

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

RECEIVED
REGIONAL HEARING CLERK
U.S. EPA REGION 5
2010 NOV 10 PM 2:25

IN THE MATTER OF:)
)
Mercury Vapor Processing) DOCKET NO. RCRA-05-2010-0015
Technologies Inc., a/k/a/ River Shannon)
Recycling)
13605 S. Halsted)
Riverdale, Illinois 60827)
U.S. EPA ID No.: ILD005234141,)
)
Respondent)
_____)

COMPLAINANT'S REPLY PREHEARING EXCHANGE

The Complainant hereby submits her reply to Respondent's Prehearing Exchange, as directed in the Presiding Officer's November 3, 2010, Order.

As an initial matter, Complainant notes that Respondent has stated that it will call no witnesses. Nonetheless, because Respondent's prehearing submittal raises issues on which rebuttal testimony may be necessary, Complainant may rely on the following witnesses' testimony in rebuttal:

1. James Mitchell, On-Scene Coordinator
Emergency Response Branch, Superfund Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Complainant would offer Mr. Mitchell to rebut Respondent's argument that U.S. EPA itself concluded that the Riverdale facility posed no risk. In particular, he would testify that: (1) he is authorized to enter property under Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA); (2) that he, along with the other, performed an assessment of Respondent's Riverdale facility in October 2007; and (3) that the Superfund Division's investigation was not for the purpose of determining whether the facility was in violation of regulations promulgated pursuant to the Resource Conservation and Recovery Act. In the event Mr. Mitchell is unavailable, Complainant would offer Mr. Walter Nied, who was also an On-Scene Coordinator in U.S. EPA Region 5's Superfund Division at the time, and who accompanied Mr. Mitchell on the assessment.

2. Kendall Moore
Pesticides and Toxics Compliance Section

Toxics Branch, Land & Chemicals Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

As with Mr. Mitchell, Complainant would offer Mr. Moore to rebut Respondent's argument that U.S. EPA concluded that the Riverdale facility posed no environmental risk. Mr. Moore is expected to testify that: (1) he is authorized to conduct inspections under the authority of the Toxic Substances Control Act (TSCA); (2) he conducted an inspection of Respondent's facility in October 2007; (3) that the inspection was directed to whether there were violations of TSCA; and (4) his inspection was not for the purpose of determining whether the facility was in violation of regulations promulgated pursuant to the Resource Conservation and Recovery Act.

3. Maureen O'Neill, Civil Investigator
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

If necessary, Ms. O'Neill is expected to provide testimony regarding the authenticity of certain records that have been assembled in this matter.

4. One or more employees of the Illinois Environmental Protection Agency with knowledge of IEPA's recordkeeping practices and personnel records.

If necessary, this witness or witnesses would testify as to the authenticity of certain IEPA records that Respondent has used, and to IEPA's staffing at particular times relevant to this proceeding.

Complainant reserves the right to call Mr. Laurence Kelly adversely. Complainant also reserves its right to elicit rebuttal testimony from the witnesses identified in its Initial Prehearing Exchange.

Complainant also may offer the following exhibits:

- A. Letter from L. Kelly, purportedly on behalf of SLRT, Inc., to Joyce Munie, Illinois Environmental Protection Agency, dated August 28, 2000 (Complainant's Exhibit 17). Complainant would offer this exhibit, *inter alia*, to rebut Respondent's contention that it was duly authorized to engage in spent lamp crushing at the Riverdale facility.
- B. Copy of jury's verdict of guilty returned April 30, 1981, against Laurence E. Kelly in *United States v. Kelly*, case no. 80 CR 517 (N.D. Ill.) (Complainant's Exhibit 18). This exhibit would be offered for impeachment purposes.

- C. Copy of April 30, 1981, minute order reciting jury's finding of guilt on all counts alleged against the defendant in *United States v. Kelly*, case no. 80 CR 517 (N.D. Ill.) (Complainant's Exhibit 19). This exhibit would be offered for impeachment purposes.
- D. Certified copy of May 9, 1983 Plea Agreement of Laurence E. Kelly on one count of conspiracy to commit mail fraud, in violation of 18 U.S.C. § 1962(d), in *United States v. Kelly*, case no. 80 CR 517 (N.D. Ill.), and attached minute order showing change of plea on Count One of the indictment (Complainant's Exhibit 20). This exhibit would be offered for impeachment purposes. Complainant notes that the original certified version, with the official seal and ribbon, is being held by Complainant's counsel pending hearing, but can be produced now if the Presiding Officer directs.
- E. Copy of July 8, 1983, order imposing sentence of imprisonment and restitution against Laurence E. Kelly in *United States v. Kelly*, case no. 80 CR 517 (N.D. Ill.) (Complainant's Exhibit 21). This exhibit would be offered for impeachment purposes. Complainant notes that, while they are public records retrieved from the National Archives and Records Administration, certified copies of this exhibit, and exhibits 18 and 19 can be made available so as to ensure their authenticity.
- F. (Under confidentiality seal) Dun & Bradstreet reports for Mercury Vapor Processing Technologies, Inc., Rivershannon Recycling Inc. (sic), SLR Technologies, Inc., SLR Tech, and Shannon Lamp recycling Technologies, Inc. (Complainant's Exhibits 22, 23, 24, 25 and 26).
- G. Copies of corporate reports from web page maintained by Illinois Secretary of State pertaining to Spent Lamp Recycling Technologies, Inc. and S.L.R. Technologies, Inc. (Complainant's Exhibits 27, 28). Complainant notes that the Presiding Officer and her staff may have access to these records at: http://www.cyberdriveillinois.com/departments/business_services/corp.html
- H. Copy of Village of Riverdale, Illinois's Prefiling Notice of Citizen's Suit under RCRA Section 7002(a)(1)(B), with copies to specified federal and state officials (Complainant's Exhibit 29). Complainant wishes to clarify that this document would not be offered to prove the truth of the allegations recited in it, but rather to rebut Respondent's contention that U.S. EPA Region 5's inspections of Respondent's Riverdale, Illinois facility were undertaken merely in response to articles appearing in Chicago area newspapers.

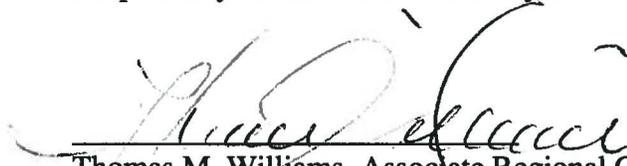
In the event this matter proceeds to hearing, Complainant may, upon motion and for the Presiding Officer's convenience, offer an exhibit in the form of a chart showing the periods of existence of the various entities through which or under whose name Mr. Laurence Kelly offered to engage in, or did engage in, spent lamp crushing activities in the Chicago area and elsewhere, based on records of the Illinois Secretary of State and

Dun & Bradstreet and other records identified as exhibits (to be numbered Complainant's Exhibit 30).

Complainant may also rely on the exhibits she has identified in her Initial Prehearing Exchange, and on the exhibits Respondent has offered. Complainant also reserves her right to supplement the prehearing exchange upon a showing of cause and the Presiding Officer's granting leave to do so.

Finally, because Respondent's Prehearing Exchange includes an admission that Shannon Lamp Recycling, an entity of which Mr. Kelly indicates he was the proprietor, was crushing lamps at the Riverdale facility, and because Complainant intends to show that neither Shannon Lamp Recycling nor its proprietor held a valid RCRA treatment permit for the relevant period, the Presiding Officer and Respondent are respectfully notified that Complainant intends to seek leave to amend the Complaint to include one or more additional parties as respondents, as indicated in her Initial Prehearing Exchange.

Respectfully submitted this 10th day of November 2010,



Thomas M. Williams, Associate Regional Counsel
Kasey Barton, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard, C-14J
Chicago, Illinois 60604

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

REGIONAL HEARING CLERK
U.S. EPA REGION 5

2010 NOV 10 PM 2:25

IN THE MATTER OF:)
)
Mercury Vapor Processing) DOCKET NO. RCRA-05-2010-0015
Technologies Inc., a/k/a/ River Shannon)
Recycling)
13605 S. Halsted)
Riverdale, Illinois 60827)
U.S. EPA ID No.: ILD005234141,)
)
Respondent)
_____)

CERTIFICATE OF FILING AND SERVICE

I hereby certify that this day I caused to be filed with the U.S. EPA Region 5 Regional Hearing Clerk the original Complainant's Prehearing Exchange. I further certify that this day I caused to be sent, postage prepaid, copies of the foregoing Complainant's Reply Prehearing Exchange to the following persons, by the indicated methods:

By First Class Mail:

Honorable Barbara Gunning
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

By First Class Mail:

Mr. Laurence Kelly
Mercury Vapor Processing Technologies, Inc.
7144 North Harlem Avenue
Suite 303
Chicago, Illinois 60631



Yesenia Ortiz
Legal Assistant
United States Environmental Protection Agency
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604

Date: November 10, 2010

17



August 28, 2000

Ms Joyce Munie, PE
Manager, Permit Section
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794-9276

SUBJECT: SPENT LAMP RECYCLING TECHNOLOGIES, INC.
CLARIFICATIONS

Dear Ms Munie:

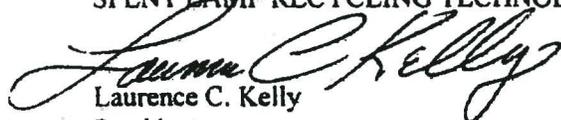
As you directed in our meeting of August 23, 2000, this letter is to clarify certain items regarding our spent mercury-containing lamp recycling operations. As we explained, we have a mobile, truck-mounted unit that crushes spent lamps for volume reduction in a closed system and in accordance with regulations found at 35 IAC 733. The mercury vapors are adsorbed onto activated carbon filter media; and the glass, phosphor powder, and metal ends are taken to a destination facility where they are separated. The carbon filter media is sent to a retort, where the mercury is recovered, the glass and phosphor powder are sent to facilities where they are processed into fiberglass, and the metal ends are recycled by a metals recycler. None of these materials exhibit the characteristic of toxicity as directed by the TCLP Test.

During our meeting, we agreed that the above activities would result in SLRT being regulated as a large quantity handler of universal waste mercury containing lamps. We also agreed that this approach is clearer and more feasible than "exiting" the universal waste regulatory scheme and entering the RCRA Subtitle C or D programs. We look forward to your letter confirming this.

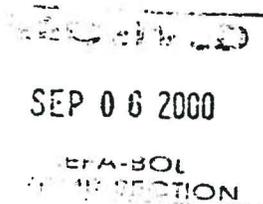
We appreciate you, Mr. Kuhn and Mr. Crites meeting with us and we hope we have eliminated any confusion about our process. As always, you and your staff are welcome to observe our unit in operation in either Chicago or Springfield. Please call me at (708) 338-3335 if you have any questions or need additional information.

Sincerely,

SPENT LAMP RECYCLING TECHNOLOGIES, INC.


Laurence C. Kelly
President

LCK/lc



18

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

511

Name of Presiding Judge, Honorable JES B. MORAN

Cause No. 80 CR 517-7

Date Apr 30, 1981

Title of Cause U.S.A. VS LAURENCE KELLY

Brief Statement of Motion TRIAL

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel

Representing

Names and Addresses of other counsel entitled to notice and names of parties they represent.

Reserve space below for notations by minute clerk

Trial held. Jury resume deliberation. Jury verdict of guilty on all counts of the indictment. Court enters judgment of guilty on all counts of the indictment.
Trial ends. Order cause referred to the probation department for a presentence investigation. Sentencing set for June 11, 1981 at 1:45 p.m. Same bond to stand.

Moran
DOCKETED
MAY 21 1981

4 MAY 1981

1165

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

UNITED STATES OF AMERICA)

-vs-)

LAURENCE KELLY)

No. 80 CR 517

H. Stuart Cunningham, Clerk
United States District Court

APR 30 1981

VERDICT

DOCKETED

MAY 21 1981

We, the jury, find the defendant, Laurence Kelly, GUILTY as charged in the
Indictment.

Michael J. Tomek
FOREPERSON

Karl J. Eshenbahr

Joseph S. Kypny

Patrick J. Doyle

Evelyn Schultz

Elva Magdalena Wilson

Gregory S. Dybas
Robert J. Jensen

Joseph Campbell

Howard Smith

Howard Fager

Victoria Oroskienski

4-30-81

19

Minute Order Form

(rev. 4/87e)

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

Name of Assigned Judge or Magistrate	JAMES B. MORAN	Sitting Judge/Mag. If Other Than Assigned Judge/Mag.	
Case Number	80 CR 517 - 7	Date	Feb 2, 1988 1:30
Case Title	U.S.A. VS LAURENCE KELLY		

MOTION: [In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3d-party plaintiff, and (b) state briefly the nature of the motion being presented]

FEB 5 1988 Sent for Microfilm	Govt's motion for a RTSC why probation should not be revoked

DOCKET ENTRY: (The balance of this form is reserved for notations by court staff.)

(1) Judgment is entered as follows: (2) [Other docket entry:]

Government's motion for a rule to show cause why probation should not be revoked is denied as moot. Upon agreement of all parties, IT IS HEREBY ORDERED that the probationary term imposed upon the defendant is terminated unsatisfactorily, such termination being expressly conditioned upon the entry of a consent judgment or other such agreement whereby the defendant consents to pay \$33,970, which is the amount of restitution still owed by the defendant. The agreement to pay the restitution is not bound by any time limitation.

(3) Filed motion of [use listing in "MOTION" box above].

(4) Brief in support of motion due _____.

(5) Answer brief to motion due _____ Reply to answer brief due _____.

(6) Hearing on _____ set for _____ at _____.

(7) Ruling _____ set for _____ at _____.

(8) Status hearing held continued to set for reset for _____ at _____.

(9) Pretrial conference held continued to set for reset for _____ at _____.

(10) Trial set for reset for _____ at _____.

(11) Bench trial Jury trial Hearing held and continued to _____ at _____.

(12) This case is dismissed without with prejudice and without costs by agreement pursuant to FRCP 4(j) (failure to serve) General Rule 21 (want of prosecution) FRCP 41(a)(1) FRCP 41(a)(2)

(12) (For further detail see order on the reverse of order attached to the original minute order form.)

<input checked="" type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge magistrate	FEB 5 - 1988 DC	number of notices: 5	Document # 328
		date docketed: FEB 5 - 1988	
		docketing dpy. initials: DC	
		date mld.	

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
) NO. 80 CR 517
)
LAWRENCE KELLY) Judge James B. Moran

ORDER

Upon agreement of all parties, IT IS HEREBY ORDERED that the probationary term imposed upon the defendant is terminated unsatisfactorily, such termination being expressly conditioned upon the entry of a consent judgment or other such agreement whereby the defendant consents to pay \$33,970, which is the amount of restitution still owed by the defendant. The agreement to pay the restitution is not bound by any time limitation.

ENTER:



United States District Court Judge

DATE: ^{AWK} 2/2/88

20

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

all to whom these presents shall come. Greeting:

In virtue of the authority vested in me by the Archivist of the United States, I certify on his behalf, under the seal of the National Archives and Records Administration, that the attached reproduction(s) is a true and correct copy of documents in his custody.

SIGNATURE 	
NAME DOUGLAS A. BICKNESE	DATE 11/4/2010
TITLE Director, Regional Archives	
NAME AND ADDRESS OF DEPOSITORY NARA-GREAT LAKES REGION (CHICAGO) 7358 SOUTH PULASKI ROAD CHICAGO, ILLINOIS 60629	

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

DOCKETED
MAY 20 1983

*Return
To
Judge
Moran*

UNITED STATES OF AMERICA

vs.

LAURENCE KELLY

)
MAY 9 1983

)
H. Stuart Cunningham, Clerk
United States District Court

No. 80 CR 517-7
Judge James B. Moran

PLEA AGREEMENT

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the United States of America, by Dan K. Webb, United States Attorney for the Northern District of Illinois, and the defendant, Laurence Kelly and his attorney, Patrick Tuite, have agreed upon the following:

1. Defendant acknowledges that he has been charged in the indictment in this case with a violation of Title 18, United States Code, Section 1962(d) (Count 1); Section 1341 (Counts 32-41); and 26 U.S.C. § 7203 (Count 90).
2. Defendant has read the charge against him contained in the indictment and the charge has been fully explained to him by his attorney.
3. Defendant fully understands the nature and elements of the crime with which he has been charged.
4. Defendant will enter a voluntary plea of guilty to Count One of the indictment in this case.
5. Defendant agrees that this Plea Agreement shall be filed and become a part of the record in this case.
6. Defendant will plead guilty because he is in fact guilty of the charge contained in Count One. In pleading defendant acknowledges that Count One charges:

The Special January 1979 Grand Jury charges:

1. At all times material to this indictment the Board of Appeals of Cook County (hereinafter referred to as the Board of Appeals) was located

in Chicago, Illinois, and was a governmental body authorized and empowered by the laws of the State of Illinois to receive, hear, and review complaints pertaining to real estate property tax assessments in Cook County and to direct the county assessor of Cook County to raise or lower said assessments to obtain a full, fair, and impartial assessment of all real estate in Cook County.

2. At all times material to this indictment the Board of Appeals was an "enterprise" as that term is defined in Title 18, United States Code, Section 1961(4), which engaged in and the activities of which affected interstate commerce.

3. At all times material to this indictment the laws of the State of Illinois and the rules of the Board of Appeals provided and required that real estate tax assessment complaints on real estate located in each of the townships in Cook County be filed on the official complaint form adopted by the Board of Appeals within the twenty-day period specified for each township in the official publication of the Board of Appeals; that said complaint be signed by the real estate owner or his attorney; that the Board of Appeals hold public hearings on complaints timely filed by property owners or their attorneys; and that, in each instance in which an assessment was ordered corrected, the Board of Appeals make and sign a brief written statement of the reason for such change and the manner in which the method used by the assessor in making such assessment was erroneous.

4. Thomas Lavin was a hearing officer at the Board of Appeals from approximately December, 1970 until 1974 and a Deputy Commissioner to Commissioner Harry Semrow from approximately 1974 to January, 1978.

5. Beginning in June, 1970 Donald Erskine was an employee at the Board of Appeals. From approximately January, 1973 to November, 1978, Donald Erskine was Deputy Commissioner to Commissioner Seymour Zaban.

6. At all times material to this indictment, Jimmie Smith was a hearing officer, and since January, 1978 acted as office manager at the Board of Appeals.

7. At all times material to this indictment, James Woodlock was a computer programmer at the Board of Appeals.

8. At all times material to this indictment, Robert E. Allen was a hearing officer at the Board of Appeals.

9. At all times material to this indictment a bribery statute of the State of Illinois, Illinois Revised Statutes, Chapter 38, Section 33-1, was in effect, which was punishable by imprisonment for more than one year.

10. At all times material to this indictment a mail fraud statute of the United States, Title 18, United States Code, Section 1341, was in effect, which made it an offense to devise a scheme to defraud and to use the United States mails in furtherance of the scheme.

11. Beginning in 1974 and continuing until the date of this indictment at Chicago, in the Northern District of Illinois, Eastern Division,

THOMAS LAVIN,
DONALD ERSKINE,
JIMMIE SMITH,
STANLEY BALODIMAS,
VINCENT BATTISTA,
BARTLEY BURNS,
LAURENCE KELLY,
KENNETH VALERUGO, and
JOHN VANDENBERGH,

defendants herein, with other co-conspirators both known and unknown to the grand jury, did knowingly combine, conspire and agree with each other to knowingly conduct or participate in the conduct of the affairs of the Board of Appeals through a pattern of racketeering activity by committing multiple acts of bribery and mail fraud, involving payments of money to officials at the Board of Appeals to corruptly influence assessment reductions, in violation of Title 18, United States Code, Section 1962(c) and to conceal the nature and objects of the conspiracy. These acts of racketeering activity were in violation of Ill.Rev.Stat. Ch. 38 Section 33-1 and Title 18, U.S.C. Section 1341. The mailings in Counts Two through Eighty-Two of this indictment constitute some of these acts of racketeering.

12. It was a part of the conspiracy that Robert A. Allen, Stanley Balodimas, Vincent Battista, Bartley Burns, Roger Burton, Thomas Gavin, Laurence Kelly, Ronald Lynch, Marvin Siegel, Kenneth Valerugo, John Vandenberg and others acted as "runners", recruiting property owners who wished to obtain property assessment reductions.

13. It was further part of the conspiracy that the runners gave to Deputy Commissioner Thomas Lavin and Donald Erskine Board of Appeals complaint forms which contained information about the property on which the owner sought tax reductions.

14. It was further part of the conspiracy that Thomas Lavin and Donald Erskine caused property assessment reductions to be made on those complaints.

15. It was further part of the conspiracy that the initials of Commissioner Semrow were forged on complaint files by Thomas Lavin and James Woodlock, indicating that an assessment reduction was approved. Review of these complaints by Commissioner Zaban was circumvented by (1) James Woodlock placing these complaints among legitimate complaints already reviewed by Commissioner Zaban, and (2) Donald Erskine approving these complaints for Commissioner Zaban.

16. It was further part of the conspiracy that notices of reduction were mailed from the Board of Appeals to the property owners or their attorneys. The property owners paid fees, usually one-half of the savings in property tax to the runners, who would in turn split the fee with Thomas Lavin and Donald Erskine.

17. It was further part of the conspiracy that after Thomas Lavin left the Board of Appeals in January, 1978, Thomas Lavin, Donald Erskine, James Woodlock, Jimmie Smith and others agreed that Thomas Lavin would continue to forge the initials of Commissioner Semrow on complaint files by coming to the Board of Appeals after hours or by having the complaint files brought to him. Some complaints brought in by runners were processed by Donald Erskine and others who initialed complaint files for the Commissioners.

18. It was further part of the conspiracy that property assessments were corruptly reduced in over two thousand cases for a total reduction in property assessments of approximately thirty million dollars.

19. Paragraphs Twelve through Seventeen of Count One and the mailings in Counts Two through Eighty-two of this indictment are overt acts committed in furtherance of the conspiracy;

In violation of Title 18, United States Code, Section 1962(d).

7. Defendant acknowledges that he did in fact, knowingly and wilfully participate in a scheme with Thomas Lavin. Defendant acknowledges that the objects of the scheme were to fraudulently process real estate tax assessment reductions through the Board of Appeals. As part of the scheme the defendant acknowledges that he solicited property owners in Cook County for the purpose of filing assessment reduction complaints at the Board of Appeals. He further acknowledges he collected fees from these property owners and split them with Thomas Lavin. He further acknowledges that he paid money to Lavin while Lavin was Deputy Commissioner of the Board of Appeals and thereafter, to influence assessment reductions.

8. Defendant understands that the charge to which he will plead guilty carries a maximum penalty of twenty years imprisonment and/or a \$25,000 fine and that, absent a change of circumstances, the Court cannot impose a sentence greater than previously imposed upon him.

9. Defendant understands that by pleading guilty he surrenders certain rights, including the following:

(1) If defendant persisted in a plea of not guilty to the charges against him, he would have the right to a public and speedy trial. The trial could be either a jury trial or a trial by the judge sitting without a jury. The defendant has a right to a jury trial. However, in order that the trial

be conducted by the judge sitting without a jury, the defendant, the government and the judge all must agree that the trial be conducted by the judge without a jury.

(2) If the trial is a jury trial, the jury would be composed of twelve laypersons selected at random. Defendant and his attorney would have a say in who the jurors would be by removing prospective jurors for cause where actual bias or other disqualification is shown, or without cause by exercising so-called preemptory challenges. The jury would have to agree unanimously before it could return a verdict of either guilty or not guilty. The jury would be instructed that defendant is presumed innocent, and that it could not convict him unless, after hearing all the evidence, it was persuaded of defendant's guilt beyond a reasonable doubt, and that it was to consider each count of the indictment separately.

(3) If the trial is held by the judge without a jury, the judge would find the facts and determine, after hearing all the evidence, and considering each count separately, whether or not he was persuaded of defendant's guilt beyond a reasonable doubt.

(4) At a trial, whether by a jury or a judge, the government would be required to present its witnesses and other evidence against defendant. Defendant would be able to confront those government witnesses and his attorney would be able to cross-examine them. In turn, defendant could present witnesses and other evidence in his own behalf. If the witnesses for defendant would not appear voluntarily, he could require their attendance through the subpoena power of the court.

(5) At a trial, defendant would have a privilege against self-incrimination so that he could decline to testify, and no inference of guilt could be drawn from his refusal to testify. If defendant desired to do so, he could testify in his own behalf.

10. Defendant understands that by pleading guilty he is waiving all the rights set forth in the prior paragraph. Defendant's attorney has explained those rights to him, and the consequences of his waiver of those rights.

11. Nothing in this agreement shall limit the Internal Revenue Service in its collection of any taxes, interest, or penalties from the defendant.

(1) Defendant agrees to transmit his original records or copies thereof, to the Examination Division of the Internal Revenue Service so that the Internal Revenue Service can complete its civil audit of defendant.

(2) Defendant agrees to provide any additional books and records of his which may be helpful to the Examination Division of the Internal Revenue Service to complete its civil audit of defendant.

(3) Defendant will interpose no objection to the entry of an order under F.R.Cr.P. 6(e) authorizing transfer to the Examination Division of the Internal Revenue Service of his documents, or documents of third parties, in possession of the federal grand jury, the United States Attorney, or the Federal Bureau of Investigation.

12. Defendant understands that the United States Attorney reserves the right to notify any state or federal agency by whom defendant is licensed, or with whom defendant does business, of defendant's conviction.

13. Defendant was convicted in 80 CR 517, on ten (10) counts of mail fraud, one count of failure to file a tax return and one (1) count of racketeering. The racketeering count, Count One, to which the defendant now pleads guilty, had been reversed for a new trial. The remaining Counts, charging mail fraud, (Counts 32-41) and failure to file (Count 90) were remanded for resentencing. In exchange for defendant's plea of guilty to Count One, the government has only made one promise; to wit: that the government will not

object to the fine portion of the sentence, presently \$5,000, being changed from a fine to restitution, to be paid to the Treasurer of Cook County.

14. The defendant understands that the government will recommend that the court reimpose its original sentence of fifteen months incarceration on Count One, followed by three years consecutive probation on Counts 32-41 and 90 and \$5,000 restitution.

15. The defendant agrees to waive the presentence investigation by the Probation Office.

16. Defendant and his attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this agreement, to induce defendant to plead guilty.

AGREED:



DAN K. WEBB
United States Attorney



LAURENCE KELLY
Defendant



STEPHEN J. SENDEROWITZ
Assistant United States Attorney



PATRICK TUTTLE
Attorney for Defendant

SJS:emr

10
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable JAMES B. MORAN

Cause No. 80 CR 517-7

Date May 9, 1983

Title of Cause U.S.A. VS LAURENCE KELLY

Brief Statement of Motion Change of Plea

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorney. Please do this immediately below (seperate lists may be appended).

Names and Addresses of moving counsel

Representing

1983

Names and Addresses of other counsel entitled to notice and names of parties they represent.

DOCKETED
MAY 20 1983

J. Moran

Reserve space below for notations by minute clerk
Defendant withdraws plea of not guilty to count 1. Defendant enters plea of guilty to count 1. Defendant informed of rights. Judgment of guilty entered. Same bond to stand. Cause referred to the probation department for an updated pre-sentence investigation. Sentencing set for May 20, 1983 at 1:00 p.m.

Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.

21

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable JAMES B. MORAN

Cause No. 80 CR 517-7

Date July 8, 1983

Title of Cause U.S.A. VS LAURENCE KELLY

Brief Statement of Motion SENTENCING

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (seperate lists may be appended).

Names and Addresses of moving counsel _____

Representing _____

JUL 12 1983

Names and Addresses of other counsel entitled to notice and names of parties they represent.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a term of 9 months; on condition that the defendant shall reside in and participate in the work release program of the Metropolitan Correctional Center for a period of 9 months as to count 1. It is further ordered that the fine of \$5,000.00 will be as restitution payable to the Treasurer of Cook County pursuant to the plea agreement. It is further ordered that the defendant make additional restitution in the sum of \$30,000.00 payable to the Treasurer of Cook County. It is further ordered that the defendant be given a stay of execution until July 19, 1983 at 10:00 a.m.

DOCKETED

JUL 15 1983

Moran

Hand this memorandum to the Clerk.
Counsel will not rise to address the Court until motion has been called.

27



 JESSE WHITE
 SECRETARY OF STATE

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CORPORATION FILE DETAIL REPORT

Entity Name	SPENT LAMP RECYCLING TECHNOLOGIES, INC.	File Number	59378627
Status	DISSOLVED		
Entity Type	CORPORATION	Type of Corp	DOMESTIC BCA
Incorporation Date (Domestic)	04/22/1997	State	ILLINOIS
Agent Name	LARRY C KELLY	Agent Change Date	12/31/2001
Agent Street Address	1420 RENASSANCE STE 307	President Name & Address	LARRY KELLY 1420 RENASSANCE #307 PARK RIDGE 60068
Agent City	PARK RIDGE	Secretary Name & Address	INVOLUNTARY DISSOLUTION 09 02 03
Agent Zip	60068	Duration Date	PERPETUAL
Annual Report Filing Date	00/00/0000	For Year	2003
Assumed Name	INACTIVE - SLR TECHNOLOGIES		

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28



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CORPORATION FILE DETAIL REPORT

Entity Name	S.L.R. TECHNOLOGIES, INC.	File Number	66308642
Status	ACTIVE		
Entity Type	CORPORATION	Type of Corp	DOMESTIC BCA
Incorporation Date (Domestic)	12/15/2008	State	ILLINOIS
Agent Name	LINDSAY R HEMMER	Agent Change Date	02/01/2010
Agent Street Address	7144 N HARLEM AVE STE 303	President Name & Address	LAURENCE KELLY 7144 N HARLEM AVE #303 CHICAGO IL 60631
Agent City	CHICAGO	Secretary Name & Address	
Agent Zip	60631	Duration Date	PERPETUAL
Annual Report Filing Date	00/00/0000	For Year	2010
Assumed Name	ACTIVE - SHANNON LAMP RECYCLING TECHNOLOGIES		

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