ordinance and our view obviously
14 is indicative of collusive conduct. More to the
15 point as Mr. Karlovics acknowledged and he has to
16 because it is in the record. This is in fact the
17 ordinance that was adopted by the Village. It's
18 not about whether or not there is a greater or
19 lesser burden. It is the fact -- and two of the
20 witnesses acknowledge that it is unusual in their
21 experience for the Village to consult with the
22 party who is going to be governed by the ordinance
23 on what the ordinance says.

24 MR. KARLOVICS: Somewhere along the

1 way to make this relevant Mr. Blazer has to
2 explain to the Board, the Hearing Officer, what
3 was changed that shows any kind of collusiveness.
4 A lower burden or what -- how did this benefit
5 Groot in any way? It has nothing to do with what
6 was changed. It is the fact that they're working
7 hand in hand.

8 MR. SECHEN: If what Mr. Blazer says
9 is accurate, and I don't think it is, it is simply
10 part of the legislative process. That's how the
11 sausage is made.

12 MR. BLAZER: We're not talking about
13 sausage. We're talking about a transfer station.

14 MR. PORTER: The question is whether
15 or not the trier of fact and law prejudged the
16 application or was biased. This has absolutely no
17 relevance to that. There is no evidence that any
18 of this was shared with the decisionmaker. Even
19 if you were to buy that somehow it is probative of
20 anything, it would have to be a communication with
21 the decisionmaker and it is not.

22 HEARING OFFICER HALLORAN: I thought
23 Mr. Karlovics said he shared it --

24 MR. PORTER: He did not.

1 MR. KARLOVICS: The final product.
2 Not the e-mail. I want to clarify. Not the
3 e-mail.

4 HEARING OFFICER HALLORAN: The two
5 pages that are attached.

6 MR. KARLOVICS: Nor the red line.
7 What happened was this ordinance was never
8 tendered in this format. It was tendered in final
9 form. It was tendered without the red line.

10 MR. SECHEN: Perhaps not exactly the
11 same.

12 MR. BLAZER: Just for the record,
13 Mr. Halloran, I didn't staple these two together
14 independently. This is how they were produced.
15 You'll see the e-mail reflects an attachment and
16 that's how it was produced. The attachment is
17 that red lined ordinance.

18 MR. PORTER: That attachment was
19 never shared with a decisionmaker.

20 HEARING OFFICER HALLORAN: I'm
21 denying TCH Exhibit 29 and I assume you want me to
22 take it as an offer of proof?

23 MR. BLAZER: I do. Thank you.

24 HEARING OFFICER HALLORAN: Okay.

1 MR. BLAZER: That might make 30
2 easy. Thirty.

3 HEARING OFFICER HALLORAN: Hold on.
4 It gets confusing because we have three different
5 exhibit marks on some of them. I'm just looking
6 at the top right.

7 MR. BLAZER: Right. Generally,
8 that's where I tried to put it. It's possible it
9 might be in that other pile.

10 MR. PORTER: I don't want to slow
11 things down. If you want a copy.

12 MR. BLAZER: Please.

13 HEARING OFFICER HALLORAN: Which
14 other pile?

15 MR. BLAZER: Hmm?

16 HEARING OFFICER HALLORAN: Which
17 other pile?

18 MR. BLAZER: It might have gotten
19 stuck to one of the other ones that we were just
20 looking at. It's right after 29. Do you have
21 another copy, Rick?

22 MR. PORTER: Yes. As long as we
23 make another copy.

24 MR. BLAZER: Sure. I don't know

1 if --

2 HEARING OFFICER HALLORAN: TCH
3 Exhibit 30.

4 MR. BLAZER: Thirty is an e-mail
5 between Mr. Karlovics and Mr. Helsten regarding
6 both the siting ordinance and the solid waste
7 plan. The very first ever solid waste plan that
8 the Village of Round Lake Park ever adopted in
9 2012, which expressly contemplated the approval of
10 transfer stations. The solid waste plan is
11 already in evidence. That one is TCH 6.

12 MR. PORTER: It's the same
13 objection. This is just an e-mail between counsel
14 and there is no evidence that we shared any
15 attachments, the explicit attachments, shared with
16 the Village Board.

17 MR. BLAZER: Again, it is the
18 attorney for the Village and the Village Board
19 consulting with the attorney for the applicant on
20 two critical items related to the transfer station
21 siting application; the siting ordinance and the
22 solid waste plant, which had never been adopted
23 before, in which the Village Board suddenly
24 expressed its opinion that it would welcome the

1 transfer station into the Village of Round Lake
2 Park.

3 MR. SECHEN: Same objection we've
4 had in the past few exhibits.

5 MR. KARLOVICS: In addition,
6 objection to the term consulting with. There was
7 some discussions and that's a lot to say
8 consulting.

9 MR. PORTER: Just --

10 MR. BLAZER: So it would be more
11 relevant if it was consulting?

12 MR. PORTER: Just so I don't let
13 somehow my silence to suggest that I'm agreeing in
14 any way with Mr. Blazer. There's certainly
15 nothing improper with the attorney for a potential
16 applicant reviewing and understanding what is
17 going on in relation to the adoption of a solid
18 waste management plan when the application is
19 being consistent with the solid waste management
20 plan. At best, this goes to criterion weight, but
21 regardless, again, it is irrelevant in regard to
22 the question of fundamental fairness, bias or
23 preadjudication because there was no evidence that
24 it was ever shared in any respect with the Board

1 members.

2 MR. BLAZER: Mr. Halloran, I think
3 as you well know, criterion eight addresses a
4 county solid waste management plan. None of the
5 criteria mention or deal with in any way a local
6 solid waste management plan.

7 MR. PORTER: Okay. Then it's
8 completely irrelevant according to Mr. Blazer.

9 MR. BLAZER: Except for the fact
10 that again for the first time ever in advance of
11 this application being filed the Village Board
12 adopted a solid waste management plan when it
13 didn't have to in consultation with Groot's
14 consultant Shaw, which expressly acknowledges the
15 proprietary of transfer stations in the Village
16 and that is our Exhibit 5.

17 MR. PORTER: This e-mail --

18 HEARING OFFICER HALLORAN:
19 Mr. Porter, what was your argument?

20 MR. PORTER: This e-mail is not
21 between the Board and anybody. This is an e-mail
22 between two attorneys and it is simply irrelevant
23 to question preadjudication and bias.

24 HEARING OFFICER HALLORAN: But it's

1 regarding the solid waste management plan?

2 MR. BLAZER: Yes.

3 MR. PORTER: It is regarding the
4 Village's solid waste management plan, which is,
5 again, not the subject of this hearing. The
6 subject of this hearing is the siting hearing over
7 a transfer station.

8 MR. BLAZER: Except for what that
9 solid waste management plan says.

10 MR. PORTER: If they had issue with
11 the solid waste management plan, they should have
12 appealed in relation to the adoption of that plan.
13 It is not what we're here to do in regard to the
14 39.2 siting hearing.

15 HEARING OFFICER HALLORAN: I'm going
16 to deny it, but I will take it as an offer of
17 proof. TCH Exhibit 30.

18 MR. BLAZER: Thank you, Mr. Hearing
19 Officer.

20 HEARING OFFICER HALLORAN: Thank
21 you.

22 MR. BLAZER: Thirty-one is a series
23 of e-mails -- I'm sorry. I'll wait until you get
24 there. I did see that one in your pile. I didn't

1 give it back to you.

2 HEARING OFFICER HALLORAN:

3 Thirty-one.

4 MR. BLAZER: Thirty-one is not
5 between counsel. Thirty-one is a series of
6 e-mails and it actually -- the earliest one is the
7 last page and then you have to work forward. It
8 is one of those e-mail strings between then Mayor
9 McCue and an individual named Marty Fallon who was
10 an employee of Shaw Environmental, Groot's
11 consultant, relating specifically to the effort to
12 communicate the facts of the transfer station to
13 two potentially opposing neighboring communities;
14 the Village of Round Lake and the Village of
15 Hainesville.

16 Now, this relates to -- I have
17 to scroll up in my notes. Bear with me just one
18 second -- TCH Exhibit 18 which is a set of meeting
19 minutes around that same time December 4, 2012.
20 That is in evidence. And this is why this one is
21 relevant in relation to those minutes. In those
22 minutes, Mayor McCue --

23 HEARING OFFICER HALLORAN: I'm
24 sorry. You said TCH Exhibit 18?

1 MR. BLAZER: Yes.

2 HEARING OFFICER HALLORAN: And that
3 is in the local siting record?

4 MR. BLAZER: Yes.

5 HEARING OFFICER HALLORAN: Okay.

6 MR. BLAZER: It is. It is record
7 pages C04404 -- excuse me. 04405 to 04408. It is
8 one of the exhibits that we addressed previously.

9 HEARING OFFICER HALLORAN: Okay.

10 MR. BLAZER: So you don't have to
11 dig it up. I'll just read to you what it says.
12 This is at pages 05 to 06. "Mayor McCue has been
13 in contact with Shaw Environmental" and she
14 testifies she was referring specifically to these
15 e-mails. "I feel it would be a good opportunity
16 to educate residents, was offered to Round Lake
17 and Hainesville." They're talking about offering
18 presentations. And this is -- and Mayor McCue
19 testified this was her language. I feel there is
20 a terrible -- excuse me. "After the holidays, we
21 will try to make arrangements for a presentation
22 at the Village Hall for anyone to come and see
23 just what a transfer station is and what it does.
24 I feel there is a terrible misunderstanding

1 regarding this subject."

2 HEARING OFFICER HALLORAN: What page
3 is that, Mr. Blazer? I'm sorry.

4 MR. BLAZER: That is on pages C04405
5 to 04406 of Exhibit 18. I'm sorry.

6 HEARING OFFICER HALLORAN: All
7 right.

8 MR. BLAZER: It is -- a lot of these
9 exhibits relate to each other.

10 MR. KARLOVICS: What page was it in
11 the record?

12 MR. BLAZER: I'm sorry?

13 MR. KARLOVICS: What page is it in
14 the record?

15 MR. BLAZER: 4405 to 4406.

16 HEARING OFFICER HALLORAN: I'm
17 sorry, Mr. Blazer.

18 MR. BLAZER: That's all right. That
19 discussion relates -- is about the e-mails that
20 are Exhibit 31 and I know we're going to get to
21 this later, but the deposition pages where she
22 testified about this are in her transcript and
23 this is in our designations. It is page 92 line
24 two to 13 and page 94 line four to nine where she

1 acknowledged that this terrible misunderstanding
2 language is hers.

3 HEARING OFFICER HALLORAN: Response?

4 MR. PORTER: It is the same
5 objection. This is in relation to setting up a
6 meeting in the Village of Hainesville and the
7 Village of Round Lake and Shaw coordinating
8 getting that setup and the mayor received a
9 request from the Village's of Round Lake and
10 Hainesville to have such a meeting and
11 presentation and she was just facilitating getting
12 it setup, but -- so it is irrelevant, again, to
13 the question of bias or fundamental unfairness in
14 relation to the transfer station application,
15 which is not the subject of these e-mails.

16 MR. KARLOVICS: To have a simple
17 explanation of what a transfer station is is not
18 indicative of bias. I mean, the fact that
19 people -- the public may not know what a transfer
20 station is it is not indicative of any type of
21 bias.

22 HEARING OFFICER HALLORAN: I'll
23 allow it in as it relates to Exhibit 18. TCH
24 Exhibit 31 is admitted over objection based on my

1 rulings, prior rulings, regarding the relevancy
2 and collusion.

3 MR. BLAZER: Do you want to take a
4 quick five or do you want to keep going?

5 HEARING OFFICER HALLORAN: Sure.
6 Let's take a quick five.

7 (Whereupon, a break was taken
8 after which the following
9 proceedings were had.)

10 HEARING OFFICER HALLORAN: Back on
11 the record. We just finished up TCH Exhibit 31
12 which was admitted over objection and I let it in
13 as it relates to Exhibit 18.

14 MR. BLAZER: That takes care of
15 Section B of the stips. We're now on Section C
16 which is documents as to which the parties
17 disagree regarding relevance to the transfer
18 station because we haven't disagreed up until
19 then.

20 The first one is -- actually the
21 first two go together, 23 and 24.

22 (Documents marked as TCH Exhibit
23 No.'s 23-24 for
24 identification.)

1 MR. BLAZER: And 23 and 24 are --
2 relate to Exhibit 1 that is already in evidence.
3 You may recall. Exhibit 1 is the evidence in the
4 record of Groot's purchase of the transfer station
5 property at the end of April 2010 for \$2,750,000.
6 Mr. Brandsma in the corporate deposition
7 identified 23 and 24 as the warranty deed and the
8 real estate acquisition loan for that same
9 property.

10 MR. PORTER: Same objection. How
11 does the warranty deed and the real estate
12 acquisition loan show that the decisionmaker was
13 biased or prejudged the application? It is
14 irrelevant.

15 MR. BLAZER: Actually, I believe the
16 evidence will show that this purchase evidences
17 Groot's belief that the decisionmaker had
18 prejudged the application.

19 MR. PORTER: One, that is ludicrous.
20 Two, it wouldn't matter even if you were right
21 because whether Groot believed it was going to be
22 approved or not isn't the question. The question
23 is whether or not the decisionmaker was biased and
24 prejudged the application.

1 MR. BLAZER: And I believe it is
2 relevant if the party with whom the decisionmaker
3 was colluding, in fact, believed that the
4 decisionmaker was colluding with the party who
5 wanted the transfer station.

6 MR. PORTER: I also point out there
7 is certainly no allegation of collusion in either
8 of your petitions.

9 MR. BLAZER: There didn't have to be
10 as the Board already said, but I made it clear
11 that collusion is the principal aspect of our
12 fundamental fairness claim throughout the
13 proceeding.

14 MR. PORTER: But -- I apologize for
15 interrupting.

16 MR. BLAZER: That's okay.
17 Twenty-three and 24 go with 1 that is already in
18 evidence. All three documents are evidence of
19 Groot's acquisition of the subject property.

20 MR. PORTER: I'd just like to point
21 out that the question is whether or not there is
22 collusion to prejudge the application. That is
23 the only question. Even if the Village of Round
24 Lake had decided to be a co-applicant, that is

1 proper under Illinois law as long as they are
2 unbiased when the time comes to make a decision on
3 a 39.2 siting hearing. They were not a
4 co-applicant. There is no evidence of that, but I
5 just don't want anybody to be misled that somehow
6 the word collusion magically makes everything
7 relevant. The question is whether or not there
8 was bias or preadjudication. This has no
9 relevance to that.

10 MR. KARLOVICS: Mr. Blazer, I just
11 need to clarify something.

12 MR. BLAZER: Sure.

13 MR. KARLOVICS: There are four Round
14 Lake communities that people often get confused
15 which is: Round Lake Heights, Round Lake Beach,
16 Round Lake and Round Lake Park. When Mr. Porter
17 refers to Round Lake, I believe he is referring to
18 Round Lake Park.

19 MR. PORTER: That is correct. I
20 apologize.

21 MR. KARLOVICS: So the Village of
22 Round Lake was actually objecting to this, to the
23 local siting. I want to make sure that was clear
24 for the record.

1 MR. PORTER: If I have shorthanded
2 the Village of Round Lake Park, I apologize. I
3 have always been referring to the Village of Round
4 Lake Park.

5 MR. SECHEN: Can I just deviate a
6 little from what we're doing? The record should
7 reflect it is approximately 10:25 and no public
8 has been here from the start of these hearings
9 until now.

10 HEARING OFFICER HALLORAN: You're
11 taking my job. But thank you.

12 MR. BLAZER: He's trying to make
13 life easier for you.

14 HEARING OFFICER HALLORAN: You know,
15 based on my same rulings previously, I will admit
16 TCH Exhibit's 23 and Exhibit 24 into evidence over
17 objection.

18 (Document marked as TCH Exhibit
19 No. 32 for identification.)

20 MR. BLAZER: Thirty-two gets a
21 little complicated, but we'll see if we can work
22 our way through it. Thirty-two is an e-mail that
23 you've actually seen before in a different
24 context. An individual, Dirk Price -- an

1 individual named Dirk Price had been selected by
2 the Village as the Hearing Officer and then
3 ultimately had to withdraw as Hearing Officer
4 because his firm also represents the Village of
5 Hainesville and the Village of Hainesville had
6 indicated to Mr. Price's firm that they intended
7 to oppose this siting application.

8 MR. SECHEN: But did not ultimately.

9 MR. BLAZER: Please let me finish.

10 It was understood at this period of time that both
11 Hainesville and Round Lake which did oppose as
12 Mr. Karlovics just mentioned a few minutes ago
13 would be opposing and this relates directly to the
14 effort that Mayor McCue participated in with
15 Mr. Fallon that was the subject of your prior
16 ruling relating to the minutes in Exhibit 18, the
17 understanding of trying to explain the transfer
18 station to Round Lake and Hainesville in an effort
19 to preclude opposition.

20 So that's -- 32 is simply an
21 acknowledgment to the Village by Mr. Price that
22 Hainesville was going to oppose. That's the only
23 purpose of that exhibit. It is not tendered for
24 any other purpose.

1 HEARING OFFICER HALLORAN:

2 Mr. Porter?

3 MR. SECHEN: What does that have to
4 do with anything?

5 MR. BLAZER: It relates directly to
6 Exhibit 18.

7 MR. SECHEN: No.

8 MR. BLAZER: And 31 and 32.

9 MR. PORTER: Exhibit 32 is, again,
10 irrelevant. This Board has already ruled that
11 discovery concerning Dirk Price, particularly his
12 deposition, was quashed as a result of the
13 information related to him being completely
14 irrelevant to the question of fundamental
15 fairness. He was a hearing officer that was
16 proposed at one time, turned out he had a conflict
17 and withdrew his name from contention.

18 So, again, this is not in any
19 way relevant to fundamental fairness. It does not
20 show bias or prejudgment of any Board member and
21 in looking through here, I don't believe any of
22 this is even shared. I don't see any Board
23 members e-mail addresses on any of this. So,
24 again, how it could possibly in any way relate to

1 fundamental fairness that has been raised in this
2 hearing is beyond me. It is irrelevant. It has
3 already been ruled on by the Board that Dirk Price
4 and his potential intention was irrelevant.

5 MR. BLAZER: Again, I'm tendering
6 this solely for the limited purpose of its
7 relationship to Exhibit's 18 and 31 that are
8 already in evidence. I'm not submitting this in
9 any way with respect to the issues regarding
10 Mr. Price. This is solely for purposes of
11 confirming that it was the Village's understanding
12 that the Village of Hainesville was going to
13 oppose this application and the efforts by
14 Ms. McCue in conjunction with Shaw to try and
15 combat that effort, which is reflected in 18 and
16 31.

17 HEARING OFFICER HALLORAN: Your
18 responsive objections are noted on the record. My
19 ruling will be the same as in the past. TCH
20 Exhibit 32 is admitted over objection.

21 (Document marked as TCH Exhibit
22 No. 33 for identification.)

23 MR. BLAZER: All right.
24 Thirty-three is another e-mail. I'll wait until

1 you get there. It is Deposition Exhibit 52 and
2 this is an e-mail from Mr. Sechen to Mr. Dale
3 Kleszynski, the Village's retained real estate
4 expert, in which Mr. Sechen describes the Village
5 of Round Lake as being, quote, unquote, on the
6 other side of our case.

7 Mr. Porter said a few moments
8 ago that there would be nothing wrong with the
9 Village being a co-applicant. That, in theory,
10 would be true if the Village had disclosed the
11 fact that it was proceeding as a co-applicant.

12 MR. PORTER: Objection. There is no
13 evidence that it wasn't brought --

14 MR. BLAZER: This is argument so --
15 anyway. As I think you know, Mr. Halloran, from
16 the earliest point of this case one of the things
17 that we pointed out is what occurred during the
18 hearing which made it clear to both us and to the
19 attorney from the Solid Waste Agency of Lake
20 County that the Village of Round Lake was, in
21 fact, an undisclosed co-applicant and was working
22 hand-in-hand with Groot. This is, in fact,
23 evidence of that because the attorney for the
24 Village is identifying the Village as being on the

1 other side of one of the opponents.

2 MR. SECHEN: How many sides are
3 there to a siting hearing? You list here the name
4 of their appraiser, they're currently on the other
5 side of somebody or they wouldn't have a separate
6 appraiser from Mr. Dale Kleszynski. This never
7 went to the Board. This was obviously during the
8 hearings well after filing of the application. It
9 has nothing to do with anything.

10 MR. BLAZER: And reflects the fact
11 that the attorney for the Village views his client
12 as being on the other side of one of the opponents
13 of the transfer station.

14 MR. SECHEN: Actually, that is not
15 what it means. If that were true, arguendo at
16 some point, I don't think the Village would be
17 entitled to take the position.

18 MR. BLAZER: I truly don't know what
19 that means, but I'll leave it at that,
20 Mr. Halloran.

21 MR. PORTER: If I may, I would
22 remind everyone that Mr. Sechen did not represent
23 the Village Board at that point. It was
24 Mr. Karlovics who was representing the Village

1 Board and whether or not Mr. Sechen made this
2 statement is completely irrelevant to the question
3 of whether or not the Board was biased or
4 prejudged the merits.

5 MR. SECHEN: That's why the Board is
6 isolated.

7 MR. BLAZER: May I respond to that,
8 Mr. Halloran?

9 HEARING OFFICER HALLORAN: Quickly.
10 I'm going to make my ruling.

11 MR. BLAZER: This will ultimately be
12 TCH Hearing Exhibit 72, answers to
13 interrogatories. RLP's counsel Mr. Sechen was
14 retained on or about April 20, 2010. Subsequent
15 to the retention of RLP's counsel, Mr. Sechen, and
16 prior to the filing of the application as well as
17 subsequent to the grant of siting RLP and the
18 Village Board functioned together as a unit of
19 government.

20 MR. SECHEN: Yeah.

21 MR. BLAZER: Bottom line is also --
22 again, I won't get into what is in the record that
23 formed the initial basis for our fundamental
24 fairness claim, but it is clear here that the

1 attorney for the Village views his client as being
2 on the other side of one of the opponents to the
3 transfer station. That was never disclosed during
4 the hearing.

5 MR. PORTER: Even if all that
6 Mr. Blazer just said was true, that the Village
7 attorney felt such a thing, there is no evidence
8 whatsoever that that feeling was in any way
9 communicated with the decisionmaker.

10 MR. BLAZER: That would be an
11 interesting conception of the rules of
12 professional conduct.

13 MR. SECHEN: Excuse me. Now we're
14 going to get into an ethics ruling here?

15 MR. PORTER: The question is whether
16 or not the decisionmaker was bias or prejudged the
17 application. He didn't even represent the
18 decisionmaker.

19 MR. BLAZER: This is the agent, the
20 principal agent for the Village saying --

21 HEARING OFFICER HALLORAN: TCH
22 Exhibit 33 is denied. I'll take it as an offer of
23 proof. Do you want to finish your statement on
24 the record, Mr. Blazer?

1 MR. BLAZER: No. No need to beat a
2 dead horse.

3 (Document marked as TCH Exhibit
4 No. 34 for identification.)

5 MR. BLAZER: Thirty-four.
6 Thirty-four are meeting minutes dated August 11th,
7 2009. A little less than a year after the initial
8 presentation to the Village Board in October
9 2008 -- or September 2008 I should say. It is a
10 presentation by Mr. Brandsma to the Board where he
11 describes the collective effort by Groot to
12 develop all three of the properties that are
13 reflected in that aerial photo that is in evidence
14 now. I believe it is our Exhibit 4. And that
15 collective effort is also reflected in Exhibit 2,
16 which is also in evidence. All of these exhibits
17 reflect a collective effort between Groot and the
18 Village of Round Lake Park to approve all of these
19 facilities including the transfer station. That's
20 all I have to say on this one.

21 HEARING OFFICER HALLORAN: Response?

22 MR. PORTER: Mr. Halloran, this
23 relates only to the truck terminal. This is --
24 they're looking to maintain approximately 50

1 trucks to begin with and an office building,
2 dispatcher handling the Lake and McHenry County
3 customer base. That's what these minutes are in
4 relation to is the truck terminal. Not the
5 transfer station.

6 HEARING OFFICER HALLORAN: Is that
7 true, Mr. Blazer?

8 MR. BLAZER: No, sir. If you'll
9 pull out again, Exhibit 21, which was that Power
10 Point presentation from 2008.

11 HEARING OFFICER HALLORAN: I don't
12 think I need to. I'm just looking at Exhibit 34
13 right now.

14 MR. BLAZER: My point is
15 Mr. Brandsma is talking about their search for
16 facilities. The search further led them to Round
17 Lake Park and Stock Lumber and that Stock Lumber
18 property is at pages -- is what is referenced at
19 pages five to eight of Exhibit 21, which is in
20 evidence, which was their presentation for the
21 submission of a transfer station.

22 MR. SECHEN: The Stock Lumber
23 property is the property on which the truck
24 terminal sits and it is zoned I-1 like

1 industrials. It has nothing to do with siting
2 anything.

3 MR. BLAZER: Unless you look at
4 Exhibit 21 where they're talking about exactly the
5 same property and in that one it is identified in
6 2008 as being where they want to put a waste
7 transfer station.

8 HEARING OFFICER HALLORAN: TCH
9 Exhibit 34 is denied. I'll take it as an offer of
10 proof. If the Board needs it, they can overrule
11 me.

12 (Document marked as TCH Exhibit
13 No. 35 for identification.)

14 MR. BLAZER: Okay. The next one is
15 35. Meeting minutes of April 15th, 2008. This is
16 really by way of background. There are two
17 exhibits that relate to this, but 35 is the first
18 one on the list. This relates to a discussion at
19 that time by the Village Board about methods to
20 increase revenue into the Village because they
21 were facing budget deficits and the suggestion
22 made at this meeting -- this was a presentation
23 made by an individual named Walter Willis who at
24 the time was and still is the chief executive or

1 head of the Solid Waste Agency of Lake County, but
2 at that time he had recently left Shaw
3 Environmental, Groot's consultant, and the
4 discussion specifically was about putting a
5 transfer station in to increase our revenue.

6 MR. SECHEN: Can you discuss things
7 related to a host agreement even if the --

8 MR. BLAZER: This has nothing to do
9 with a host agreement.

10 MR. SECHEN: That's what revenue
11 means in terms of the transfer station.

12 MR. KARLOVICS: Relevance.
13 Mr. Willis is not a member of the Village Board
14 and Trustee Nelson didn't vote on this. Trustee
15 Nelson was not a participant in the application
16 and deciding the application. So as to Trustee
17 Nelson who is not on the Board and Mr. Willis who
18 is not on the Board I don't see how this is
19 relevant.

20 MR. SECHEN: This is four years
21 prior to the filing of the application.

22 MR. BLAZER: McCue was the mayor.

23 MR. PORTER: If I may, I join in it
24 is an irrelevant document. This is a special

1 presentation of behalf of Walter Willis of SWALCO
2 back in April of 2008 that he identifies potential
3 revenues and one of them he mentioned a transfer
4 station. It is simply not relevant to
5 preadjudication or bias by the decisionmaker four
6 years later -- I'm sorry -- five years later on an
7 application -- a specific application brought by
8 Groot. He is not even a decisionmaker.

9 HEARING OFFICER HALLORAN: I'm going
10 to deny TCH Exhibit 35. I'll take it as an offer
11 of proof.

12 MR. BLAZER: Thank you. Thirty --
13 I'll make this one easy. 36 and 37 are two
14 ordinances both of which relate to the what I
15 refer to as the truck terminal.

16 (Documents marked as TCH Exhibit
17 No.'s 36-37 for
18 identification.)

19 HEARING OFFICER HALLORAN: This is a
20 truck terminal?

21 MR. BLAZER: Yes.

22 MR. PORTER: Same objection.

23 MR. BLAZER: They're ordinances
24 approving that facility and then both of them

1 relate to the approval of that facility.

2 MR. PORTER: These weren't even
3 discoverable. This is different facilities. It's
4 not relevant.

5 MR. BLAZER: Consistent with your
6 April 7 order, Mr. Halloran, offer of proof on
7 these?

8 HEARING OFFICER HALLORAN: Correct.
9 TCH Exhibit's 36 and 37 are denied. I'll take
10 them as an offer of proof.

11 MR. BLAZER: Thank you.

12 HEARING OFFICER HALLORAN: Thank
13 you.

14 (Document marked as TCH Exhibit
15 No. 38 for identification.)

16 MR. BLAZER: All right.
17 Thirty-eight is a printout of the Village's
18 website. There was no objection to this during
19 Mayor Lucassen's deposition when I asked her to
20 confirm this is what it is.

21 MR. PORTER: It is irrelevant.
22 Where does it in any way show some bias on behalf
23 of any decisionmaker?

24 HEARING OFFICER HALLORAN: Yeah, I'm

1 a little confused. I think I have the second page
2 laying on my desk somewhere.

3 MR. BLAZER: May I?

4 HEARING OFFICER HALLORAN:

5 (Handing.)

6 MR. BLAZER: It is at the top of
7 page three, the section entitled Solid Waste and
8 Recycling Program. It announces that Groot has
9 been awarded the waste hauling contract for the
10 Village.

11 HEARING OFFICER HALLORAN: I think
12 we know that.

13 MR. PORTER: How does that show
14 bias? She is announcing they got the waste --

15 MR. BLAZER: Again, it is our theory
16 of this case it is one of the many things that
17 Groot was awarded in this Village as part of a
18 corrective whole and it also relates to -- you may
19 recall previously we talked about the host
20 agreement.

21 MR. PORTER: What date was this?

22 MR. BLAZER: Part of -- when were
23 they awarded the --

24 MR. SECHEN: On what date is this

1 depiction of the website, which I assume changes
2 periodically?

3 MR. BLAZER: Actually I checked it
4 this morning. It is identical. It doesn't change
5 very often except the transfer station hearing.

6 MR. SECHEN: It still has a link to
7 the transfer station document?

8 MR. BLAZER: Yes, it does.

9 HEARING OFFICER HALLORAN: I'll
10 allow it if not just for demonstrative purposes
11 only.

12 MR. BLAZER: Okay.

13 HEARING OFFICER HALLORAN: Over
14 objection.

15 (Document marked as TCH Exhibit
16 No. 39 for identification.)

17 MR. BLAZER: The next one is 39 and
18 this one relates to approval of the construction
19 and demolition debris recycling facility and the
20 waste hauling contract.

21 MR. PORTER: Objection. It is
22 irrelevant. It wasn't even discoverable. It's a
23 different facility.

24 HEARING OFFICER HALLORAN: Is that

1 true, Mr. Blazer?

2 MR. BLAZER: That it wasn't
3 discoverable?

4 HEARING OFFICER HALLORAN: No. It
5 doesn't --

6 MR. BLAZER: These do not relate
7 directly to the transfer station. They relate to
8 our theory that this is simply part of the overall
9 agreement between the Village and Groot for Groot
10 to make this its base of operations for all of its
11 activities.

12 HEARING OFFICER HALLORAN: The Board
13 will so note Mr. Blazer's qualifications. Exhibit
14 TCH Exhibit 39 is denied. I'll take it as an
15 offer of proof.

16 (Document marked as TCH Exhibit
17 No. 40 for identification.)

18 MR. BLAZER: In that regard, 40 also
19 relates to the C and D facility.

20 MR. PORTER: Same objection.

21 HEARING OFFICER HALLORAN: Same
22 ruling. Denied. I'll take it as an offer of
23 proof. Mr. Blazer, I'm sorry.

24 MR. BLAZER: No, that's fine. Offer

1 of proof. Well, that's not fine. It's not fine.
2 I don't agree, but, yes, offer of proof.

3 (Document marked as TCH Exhibit
4 No. 41 for identification.)

5 MR. BLAZER: Forty-one I will
6 acknowledge, first of all, this is the host
7 agreement for the C and D facility.

8 MR. PORTER: Same objection.

9 MR. BLAZER: So to that extent I
10 understand your prior rulings, Mr. Hearing
11 Officer, but it is also important -- this is also
12 important to clarify that those meeting minutes
13 that we discussed previously from October 9 and
14 October 16 of 2012 about which there was so much
15 contention and where someone suggested that those
16 related to the C and D facility host agreement,
17 they do not. The C and D facility host agreement
18 was adopted -- was approved April 30, 2012.
19 That's what this document is.

20 MR. PORTER: The host agreement
21 regarding the transfer station is already in the
22 record. Therefore, there would be no purpose for
23 this document.

24 MR. BLAZER: I'm saying this only

1 because the respondents previously argued that
2 those other two sets of meeting minutes, which
3 are -- they are October 9 and October 12, 2012,
4 they are exhibits I believe -- if you bear with me
5 just one second on the exhibit numbers.

6 Exhibits -- well, it is actually Exhibit's 13, 14
7 and 15. Fifteen is the October 9, 2012, meeting
8 minutes; 14 is the host agreement for the transfer
9 station; 13 is the meeting at which the host
10 agreement was adopted. It is simply to clarify
11 that those documents that I just identified, 13
12 and 14 and 15, refer to the transfer station host
13 agreement, not as has been suggested by some of
14 the respondents the C and D facility host
15 agreement.

16 MR. KARLOVICS: I don't think that's
17 an issue. We've acknowledged that.

18 MR. BLAZER: If that's the case --

19 MR. PORTER: We never brought that
20 particular objection. Those prior documents did
21 not relate to the C and D facility. This does and
22 if counsel thinks he needs to somehow have a
23 document, he can use the host facility agreement
24 related to the transfer station to show those

1 other documents relate. He doesn't need this one.

2 MR. BLAZER: No. If we have a
3 stipulation, in which we might, that Exhibit's 13,
4 14 and 15 all relate to the transfer station host
5 agreement, then frankly I don't need Exhibit 41.

6 HEARING OFFICER HALLORAN: Response?

7 MR. PORTER: We will stipulate
8 Exhibit's 13, 14 and 15 relate to the host
9 agreement. We do not stipulate it is relevant to
10 the issues at issue in this case.

11 MR. BLAZER: The stipulation I'm
12 requesting first of all is 13, 14 and 15. TCH 13,
13 14 and 15. The stipulation is that all of those
14 relate to the host agreement for the waste
15 transfer station that is at issue in this case and
16 not to the C and D facility.

17 MR. PORTER: I agree.

18 MR. KARLOVICS: I agree.

19 MR. SECHEN: I have no reason to
20 disagree although I don't really know.

21 MR. BLAZER: Two out of three is not
22 that bad.

23 HEARING OFFICER HALLORAN: All
24 right. TCH Exhibit 41 is admitted.

1 MR. PORTER: We just --

2 MR. BLAZER: I'll withdraw 41.

3 HEARING OFFICER HALLORAN: Okay.

4 I'm sorry.

5 MR. BLAZER: Based on the

6 stipulation, I'll withdraw 41.

7 HEARING OFFICER HALLORAN: I just

8 thought the Board needed more paper.

9 MR. BLAZER: We don't have a column
10 for withdrawn.

11 MR. SECHEN: We do now.

12 HEARING OFFICER HALLORAN: Okay.

13 (Document marked as TCH Exhibit
14 No. 42 for identification.)

15 MR. BLAZER: Forty-two is a copy of
16 Jean McCue's portion of the Round Lake Park web
17 page. It is actually -- the relevant portion is I
18 believe --

19 MR. SECHEN: Down at the bottom --
20 top of the second page.

21 MR. BLAZER: Yes, the reasons to
22 serve as trustee. She talks about the completion
23 of projects that were started when she was mayor.
24 Again, as I indicated earlier today, she was mayor

1 until last May. Ms. Lucassen then became mayor
2 and Ms. McCue came back as a trustee and there she
3 states the purpose for -- or why she came back as
4 a trustee.

5 MR. SECHEN: She testified at her
6 deposition that that refers to the downtown
7 redevelopment projects.

8 MR. PORTER: That's correct.

9 MR. BLAZER: Actually, what she
10 testified to in her deposition, and we'll get to
11 that in the designations, is I first asked her if
12 that statement where she refers to projects,
13 plural, was accurate and she said "Yes" and then
14 when I asked her "Was the transfer station one of
15 those projects" then she all of a sudden said
16 "Well, no, that is a typo. It should have said
17 project individually."

18 HEARING OFFICER HALLORAN: Okay. It
19 is the statement "I want to see through the
20 completion of projects starting while I was
21 serving as mayor."

22 MR. BLAZER: Yes.

23 MR. PORTER: My objection is it's
24 completely irrelevant. It is not probative. It

1 is not relevant to the question of whether or not
2 she was biased in favor of the Section 39.2 siting
3 application. Beyond that as Mr. Sechen pointed
4 out at her deposition she explicitly stated that
5 this statement actually had nothing to do with the
6 transfer station.

7 MR. KARLOVICS: I also want to point
8 out that this exhibit doesn't refer to the
9 transfer station. So it doesn't state that the
10 project is the transfer station.

11 MR. PORTER: She explicitly denied
12 it.

13 MR. SECHEN: And it doesn't reflect
14 any bias one way or the other.

15 HEARING OFFICER HALLORAN: Yeah, I
16 think this is a huge stretch, Mr. Blazer.

17 MR. BLAZER: Offer of proof?

18 HEARING OFFICER HALLORAN: Offer of
19 proof.

20 MR. BLAZER: I'll make it easy for
21 you.

22 HEARING OFFICER HALLORAN: Thank
23 you. Harder for the Board, but easier for me.

24 MR. BLAZER: I know.

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(Document marked as TCH Exhibit
No. 43 for identification.)

MR. BLAZER: The next one is 43.

This one dates well back to March 11, 2008. I'll just give you the connection and then we'll do what we do with it. March 11, 2008, is the first discussion about the Village looking for new proposals for sources of revenue to address their budget deficit, which led to the April meeting minutes that you previously did not allow where Mr. Willis made the presentation about the transfer station. So to be consistent and for the sake of brevity, I'll do this one as an offer of proof.

HEARING OFFICER HALLORAN: Thank you, Mr. Blazer. You took the words right out of my mouth. TCH Exhibit 43 is denied, but I'll take it as an offer of proof.

MR. PORTER: I think it's clear, but we object to relevancy.

HEARING OFFICER HALLORAN: Okay.

MR. BLAZER: Here is what I can do with 44 through 52 to make it easy consistent with your prior rulings.

1 (Documents marked as TCH Exhibit
2 No.'s 44-52 for
3 identification.)

4 MR. PORTER: Chop some time.

5 MR. BLAZER: Forty-four to 52. As
6 you see from the table which identifies the
7 facility/issue for those, all of those relate to
8 either the waste contract, the truck terminal or
9 the C and D facility. Not that I'm waiving any
10 objection, but solely to make this go a little bit
11 more quickly and consistent with your prior
12 rulings I'm assuming that on each of these you
13 would deny their admission and I'll submit them as
14 an offer of proof.

15 HEARING OFFICER HALLORAN: You
16 assume correctly.

17 MR. PORTER: Just show for the
18 record we did object to relevance.

19 HEARING OFFICER HALLORAN: Okay.
20 TCH Exhibit's 44 through 52 are denied, but will
21 be taken as an offer of proof. Thank you,
22 Mr. Blazer.

23 MR. BLAZER: You're welcome. That
24 takes me to Table D. It is Exhibit's 53 to 61.

1 (Documents marked as TCH Exhibit
2 No.'s 53-61 for
3 identification.)

4 MR. BLAZER: These are documents
5 that were produced pursuant to your order
6 unfortunately after the close of discovery. These
7 were documents that were produced that had been on
8 the list of purported privileged documents. I
9 guess we have to go through these one at a time.
10 Item 53, September 28, 2012, it is an e-mail
11 between Messrs. Helsten and Sechen.

12 HEARING OFFICER HALLORAN: A chain
13 e-mail on page four of five?

14 MR. SECHEN: Exactly.

15 MR. BLAZER: It's a chain e-mail.
16 And actually the one you have to look at is all
17 the way in the back.

18 HEARING OFFICER HALLORAN: I think
19 I'm there.

20 MR. BLAZER: Right. The one between
21 Helsten and Sechen where the award of the waste
22 contract to Groot is a factor of the amount of
23 money that will be paid to the Village in the host
24 agreement for the transfer station.

1 MR. PORTER: What?

2 MR. SECHEN: It has something to do
3 with the motion for sanctions that was filed.

4 MR. BLAZER: That's something
5 different. That's something different.

6 MR. SECHEN: It's the same e-mail.

7 MR. BLAZER: It's the same e-mail,
8 but this is with respect to tying the transfer
9 station host agreement to the award of the waste
10 hauling contract to Groot.

11 MR. SECHEN: I mean, that is in the
12 host agreement that -- not those exact numbers,
13 but it's specifically referenced in a separate
14 page and highlighted on a separate page of the
15 host agreement in Section 1-20 something or
16 another that I cited in response.

17 MR. BLAZER: It sounds like there
18 shouldn't be any objection to this one.

19 MR. SECHEN: What does this have to
20 do with it?

21 MR. KARLOVICS: I don't see the
22 relevance the fact that it attempts to tie the
23 agreement to the contract. I don't see how that
24 shows some type of predisposition.

1 MR. SECHEN: It's garbage. You get
2 a host fee on garbage.

3 MR. PORTER: If I may, my objection
4 is this is not a communication with any Board
5 member. This is, again, communication between
6 counsel negotiating a host fee agreement and as
7 the Mega-Dump case has pointed out host fee
8 agreements are irrelevant to the question of
9 preadjudication of the merits of the 39.2 siting
10 application.

11 In fact, that very host
12 agreement and language specifically provided that
13 there were no assurances that siting would be
14 approved at the 39.2 hearing. So not only is it
15 not with a decisionmaker, it is related to a host
16 agreement which the Second District had already
17 found is irrelevant.

18 So, for those reasons, it should
19 not be in the record in this case.

20 MR. KARLOVICS: This has absolutely
21 nothing to do with the issue that was being
22 addressed a minute ago. This has to do with the
23 fact that the hauling contract was awarded to
24 Groot, was specifically related to the host

1 agreement for the transfer station.

2 MR. SECHEN: It is garbage fees. It
3 is all related. Come on.

4 MR. PORTER: Before you rule, one
5 more comment?

6 HEARING OFFICER HALLORAN: Go ahead,
7 Mr. Porter.

8 MR. PORTER: Again, the Mega-Dump
9 case explicitly involved the question of whether a
10 host agreement was relevant to a prejudgment
11 inquiry and the Second District spent a lot of
12 time discussing these issues and found "Revenue or
13 other financial considerations are irrelevant to a
14 prejudgment inquiry because neither the local
15 siting authority nor its members will realize and
16 enjoy the additional potential revenue or
17 pecuniary benefit.

18 It is the community at large
19 that stands to gain or lose from the local siting
20 authority approving or disapproving the site.
21 County boards and other governmental agencies
22 routinely make decisions that affect their
23 communities revenues." So even the communication
24 had been directly with the county Board members,

1 Mega-Dump would say it is irrelevant. This wasn't
2 even with the County Board. This was with
3 attorneys.

4 MR. SECHEN: Village Board.

5 MR. PORTER: I'm sorry. The Village
6 Board. This one was with attorneys.

7 MR. BLAZER: Number one, this has
8 nothing to do with that issue. Number two, that
9 communication from the attorney to Mayor McCue is
10 Exhibit 54.

11 HEARING OFFICER HALLORAN: Is what?

12 MR. BLAZER: Is Exhibit 54, the next
13 one, where Mr. Sechen conveys to Mayor McCue --
14 well, the specific discussion is the additional
15 host fee for Groot being the Village hauler is
16 retained. So that communication is there.
17 Fifty-three was conveyed to the mayor in 54.

18 MR. PORTER: This is all about the
19 host fee negotiations.

20 HEARING OFFICER HALLORAN: And this
21 is supporting what allegation?

22 MR. BLAZER: Again, fundamental
23 fairness that this was -- this will take me to an
24 offer of proof, I'm sure. The fact that all of

1 these activities by Groot and the Village were
2 tied together.

3 HEARING OFFICER HALLORAN: These are
4 the same e-mails I've looked at.

5 MR. BLAZER: You looked at those I
6 think when you were addressing the privilege
7 issue.

8 HEARING OFFICER HALLORAN: The
9 privilege log.

10 MR. BLAZER: Right.

11 HEARING OFFICER HALLORAN: Exhibit's
12 53 through -- are we just addressing Exhibit 53?

13 MR. BLAZER: Fifty-three and 54 go
14 together.

15 HEARING OFFICER HALLORAN: I'll deny
16 them and it can be an offer of proof.

17 MR. BLAZER: Okay.

18 HEARING OFFICER HALLORAN: Again,
19 the Board can overrule me when they take a look at
20 it.

21 MR. BLAZER: I have a bad habit of
22 saying okay. Don't take that as my acknowledgment
23 that it is okay.

24 HEARING OFFICER HALLORAN: The Board

1 will so note it.

2 MR. BLAZER: Okay. Thank you.

3 Fifty-five relates to the same thing.

4 HEARING OFFICER HALLORAN: Same
5 objection, respondents?

6 MR. SECHEN: Yes.

7 MR. PORTER: Yes.

8 HEARING OFFICER HALLORAN: Same
9 ruling. Denied, offer of proof. It's denied.
10 I'll take it as an offer of proof.

11 MR. BLAZER: Fifty-six does not
12 relate to the same thing. This is a transmittal
13 from Mr. Karlovics to Mayor McCue attaching a
14 conceptual rough draft of a local solid waste
15 management plan for your review. That is the plan
16 that was ultimately adopted in 2012 for the first
17 time.

18 HEARING OFFICER HALLORAN: The
19 attachment is here?

20 MR. BLAZER: No, the attachment is
21 not -- was not produced with the e-mail when it
22 was provided to me, but the solid waste plan is in
23 evidence as TCH Exhibit 6.

24 MR. PORTER: Mr. Halloran, if I may,

1 this is a communication between the attorney and
2 the mayor adding an item to the agenda. It was,
3 and in my opinion still is, obviously
4 attorney/client privilege, but even putting that
5 issue aside, it is, again, wholly irrelevant. It
6 is adding the discussion of a pollution control
7 facility ordinance and the solid waste management
8 plan to the agenda for a public meeting. How is
9 that dispositive or evidence or relevant to the
10 question of preadjudication?

11 MR. BLAZER: Number one, you've
12 already ruled on the privilege issue.

13 HEARING OFFICER HALLORAN: Yeah, it
14 wasn't even argued barely.

15 MR. BLAZER: But, number two, again
16 this is the transmittal -- the initial transmittal
17 from Mr. Karlovics to Ms. McCue of what ultimately
18 became the first ever Village solid waste
19 management plan which specifically acknowledges
20 the transfer station is acceptable to the Village.

21 THE COURT REPORTER: Is what?

22 MR. BLAZER: Is acceptable to the
23 Village. I'm paraphrasing. It says it a little
24 bit more directly than I did.

1 MR. PORTER: It's a planning
2 document that acknowledges one of the solid waste
3 management solutions is use of transfer stations.
4 So it is consistent with criterion eight only. It
5 has nothing to do with fundamental fairness.

6 MR. SECHEN: It's just like the Lake
7 County point. It's the same thing.

8 MR. BLAZER: Again, it has nothing
9 to do with criterion eight. It is not the county
10 plan. It is the local plan and the reason it has
11 to do with this is because a plan came out of the
12 Village of Round Lake Park just a few months
13 before this application was filed. A plan that
14 was developed in consultation with Groot's
15 consultant Shaw, which said for the first time
16 ever the Village of Round Lake Park will welcome a
17 transfer station.

18 HEARING OFFICER HALLORAN: I'll take
19 it in. The Board can deal with it if they want
20 to. Exhibit 56 is admitted over objection.

21 MR. BLAZER: Fifty-seven is -- just
22 to be consistent with some of your other ones,
23 these are communications regarding consultation
24 with Mr. Helsten on the siting ordinance. So I

1 don't want to reiterate arguments we've made
2 before. It is a similar communication.

3 MR. PORTER: Same objection.

4 MR. BLAZER: I think you ruled
5 previously you weren't going to admit that and we
6 were going to do it as an offer of proof.

7 HEARING OFFICER HALLORAN: I'm
8 sorry?

9 MR. BLAZER: I think you had ruled
10 previously with respect to this consultation with
11 Helsten on the siting ordinance that you weren't
12 going to allow it, but I'll submit it as an offer
13 of proof. So we can do the same with 57 if that's
14 okay with you.

15 HEARING OFFICER HALLORAN: All
16 right. TCH Exhibit 57 through --

17 MR. BLAZER: Just 57.

18 HEARING OFFICER HALLORAN: Do you
19 want to do just 57?

20 MR. BLAZER: Just 57.

21 HEARING OFFICER HALLORAN: It's
22 denied, but I'll take it as an offer of proof.

23 MR. BLAZER: All right. Fifty-eight
24 relates to the retention of Dale Kleszynski. It

1 is dated January 18, 2013.

2 MR. PORTER: Same objection. This
3 is an e-mail between Mr. Karlovics and Mr. Sechen
4 regarding the retention of an appraiser named Dale
5 Kleszynski who was a subsequent witness at the
6 underlying hearing. It is, again, absolutely
7 irrelevant to the question of fundamental fairness
8 and bias of the decisionmaker.

9 MR. BLAZER: Other than what Dale
10 Kleszynski testified to in the hearing, which we
11 won't get into today potentially, this relates to
12 the issue of when Dale Kleszynski was actually
13 retained.

14 HEARING OFFICER HALLORAN: I'm going
15 to admit it over objection. Fifty-nine?

16 MR. BLAZER: Fifty-nine is simply a
17 transmittal of Dale Kleszynski's report dated
18 September 29th.

19 MR. PORTER: Fifty-nine?

20 MR. BLAZER: Fifty-nine.

21 MR. PORTER: "Dear, Karen"?

22 MR. BLAZER: I'm sorry?

23 MR. PORTER: It starts "Dear,
24 Karen."

1 MR. BLAZER: I'm sorry. It is
2 related -- yes, the one that is "Dear, Karen" --
3 actually, I'm going to withdraw 59.

4 HEARING OFFICER HALLORAN: You're
5 going to withdraw 59?

6 MR. BLAZER: Yes.

7 HEARING OFFICER HALLORAN: TCH
8 Exhibit 59 is withdrawn.

9 MR. BLAZER: Yes. Sixty is an
10 e-mail from Mr. Karlovics to Mayor Lucassen and
11 Trustee -- now Trustee McCue in which he conveys
12 the Hearing Officer's recommendations, recommended
13 findings and conclusions. The last sentence of
14 which is "I recommend that both of you study it.
15 He hit a bullseye in my opinion." I view that as
16 the Village Board's attorney improperly asserting
17 himself into the deliberative process.

18 MR. KARLOVICS: Recommending that
19 Board members study a submitted finding of fact.
20 That's quite a stretch.

21 MR. BLAZER: It's the he hit a
22 bullseye part.

23 MR. PORTER: We object to relevance.
24 He is the attorney for the Village Board members.

1 He has every right to offer an opinion or advice
2 to his clients. That is just absolutely insane to
3 suggest that it is improper because he thinks the
4 Hearing Officer hit a bullseye with his
5 recommendations and proposed petition.

6 HEARING OFFICER HALLORAN: I
7 wouldn't go as far as to say insane, but I do find
8 it irrelevant, but I will take it as an offer of
9 proof. TCH Exhibit 60 is denied, but I'll take it
10 as an offer of proof.

11 MR. BLAZER: And 61 is almost the
12 last one. Sixty-one is an e-mail from Trustee
13 McCue in our view reflecting the fact that
14 although she is now a trustee and not the mayor,
15 she is still in control of the transfer station
16 process.

17 HEARING OFFICER HALLORAN: Starting
18 at page 046. "Well, written. I think it is
19 fine."

20 MR. BLAZER: It is from McCue.

21 MR. KARLOVICS: There are two
22 e-mails.

23 MR. BLAZER: It's the first page.

24 MR. PORTER: The last e-mail.

1 MR. BLAZER: It's the first page.

2 HEARING OFFICER HALLORAN: The last
3 e-mail received prompted this response that I
4 consider the same.

5 MR. BLAZER: It is from McCue. It
6 is not from the mayor.

7 MR. PORTER: I object to relevance.

8 MR. BLAZER: It connects to this
9 being one of the projects that she wanted to see
10 through.

11 MR. PORTER: I object to relevancy.
12 All this is is Jean McCue suggesting language when
13 someone untimely submitted a public comment. How
14 could this --

15 HEARING OFFICER HALLORAN: I took
16 that one as a project she wanted to see completed.
17 I think I took that as an offer of proof.

18 MR. BLAZER: Yes.

19 HEARING OFFICER HALLORAN: I'm going
20 to deny TCH Exhibit 61 and take it as an offer of
21 proof.

22 MR. BLAZER: Then I only have four
23 others. Those were the ones that I sort of
24 discussed at the very beginning of the process.

1 HEARING OFFICER HALLORAN: All
2 right.

3 MR. BLAZER: And I've numbered them
4 and I've handed them out as TCH Exhibit's 70, 71,
5 72 and 73.

6 (Documents marked as TCH Exhibit
7 No.'s 70-73 for
8 identification.)

9 MR. BLAZER: TCH 70 is Groot's
10 supplemental answer to interrogatories dated April
11 25, 2014, and on page two Groot admitted that the
12 relevant --

13 HEARING OFFICER HALLORAN: I'm
14 sorry, Mr. Blazer. Where is it dated?

15 MR. BLAZER: I think it is probably
16 in the certificate of service if you look at the
17 last page.

18 HEARING OFFICER HALLORAN: I'm
19 sorry. Okay. April 25th, 2014. Proceed. Thank
20 you.

21 MR. BLAZER: And at page two Groot
22 admits that the relevant exhibits to petitioner's
23 request to admit that are related to the transfer
24 station are exhibits -- what I'm going to do here

1 is I'll give you what they said and I'll give you
2 our TCH exhibit numbers so you can have them both
3 for the record. Two, which is TCH 19; three,
4 which is TCH 20; four, which is TCH 25; seven,
5 which is TCH 28; 24, which is TCH 15; 25, which is
6 TCH 26, am I going too fast?

7 HEARING OFFICER HALLORAN: Yeah.
8 Why don't you --

9 MR. BLAZER: Let me try again. I'll
10 go slower. Two, which is TCH 19; three, TCH 20;
11 four, TCH 25; seven, TCH 28; 24, TCH 15; 25, TCH
12 26; 26, TCH 16; 27, TCH Exhibit 18; and 28, which
13 we didn't use. And that is being offered as an
14 admission pursuant to Supreme Court Rule 213(h).

15 MR. PORTER: Objection. Admission
16 of what? This is irrelevant to the proceedings.
17 All it says is "relevant exhibits to petitioner's
18 request to admit that are related to the transfer
19 station are" and then it gives those exhibit
20 numbers. So the question in relation to this
21 language was only if indeed there was some
22 discovery related to the request to admit and so
23 this is not relevant to any issue we're here to
24 decide today or provide testimony regarding --

1 which is fundamental fairness. Beyond that, this
2 is not one of the documents that foundation was
3 stipulated to in our earlier responses. I'm not
4 stipulating to foundation.

5 MR. BLAZER: Foundation of answers
6 to interrogatories. That's unique.

7 MR. PORTER: You never offered this
8 previously before you walked in here today.

9 MR. BLAZER: I don't think I have to
10 lay a foundation for answer to interrogatories,
11 Mr. Hearing Officer.

12 MR. PORTER: It's hearsay.

13 MR. BLAZER: It is an admission
14 pursuant to Rule 213(h).

15 MR. PORTER: An admission of what?

16 MR. BLAZER: That those documents
17 are relevant to the transfer station.

18 MR. PORTER: Related --

19 MR. BLAZER: No, the word is
20 relevant.

21 MR. PORTER: No, it says "relevant
22 request to admit" is all it says. The request to
23 admit were minute meetings that you attached which
24 may or may not have had anything to do with the

1 transfer station and then it says "related to the
2 transfer station." It doesn't say "relevant."
3 Besides that, the question is relevancy to
4 fundamental fairness. Not relevancy to the
5 transfer station.

6 MR. BLAZER: Again, Mr. Halloran.
7 The statement -- the quote from this answer -- and
8 my next exhibit, Exhibit 71, which is the Village
9 Board's first supplement to our interrogatories
10 dated the same day, April 25, has the identical
11 statement in it on page one and I'll read the
12 statement again. "The relevant exhibits to
13 petitioner's request to admit that are related to
14 the transfer station are --

15 HEARING OFFICER HALLORAN: Where are
16 you reading from, Mr. Blazer?

17 MR. BLAZER: (Pointing.)

18 HEARING OFFICER HALLORAN: Exhibit
19 71? Okay. Thank you.

20 MR. PORTER: Same objection. The
21 Hearing Officer has already ruled which documents
22 he believes are relevant or not relevant via the
23 rulings he's made on the offers -- I'm sorry. On
24 the offers of documents here today. So the

1 question of whether or not we at that time said it
2 was relevant to a request to admit is not the
3 evidence.

4 MR. SECHEN: It's a discovery issue.

5 HEARING OFFICER HALLORAN: Yeah. It
6 seems to me it's circumventing -- I've already
7 made rulings on these.

8 MR. BLAZER: And that unfortunately
9 is why I wanted to do these before we started.

10 HEARING OFFICER HALLORAN: Thank
11 you. But, you know, it is funny because I don't
12 have -- not that funny. TCH Exhibit 19, I don't
13 have that down as to how I ruled.

14 MR. BLAZER: Nineteen you admitted
15 it.

16 MR. PORTER: You had taken that
17 without ruling initially, but later admitted it
18 over objection.

19 HEARING OFFICER HALLORAN: Thank
20 you, Mr. Porter, and counsel. You know what I'm
21 going to do as far as Exhibit 70, I'm going to
22 deny it, but take it as an offer of proof
23 consistent with how I've already ruled.

24 MR. BLAZER: That would probably be

1 the same with 71 then. It's admitted as an offer
2 of proof on both.

3 MR. PORTER: Sorry for interrupting.
4 Are we going to 70 and 71 instead of -- wasn't the
5 last one 61?

6 MR. SECHEN: It's what he gave us.

7 HEARING OFFICER HALLORAN: These are
8 from this morning.

9 MR. PORTER: I know.

10 MR. BLAZER: Because I didn't know
11 if there would be anything between so I skipped
12 some numbers.

13 MR. PORTER: I just wondered why not
14 go to 62.

15 MR. BLAZER: Because you plan for
16 the unplanned.

17 HEARING OFFICER HALLORAN:
18 Exhibit -- TCH Exhibit 71 denied. I'll take it as
19 an offer of proof.

20 MR. BLAZER: Seventy-two is the
21 Village's April -- the Village of Round Lake Park
22 versus the Village Board's April 25 response, I
23 guess it is not called that, but their
24 supplemental response to our interrogatories. And

1 this is on page two at the top. RLP's counsel was
2 retained on or about April 20, 2010. Subsequent
3 to the retention of RLP's counsel and prior to the
4 filing of the application as well as subsequent to
5 the grant of siting, RLP and the Village Board
6 functioned together as a unit of government.

7 MR. SECHEN: Okay. How is that
8 admitting anything? It is the way the system
9 works.

10 MR. PORTER: The objection is?

11 MR. BLAZER: If there is a
12 stipulation that that is correct, then we don't
13 have to worry about this exhibit.

14 MR. PORTER: The objection is
15 relevance. The question I assume that you're
16 trying to get at here is somehow that Mr. Sechen
17 was representing the Village Board in relation to
18 that one e-mail, which is actually denied and only
19 allowed as an offer of proof and regardless this
20 explicitly shows he did not represent the Village
21 Board at that time. It is only after his decision
22 that he resumed operating as -- how do they put it
23 here?

24 MR. BLAZER: Function together.

1 MR. PORTER: Function together as a
2 unit of government. So the issue -- my response
3 is this is irrelevant. It only relates apparently
4 to that one e-mail you had from Mr. Sechen which
5 has already been denied as far as an exhibit.

6 HEARING OFFICER HALLORAN: What
7 exhibit was that, Mr. Porter? Do you recall?

8 MR. PORTER: It won't take me a
9 second here. I think that's 52.

10 MR. BLAZER: Fifty-two is the waste
11 contract. The e-mail is -- the one about -- which
12 one? About being on the other side?

13 MR. PORTER: Correct. That's what I
14 presume this is related to. It's either 30 or 31.

15 HEARING OFFICER HALLORAN: I don't
16 see that in 52.

17 MR. PORTER: It's not. I couldn't
18 find it. I think it's 33.

19 MR. BLAZER: It is 33.

20 MR. PORTER: TCH Deposition Exhibit
21 52 -- sorry.

22 MR. BLAZER: TCH Hearing Exhibit 33,
23 which you previously rejected and accepted as an
24 offer of proof.

1 HEARING OFFICER HALLORAN: Same
2 ruling. TCH Exhibit 72 is denied. I'll take it
3 as an offer of proof.

4 MR. BLAZER: That's all I have for
5 exhibits, Mr. Hearing Officer.

6 HEARING OFFICER HALLORAN: What
7 about Exhibit 73?

8 MR. BLAZER: We're not going to need
9 it. It is already in the record.

10 MR. SECHEN: Seventy-three is
11 withdrawn -- or it's not offered?

12 MR. BLAZER: It is not offered. It
13 is already in the record.

14 MR. PORTER: Gotcha.

15 MR. BLAZER: It is the table of
16 contents to the record. That's all I have for
17 exhibits.

18 HEARING OFFICER HALLORAN: Okay.

19 MR. SECHEN: Mr. Halloran, do you
20 mind if we take a break?

21 HEARING OFFICER HALLORAN: Sure.
22 We're off the record.

23

24

1 (Whereupon, a break was taken
2 after which the following
3 proceedings were had.)

4 HEARING OFFICER HALLORAN: We're
5 back on the record.

6 MR. BLAZER: Counsel had
7 discussed -- as you know, Mr. Hearing Officer,
8 there have been some substantial deposition
9 designations. Do we want to -- I guess, yes,
10 because you want to do it in your case in chief.
11 Substantial deposition designations. Most of the
12 -- most, if not all, of the objections or disputes
13 regarding those designations with a few probably
14 non-relevant exceptions relate to whether or not
15 certain documents were relevant. You've already
16 made all those rulings regarding documents that
17 you've allowed into evidence and that you've
18 simply let us to submit as an of proof. So the
19 consensus, although Mr. Karlovics said it better
20 than I could -- so I suggest he say what our
21 stipulation is.

22 MR. KARLOVICS: This pertains to
23 deposition designations and that would be that to
24 the extent that a deposition designation refers to

1 an exhibit that was not allowed, the designation
2 will be offered as an offer of proof and to the
3 extent a deposition designation pertaining to an
4 exhibit that was admitted, the deposition
5 designation will be admitted. Did I state it
6 correctly?

7 MR. BLAZER: Correct.

8 HEARING OFFICER HALLORAN: Over your
9 prior objections?

10 MR. BLAZER: Correct.

11 MR. PORTER: And there is a chart
12 that is already in the record now that references
13 the deposition exhibit number versus the Pollution
14 Control Board hearing number. So it will be
15 capable of being followed.

16 HEARING OFFICER HALLORAN: The
17 next -- Hearing Officer Exhibit A, Mr. Porter?

18 MR. BLAZER: Correct. We obviously
19 will -- when we do the briefing, we'll obviously
20 address it that way as well. One of the reasons
21 we did Hearing Officer Exhibit A that way was to
22 be able to make sure it's understandable somewhere
23 down the road. So I believe that is the
24 stipulation among all the parties.

1 HEARING OFFICER HALLORAN: That's
2 fine with me. I appreciate the parties making it
3 easier for me regarding a get together and agree
4 on the stips.

5 MR. PORTER: Mr. Hearing Officer,
6 I'm sorry for interrupting again, but I do want to
7 make sure my designations are in the record.

8 HEARING OFFICER HALLORAN: I have
9 petitioner's deposition designations, I have
10 petitioner's counter and then your guys --

11 MR. PORTER: We filed it actually,
12 but I have another copy here and maybe it should
13 be marked even though I'm still in my case in
14 chief here, if it is okay, I would have those
15 marked as Groot Exhibit 1.

16 (Document marked as Respondent's
17 Exhibit No. 1 for
18 identification.)

19 MR. BLAZER: Do you need the
20 designations marked as exhibits?

21 MR. PORTER: I just want to be sure
22 it's in the record. That's all.

23 MR. BLAZER: He has filed it. He
24 has served it. However you prefer to do it,

1 Mr. Hearing Officer.

2 MR. SECHEN: It may not be
3 necessary, but the record should reflect that we
4 are adopting those.

5 MR. KARLOVICS: The Village Board
6 will as well adopt.

7 MR. PORTER: So Petitioner's Exhibit
8 1 -- I'm sorry. Respondent's Exhibit 1.

9 HEARING OFFICER HALLORAN: Since all
10 you guys adopted it, Respondent's 1 refers to the
11 respondent's group designations. Mr. Blazer, how
12 should I -- do you want me to do Hearing
13 Officer --

14 MR. BLAZER: Petitioner's exhibit.

15 HEARING OFFICER HALLORAN: I'm
16 sorry. Petitioner's --

17 MR. BLAZER: Let's call those 73 and
18 74.

19 HEARING OFFICER HALLORAN: You
20 withdrew 73. So 73 --

21 MR. BLAZER: Seventy-three is our
22 designations and 74 would then be our
23 counter-designations.

24 HEARING OFFICER HALLORAN: Okay.

1 MR. BLAZER: Do you need me to write
2 on top of it?

3 HEARING OFFICER HALLORAN: No.
4 Petitioner's exhibit --

5 MR. BLAZER: Seventy-three is our
6 designation and then 74 would be our
7 counter-designations.

8 HEARING OFFICER HALLORAN: All
9 right.

10 MR. BLAZER: With that -- we're not
11 in their case in chief yet because --

12 HEARING OFFICER HALLORAN: We're
13 still pretty much in a final pretrial mode I guess
14 and depending what you say, Mr. Blazer, I didn't
15 know if you guys wanted to give an opening.

16 MR. BLAZER: We had agreed not to
17 bother frankly. If -- putting it on the record at
18 this point would be repetitive of what we're going
19 to do in our closing briefs in any event.

20 MR. PORTER: You've reminded me. We
21 actually haven't opened the hearing. So it does
22 mean we need to open it and then Mr. -- admit or
23 make a record of what documents have been
24 admitted, have Mr. Blazer rest.

1 MR. SECHEN: It's all in the record
2 because we have a court reporter.

3 MR. PORTER: We haven't really done
4 that.

5 HEARING OFFICER HALLORAN: We need
6 to --

7 MR. PORTER: We need to open the
8 hearing and then --

9 HEARING OFFICER HALLORAN: Well, the
10 hearing has been open.

11 MR. PORTER: Okay.

12 HEARING OFFICER HALLORAN: Yeah.
13 Obviously, as Mr. Sechen says, there is no public
14 here other than the attorneys and myself and had
15 there been I would have announced it. The hearing
16 has been open. Depending on what Mr. Blazer has
17 to say, he can adjourn now and take a lunch and
18 wait for Mr. Dale Kleszynski and he is supposed to
19 be here at 1:00?

20 MR. PORTER: I guess what I'm
21 looking for is is Mr. Blazer resting? If we have
22 been open since 9:00 a.m. and he has now admitted
23 the documents or offer of proof for the documents
24 that he intended, we're waiving openings and

1 closings is my understanding, is Mr. Blazer
2 resting is the next --

3 MR. BLAZER: I'm sure --

4 HEARING OFFICER HALLORAN: I
5 think --

6 MR. BLAZER: I'm sure this will lead
7 to some sort of motion as soon as I say I do. He
8 wouldn't normally be so anxious otherwise. Just
9 to confirm then, my 73 and my 74 are admitted, my
10 designations?

11 HEARING OFFICER HALLORAN: That's
12 correct. And that is Respondent's Exhibit's 1.

13 MR. BLAZER: Well, actually with
14 respect to that one, I do have some relevance
15 objections having nothing to do with exhibits with
16 respect to theirs. So we should probably do that
17 one in their case. I don't want to muddy things
18 up because I do have some relevance objections to
19 some of these designations.

20 HEARING OFFICER HALLORAN: On
21 Respondent's Exhibit 1?

22 MR. BLAZER: Yes.

23 MR. PORTER: It is quite possible
24 those exhibits -- they're Village exhibits, but I

1 have a feeling we may be submitting them more as a
2 cross offer of proof, but we'll cross that bridge
3 when it comes to respondents.

4 MR. KARLOVICS: That's correct.

5 HEARING OFFICER HALLORAN: Okay. Go
6 ahead.

7 MR. BLAZER: Okay.

8 HEARING OFFICER HALLORAN: Go ahead.
9 Nothing you said, Mr. Porter -- I couldn't have
10 said it any clearer, but --

11 MR. BLAZER: If I may have just one
12 moment.

13 MR. PORTER: I'll explain more when
14 we're offer the record to not muddy up the record.

15 MR. BLAZER: With all of those
16 exhibits being ruled on and my designations,
17 petitioner rests.

18 HEARING OFFICER HALLORAN: I'm
19 sorry?

20 MR. BLAZER: Petitioner rests.

21 HEARING OFFICER HALLORAN: Okay.
22 Thank you.

23 MR. PORTER: Mr. Blazer was correct
24 that we are making a motion for directed verdict

1 based on the same grounds as the motion to
2 dismiss. My understanding, Mr. Halloran, is that
3 is something the PCB would have to rule upon so
4 I'm doing so as a matter of course in order not to
5 waive any type of argument post-hearing.

6 HEARING OFFICER HALLORAN: I don't
7 think they've ever done a directed verdict and I'm
8 not sure that's a procedure of the rules, but
9 they're the Board and I'm not.

10 MR. SECHEN: We'll do likewise and
11 incorporate as well our motion to dismiss and
12 strictly for the benefit of the record the unique
13 procedural situation which we find ourselves in
14 and we still do not know the real substance of
15 Mr. Blazer's case and we probably won't know until
16 after his initial documents are submitted and
17 filed with the Board and accordingly for the
18 benefit of the record I just note and move for
19 directed finding on the bases of violation of due
20 process and legal protection.

21 MR. BLAZER: Legal protection?

22 MR. SECHEN: Mm-hmm.

23 MR. KARLOVICS: And I do the same.

24 HEARING OFFICER HALLORAN:

1 Gentlemen, do you want to take a break now? Is
2 there any way we can get -- we're still on the
3 record, Steve.

4 MR. BLAZER: I was just going to
5 suggest their case is quite short. We might just
6 want to knock that out.

7 HEARING OFFICER HALLORAN: I'd love
8 to, but I don't think -- can you call him?

9 MR. SECHEN: I can try.

10 MR. BLAZER: I was going to talk
11 about their documents.

12 HEARING OFFICER HALLORAN: Okay.

13 MR. BLAZER: They only have two
14 documents and then I have just a couple of
15 objections to their designations. So we can
16 probably be done in ten minutes with that part of
17 their case.

18 HEARING OFFICER HALLORAN: Okay. I
19 thought you were --

20 MR. BLAZER: With that part of their
21 case.

22 MR. PORTER: We have one document
23 that needs to be executed.

24 MR. BLAZER: We're --

1 MR. SECHEN: We do have some
2 exhibits.

3 HEARING OFFICER HALLORAN: We're
4 still on the record so to make Steven's life
5 easier.

6 MR. SECHEN: Okay.

7 HEARING OFFICER HALLORAN: So,
8 Mr. Blazer, TCH rests its case in chief. I'll
9 turn it over now -- who wants to go first? Groot?
10 Mr. Porter?

11 MR. PORTER: I will. The
12 respondents, Groot included, we understand that
13 the Village has a witness that it may be calling
14 and there is a document that the Village Board may
15 be executing over the lunch break. So I would ask
16 that we take a -- is one hour long enough?

17 MR. SECHEN: One hour or until 1:00.

18 HEARING OFFICER HALLORAN: I'd like
19 one hour.

20 MR. PORTER: When we get back, I
21 think it is going to be very, very short at that
22 point.

23 HEARING OFFICER HALLORAN: We
24 appreciate you can't get ahold of your witness.

1 MR. SECHEN: Once I figure out how
2 to find him.

3 HEARING OFFICER HALLORAN: I was
4 kind of afraid of that. Can we knock off -- I'm
5 looking at -- back on our stipulation, Table E is
6 a Village proposed exhibit and Table F -- it is
7 just one exhibit. Table F is a Village Board
8 proposed exhibit.

9 MR. PORTER: We can probably knock
10 that off if you give me five minutes off the
11 record.

12 MR. BLAZER: Don't ask me. Ask him.

13 HEARING OFFICER HALLORAN: Let's
14 just take a lunch.

15 MR. BLAZER: Okay.

16 HEARING OFFICER HALLORAN: See you
17 in an hour.

18 MR. BLAZER: Okay. Fine.

19 (Whereupon, a break was taken
20 after which the following
21 proceedings were had.)

22 HEARING OFFICER HALLORAN: We're
23 back on the record. We took about an hour and a
24 half lunch. I think Mr. Blazer and TCH has rested

1 their case in chief and I think Mr. Porter and the
2 remaining respondents are going to have something
3 to say.

4 MR. PORTER: Yes. This is Rick
5 Porter on behalf of Groot Industries,
6 Incorporated. I think the first thing we should
7 probably accomplish is -- I believe there is the
8 Village of Round Lake Park Board's Exhibit
9 No. -- is it 200?

10 MR. SECHEN: Two-hundred. For the
11 Board, it's 200, yes.

12 MR. PORTER: And my understanding is
13 that that is an affidavit that has been produced
14 to all the parties of Jean McCue concerning
15 primarily an exhibit that was denied admission,
16 but allowed as an offer of proof. So really,
17 Mr. Karlovics, I should turn it over to you to
18 discuss that issue.

19 MR. KARLOVICS: At this point, we're
20 seeking leave to file with the Board affidavit of
21 Round Lake Park Trustee Jean McCue as an offer of
22 proof.

23 MR. BLAZER: I just got handed this
24 other one because there's the one that is your

1 Exhibit 200.

2 MR. PORTER: I haven't addressed
3 that one yet.

4 MR. KARLOVICS: It's this one.

5 MR. BLAZER: Okay.

6 MR. KARLOVICS: This one hasn't been
7 admitted.

8 HEARING OFFICER HALLORAN: I don't
9 have 200.

10 MR. BLAZER: I e-mailed it to you
11 actually. You can have it. You might have it.

12 MR. KARLOVICS: Here is the original
13 I'd like to file.

14 HEARING OFFICER HALLORAN: What
15 exhibit is this?

16 MR. KARLOVICS: This is 200.

17 HEARING OFFICER HALLORAN: Okay.
18 Should I put Village Board exhibit?

19 MR. KARLOVICS: This is Village
20 Board Exhibit 200.

21 (Document marked as Village
22 Board Exhibit No. 200 for
23 identification.)

24 MR. BLAZER: And the only comment I

1 have on this one I understand first of all it was
2 partially in response to an exhibit that is now
3 only an offer of proof, but candidly the only
4 comment I was going to have on it is in paragraph
5 seven on the top of the second page where
6 Ms. McCue describes not just -- it says that
7 "Mayor Linda Lucassen and I based our decision
8 upon," do you see where I'm reading?

9 HEARING OFFICER HALLORAN: Yes.

10 MR. BLAZER: The "Mayor Lucassen
11 and" is hearsay. So I'll object to that.
12 Otherwise, I have no objection to this.

13 MR. PORTER: If I'm understanding
14 correctly, this is being offered as a counter
15 offer of proof at this point, am I right,
16 Mr. Karlovics?

17 MR. KARLOVICS: Yes, that's correct.

18 MR. PORTER: And the idea here is
19 that if the PCB were to overrule your filing as to
20 exhibit number -- what exhibit number was it,
21 guys? I'm sorry. Do you recall?

22 HEARING OFFICER HALLORAN: I don't,
23 no.

24 MR. KARLOVICS: Hold on a second.

1 MR. PORTER: It is Exhibit 60 of
2 TCH's proposed exhibits which allows -- not
3 allowed and instead came in only as an offer of
4 proof. So if the Pollution Control Board were to
5 somehow overrule your ruling as I understand it
6 this is being offered as a rebuttal offer of proof
7 and would then only come in as a substantive
8 admitted exhibit if the PCB were to overrule your
9 finding as to Exhibit 60. I think that is the
10 intent, am I correct, Mr. Karlovics?

11 MR. KARLOVICS: That's correct.

12 MR. BLAZER: But just even to that,
13 that one quote that I read you as an offer of
14 proof or otherwise is hearsay.

15 HEARING OFFICER HALLORAN: I'll
16 admit it as a counter offer of proof and that is
17 the Village Board's Exhibit 200.

18 MR. KARLOVICS: Thank you.

19 MR. SECHEN: I have one, but I need
20 to make copies of it.

21 HEARING OFFICER HALLORAN: I'm
22 sorry. Here it is right now. Exhibit 200.

23 MR. BLAZER: You do have it.

24 HEARING OFFICER HALLORAN: Yes, it

1 was on the chair.

2 MR. PORTER: You have 100 and 200?

3 HEARING OFFICER HALLORAN: Yes.

4 MR. SECHEN: Do you have the
5 individual e-mails or just the numbers? If you
6 have 100, that helps.

7 MR. KARLOVICS: I have to wait until
8 she gets back from lunch. She's not back yet.

9 HEARING OFFICER HALLORAN: Do I have
10 here Exhibit 100?

11 MR. SECHEN: I thought they went
12 out, but they may not have.

13 MR. PORTER: They did.

14 MR. BLAZER: I e-mailed them out
15 Thursday, but those --

16 HEARING OFFICER HALLORAN: That's
17 why.

18 MR. SECHEN: It's this one.

19 MR. BLAZER: Yes, possibly.

20 HEARING OFFICER HALLORAN: But is
21 this --

22 MR. SECHEN: That's 100. Brad, why
23 don't you take this. I have it up on my screen.

24 MR. BLAZER: So that's Village 100,

1 correct?

2 MR. SECHEN: Village.

3 HEARING OFFICER HALLORAN: Yes.

4 MR. BLAZER: I have no objection to
5 that.

6 (Document marked as Village
7 Board Exhibit No. 100 for
8 identification.)

9 HEARING OFFICER HALLORAN: Village
10 Exhibit 100 is admitted without objection.

11 MR. PORTER: That would then bring
12 us to a new exhibit that I would ask -- I'm going
13 to mark Groot Exhibit 2.

14 HEARING OFFICER HALLORAN: Well,
15 we --

16 MR. PORTER: What did we mark it
17 before?

18 HEARING OFFICER HALLORAN:
19 Respondent's Exhibit 1.

20 MR. PORTER: Can we revisit that and
21 call it a different number? I hate having the
22 same number that we already used.

23 MR. BLAZER: I'm sorry. I was
24 reading this. What?

1 MR. PORTER: We had TCH 1 and now
2 we're going to have Respondent's 1.

3 MR. SECHEN: Want to use letters?
4 A?

5 MR. PORTER: Can we go back and
6 revisit that?

7 MR. BLAZER: You have a Hearing
8 Officer exhibit.

9 HEARING OFFICER HALLORAN: Let's go
10 off the record.

11 (Whereupon, a discussion was had
12 off the record.)

13 HEARING OFFICER HALLORAN: We're
14 back on the record. Disregard the -- respondent
15 Groot's deposition designations is going to be
16 labeled as Respondent's Exhibit No. 1.

17 MR. PORTER: Okay. So this would be
18 Respondent's Exhibit No. 2. I'm handing to you
19 right now the original.

20 (Document marked as Respondent's
21 Exhibit No. 2 for
22 identification.)

23 MR. PORTER: I've given a copy to
24 Mr. Blazer already.

1 MR. BLAZER: This is that other
2 affidavit?

3 MR. PORTER: What this is is another
4 affidavit from Round Lake Park Trustee Jean McCue
5 that we are offering as a counter offer of proof.
6 Again, there have been a variety of rulings that
7 you have made, Mr. Halloran, on a variety of
8 topics concerning other proposed or current uses
9 of property in Round Lake by my client Groot
10 Industries and most of those objections were
11 sustained. Some of the documents came in as
12 offers of proof. This is a counter offer of proof
13 in relation to those other various facilities. So
14 that's the only purpose for which it is being
15 offered as a counter offer of proof in case
16 somehow your rulings are overruled.

17 HEARING OFFICER HALLORAN:
18 Mr. Blazer?

19 MR. BLAZER: I'm just finishing
20 reading it now. I just got it a few minutes ago.

21 HEARING OFFICER HALLORAN: I'm
22 sorry.

23 MR. BLAZER: That's okay. I'm
24 almost done. It's being offered as an offer of

1 proof?

2 HEARING OFFICER HALLORAN: A counter
3 offer of proof.

4 MR. BLAZER: So I don't know if you
5 require any comment from me.

6 HEARING OFFICER HALLORAN:
7 Respondent's Exhibit No. 2 is admitted as a
8 counter offer of proof.

9 MR. PORTER: And, with that, Groot
10 has nothing further. I understand that the
11 Village has one witness it would like to call.

12 MR. BLAZER: I do have some comments
13 on their dep designations however.

14 HEARING OFFICER HALLORAN: Okay.

15 MR. PORTER: I offered those earlier
16 and they were admitted earlier in your case in
17 chief.

18 MR. BLAZER: No. Because I said
19 before I had some comments about some of the dep
20 designations.

21 HEARING OFFICER HALLORAN: He did.

22 MR. PORTER: We offer then
23 Respondent's Exhibit 1 as well, which are our dep
24 designations.

1 MR. BLAZER: I only have comments
2 about four of the pages.

3 HEARING OFFICER HALLORAN: I didn't
4 rule on it yet.

5 MR. PORTER: I was under perhaps the
6 mistaken impression that we would be doing the
7 same stipulation in regard to my designations that
8 we did in regard to Mr. Blazer's designations.

9 MR. BLAZER: These aren't about
10 exhibits. These are relevance objections having
11 nothing to do with any of the exhibits.

12 MR. PORTER: Fine. Why don't we go
13 through them. What are your objections?

14 MR. BLAZER: Okay. This is on their
15 designation of Mr. Cohn and just for the record
16 first we have already -- we filed some time ago in
17 our cross designation we also identified the fact
18 that Mr. Cohn -- respondent Groot had sought to
19 depose Mr. Cohn both in his individual capacity
20 and as the corporate representative for Timber
21 Creek Homes.

22 HEARING OFFICER HALLORAN: I vaguely
23 remember that, correct.

24 MR. BLAZER: And we submitted a

1 response to that dep notice fairly quickly after
2 we received it pointing out that the notice of
3 corporate dep didn't comply with the Supreme Court
4 Rules for a proper corporate dep.

5 HEARING OFFICER HALLORAN: I
6 remember.

7 MR. PORTER: No motion to quash was
8 filed.

9 MR. BLAZER: No, it was not nor was
10 it my obligation to do so. We also state that
11 objection at the beginning of the -- of the
12 deposition and a lot of what went on in the
13 deposition as you see -- you may not see -- in the
14 designations it deals with objections trying to
15 get answers from him as a corporate representative
16 rather than as an individual. None of what I'm
17 about to focus on deals with any of that.

18 MR. PORTER: I'm glad you brought it
19 up.

20 MR. BLAZER: First, with respect to
21 paragraph three -- excuse me. Page three of what
22 I'll refer to as the Cohn designation. Those --
23 up at the very top it says 0027. I guess it's
24 page 27. These questions were with respect to

1 whatever agreement Timber Creek may have for its
2 waste hauling services at Timber Creek and none of
3 that is relevant to this proceeding. Our position
4 is that none -- and that goes all the way from --
5 it is all the designations on pages 27 and 28.
6 It's the first one, two, three, four or so
7 paragraphs of this page. It's actually the whole
8 page because it talks about service agreements,
9 what Timber Creek does with respect to its waste
10 disposal needs I don't see how that is relevant in
11 this case.

12 HEARING OFFICER HALLORAN: You know
13 what, I can't piecemeal this stuff out of here.
14 It is going to be confusing to the Board anyway,
15 but your objection is so noted on the record.

16 MR. BLAZER: Fine. I'll just note
17 it for the record.

18 HEARING OFFICER HALLORAN: Thanks,
19 Mr. Blazer.

20 MR. BLAZER: My next one then on the
21 next page, page four. These are --

22 MR. PORTER: I'm sorry, Mike.
23 Before you do that, his objections are noted
24 within the documents as well. I mean, I don't

1 know that there serves a purpose to be restating
2 objections.

3 HEARING OFFICER HALLORAN: Well,
4 coming from a belts and suspenders guy I don't
5 think it would hurt, but Mr. Blazer can continue.
6 So noted. Thank you.

7 MR. PORTER: Belts and suspenders.
8 Paper clips --

9 MR. BLAZER: Exactly. The
10 occasional bungee cord. On page four, this is
11 deposition page 29, lines 11 to 18 and on page 35
12 lines 12 to 23. This is about a conversation that
13 Mr. Cohn vaguely recalled having regarding his
14 effort to contact Waste Management, Inc. to see if
15 they would be willing to pay some of the cost for
16 the closing of this transfer station. That,
17 likewise, is particularly irrelevant particularly
18 because it didn't go anywhere and they didn't
19 provide any funds.

20 HEARING OFFICER HALLORAN: So noted.

21 MR. BLAZER: The next page, page
22 five, the designation -- the entire designation
23 for page 37 relates to whether or not any other
24 residents of Timber Creek offered public comment

1 and then page 10 this is the designation for page
2 56, lines 12 to 20 about whether or not Mr. Cohn
3 filed any type of review appeal or lawsuit
4 regarding Groot's construction of the demolition
5 debris facility. Likewise, it's our position that
6 is not relevant and those are the only comments I
7 have.

8 HEARING OFFICER HALLORAN: So noted.
9 Thank you, Mr. Blazer. Any response?

10 MR. PORTER: In regard to the last
11 one, I would note that that relevancy objection
12 has been waived and they didn't make that
13 objection in the deposition. Apart from that
14 note, no response.

15 MR. BLAZER: Just for the record the
16 law is of all the objections that may be waived at
17 a deposition by not making one relevance isn't one
18 of them.

19 HEARING OFFICER HALLORAN: So what
20 do you want to do with this, Mr. Porter?

21 MR. PORTER: I'm offering it.

22 HEARING OFFICER HALLORAN:
23 Mr. Blazer, it sounds like you accept subject to
24 your most recent objections?

1 MR. BLAZER: Subject to my comments
2 and my counter-designations, which are already in
3 as Exhibit TCH 74.

4 HEARING OFFICER HALLORAN: I'm going
5 to take it I guess somewhat over objection. The
6 Board is to note Mr. Blazer's objection.
7 Respondent's Exhibit 1 is taken and admitted.

8 MR. PORTER: And, with that, Groot
9 has nothing further with the understanding that we
10 have reserved our right to open some closes to be
11 contained within the written briefs subsequent to
12 this oral hearing.

13 HEARING OFFICER HALLORAN: Thank
14 you, sir.

15 MR. KARLOVICS: I have nothing
16 further.

17 HEARING OFFICER HALLORAN: Thank
18 you. I believe, Mr. Sechen, the Village
19 attorney --

20 MR. SECHEN: Yes. As attorney for
21 the Village of Round Lake Park, we would like to
22 call Mr. Dale Kleszynski, but before doing that
23 let's clarify a couple of things for the record.
24 I plan on using what has been marked previously as

1 TCH Hearing Exhibit's 33 and 58. Thirty-three I
2 believe you did not admit, but rather had an offer
3 of proof on and Mr. Dale Kleszynski's testimony
4 regarding that exhibit would be offered as a
5 rebuttal offer of proof. I have copies here if
6 you like.

7 HEARING OFFICER HALLORAN: Let me
8 see if I can find it.

9 MR. BLAZER: Thirty-three and what
10 is the other one?

11 MR. SECHEN: Fifty-eight.

12 HEARING OFFICER HALLORAN: What do
13 you want me to do with them?

14 MR. PORTER: I'm going to question
15 him with respect to those two exhibits, but what
16 he says about 33 you've denied admission so --

17 HEARING OFFICER HALLORAN: Offer of
18 proof.

19 MR. SECHEN: Right. Counter offer
20 of proof from your standpoint.

21 HEARING OFFICER HALLORAN: All
22 right. Mr. Blazer, any comment?

23 MR. BLAZER: Testimony regarding an
24 exhibit that hasn't been admitted?

1 MR. SECHEN: It's a counter offer of
2 proof.

3 MR. BLAZER: I don't know how we get
4 there.

5 HEARING OFFICER HALLORAN: Yeah, I
6 don't either. This is kind of a newbie for me.

7 MR. SECHEN: If Mr. Blazer's offer
8 of proof is accepted in terms -- and it turns into
9 an actual exhibit, I can offer it into evidence,
10 then we'll seek the admission of Mr. Kleszynski's
11 testimony regarding that very exhibit and if it is
12 not, we won't.

13 HEARING OFFICER HALLORAN: The Board
14 is going to have a field day with this one.

15 MR. BLAZER: I don't even know where
16 to go with this.

17 HEARING OFFICER HALLORAN: Okay.
18 Village Board's exhibit is --

19 MR. SECHEN: It is actually TCH's
20 exhibit.

21 HEARING OFFICER HALLORAN: I'm
22 sorry. TCH Exhibit 33 is brought in as a counter
23 offer of proof.

24 MR. PORTER: I think what --

1 MR. SECHEN: His testimony --

2 MR. PORTER: -- Mr. Sechen is saying
3 is he is offering Mr. Dale Kleszynski's testimony
4 as to that exhibit.

5 MR. SECHEN: As a counter offer.

6 MR. PORTER: Only as a counter offer
7 and if indeed the PCB were to reverse your prior
8 ruling on Exhibit 33, then his testimony should be
9 admitted.

10 HEARING OFFICER HALLORAN: This is
11 as it relates to 33?

12 MR. SECHEN: Thirty-three.

13 HEARING OFFICER HALLORAN: All
14 right.

15 MR. BLAZER: All right.

16 HEARING OFFICER HALLORAN: All
17 right.

18 MR. SECHEN: Where would you like
19 him, Mr. Halloran?

20 HEARING OFFICER HALLORAN: I think
21 we're going to set him up over there.

22 MR. SECHEN: Mr. Kleszynski, if you
23 would.

24

1 D I R E C T E X A M I N A T I O N

2 BY MR. SECHEN

3 **Q. Sir, would you state your name and**
4 **spell your last name for the benefit of the court**
5 **reporter, please?**

6 A. My name is Dale Kleszynski,
7 K-L-E-S-Z-Y-N-S-K-I.

8 **Q. And, Mr. Kleszynski, what is your**
9 **employment or occupation?**

10 A. I'm the president of Associated
11 Property Counselors. It's a real estate appraisal
12 and consulting firm.

13 **Q. Are you the same Dale Kleszynski**
14 **that testified in the siting hearing for the Groot**
15 **Lake Transfer Station?**

16 A. One in the same.

17 **Q. Now, sir, can you tell us very**
18 **briefly what your training and background is with**
19 **respect to the appraisal field?**

20 A. In the area of real estate
21 appraisal, my educational and employment and
22 experience background is as follows: I'm an
23 MAI --

24 MR. BLAZER: I'm sorry. I guess I'm

1 not sorry to interrupt because I'm doing it. All
2 this is already in the record, his background and
3 experience.

4 MR. SECHEN: It is, but nobody is
5 going to go back and read it there. It will all
6 be in one place.

7 HEARING OFFICER HALLORAN: How long
8 is it going --

9 MR. SECHEN: This won't take very
10 long.

11 MR. BLAZER: All right.

12 BY THE WITNESS:

13 A. I'm an MAI and SRA designated
14 appraiser by the Appraisal Institute. I have been
15 a real estate appraiser and consultant since 1977
16 having my own firm since 1984. I have experience
17 in appraisal and consulting of multiple types of
18 property including single-family lots up to and
19 including special purpose real estate.

20 BY MR. SECHEN:

21 **Q. Mr. Kleszynski, would you explain**
22 **very briefly the ethics construct of your**
23 **profession?**

24 A. The ethics construct of the

1 appraisers who are either state certified or
2 designated by the Appraisal Institute is that we
3 follow a set of guidelines that is identified as
4 the Uniform Standards of Professional Appraisal
5 Practice. That document is of the result of work
6 of the Appraisal Foundation and through various
7 governmental agencies expecting that to be the
8 standard as well as the professional organizations
9 expecting that to be the standard. We as real
10 estate appraisers adopt that document as the basis
11 under which we operate.

12 **Q. And, Mr. Kleszynski, is that**
13 **document sometimes referred to as the USPAP?**

14 A. It is.

15 **Q. Now, could you tell us with respect**
16 **to ethics what your particular background**
17 **experience in terms of your profession is?**

18 A. For me personally, I am -- the
19 Appraisal Foundation recognizes me as an
20 instructor of the material for that text and for
21 the courses that they offer in the area of Uniform
22 Standards of Professional Appraisal Practice.

23 **Q. Can you explain what, if any,**
24 **committees you sit on that might be related?**

1 A. As it relates to that particular
2 topic, I serve on a committee for the appraisal --

3 MR. BLAZER: I'm going to object at
4 this point to the relevance. Apart from the fact
5 that it's duplicative, I'm objecting to the
6 relevance for purposes of what is going on at this
7 hearing.

8 HEARING OFFICER HALLORAN:
9 Mr. Sechen?

10 MR. SECHEN: In terms of relevance,
11 we're not completely sure whether the relevance
12 might be admissible to Mr. Blazer's case because
13 we don't know what Mr. Blazer's case is.

14 HEARING OFFICER HALLORAN: I'll
15 allow him to continue. Overruled.

16 BY THE WITNESS:

17 A. I believe that question -- you know
18 what, maybe I need the question back, please?

19 MR. SECHEN: Could you read that
20 back?

21 (Whereupon, the record was read
22 as requested.)

23 BY THE WITNESS:

24 A. My current activities with the

1 Appraisal Institute include serving on the
2 committees that review the -- for lack of a better
3 term the drafts as well as the final documents
4 that the Appraisal Foundation puts out every two
5 years in the area of rewriting the Uniform
6 Standards of Professional Appraisal Practices.

7 What our function is as a committee is that we
8 review the suggestions that are being made or the
9 areas in which they are making changes and make
10 recommendations to that body as to how that will
11 impact appraisers and how it should be done.

12 BY MR. SECHEN:

13 **Q. So I take it from that background,**
14 **Mr. Kleszynski, that you are intimately familiar**
15 **with the ethics requirements of your profession?**

16 MR. BLAZER: Objection. Leading.

17 MR. SECHEN: It's foundational.

18 HEARING OFFICER HALLORAN: Rephrase.

19 BY MR. SECHEN:

20 **Q. Are you familiar with the ethics**
21 **requirements of your profession?**

22 A. I am.

23 **Q. And, Mr. Kleszynski, in this entire**
24 **matter regarding this transfer station and the**

1 **siting, did you in any manner violate any ethics**
2 **provision of your profession?**

3 A. I have not.

4 **Q. Now, sir, I show you what has been**
5 **marked as TCH Exhibit 33.**

6 MR. SECHEN: Does anybody else want
7 a copy? I have hardcopies here.

8 BY MR. SECHEN:

9 **Q. Can you tell us what that is, sir?**

10 A. This appears to be an e-mail string
11 in which I believe I initially contacted you and
12 said that I have a client who is trying to have me
13 deposed during the week of September 30th through
14 October 4th and that although I had fully reserved
15 that time for you in the hearing, there is a
16 possibility -- I'm asking you if there is a
17 possibility that I will not be used on one of
18 those days and that I understand that the
19 hearing -- the Groot hearing comes first. I told
20 them that I would ask you so I did ask you that
21 question.

22 **Q. Mr. Kleszynski, I call your**
23 **attention to the beginning of text of that e-mail**
24 **where it says "Tressler is on the other side of**

1 **our case, too. They represent the Village of**
2 **Round Lake Park, Patty McGarr."**

3
4 MR. BLAZER: I believe it says Round
5 Lake.

6 MR. SECHEN: Excuse me. Round Lake.

7 BY THE WITNESS:

8 A. I've read that.

9 BY MR. SECHEN:

10 **Q. And can you tell us, sir, what that**
11 **means to you?**

12 MR. BLAZER: Objection. Relevance.
13 It was not his statement. His understanding of
14 what that statement may mean is irrelevant to this
15 case. The statement was Mr. Sechen's.

16 HEARING OFFICER HALLORAN:
17 Mr. Sechen?

18 MR. SECHEN: Just -- I believe that
19 this relates to his claimed taking sides,
20 prejudging and all the various other terms.

21 HEARING OFFICER HALLORAN: I'm going
22 to allow it because I'm still in the dark about
23 how you're moving forward with this, Mr. Blazer,
24 as far as what you're going to be arguing, but you

1 may -- overruled. You may continue.

2 MR. SECHEN: Thank you.

3 BY MR. SECHEN:

4 Q. What does that mean to you, sir?

5 A. My recollection of this particular
6 document is that contemporaneously with my working
7 on this particular case I was also involved as an
8 expert in a case that Tressler already had and was
9 working with another attorney from that firm.
10 There were some issues relative to scheduling a
11 deposition during that time. So I asked that
12 question although I don't have a side in this case
13 because my function in this matter was as a review
14 appraiser initially, I believe that this man's --
15 it's a description or common nomenclature for me
16 that Tressler is involved, but I was not, in fact,
17 working with Tressler in this matter.

18 MR. BLAZER: I'll object to his
19 statement regarding what he believes this means as
20 incompetent, lack of foundation and move that it
21 be stricken.

22 HEARING OFFICER HALLORAN:

23 Mr. Sechen?

24 MR. SECHEN: I believe that -- you

1 know, based on what Mr. Blazer's case may
2 ultimately be I believe it is perfectly admissible
3 at this point.

4 MR. BLAZER: That doesn't address my
5 objection.

6 MR. SECHEN: That's my response.

7 HEARING OFFICER HALLORAN: Okay. I
8 will sustain it. The Board will note it although
9 I will not strike it.

10 BY MR. SECHEN:

11 Q. Sir, can you tell us who Patty
12 McGarr is if you know?

13 A. Patty McGarr is an MAI designated
14 appraiser who I know both professionally and
15 personally who oftentimes involves herself in
16 matters where there is testimony required and
17 works in basically some of the same fields that I
18 work in.

19 Q. And then the Tressler firm was
20 involved in this matter with Patty McGarr?

21 A. The Tressler firm had considered
22 hiring Patty McGarr as an expert witness in this
23 matter is my recollection of that situation.

24 Q. Then if you were to testify as you

1 **did, did representatives of the Tressler firm**
2 **cross-examine you?**

3 A. They certainly cross-examined me.
4 They were not identified in my documents as a
5 client or as an intended user of the appraisal
6 review documents.

7 Q. **Does that make Tressler on the other**
8 **side?**

9 A. That's common knowledge.

10 MR. BLAZER: Objection. Leading.
11 Calls for speculation foundation.

12 HEARING OFFICER HALLORAN:
13 Sustained.

14 BY MR. SECHEN:

15 Q. **I show you what has been marked as**
16 **Exhibit No. 58. That's a TCH exhibit. Would**
17 **anybody else like a hardcopy?**

18 HEARING OFFICER HALLORAN: No, thank
19 you.

20 MR. BLAZER: No.

21 BY MR. SECHEN:

22 Q. **I call your attention to the body of**
23 **the e-mail found near the beginning where it says**
24 **"Pete, I found the guy who I was looking for. I**

1 have worked with him in the past, but just
2 couldn't find him, got the e-mail yesterday." A
3 couple lines down "Dale is really good and knows
4 how to testify." Can you tell me how you are
5 related to knowing how to testify, if you will, in
6 my words?

7 MR. BLAZER: Object to the form of
8 the question.

9 HEARING OFFICER HALLORAN: He can
10 answer if he is able. Go ahead.

11 BY MR. SECHEN:

12 Q. Go ahead, sir.

13 A. I think that "Dale is really good
14 and he knows how to testify" comes from, first of
15 all, various experiences. My recollection is that
16 earlier in my career I was working on a -- I was
17 working on an Adult Use case, I believe, for the
18 Cook County State's Attorney's Office and you,
19 Mr. Sechen, were involved with that case and were
20 present at a time period when I was testifying
21 regarding that matter.

22 In addition, it's common
23 knowledge in my profession that I'm one of the
24 authors of the appraisal material, the material

1 that the Appraisal Institute uses in their area of
2 litigation in which I contributed substantially in
3 the area of eminent domain as well as in the area
4 of how to prepare and be an expert witness and my
5 background relative to my -- the operation of my
6 particular business is that we considered -- or I
7 consider my business to be in part involved with
8 litigation support which requires me to testify
9 and so those things as well as my teaching
10 experience cause me to be a person who oftentimes
11 gets asked to testify in matters such as this or
12 other court cases.

13 **Q. Mr. Kleszynski, do you recall being**
14 **delivered the application?**

15 A. Yes.

16 **Q. And who delivered that application?**

17 A. You did.

18 **Q. And where did I deliver the**
19 **application to?**

20 A. You delivered it to my office.

21 **Q. Who was present at or about that**
22 **time?**

23 A. The three people in the conference
24 room at that time were yourself, myself and

1 Mr. Finn, I believe it was.

2 Q. And that would be Kevin Finn?

3 A. I believe it was Kevin Finn. I
4 don't know his first name, but I recall it was
5 Mr. Finn.

6 Q. Do you recall when that was, about
7 when that was?

8 A. My recollection is that report or
9 that filing application was delivered to my office
10 sometime on or about June 24th, the week of June
11 24th. Clearly it might have been exactly the
12 24th.

13 Q. Do you recall a statement made with
14 respect to what should be done if anything was
15 found wrong with the application?

16 A. Yes.

17 Q. What?

18 MR. BLAZER: Object to the form of
19 the question. Object to foundation. Object to
20 hearsay.

21 MR. SECHEN: One -- go ahead.

22 HEARING OFFICER HALLORAN: Go ahead,
23 Mr. Sechen.

24 MR. SECHEN: One, it is not hearsay

1 because if Mr. Blazer were to claim something
2 contrary would be a prior inconsistent
3 statement and if, in fact, that occurs it will be
4 admissible for that purpose and what is the rest
5 of that objection?

6 MR. BLAZER: Hearsay and lack of
7 foundation.

8 MR. SECHEN: The foundation is all
9 there. Date, time and who was there and location.

10 MR. BLAZER: He hasn't identified
11 who allegedly made the comment and if --

12 MR. SECHEN: We're getting there.

13 MR. BLAZER: If it was someone other
14 than Mr. Kleszynski, then it's hearsay.

15 MR. SECHEN: I just addressed the
16 hearsay issue.

17 MR. BLAZER: I don't know how he did
18 that.

19 HEARING OFFICER HALLORAN: I'm not
20 sure I'm convinced on the hearsay --

21 MR. SECHEN: Okay.

22 HEARING OFFICER HALLORAN: -- as far
23 as who said it. It should be put before --

24 MR. SECHEN: I can do that.

1 HEARING OFFICER HALLORAN: Let's see
2 how that turns out.

3 BY MR. SECHEN:

4 Q. Who made that statement?

5 A. You.

6 MR. BLAZER: I'm sorry,
7 Mr. Halloran. Who made what statement?

8 BY MR. SECHEN:

9 Q. The statement -- do you recall a
10 statement being made about what should be done?

11 HEARING OFFICER HALLORAN: You know
12 what, I'm going to sustain Mr. Blazer's objection.
13 I'll take it as an offer of proof. So this little
14 thing here --

15 BY MR. SECHEN:

16 Q. Do you recall a statement being made
17 as to what should be done if something is found
18 wrong with the application by you or Mr. Finn?

19 A. Yes.

20 Q. And who made that statement?

21 A. You did.

22 Q. And what did I say?

23 A. You indicated to both Mr. Finn and
24 myself as part of our review of the documents that

1 were -- the things we were to review, my instance
2 being the opinion of the appraiser or the document
3 that was produced by the appraiser as well as
4 the -- as well as Mr. Lanert's work in the
5 planning area if there was anything that was wrong
6 with those documents that you wanted to know about
7 immediately.

8 MR. BLAZER: Now that we know what
9 the statement is I'll renew my objection. This is
10 absolutely hearsay.

11 HEARING OFFICER HALLORAN: Objection
12 is sustained. It'll be an offer of proof. Are
13 you done with that line?

14 MR. SECHEN: Only if I can find a
15 way around your objection I'd like to proceed.

16 HEARING OFFICER HALLORAN: I don't
17 think you will be able to.

18 MR. BLAZER: You'd have to draw it a
19 long way.

20 MR. SECHEN: I tender the witness.

21 HEARING OFFICER HALLORAN: Thank
22 you. Mr. Blazer?

23 MR. BLAZER: Just a few.
24

1 C R O S S E X A M I N A T I O N

2 BY MR. BLAZER

3 Q. Do you have Exhibit 58 there,
4 Mr. Kleszynski?

5 A. I do.

6 Q. That's the one that says "Dale is
7 really good and knows how to testify"?

8 A. Yes.

9 Q. As I understand your testimony, you
10 are really good and you know how to testify?

11 A. Well, certainly your office hired me
12 to do some work for you --

13 Q. Yes, we did.

14 A. -- so I presume you also understood
15 that I was able to go to court and testify if that
16 case had gotten -- had gone that far and I have
17 additionally presumed that your office would have
18 investigated into whether or not I was qualified
19 in order to do that and you had confidence in
20 order for me to complete that testimony
21 appropriately.

22 Q. Good point. So when you're
23 testifying, you're careful about how you testify,
24 right?

1 A. I think we should all be careful
2 about how we testify. I mean, this is --

3 **Q. That wasn't my question. My**
4 **question is when you testify, you're careful about**
5 **what you say, correct?**

6 A. I have to answer that question by
7 saying I'm careful to attempt to answer the
8 questions that I am asked truthfully based on the
9 facts as I understand them and the work that I
10 have completed. So if that means I'm careful
11 about what I say, the answer to that question is
12 yes.

13 **Q. And you want to make sure when you**
14 **testify that you're testifying accurately,**
15 **correct?**

16 A. Yes.

17 **Q. Do you have TCH 33 there?**

18 A. I do not.

19 **Q. Here. It's here. I've got it.**
20 **That's the "Tressler is on the other side of our**
21 **case" e-mail, correct?**

22 A. Yes.

23 MR. PORTER: Mr. Halloran, I hope
24 the record is clear, but just in case I want to be

1 clear that I show an ongoing objection.
2 Thirty-three is not admitted and it was just
3 offered within the context of a counter offer of
4 proof. So I'm assuming Mr. Blazer's questions are
5 within the context of that counter offer of proof.

6 HEARING OFFICER HALLORAN: You
7 assume correctly. Whether the Board picks up --
8 this is the most convoluted -- in any event, your
9 statement is so noted, Mr. Porter, and this is
10 basically Exhibit 3. The testimony from
11 Mr. Kleszynski is just a counter offer of proof.

12 MR. BLAZER: For the record,
13 Mr. Halloran, to muddy the waters even further my
14 view of this is as I'm sure you know routinely
15 when an exhibit is rejected, no further testimony
16 is taken on it other than an offer of proof with
17 respect to the offering of that exhibit. In our
18 view, our position is that Mr. Sechen by having
19 questioned Mr. Kleszynski about this exhibit has
20 opened the door and has waived any objection to
21 this exhibit. That will be our position in this
22 case.

23 HEARING OFFICER HALLORAN:
24 Mr. Sechen, anything?

1 MR. SECHEN: I have nothing further
2 than what we've already said.

3 HEARING OFFICER HALLORAN:

4 Mr. Blazer, you may proceed.

5 BY MR. BLAZER:

6 Q. Did you send an e-mail back to
7 Mr. Sechen saying "What do you mean on the other
8 side of our case?"

9 A. It would not appear that those --
10 that that language is in this e-mail string and I
11 have no objection of sending an e-mail back to
12 Mr. Sechen asking that specific question.

13 Q. If such an e-mail had existed, you
14 would have produced it to me in response to the
15 subpoena I served on you, right?

16 A. I would have produced whatever I had
17 and if it existed, you'd have it.

18 Q. And you have no recollection of any
19 such e-mail having either existed or having been
20 produced, correct?

21 A. That would be a correct statement.

22 Q. And the Village of Round Lake was,
23 in fact, a participant opposing the transfer
24 station in this proceeding, correct?

1 MR. SECHEN: As opposed to Round
2 Lake Park?

3 MR. BLAZER: I said Round Lake.

4 BY THE WITNESS:

5 A. It is my understanding that the
6 Village of Round Lake was in opposition to this
7 transfer station.

8 BY MR. BLAZER:

9 Q. **Represented by the Tressler firm,**
10 **correct?**

11 A. That is correct.

12 Q. **Were you subpoenaed by Mr. Sechen to**
13 **come here today?**

14 A. I was not.

15 Q. **He asked you to come here and you**
16 **came voluntarily?**

17 A. I came voluntarily, yes.

18 Q. **And at least up until today have you**
19 **been paid for all the services that you've**
20 **provided in this case?**

21 A. I have been paid for everything I
22 had done up to and including the end of the
23 hearing. I have not submitted a bill, nor have I
24 been paid, for any of the work that I've done to

1 produce documents or read through documents at
2 this point or for the time that I've spent in this
3 room.

4 Q. And the process by -- you were paid
5 by the Village of Round Lake Park, correct?

6 A. That's my recollection.

7 Q. And the process by which you were
8 paid, you would submit an invoice and they would
9 pay it?

10 A. That is correct.

11 MR. BLAZER: I'll mark this as TCH
12 Exhibit 75, Mr. Hearing Officer.

13 (Document marked as TCH Exhibit
14 No. 75 for identification.)

15 BY MR. BLAZER:

16 Q. I've handed you, Mr. Kleszynski,
17 what I have marked as TCH Exhibit 75. Do you
18 recognize that to be one of the documents that you
19 produced to me in response to a subpoena that was
20 served on you, correct?

21 A. I do.

22 Q. And is that one of the invoices you
23 submitted to the Village of Round Lake Park?

24 A. Yes.

1 **Q. And did the Village of Round Lake**
2 **Park pay that invoice?**

3 A. To the best of my knowledge, I've
4 been paid. There is an error on that and I think
5 I corrected that in an e-mail to you and that the
6 first dates that are listed --

7 MR. BLAZER: No question pending.
8 Move to strike.

9 HEARING OFFICER HALLORAN:
10 Sustained.

11 MR. BLAZER: I'll move the admission
12 of Exhibit 75, Mr. Hearing Officer.

13 MR. PORTER: I'm sorry. I didn't
14 hear that.

15 MR. BLAZER: I said I'll move the
16 admission of Hearing Exhibit 75.

17 MR. PORTER: We object. This is
18 irrelevant to the question of fundamental fairness
19 of these proceedings. It does not relate in any
20 way to alleged bias by the decisionmakers nor
21 usurpation of the decisionmaker's authority by the
22 Hearing Officer and at most it relates to
23 testimony presented at the siting hearing on the
24 criteria to which this witness testified. So it

1 is not relevant at this stage of the proceedings
2 and there is not supposed to be any new admission
3 of evidence regarding the criteria.

4 MR. BLAZER: Can I be heard on that?

5 HEARING OFFICER HALLORAN: I'm
6 sorry?

7 MR. BLAZER: May I be heard on that?

8 HEARING OFFICER HALLORAN: Yes.
9 Yes.

10 MR. BLAZER: The siting application
11 in this case was filed on June 21, 2013, and that
12 is when it became available to the public. You'll
13 see that according to this invoice, which
14 Mr. Kleszynski submitted and which the Village of
15 Round Lake Park paid, he was reviewing the Groot
16 application on June 15th, 16th, 17th several days
17 before that application was made available to the
18 rest of the world.

19 HEARING OFFICER HALLORAN: I'm going
20 to allow it, TCH Exhibit 75, over objection.

21 MR. BLAZER: That's all I have,
22 Mr. Hearing Officer.

23 HEARING OFFICER HALLORAN:
24 Mr. Sechen?

1 MR. SECHEN: Just briefly.

2 R E D I R E C T E X A M I N A T I O N

3 BY MR. SECHEN

4 Q. Mr. Kleszynski, with respect to the
5 entry on your invoice TCH Exhibit 75 with respect
6 to June 15, 16 and 17 about reviewing the Groot
7 application, were those dates correct?

8 A. They are not.

9 Q. When was the application provided to
10 you for the first time?

11 A. On or about the 24th of June.

12 Q. And had you seen the application or
13 any part of it prior to that?

14 A. I had not.

15 Q. Did you previously inform Mr. Blazer
16 of the error in the dates on that invoice?

17 A. I did when I was subpoenaed -- when
18 my material was subpoenaed and I produced it for
19 Mr. Blazer, I included in that an indication that
20 there was an error on the invoice as to the dates
21 of the billing for the initial review.

22 MR. BLAZER: Follow up,
23 Mr. Halloran?

24 HEARING OFFICER HALLORAN: Yes.

1 MR. BLAZER: Thank you.

2 MR. SECHEN: I have nothing further.

3 R E C R O S S E X A M I N A T I O N

4 BY MR. BLAZER

5 Q. This invoice purports to be from the
6 time between June and August of 2013, correct?

7 A. That is correct.

8 Q. All right. Was there some other
9 invoice that you submitted that replaced this one?

10 A. No.

11 Q. So this is the invoice that you
12 submitted and this is the invoice you were paid
13 for, is that correct?

14 A. That was the invoice that I
15 submitted and that was the invoice that I was paid
16 for.

17 Q. And did you submit anything -- any
18 e-mail, any message, any anything to the Village
19 of Round Lake Park or anyone representing the
20 Village of Round Lake Park saying "Wait. Stop.
21 Don't pay this one. There's a mistake. I'm going
22 to issue you a new one"?

23 A. I did not make any such submission,
24 e-mail or phone call.

1 MR. BLAZER: Nothing further.

2 FURTHER EXAMINATION

3 BY MR. SECHEN

4 Q. Mr. Kleszynski, does not making such
5 a phone call to the Village of Round Lake Park,
6 and I'm not sure no matter how you want to define
7 Village, does that violate any ethical
8 considerations of your profession?

9 A. No.

10 MR. BLAZER: Object to form of the
11 question.

12 HEARING OFFICER HALLORAN:
13 Overruled.

14 BY THE WITNESS:

15 A. No, I didn't even know there had
16 been an error made up until the time that I was
17 subpoenaed for the material that was in my file.

18 BY MR. SECHEN:

19 Q. And, thereafter, you did inform
20 Mr. Blazer of the error?

21 A. Upon noting that there was an error
22 as far as the invoice was concerned, I immediately
23 informed Mr. Blazer that there was a mistake on
24 that particular document.

1 MR. SECHEN: I have nothing further.

2 HEARING OFFICER HALLORAN:

3 Mr. Blazer?

4 MR. BLAZER: It would be gilding the
5 lily and the lily has already been gilded.

6 Nothing further.

7 HEARING OFFICER HALLORAN: Thank
8 you, Mr. Kleszynski. You may step down.

9 MR. SECHEN: Thank you, sir.

10 HEARING OFFICER HALLORAN: Thank
11 you. Let's go off the record for a minute, Steve.

12 (Whereupon, a discussion was had
13 off the record.)

14 HEARING OFFICER HALLORAN: We're
15 back on the record. We had a brief conference.
16 The petitioner and respondents are going to
17 reserve their closing statement for the
18 post-hearing briefs and I do want to note as
19 reminded by certain counsel here that throughout
20 this proceeding there have been no public here in
21 the audience. We've just had myself, the court
22 reporter and the four attendees.

23 What I will do is run through
24 the post hearing briefing schedule previously

1 agreed to and we're assuming the transcript will
2 be finished and filed by June 12th, 2014. With
3 that, petitioner's brief is due on or before June
4 23rd. Respondent's response brief is due July
5 3rd, 2014. Petitioner's reply, if any, is due
6 July 10th, 2014. The mailbox rule does not apply.
7 The record closes on July 10th. I can't think of
8 anything else to say although I'm supposed to
9 alert the parties when the transcript does come in
10 and I think Mr. Blazer shot everybody an e-mail.

11 With that said, I do want to
12 thank the Village Board and the attorney for the
13 hospitality, the Village itself. It has been a
14 blast. I thank you for your civility and
15 professionalism.

16 MR. BLAZER: Just one minor thing.
17 We have as you know our motion for sanctions
18 pending --

19 HEARING OFFICER HALLORAN: Mm-hmm.

20 MR. BLAZER: -- which we filed last
21 week. Mr. Sechen filed a response -- or served a
22 response yesterday. I understand Mr. Karlovics is
23 going to serve me with a response substantially
24 adopting what Mr. Sechen filed with one additional

1 item --

2 MR. KARLOVICS: One additional item.

3 MR. BLAZER: -- today. So I'd
4 simply like leave to file a reply by close of
5 business tomorrow.

6 HEARING OFFICER HALLORAN: Any
7 objection?

8 MR. SECHEN: I have no objection.

9 MR. KARLOVICS: No objection.

10 MR. SECHEN: I'm not sure if I was
11 on the record. I indicated previously and would
12 like to do so that we adopt in addition to what we
13 file with what Mr. Karlovics files as well.

14 HEARING OFFICER HALLORAN: Thank
15 you. So leave to reply is granted June 3rd, 2014,
16 the response to the motion for sanctions.

17 MR. BLAZER: Okay.

18 HEARING OFFICER HALLORAN: Have a
19 safe trip home, everyone. Thank you.

20 MR. BLAZER: Thank you very much,
21 Mr. Halloran.

22 MR. PORTER: Thank you.

23


24

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF COOK)
4

5 I, Steven Brickey, Certified Shorthand
6 Reporter, do hereby certify that I reported in
7 shorthand the proceedings had at the hearing
8 aforesaid, and that the foregoing is a true,
9 complete and correct transcript of the audio
10 proceedings of said hearing as appears from my
11 stenographic notes so taken and transcribed under
12 my personal direction.

13 Witness my official signature in and for
14 Cook County, Illinois, on this 12th day of
15 June, A.D., 2014.

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