



For Immediate Release

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**FORMER OWNERS OF PEORIA EATERY FOUND GUILTY OF
ATTEMPTED ILLEGAL ASBESTOS REMOVAL; MADIGAN
REACHES SETTLEMENT IN SEPARATE CIVIL ACTION**

Chicago - Attorney General Lisa Madigan today announced that criminal and civil enforcement actions taken by her office against the former owner of a downtown Peoria restaurant have been resolved in separate court actions.

Both the criminal and civil actions stem from allegations that E & E Deli, Inc., which formerly owned Sully's Pub, 121 S.W. Adams St., in Peoria, improperly removed the asbestos-containing materials that insulated pipes in the basement of the establishment in September 2003 and placed untrained asbestos removal workers, and the public, at risk.

Judge Brian Nemenoff found E & E Deli, Inc. and owners Edward Pelz, David L. Snider and Timothy Shea guilty of Attempted Improper Removal of Asbestos, a Class A misdemeanor. They were charged with attempting to illegally remove regulated asbestos containing material (RACM) from pipes during the period that negotiations for the sale of the restaurant were underway.

The court sentenced Pelz, Snider and Shea to a conditional discharge and 100 hours of public service and ordered them to pay \$17,500 in court costs, fees and restitution. The court ordered the corporation to pay an additional \$15,000 in court costs and restitution.

In a separate civil action, Judge John Barra signed a consent order reached between Madigan's Environmental Bureau and E & E Deli, Inc., that requires E & E to pay a civil penalty of \$30,000. The agreement resolves Madigan's October 2003 civil complaint alleging that the owners of the restaurant violated emissions standards for asbestos and air pollution.

Madigan's complaint specifically alleged that E & E Deli Inc., failed to inspect the facility to determine the presence of asbestos-containing materials prior to beginning renovation. According to Madigan's suite, the owners employed at least two workers for the renovation who were not trained in asbestos handling and removal. An anonymous tip about improper asbestos handling and removal brought Illinois Environmental Protection Agency (IEPA) inspectors to Sully's in September 2003, where they found that a large quantity of dry, easily crumbled pipe insulation had been removed from pipes in the basement. The IEPA also located several large open, unmarked bags containing suspected

asbestos waste in the basement. Subsequent tests of samples taken from the basement revealed the presence of asbestos.

“The health of restaurant patrons and of the untrained workers removing the asbestos was clearly jeopardized by the misguided actions of the restaurant,” Madigan said.

Madigan stressed that E & E Deli sold the business in February 2004. The restaurant has been under new management ever since and operates under the same Sully’s name.

The criminal case was handled by Bureau Chief Michell Cohen and Assistant Attorney General Richard Powers of Madigan’s Environmental Crimes Bureau. The civil case was handled by Assistant Attorney General Javonna Homan of Madigan’s Environmental Bureau.

The Illinois Environmental Protection Agency assisted with the criminal investigation and referred the case for civil action to Madigan’s office.

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