

STATE OF ILLINOIS – DEPARTMENT OF LABOR
160 N. LASALLE ST., STE. C-1300
CHICAGO, ILLINOIS 60601

IN THE MATTER OF:)
)
ILLINI ASPHALT CORPORATION,)
)
 PETITIONER(S),) STATE FILE NO. 2018-H-AS09-1977
)
v.)
)
JOSEPH BEYER, ACTING DIRECTOR OF THE)
ILLINOIS DEPARTMENT OF LABOR, and)
THE ILLINOIS DEPARTMENT OF LABOR,)
)
 RESPONDENTS.)

ORDER

THIS MATTER COMING on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing issued there under; and, Motion to Intervene and Consolidate Cases and to Continue Hearing, pursuant to 56 Illinois Administrative Code 120.400 (a) (1-6) all parties having been duly advised on the premises issues this order;

FINDINGS:

The Illinois Prevailing Wage Act, 820 ILCS130/9:

Such hearing by a public body shall be held within 45 days after the objection is filed, and shall not be postponed or reset for a later date except upon the *consent, in writing, of all the objectors and the public body* (emphasis added).

IT IS HEREBY ORDERED:

1. Potential Intervenor's Motion to Continue Hearing date is denied because:
 - a. it does not comply with 820 ILCS 130/9 as it fails to evidence consent in writing by all the objectors/public body; and,
 - b. potential intervenor currently has no standing to make said Motion.
2. Pursuant to 56 Ill. Adm. Code 120.310, and in the interest of convenience, expeditious and complete determination of matters, the parties and potential intervenor should be prepared to discuss the **Petition to Intervene, Motion to Consolidate, and the necessity of an agreed written continuance in writing** regarding **2018-H-AS09-1972** and **2018-H-AS09-1977** at a telephonic pre-hearing conference on **October 20, 2017** at **11:30 a.m.** pre-hearing conference.
3. **Petitioner Attorney Andrew Martone** for **Illini Asphalt Corporation v. Joseph Beyer, Acting Director of Labor and IDOL, 2018-H-AS09-1977** will be contacted at **314.862.0608**. **Petitioner Attorney Robert Cervone** for **Gleason/IBOT, Local 26 v. Beyer, Acting Director of Labor and IDOL, 2018-H-AS09-1972** and **Potential Intervenor in the Illini Asphalt Corporation v. Joseph Beyer, Acting Director of Labor and IDOL, 2018-H-AS-09-1977** will be contacted at **312.372-1361**. **Respondent Attorney** will be contacted at **312.793.1966**. The undersigned will initiate the telephone call. If the

contact number listed is incorrect, contact information should be corrected by sending an email to DOL.hearings@illinois.gov on or before **October 18, 2017**.

DATE: 10/11/17

/s/ Claudia D. Manley

Claudia D. Manley
Chief Administrative Law Judge

Claudia D. Manley
Chief Administrative Law Judge
Illinois Department of Labor
160 N. LaSalle St., Ste. C-1300
Chicago, IL 60601
V: 312-793-1805
DOL.hearings@illinois.gov

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I Ann Harrison, a non-attorney, affirm, certify or on oath state, that I served notice of the attached Order upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Order in Case No. 2018-H-AS09-1972, 2018-H-AS09-1077 and a copy of the Certificate of Service in an envelope addressed to each party or party's agent at the respective address shown on the Certificate of Service, having caused each envelope to be served by U.S. mail at 100 W. Randolph Street, Chicago, Illinois on the 11 day of October, 2017 prior to 4:30 p.m. and placed on the Illinois Department of Labor's official website at and placed on the Illinois Department of Labor's official website at www.state.il.us/agency/idol/

PATRICK GLEASON/IBOT #26
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Chicago, IL 60601

Ann Harrison

Ann Harrison, Illinois Department of Labor
Executive Secretary II