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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
MALGORZATA SZAYNA,)
)
Complainant,)
)
vs.)
) No. 11-0006
NORTHERN ILLINOIS GAS COMPANY)
d/b/a NICOR GAS COMPANY)
Complaint as to)
billing/charges in Joliet,)
Illinois,)
)
Respondent.)

Chicago, Illinois

November 22, 2011

Met, pursuant to notice, at 2:00 p.m.

BEFORE:
MR. TERRANCE HILLIARD, Administrative Law Judge

1 APPEARANCES:

2

3 MS. MALGORZATA SZAYNA
4 3625 Bercherer Road
5 Arlington, Virginia 22309
6 appearing pro se;

5

6 MR. PAUL PADRON
7 1844 Ferry Road, Suite 7W
8 Naperville, Illinois 60563
9 (630) 388-3660
10 appearing for the Respondent.

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21 SULLIVAN REPORTING COMPANY, by
22 Leah Ann Bezin, CSR,
License No. 084-001104

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I N D E X

Re- Re- By
Witnesses: Direct Cross direct cross Examiner

Malgorzata Szayna 120

E X H I B I T S

Number For Identification In Evidence

COMPLAINANT'S

Group Exhibit
from 11-22-11 174 189

RESPONDENT'S

Group Exhibit
Schedule D 185 190

1 JUDGE HILLIARD: On behalf of the Illinois
2 Commerce Commission, I call Docket 11-0006,
3 Malgorzata Szayna versus Northern Illinois Gas
4 Company d/b/a NICOR Gas Company.

5 Can the parties identify themselves
6 for the record, please, beginning with the company.

7 MR. PADRON: Paul Padron, P-a-d-r-o-n, for
8 NICOR Gas, 1844 Ferry Road, Suite 7W, Naperville,
9 Illinois 60563. My phone number is (630) 388-3660.

10 And with me is Rod Kmetz from our
11 Credit Department and Carlton Coleman from our
12 Customer Relations Department.

13 JUDGE HILLIARD: Okay. And, Ms. Szayna, would
14 you identify yourself, please.

15 MS. SZAYNA: Malgorzata Szayna,
16 M-a-l-g-o-r-z-a-t-a, S-z-a-y-n-a.

17 JUDGE HILLIARD: Okay.

18 All right. This is a -- sort of a
19 supplemental hearing. And I'm not sure where we left
20 off, what the order of proceeding is here.

21 Do you want to go first, ma'am?

22 (Witness previously sworn.)

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MALGORZATA SZAYNA,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

MS. SZAYNA: I would like to present -- I don't know how to do it.

I prepared a response to the last brief I received from Mr. Padron on November 9.

JUDGE HILLIARD: Okay.

MS. SZAYNA: And that also well correlates with the documents. I was expected still to submit additional exhibit. So maybe I will give to the parties the copies --

JUDGE HILLIARD: Okay.

MS. SZAYNA: -- of the exhibits. And I believe that I will explain the exhibits and where they relate to some accusation or statement from NICOR Gas. But I think that my response to Mr. Padron's brief, Mr. Padron needs some time to look through that. And if he has some comments or some --

JUDGE HILLIARD: All right. So you haven't given him a copy of your --

MS. SZAYNA: No.

1 JUDGE HILLIARD: -- response to his brief?

2 MS. SZAYNA: I just --

3 JUDGE HILLIARD: All right.

4 MS. SZAYNA: -- brought it today.

5 JUDGE HILLIARD: All right. Well, why don't

6 you give him a copy and give him a copy of the

7 documents if you haven't already.

8 MS. SZAYNA: I have copies.

9 JUDGE HILLIARD: Now, what are you handing him

10 there?

11 MS. SZAYNA: I'm just trying to sign all of

12 them.

13 JUDGE HILLIARD: Okay.

14 MR. PADRON: Judge, the first document that the

15 Complainant handed to me is entitled, Petitioner's

16 Response to Respondent's Closing Brief.

17 JUDGE HILLIARD: Okay.

18 MS. SZAYNA: Your Honor --

19 JUDGE HILLIARD: All right.

20 Now, anything you want to file we are

21 going to need three copies of. I know you --

22 MS. SZAYNA: Yes, I do have.

1 JUDGE HILLIARD: Your brief, your first brief,
2 do you have three copies of that?

3 MS. SZAYNA: Yes.

4 JUDGE HILLIARD: All right. Do you have one
5 with a live signature?

6 MS. SZAYNA: Yes. I put all of them because I
7 printed them, so they will have --

8 JUDGE HILLIARD: All right.

9 MS. SZAYNA: -- all of them my signature.

10 JUDGE HILLIARD: All right.

11 So if you have three copies of that
12 brief, you can give them to me and I will give them
13 to the clerk.

14 (Pause.)

15 MS. SZAYNA: They are exhibits. And on the
16 first page -- I was not sure if it got submitted, so
17 I have a copy of them.

18 JUDGE HILLIARD: Well, these are your
19 documents.

20 Do you have that brief, that first
21 brief that you filed?

22 MS. SZAYNA: The first brief which I filed?

1 JUDGE HILLIARD: You didn't file it, actually.

2 MS. SZAYNA: No.

3 JUDGE HILLIARD: You sent me a copy.

4 MS. SZAYNA: Yes.

5 JUDGE HILLIARD: But you need to file it with
6 the clerk. Do you have copies of that brief?

7 MS. SZAYNA: Yes.

8 JUDGE HILLIARD: The first brief, now. That's
9 the first brief.

10 MS. SZAYNA: Yes, that's what I am talking
11 about now.

12 JUDGE HILLIARD: All right. How many copies do
13 you have?

14 MS. SZAYNA: I have only three. So I would
15 leave this one, but if I can hold it now --

16 JUDGE HILLIARD: Okay. All right. But --

17 MS. SZAYNA: -- so I can follow it.

18 JUDGE HILLIARD: -- by the end of hearing, I
19 want you to give me those three copies --

20 MS. SZAYNA: Yes.

21 JUDGE HILLIARD: -- okay?

22 All right. Please give counsel for

1 NICOR a copy of your documents.

2 MS. SZAYNA: Yes. I am just finding them.

3 JUDGE HILLIARD: All right. I'm going to get
4 my exhibit stamp. I think it might be pertinent.

5 (Whereupon, a recess was taken.)

6 JUDGE HILLIARD: So how many copies of these do
7 you have?

8 MS. SZAYNA: I have three. I have another one.

9 JUDGE HILLIARD: We are going to need to mark
10 these as exhibits?

11 MS. SZAYNA: Yes. I marked it, and I was
12 keeping the numbering that is consistent with what I
13 submitted on the last hearing.

14 JUDGE HILLIARD: All right.

15 MS. SZAYNA: So they just continue. We ended,
16 as I believe, on Exhibit 18. So I started from
17 Exhibit 19 and I was going further so there will be
18 no confusion with that.

19 JUDGE HILLIARD: You are going to mark them
20 as -- okay. I see it here. All right.

21 MS. SZAYNA: Yeah. I tried to put it on all of
22 them.

1 JUDGE HILLIARD: All right.

2 Do you want time to look at these
3 papers before we begin or --

4 MR. PADRON: (Shaking head.)

5 JUDGE HILLIARD: All right. Fine.

6 That was a "no;" is that right?

7 MR. PADRON: No. I'm sorry. No. Thank you.

8 JUDGE HILLIARD: All right. Whenever you are
9 ready to proceed, Ms. Szayna.

10 I think we are going to need a
11 stapler, too.

12 MS. SZAYNA: So if I may -- I'm sorry.

13 (Pause.)

14 JUDGE HILLIARD: Okay. Proceed.

15 MS. SZAYNA: I may start only to this point,
16 which I am not repeating what was in transcript --

17 JUDGE HILLIARD: Okay.

18 MS. SZAYNA: -- and the specifics of the court
19 hearing on July 15, only just the new things which
20 came up in response to Mr. Padron's brief from
21 the -- describing NICOR's standpoint --

22 JUDGE HILLIARD: Okay.

1 MS. SZAYNA: -- on the transcript in my
2 briefing.

3 One of the statements from the side of
4 Mr. Padron was that I was feeling pretty good and was
5 accepting the bills for -- and paying for them for
6 gas utility from the beginning, from 2002, when the
7 account was started, up to some period before zero
8 disappeared, and there was the name Margaret Botto on
9 that account. I want to make still clear that --
10 that there was no way for me to access my account as
11 not to state that my name is Margaret Botto.
12 Otherwise, I would never get access because excuses
13 were that that's -- they cannot be releasing
14 information about the account to a third party.

15 That explains the email, which was
16 already the exhibit on the July 14th proceedings,
17 that it was signed Margaret Botto when I direct email
18 to NICOR Gas customer service. But that I did not
19 accept that.

20 I have additional exhibit which shows
21 that I was already complaining and trying to resolve
22 it with NICOR Gas. It's Exhibit 23A and Exhibit 23B.

1 The 23A is from May 16, 2002, where I am asking,
2 requesting from NICOR that the account will be
3 established in the name of my business, Villa Sophie,
4 with the person that is responsible for the account
5 as Malgorzata Szayna; that the billing address will
6 be not my home address; and there was still
7 discussion, which was corrected by NICOR Gas, that
8 date of the purchase of the property would be
9 correctly put in the NICOR Gas account. There was
10 from the beginning the problem that the date when the
11 account was established was earlier than the purchase
12 and closing on the property in Joliet appeared. That
13 point was corrected by NICOR, I believe, in the first
14 month as I owned the building. I don't have the
15 exact date where it was, but it was corrected.

16 The second letter, as I stated, is
17 from May 12, 2004. And I, once again, stated I
18 wanted it established and that everything will be put
19 correctly.

20 Then also, there was stated the log-in
21 of Mr. Richard Lowe (phonetically) in Lisle, who was
22 one of the persons who was helping me in establish

1 original account in my name, why there was this
2 office, because, as I stated in my response for
3 closing brief to Mr. Padron, that my belief is that
4 account with NICOR Gas was established somewhere in
5 February 2002 by previous owner of the property
6 Jesus Almazan (phonetically).

7 JUDGE HILLIARD: Can you spell that?

8 MS. SZAYNA: J-u-s-u-s (sic), L-m-a-z-a-n
9 (sic).

10 Why I believe that happened is based
11 on the documents from the closing where Mr. Almazan
12 was present, and there was misunderstanding and
13 wrongly prepared closing documents where name
14 Margaret Botto or Malgorzata Botto appeared. And to
15 that I have the Exhibit 28 from the closing document
16 where there is used the name Margaret
17 Szayna -- Malgorzata Szayna hyphenated Botto. It is
18 also confusing because of other documents have
19 another name.

20 I can't recall with my closing lawyer,
21 which I was talking few minutes ago, and she looked
22 through the whole paperwork, but we both recall that

1 there was a problem because either bank or the lawyer
2 from seller prepared documents with the wrong name.
3 And not to stop the closing, they were trying to find
4 a solution. And as we remember, it was expected to
5 be later on quickly straightened out.

6 To support my belief that that
7 was -- that happened with the NICOR Gas account is
8 also that other utilities, like electric, account for
9 the electric service and account for the water with
10 the city of Joliet, was established also for the
11 names Robert and Margaret Botto. But this, both
12 accounts, I could quickly straighten out, and I never
13 could straighten out the account with NICOR Gas for
14 all of those years.

15 That would -- to one stamp, one point.

16 Now I would like to redirect you -- to
17 point out that Mr. Padron states it doesn't matter
18 what the name regardless of -- the bottom line is,
19 she owns the property and, therefore, is responsible
20 for the case bill regardless of the negligible (sic)
21 mistake in her name.

22 I never stated that I was not

1 responsible as Mr. Padron presented NICOR documents
2 that, up to May 2005, I was absolutely current on all
3 of my payments with no delay, and I was paying them
4 in full, and the problems appeared later. And I
5 still believe that NICOR is, by law, as a business
6 operating in Illinois, it's obliged to provide the
7 customer with the bill with the correct name and
8 correct address on the bill to ensure that the
9 customer can receive this bill, that the bill will
10 come to the person; should be provided the current
11 and accurate meter readings; and they should be
12 exactly correctly calculated the charges for the
13 usage for period of months. Or even when Mr. Padron
14 said that they have some time frames, like two
15 months, cycles, that should still be done.

16 I still state that, in the case of my
17 account, none of these points was fulfilled, at least
18 from 2005. It started suddenly for unknown to me
19 reason. I can only believe because if I didn't pay
20 this one late fee, that everything was suddenly not
21 appearing.

22 And to state to that point that really

1 correct name on the account was really important, I
2 would like to present some additional documents to
3 that extent.

4 I would refer to statement from
5 Mr. Kmetz who stated that they --

6 JUDGE HILLIARD: Is this an exhibit number?

7 MS. SZAYNA: I will show the exhibit. I am
8 referring to the transcript now.

9 JUDGE HILLIARD: Okay.

10 MS. SZAYNA: Mr. -- it was transcript Page 49
11 line 16. Mr. Kmetz testified that NICOR always sent
12 gas bills to petitioner address 501 North
13 Creekwood Court, Lockport. That statement is not
14 true, but -- and he states in another one line that
15 for sure he has the documentation that from April
16 2006 to 2000 -- to August 2010, all of the bills were
17 going to address 501 North Creekwood Court, Lockport.

18 And Mr. Kmetz also stated that in case
19 the bill would not be delivered to this address, to
20 the person, that there would be the record in the
21 computer besides this account that
22 undelivered -- that the bill was returned to NICOR

1 Gas or was not delivered to the customer.

2 So I only want to state that property,
3 501 North Creekwood Court in Lockport, was sold on
4 June 2006. So up to 2000 -- August 2010, this NICOR
5 system did not recorded any bill coming back for four
6 years from the property who had already the new
7 owner. And that's the public record. Property
8 was -- property closing was June 23rd of June 2006.
9 And on June 24th, in the night, I left the property
10 and never put my foot on the property ground. Never
11 was anything forwarded. And May it was forwarded,
12 was May, which I request forward, was the May
13 forwarded for Malgorzata Szayna.

14 Moreover, second complication, and my
15 disbelief to the system of -- the computer system
16 NICOR Gas is using the detect that undelivered bill
17 would come back is that I filed for the divorce
18 on -- in October 27, 2003. From that time, there was
19 nobody with the name "Botto," any adult, living in
20 this property. Even prior to that day. Dissolution
21 of marriage was in 2004.

22 JUDGE HILLIARD: There was no one living there

1 with that name because you had moved out?

2 MS. SZAYNA: No. I moved out in 2006
3 physically. So it came to the new owner name. But
4 my ex-husband moved out from the property, who was
5 using the name "Botto" so the mail could be delivered
6 because it's Botto, moved out already in 2003.

7 JUDGE HILLIARD: Okay.

8 MS. SZAYNA: And to that, I have Exhibit 24,
9 which is my filing of the Petition For Dissolution of
10 the Marriage; Exhibit 25A and B, which are showing
11 that such dissolution was granted.

12 I have also Exhibit 26 that on
13 November 18, 2003, that a home, an apartment building
14 in Joliet was transferred from the name Botto to sole
15 name Malgorzata Szayna. So that's another public
16 record which was already in 2003 filed. From that
17 moment, there was no name "Botto" associated with
18 any NICOR property in Lockport nor property in
19 Chicago -- in Joliet.

20 That would also refer that Mr. Padron
21 claims that late fees which I received, they were not
22 because of the zero bill but that after the zero bill

1 and the bill which I presented as my exhibit in the
2 hearing on July 14th, that there were other bills
3 coming in which there was the amount I owe without
4 that time probably late fees, and that I failed to
5 pay it, and that's the reason why I got the next bill
6 which was carrying the late fees. So I want to once
7 again state that I never received these bills. And
8 as I said, some bills, they were still coming
9 sometimes even to north Chicago property tenants,
10 they were having some correspondence, and some
11 utility, NICOR -- NICOR Gas bills directed to 315-317
12 North Chicago for Malgorzata Bot -- Margaret Botto.
13 And some they were given to me. Some of them.

14 So I had a few bills from the period
15 after pretty much 2005 and not all of the bills also
16 up to 2005. And because I contacted customer service
17 and I was told that beside calling NICOR every month
18 to know how much I owe, I can do looking on the
19 network the same thing, and suggested to me that
20 usage charges is the amount which I really owe per
21 month as actual charge, because there is a few
22 columns there in the software which are a little bit

1 confusing. So I was asking which one is really the
2 amount which I owe when I wish to pay.

3 So that was the way how I was paying
4 the bills all over those years. So it was really now
5 that I was receiving, suddenly I stopped to receive.
6 I stopped completely to have access on the day when
7 Mr. Pardon presented during the court proceedings in
8 Will County where my account disappeared completely
9 from the network. It disappeared around 2005. I
10 can't state exactly the month; but after May,
11 disappeared from the customer service. So my phone
12 calls. I couldn't receive it. So I have to go
13 always on line. And up to 2009, I was going on line
14 and paying whatever appeared on line.

15 Once again, I want to point out that I
16 learned, during the court proceedings, after I filed
17 the court case with NICOR Gas in Will County, that my
18 money, they were diverted to the deposit. And I got
19 this copy which I presented as an exhibit. I got
20 this copy from the NICOR Gas, one of the lawyers,
21 where my money went. And they said that such a
22 deposit was created.

1 So I never had any idea up to that
2 time that part of my money was diverted to the
3 deposit for, I don't know, delinquent account or
4 something. I just learned this from the court
5 proceedings from explanation from Mr. Kmetz.

6 There was one thing what I also want
7 to state which it was important for me as a customer;
8 that NICOR Gas, in a phone conversation when I was
9 inquiring multiple times how my account was
10 established, I got two information that it must be
11 me, it was established by phone; that was one
12 information; and the second, they had my social
13 security number. And the social security number
14 which was given to me was really mine. That also is
15 another point which makes me believe how this account
16 was established, because the only one person who
17 could have access that time to my social security
18 number was the realtor who was selling the property
19 in Joliet --

20 JUDGE HILLIARD: Realtor?

21 MS. SZAYNA: Realtor, yeah.

22 JUDGE HILLIARD: Okay.

1 MS. SZAYNA: Realtor.

2 And he was a personal friend of the
3 seller. And I remember that on this paperwork which
4 we were submitting during the purchase, both social
5 security numbers they were mine and my ex-husband's.

6 Referring -- there is a statement I'm
7 not too sure if I understand correctly Mr. Padron's
8 brief, but the misstatement that burden of proof, I
9 understand, wrongdoing of NICOR Gas which I accuse
10 NICOR is on me that I should show proper documents.

11 It is right that I understand it like
12 that what is in your brief, closing brief?

13 MR. PADRON: You have the burden of proof of
14 proving your case.

15 MS. SZAYNA: Oh. I understand.

16 So if -- to respond a little bit more
17 in details to that, I want to state that most of my
18 exhibit they are original copy of the bills NICOR
19 created for my account. They are public records.
20 They are statements, certified statements, authorized
21 statements of third parties, sworn statements who I
22 have -- I presented the prints from the computer

1 which are dated when I did the print, and they have
2 time stamped years before when I was looking through
3 this data.

4 But in contrary, I also provided the
5 copy of original emails as a correspondence between
6 me and NICOR.

7 I provided handwritten notes from the
8 time when I was taking when the phone conversation
9 appeared with a phone number was giving to me the
10 name of person I was talking, and I also was marking
11 the date and time when it happened.

12 In contrast, NICOR presented three
13 exhibits, A, B, C. And to me, personally, as a
14 person who is a scientist and a little bit has a
15 knowledge about the computer and programming, they
16 are just computer prints which were done before court
17 date. They are not years before, but you just used
18 the print what you have in the computer. And such
19 print and changing the date out when the person has
20 access and rights to do the changes pretty much I
21 think can be done anytime. So the prints raise a
22 little bit my suspicious about how accurate this data

1 are. Because NICOR, until now, did not present any
2 real bill which was claimed was sent to my address
3 during the July 14th proceedings.

4 There was -- you also were not able to
5 show me the copy of the letter that you sent to me
6 that after May 2005 because of my delinquent account
7 there was part of my payments directed to the escrow
8 account. I don't see -- and I never received from
9 NICOR Gas any kind of documents on July 14th that
10 such a mail -- that such a letter was sent to me.

11 I was a little bit -- I don't want to
12 be unpolite (sic), but I was just looking through the
13 whole transcript from the July 14th proceedings, and
14 when I go through NICOR witness Mr. Kmetz' testimony,
15 I can see some inconsistencies in that, some
16 contradictions and inaccuracies. I would just -- I
17 don't want to go through every word and every
18 sentence, just some --

19 JUDGE HILLIARD: I don't want you to do that
20 either. You -- we need to deal with evidence here.

21 MS. SZAYNA: Yes.

22 JUDGE HILLIARD: You don't want to argue --

1 MS. SZAYNA: No, no, no. I'm not arguing. I
2 just want to present evidence which shows these
3 contradictions in some of Mr. Kmetz's statements.

4 One thing was that to get service at
5 the property north Chicago, street in Joliet was
6 terminated on August 4th, 2010, by shutting down the
7 valve.

8 That's right, Mr. Kmetz?

9 MR. KMETZ: That is correct --

10 MR. PADRON: You have to --

11 MS. SZAYNA: Yeah.

12 MR. PADRON: I'd like to -- I mean --

13 MS. SZAYNA: So I would like to state to
14 that --

15 MR. PADRON: Can you at least tell me where you
16 are getting this testimony from? Could you tell me
17 the --

18 JUDGE HILLIARD: The page number?

19 MR. PADRON: Yeah.

20 MS. SZAYNA: The testimony, which lines from
21 the transcript?

22 MR. PADRON: Yes.

1 JUDGE HILLIARD: Yes.

2 MS. SZAYNA: I think they are from Page 83.

3 It's Page 83, the Line 12 states the
4 witness, so on August 4th, we had shut off the meter
5 for nonpayment.

6 I would like to respond to that, that,
7 to my knowledge, there was nobody entered that day
8 the property and shut off the meter. The meter on
9 the 5th, for sure the valve was on.

10 MR. PADRON: The 5th of August?

11 MS. SZAYNA: Yes. August 5th, valve was on.

12 MR. PADRON: And you know this -- how do you
13 know this?

14 MS. SZAYNA: There was a person -- I will just
15 go through exhibits -- there was a person who read
16 the meter in the basement.

17 MR. PADRON: That was a NICOR employee?

18 MS. SZAYNA: That I have no knowledge.

19 MR. PADRON: I'm lost.

20 MS. SZAYNA: It was my worker who went there to
21 read the meter. And I will go through the exhibits
22 why it happened and why, suddenly on the August 5th,

1 my employee went to read the meter.

2 Please, if we can go to the Exhibit 31
3 through 32 to 33.

4 JUDGE HILLIARD: Okay.

5 MS. SZAYNA: And when we look for the -- for
6 the page Exhibit 31 for the August 5th, on
7 August 4th, they are pretty much phone calls which
8 are not -- beside one which I am not able to identify
9 or few others one which I couldn't in the night to
10 exactly get the name to whom they belong -- and I
11 will be asking a court to give me some more time so I
12 can do more research and get exactly identification
13 for every number which is on my lease and I could
14 give the names and prove it, the addresses of the
15 people whose numbers they were exactly in that time,
16 because some of them may be changed. But when we
17 look to the August 5th, there is a lot of activity on
18 my cellular phone. And because I am living now in
19 Virginia, pretty much there is not so often phone
20 calls coming from Illinois to me. But when we look
21 there, there are some incoming calls from Naperville
22 and Kankakee.

1 MR. PADRON: What date are we talking about?

2 MS. SZAYNA: We are talking on August 5th.

3 MR. PADRON: August 5th. Okay. You have calls

4 from Kankakee and --

5 MS. SZAYNA: Naperville, Illinois --

6 MR. PADRON: Naperville. Okay.

7 MS. SZAYNA: -- and Joliet.

8 MR. PADRON: Okay.

9 MS. SZAYNA: And I took my -- this is

10 Exhibit 1, it's the right column, that we are going

11 through the right column, and I was trying to

12 identify --

13 MR. PADRON: What exhibit is this now?

14 MS. SZAYNA: 31.

15 MR. PADRON: 31. Okay.

16 MS. SZAYNA: Yeah. So we are on the same page

17 because we have three of them.

18 So that day there were already coming

19 phone calls, and that was the day when NICOR called

20 me, they are standing in front of the building and

21 have a court order to cut the pipe or break in to my

22 apartment.

1 MR. PADRON: I'm sorry to interrupt you, but
2 the calls from Joliet and Naperville and Kankakee,
3 aren't those actually calls made to Joliet and --

4 MS. SZAYNA: They are to and out --

5 MR. PADRON: -- Naperville and Kankakee --

6 MS. SZAYNA: -- because there will be another
7 one which I couldn't get yet the statement from my
8 normal phone, which will be the second one I want to
9 have it because some of the calls which were done on
10 August 5th and 6th they were done both from my
11 cellular phone and from my home phone. I only
12 received to today full statement of the calls
13 incoming and outgoing from my cellular phone --

14 MR. PADRON: -- this is why I -- I'm sorry
15 again to interrupt you, but --

16 MS. SZAYNA: Yep.

17 MR. PADRON: -- if you look at the call on
18 8-5-10 at 8 -- or, I'm sorry, at 10:08 a.m., and then
19 there is one right below at it, 8-5-10 at --

20 MS. SZAYNA: Wait, wait. Give me -- could you
21 give me the number?

22 MR. PADRON: Sure. The first name was at

1 10:08 a.m., and then there is one right below it at
2 11:01 a.m.

3 MS. SZAYNA: 10:08. 10:08. Yeah.

4 MR. PADRON: And 11:01.

5 MS. SZAYNA: Yes.

6 MR. PADRON: You see how it says incoming?

7 MS. SZAYNA: Yes.

8 MR. PADRON: Okay. So --

9 MS. SZAYNA: It's a cellular phone.

10 MR. PADRON: Right. So I'm assuming that
11 incoming calls are going to say incoming, and then
12 the Joliet numbers below that are outgoing.

13 MS. SZAYNA: I believe that they are outgoing.
14 That what is my belief.

15 MR. PADRON: Okay.

16 MS. SZAYNA: But it could be also that
17 incoming, when they were not able -- the phone
18 provider, when he was not able to identify exactly
19 the city from which it was, write incoming. When it
20 was able to identify the city, it will be just
21 written where it is.

22 MR. PADRON: Well, if you look at the very top

1 of the chart, which explains what each column is, it
2 will have the date, and then it says call
3 destination.

4 MS. SZAYNA: Yes.

5 MR. PADRON: Okay. So if it's -- if it's a
6 call destination, that means where the call is going
7 to.

8 MS. SZAYNA: Yes. And now we, after that,
9 Exhibit 34A and 34B, they are my handwritten notes on
10 a piece of paper was the phone from the August 5th
11 and August 6th when I was talking with, I believe,
12 because that's what I heard from the people who
13 introduced themselves, calling to me or redirecting
14 me to call to some other people, NICOR
15 representatives from the different departments. Like
16 I have here, for example, on the Exhibit 34B written
17 that there is some D-E of 9:30 called, that I should
18 to call (815) 214-8363, and it's field operation. I
19 have the phone number (815) 221-4338, Pedrof Van
20 Derleek (phonetically) -- it's just when I get the
21 phone call and quick name, so I was trying to make
22 this note. There is one Jen Alberico (phonetically).

1 This phone number --

2 JUDGE HILLIARD: What does this prove?

3 MS. SZAYNA: They are all of the documents what
4 was happening on August 5th and August 6th when there
5 was attempt on August 5th to remove the meter, and I
6 managed talking with one of the people who physically
7 were there. I believe it was the black, nice -- very
8 nice black person. But that's my estimate from the
9 boys. And he agreed that because I am not able to
10 provide the handyman to open the door on the request
11 of NICOR that time, like in a half an hour to one
12 hour, I can leave the door or provide the handyman
13 for August 6th to open the door so that NICOR can
14 come and remove the meter. Then I will avoid
15 breaking in and destroying my door to the building
16 which are pretty much an all-night (phonetically)
17 door. Building is from 906, as I believe. And I
18 will avoid, in case if NICOR will not be able to get
19 to the building, disconnection by digging the -- my
20 property in front of the building and cutting
21 physically the pipe to the building. That would
22 exactly mean for me that I would lose not only for

1 the heating gas, but I would also lose the gas for
2 all of -- all cooking gas for all of my tenants.

3 So that's the thing what happened on
4 August 5th and August 6th, that day.

5 To -- as a con -- confirming all of
6 that, there is this full record of every call which
7 was made. I was able to identify most of them.
8 There are still some number which are -- I cannot
9 call back, neither can I get anybody, nor I am
10 able -- some of them they are disconnected.

11 So I submit as additional what it was
12 in that case will be called in a list Exhibit 34C
13 when I would put the list of the phone numbers which
14 I was able to identify. And when I was doing that,
15 to my attention came one number. This number is
16 (630) 885-4293. That number, especially on
17 August 6th, appears multiple times as an incoming and
18 outgoing call. So I was calling to this person and
19 this person first called me. When I called this
20 number back, it's the same name as the man who in
21 2004 sign off for the key to the building.

22 JUDGE HILLIARD: This is the -- this is the

1 NICOR employee that you gave a key to the building
2 to?

3 MS. SZAYNA: Yes. It's a different number than
4 is on exhibit because on the exhibit, I believe, is a
5 company number. This looks like his cell phone
6 number.

7 JUDGE HILLIARD: Okay.

8 MS. SZAYNA: And that pretty much raised a lot
9 of my concerns when I managed to identify and put
10 together those two names. That would under total
11 question from my side all of talking that NICOR did
12 not have the key to the building for all of those
13 years. This person, still works for your company on
14 2010, was talking to me. I was not aware, talking
15 with him in 2010 in August, that that's the person
16 who had the key. That was probably the person, I
17 can't say, there was so many people talk with me that
18 day, which was this person who demanded opening the
19 basement room. And there was that time I recall that
20 there was the discussion about locksmiths. And one
21 of the numbers on the phone record, (815) 722-2431,
22 which appears, that's from the locksmiths. I got a

1 person -- I did not talk with this person when I was
2 checking the phone. I -- we can identify what
3 business it is. NICOR, on July 14th, in transcript
4 said that they -- Mr. Kmetz said that he's not able
5 or has no record to identify the locksmith who was
6 supposedly would open the door for the building when
7 the meter was removed.

8 Next thing what is very inconsistent
9 in the whole statement and proceedings on July
10 14th -- on the July 14th transcript is that how you
11 got in to remove the meter. I have the statement
12 from my handyman, and the whole -- whole record
13 confirms it, there is a phone conversation with me
14 early morning that day, day before, when I asked him
15 to come to the building early morning, open the door
16 to the basement and lock this door once NICOR Gas
17 will take the meters and leave the property. And
18 that's what was done.

19 Now, please, we will refer to this
20 exhibit. I believe it is Exhibit 37.

21 Oh, yeah. I don't have a copy
22 because -- Exhibit 37, Mr. Roger Scharff

1 (phonetically) states there that he was there, that
2 he opened the door and he locked the door that day.

3 Based on analysis of all of these
4 phone calls, which I already received my handwritten
5 notes, I couldn't identify that cell phone, the
6 record, some phone calls which I have on my
7 handwritten notes. And I remember that I will use my
8 normal phone. I submitted request to my company
9 which provides the stationary phone in my home that
10 they will provide me with the records, and I would
11 appreciate if I could get the permission to submit
12 them because they probably will show all other phone
13 numbers which I have on my handwritten notes which
14 confirm that such a discussion and with such people,
15 which I have them in this employees of NICOR, they
16 were done.

17 I want also to point you one thing
18 which happened on August 6, which I did not have the
19 proof that day on July 14th besides my sworn
20 statement.

21 There is on Exhibit 32, on the
22 right-hand side, when we have the page, I think it's

1 15, and there is the position on 11:47 there is
2 incoming call. The number is (815) 823-3160.

3 I would now direct to the Exhibit 34D.
4 And there is a copy of the business card where this
5 number appears. And that's the plumbing-heating
6 incorporation, the people -- which was the person --
7 the contractor who was asked, after NICOR will finish
8 disconnection of the gas meter what I knew on
9 August 5th, and there is multiple my phone calls to
10 that person to arrange that once you, as NICOR, done
11 at the building, he will get a phone call from me.
12 He will come to the building and make sure that the
13 heating system, the whole huge boiler, which is very
14 expensive for that building will be shut down
15 correctly and preserved from possible damage. That
16 time I did not know that I will change immediately
17 for the new type of heating. I was still expecting
18 that I will use my heating system. So I wanted to be
19 sure.

20 I want also to point one thing: That
21 in this building, why previous owners sold this
22 building, there is still big record in Joliet, in

1 Neighborhood Services, and in the heating and
2 plumbing company who serviced this boiler and from
3 whom it was purchased, the boiler which is currently
4 now and was installed, I believe, around 2000, that
5 previous boiler, for some reason, got damaged in this
6 building, and the owner inquire (sic) huge cost to
7 replace that, what was one of the reason also that he
8 wanted to get rid of this building and sell it. That
9 was my big concern, what will happen to this boiler.

10 Then, after this incoming call, which
11 was, pretty much, very brief, it's one minute, there
12 is my phone call to number (815) 726-7331. On the
13 same Exhibit 34D, there is another copy of the
14 business card, Codo, Bonds, Zumstein and Konzelman
15 professional --

16 JUDGE HILLIARD: I'm sorry --

17 MS. SZAYNA: -- attorney at law.

18 That's the number there, 726-7331.

19 That day after this phone call which I
20 got from my contractor, I called right away my
21 lawyer. There is a conversation for -- the
22 difference in the time and the conversation for seven

1 minutes. And there's a third phone call which calls
2 few minutes later. It's (815) 724-3020, and that
3 phone call and that number belongs to Joliet in the
4 Police Investigation Division.

5 And to explain what is behind the
6 sequence of the phone calls, because they are the
7 record, the day -- and there will be another phone
8 call, there will be two -- and other phone calls of
9 the -- one of the eyewitness who witnessed the whole
10 situation.

11 When the car, marked car of this
12 contractor -- that's the story I received from both,
13 from the contractor talking to me by phone, that is
14 after this one, short conversation later on in the
15 day. There are few other conversations between us,
16 and his number appears. That that day, his coworker
17 came to the building, was greeted by police officer
18 or person in police uniform, was told that he have to
19 leave immediately because of very bad words about the
20 owner. And if he will not do it, that adverse
21 actions will be taken against the contractor. So
22 contractor not even came out, a worker, not owner,

1 came out even from the car, as I heard it, left the
2 building and refused to come.

3 That's why my next phone call was to
4 my lawyer to ask what's going on.

5 And third phone call was to Police
6 Department to get from the police statement what
7 officer that day was at my building and talked with
8 this contractor. What I received, that there was
9 never, none of these dates nor August 5th nor
10 August 6th in the record of police any police officer
11 dispatched to the building.

12 Mr. Kmetz also suggests and states on
13 multiple occasion in his transcript that the police
14 sent the locksmiths to my building, that you were in
15 contact with the police, and they were helping you to
16 get into my building.

17 And I admit that on August 5th, in
18 between conversations with different people from
19 NICOR Gas, I was directed to the different numbers,
20 to call to this place, to that division of delinquent
21 accounts, some field officers. There was plenty. I
22 don't remember everyone. But I looked to my notes,

1 and some of them I can recall.

2 That time the phone was handed to
3 somebody who said that he is the officer, and he has
4 a court order to enter my building by force. And if
5 I will not open immediately, then the pipes will be
6 cut outside of the building; plus, that I would be
7 responsible for cost of that. That prompted my call
8 right away to my lawyer of the record Mr. Zumstein,
9 to ask what's happened in the court, because I was
10 absolutely not aware, and neither me nor he had any
11 knowledge that NICOR is going to terminate my gas.
12 That was on August 5th.

13 The most bizarre to the whole story is
14 another phone call, phone incoming which is on
15 August 6th at 2:59 p.m., 2:59 p.m. It's
16 (815) 724-4094. On the same Exhibit 34D, this is
17 another, third one, business card from
18 Ms. Debra McDonald (phonetically) where phone number
19 is (815) 724-4094. That day, she called to me and
20 told me that my building is not approved for
21 occupancy because I have no heat and no cooking gas
22 for my tenants.

1 That conversation was followed, and
2 it's Exhibit 33 -- I'm sorry, I am having problems
3 with my eyes -- comes at 5:34 p.m., (815) 724-4085
4 phone call, incoming for 20 minutes. That's from the
5 supervisor of Ms. Debra McDonald, a Ms. Joyce Koval
6 (phonetically). I think currently her name is
7 Sallese. I'm not perfect with pronunciation of her
8 name. We had a lengthy discussion, I would not want
9 to say that it was a nice discussion for both
10 parties, to let me know that my building will be shut
11 down and all of the tenants will be thrown out.

12 The most bizarre still is that that's
13 August 6th. The reason for that is that I have no
14 heat on August 6. City does not -- Neighborhood
15 Services do not require to have heat in the building
16 which heating season starts September 1st.

17 But even more surprising is another
18 one thing. Exhibit 39. In afternoon that day, my
19 handyman went to the building, and I wanted to obtain
20 last gas meter readings.

21 Is a bad quality? Oh, I'm sorry. I
22 will try to make you -- is it bad?

1 MR. PADRON: It depends on what you're --

2 MS. SZAYNA: It was the -- it was the -- sorry.
3 It was the copy machine which I just used. But I
4 will try maybe here the color copy.

5 He made -- that day he made this
6 picture where the building was red-tagged by
7 Neighborhood Services. That's August 5th. So on
8 August 6th, Neighborhood Services for sure already
9 know because was expected that my pipe will be cut or
10 meter removed on August 5th when the first crew,
11 field crew, whatever is called, came to the building.

12 It -- when you look very carefully
13 with the magnifying glass, even on this picture is
14 visible that this note has a date August 5th, 2010.

15 In coming further and continuing these
16 strange events which follow, I once again go back to
17 the Exhibit 19, which is email from the contractor,
18 electric contractor who started on the -- about
19 September 14th, started to working on the building
20 and converted the whole building for electric
21 heating. And he states that his workers, when they
22 came to the building on the multiple occasions, and

1 for sure he remem- -- he states at least two days,
2 Monday 27th of September and Wednesday 29th of
3 September that not only the doors to the basement
4 where the meters are they were open, but also the
5 Apartment No. 2.

6 MR. PADRON: Real quick, who is this email
7 addressed to?

8 MS. SZAYNA: This email address is mine. I was
9 doing the forward.

10 MR. PADRON: Who is Margaret? It says
11 Margaret.

12 MS. SZAYNA: Yes. It's me.

13 MR. PADRON: Oh. I thought -- okay.

14 MS. SZAYNA: Malgorzata in English is Margaret.

15 MR. PADRON: Oh.

16 MS. SZAYNA: So that's direct copy which I
17 forwarded to as a forward directly to the honorable
18 judge of the email.

19 And I was informed about it that such
20 event happened, and they were in the time frame from
21 September 14th up to the October 10th or 11. I'm not
22 so sure when exactly contractor left the building.

1 They occurred a few times.

2 The Apartment No. 2 is not is not the
3 same apartment. This apartment has some key to the
4 case. First, in this apartment there was stored all
5 of the materials from the contractor for the new job.
6 From his statement to me, nothing was lost, but this
7 apartment is the only one when the tenant you have on
8 the record could get access in because it was
9 long-term tenant, and there was -- she was in
10 possession of the key to get to this apartment by one
11 of the doors.

12 I will not elaborate how. We can
13 just, you know, sit and I can put the whole document
14 how it could happen.

15 Following that, I want still to
16 present some other documents if we are already on
17 that part.

18 Exhibit 40. Exhibit 40 is my email
19 which was sent September 29th which I sent to
20 Mr. Zumstein who was my lawyer -- who is my lawyer
21 who represents Villa Sophie as an LLC as well and who
22 was the lawyer of record for the court case with

1 NICOR Gas from filed in 2007 where I informed him
2 about this phone call which I received from the
3 number which I identified by calling back that it was
4 NICOR Gas with the threats. Also I informed him that
5 during the work of the electrical contractor, they
6 were breaking into the basement, which I reported to
7 the police, that, for some ununderstood (sic) for me
8 reason Neighborhood Services they were extremely
9 interested to come to the building to see what is
10 going to be done in the building in respect to the
11 electric. Pretty much the official permit was filed
12 with the Building Department, and Neighborhood
13 Services, and in particular to the person of record,
14 should have no interest in following what contractor
15 is doing there.

16 Next what I want to point out, that
17 there was the -- an Exhibit 21 supported I was
18 reporting to the police breaking into the apartment
19 on one of the occasions. Exhibit 22nd shows that on
20 October 7th, 2010, there was the Johansen and
21 Anderson, the contractor, who repaired extensive leak
22 of the gas which was reported by the tenants also to

1 NICOR.

2 MR. PADRON: Just so you are aware,
3 Mrs. Szayna, Exhibit 21, I can't read it. I don't
4 know if --

5 MS. SZAYNA: It's very bad copy, but we can
6 pretty much refer for that and I can try to get a
7 better copy from the police department because they
8 should to have a record of that. It's the paperwork.
9 So there is the number. That was the only way how I
10 could do the copy from pink paper.

11 JUDGE HILLIARD: What's the date of the report?

12 MS. SZAYNA: I'm trying to find it out, too.

13 08 -- I don't know if it's 8 that is
14 there or 10 -- that's when it occurred, and I was
15 reporting during one of those days -- I don't have
16 the -- I have a original at home. I might look
17 exactly to the email and supply this date.

18 In this email, I also state, because
19 Mr. Zumstein is also the lawyer who deals with the
20 current my problems with the city Neighborhood
21 Services because of the heat in the building, I also
22 reported to him some activity and some conversation I

1 had with the Neighborhood Services workers.

2 Also, there is one note which I
3 believe today it has importance. I did not thought
4 like that, and I will support it by another one that
5 which happened, but this time in Virginia very
6 recently, that in 2005 my home, in my home in
7 Lockport, 501 North Creekwood Court, in the night
8 there was set up full open gas on four burners in my
9 home when I left it for one hour. That time, when I
10 came home, I let my daughter, few years old, to go to
11 the bathroom, switch on the light, the gas was so
12 strong that when the Fire Department came and the
13 police, I immediately realized what's going on when I
14 entered. But she run as a child to go to the
15 bathroom. She could burn and explode the whole house
16 that day. I was only for one hour absent from the
17 home. It's the full record of that in the Police
18 Department in Lockport in the state attorney office.
19 And that time, first time the state attorney worker
20 came to our home to check if it was possible like it
21 was suggested to me that my five-year old that time
22 girl could put four burners in my stove, gas stove

1 when she was leaving and left them open so the gas
2 can go. The GE stove which was there with all the
3 features never would allow that four burners can be
4 on. One, yes. But you cannot set -- couldn't set up
5 the second one. So there was adult in my home in a
6 period of about one hour when I was not there with my
7 daughter and set it up.

8 Soon later I pretty much left Lockport
9 and sold the property, was not living anymore because
10 it's once again connected with the gas. And when I
11 looked that time for the dates all of these weird
12 events, they are starting from the time of my zero
13 bills and then when I started to complain to NICOR.

14 As I stated also, that copy of one of
15 the tips which I submitted to FBI when I was already
16 in Washington, D.C., Exhibit 20 shows with the date
17 with everything. One of the tips. There was much
18 more. I had to bring up one, and that's included
19 here.

20 Going further, before I left here in
21 the night, somebody in my home, I didn't pick it up,
22 there was very weird phone call. There was no

1 threat, but very disturbing phone call in the middle
2 of the night. The day I submitted my first brief,
3 next day, at 1:30, in front of my home in Virginia,
4 there was standing for more than one hour, between
5 one hour to two, dark car. This -- the way my home
6 is located, the car was put in the way that I would
7 be never able going to the street what is more than
8 200 feet out of my secluded property which has a
9 fence and dogs. I would be fully exposed on the
10 street if I would like to read the number on the car.
11 And in the car there were people. They came out.
12 They were by binocular watching my house.

13 As I say, there is too many events
14 going on with this property and the whole situation
15 why I am pretty much start not to believe that whole
16 this situation is like normal which should happen to
17 average customer.

18 Some other documents as exhibits which
19 I presented as I talked with Ms. (sic) Kmetz
20 (phonetically) before these proceedings, court
21 proceedings, it's very difficult for me to argue
22 anything about how my tenants are paying and how

1 reliable customers we are of NICOR Gas. The only
2 statement I can do is, they pay me the rent because I
3 collect it as of the account in the bank. So some of
4 them they are good, some of them not. In many cases
5 I get also stiffed on the rent.

6 Therefore, the only way I can rely
7 regarding removing the tenants' particular meters,
8 they are on the tenant statements, and two of them.

9 One for Apartment No. 1 presented his
10 sworn statement, certified statement in Spanish
11 because person speaks Spanish, which is Exhibit 36,
12 which explains that she never received the meter for
13 more than a year from the time she moved in. I put
14 her finally up to a year because she gets so many
15 problems with Neighborhood Services, she was just
16 cooking on small electric burners. It's a family
17 with kids, that I just, of course, on my cost put her
18 right away electric stove.

19 The second one is a copy of the
20 complaint which was submitted from Apartment No. 2.
21 And they explained by themselves (sic) what the
22 situation is, how reliable tenants they are.

1 Difficult for me to say. I only have to honestly
2 state they don't pay my rent and I am evicting them.

3 So no more comments in this sense
4 about the tenants.

5 But I also brought some other
6 documents. One of them it's Exhibit 41, Exhibit 42
7 and Exhibit 43 which are NICOR Gas letters to me to
8 Margaret Botto on Creekwood Court, and they state
9 what I was mentioning on July 14th, that NICOR made
10 pretty much many attempts to put a lot of accounts
11 from my tenants on my -- on my name.

12 There is also the bill Margaret Botto,
13 North -- 350 (phonetically) North Chicago Street,
14 Apartment No. 1, directed to me. It's Exhibit 43
15 Margaret Botto, North Creekwood Court, with some bill
16 for 266.05.

17 That one is from which year?

18 MR. PADRON: '04.

19 MS. SZAYNA: It's 2004. I had to go really
20 through all of any kind of records and notes if I
21 have. As I stated before, I was informed that I
22 should not bother with all of those notes coming like

1 that because it's illegal to put the accounts in my
2 name.

3 There's only one also very disturbing
4 for me fact. If I would try -- or I try to change
5 name on my account, it was impossible for so many
6 years. But when my tenant was calling and he has
7 nothing to do with the account and asking to put my
8 name on the account, it was so easy to put it on this
9 name. So I don't know why it works for the tenants,
10 that they can, sorry for expression, dump their
11 account on my name and I have absolutely no way, even
12 when I have a new tenant, to say, oh, I want to
13 establish account in tenant's name and provide, for
14 example, a lease that such a tenant is there.

15 It's a lot of documents.

16 There is one exhibit more which I got.
17 Very simply, it's included in exhibits. I would just
18 look for my copy.

19 It is a statement from lawyer
20 Mr. Zumstein, Exhibit No. 30, where he
21 testified -- testifies and states about my attempts
22 for many years to try to change the name on this

1 account, his involvement, and pretty much his brief
2 summary of what happened during the -- my filing the
3 court case against NICOR Gas in 2007.

4 Maybe it has no exact relevance for
5 this hearing, for this court here, but I strongly
6 also believe that there is a big relationship to this
7 case and what losses I sustained because of the NICOR
8 actions. I would like to present just a few more
9 documents. Let me get order on my desk.

10 The daughter's actions, they are not
11 going directly -- they are not hitting directly adult
12 person as I am. I think that's okay. You know, we
13 are adults. We can deal with some kind of troubles
14 and life situations. But I believe it's very unfair
15 in any kind of human relationship that the child
16 which I have here, which was born in 2000 in this
17 country which is a special care child, I would like
18 to circulate these pictures. I don't -- I did not
19 bring for my daughter's safety the picture of her,
20 colored one. She is in a medical --

21 JUDGE HILLIARD: I don't -- I don't think we
22 want to --

1 MS. SZAYNA: I just only wanted to show that my
2 daughter had full suicidal thoughts and that the bill
3 from the psychiatrist and her counselor is exactly
4 relates to the time that the threats from NICOR's
5 side appear.

6 JUDGE HILLIARD: Well, I think we will accept
7 your statement that that's the fact, but we don't
8 need to put those into the record.

9 MS. SZAYNA: It's just -- as I said, it's a
10 full documentation of these facts. The teacher
11 returned to me the notes my daughter just made it
12 once again about the death and all of this stuff
13 because the whole school is strongly aware about her
14 mental health and they are watching her. So the
15 teachers pay attention what kind of stories she is
16 writing or what kind of the picture she is drawing.

17 I'm sorry for that. But as a mother,
18 it's difficult for me --

19 JUDGE HILLIARD: Sure.

20 MS. SZAYNA: -- to look at, especially when my
21 daughter made the attempt to jump from the roof of
22 the house. I'm sorry. And I'm a single mother in

1 this country alone. So it's additional.

2 MR. PADRON: Maybe we should take a break.

3 MS. SZAYNA: No. It's fine. I will go on. I
4 think it's just -- it's just what I wanted to
5 present.

6 But I wanted to make a request if it's
7 possible if there is a way to obtain some additional
8 documents. And particularly I would be interested --
9 because I have not received any detailed documents
10 from NICOR. And it seems like maybe some people are
11 more than usual involved in the whole this case in a
12 not nice way. I would say that.

13 From what I presented as a phone
14 record, I would be very interested if we could get
15 from NICOR side, because these phones belong and they
16 are the property of the NICOR, Therefore, their
17 workers should use them only for work purpose, so
18 shouldn't be any personal information or personal
19 phone calls there, if I could get the full record for
20 something like a week or two weeks around August 5th,
21 August 6th, 2000 -- 2010 of records of people
22 whose phone numbers appeared on my phone record.

1 Particularly I am interested about the person who
2 took the key and whose cellular phone is there
3 because it's very often there, Mr. Mr. Hensley
4 (phonetically). Who is -- who is --

5 MR. PADRON: Hensley works for NICOR Gas.

6 MS. SZAYNA: Yes, I know that he works because
7 exactly his record is there, and I found out that his
8 probably cell phone or another phone then he left it
9 on Exhibit 17 was there. So I would be really very
10 interested what phone calls at that time, to whom,
11 and where they were done.

12 MR. PADRON: Judge, I have no problem
13 determining what numbers are from NICOR Gas for those
14 dates.

15 JUDGE HILLIARD: Okay. You know, you can't
16 prove the content of a conversation because you've
17 got a record that shows there was a phone call.

18 MS. SZAYNA: No. I understand that.

19 JUDGE HILLIARD: So if he gives you the -- if
20 he identifies those phone calls on your bill that are
21 related to NICOR Gas, that's about as good as you are
22 going to do with this.

1 MS. SZAYNA: I understand, Judge.

2 JUDGE HILLIARD: All right. So he's
3 volunteered to do that for you and he's going to
4 submit -- is that right?

5 MR. PADRON: Yes, I will do that, Judge.

6 JUDGE HILLIARD: And he's going to send you a
7 copy of that and he can send me a copy, too.

8 All right.

9 MS. SZAYNA: Thank you very much.

10 JUDGE HILLIARD: Anything else?

11 MS. SZAYNA: I believe that is all I have.

12 JUDGE HILLIARD: All right.

13 All right. Do you have objections to
14 her exhibits?

15 MR. PADRON: No, your Honor.

16 JUDGE HILLIARD: All right. Why don't we make
17 this a group exhibit because you're -- you talked
18 about them and I think you have identified them to
19 the best of your ability, and we can save a lot of
20 time if we just call them Complainant's Group Exhibit
21 from November -- what's today, the 22nd?

22 THE REPORTER: Yes.

1 JUDGE HILLIARD: 22nd here.

2 And we will need three copies of your
3 exhibits.

4 And I'll ask the reporter to mark them
5 as that group exhibit.

6 (Whereupon, Complainant's Group
7 Exhibit from November 22nd,
8 2011, was marked for
9 identification.)

10 MS. SZAYNA: Oh, I forgot to state one thing
11 because, your Honor, you remind me that that there is
12 ongoing attempt to get agreement for statements, one
13 statement from contractor and sworn statements from
14 the tenant describing the events which happen on
15 August 6. There was request from both them to me,
16 and I forwarded it further, for kind of protection or
17 level of protection for these witnesses. They are
18 definitely afraid of any adverse actions which can be
19 taken against them. They are not only afraid about
20 NICOR, but they're also afraid about other places.

21 JUDGE HILLIARD: You know, I don't have any --

22 MS. SZAYNA: Yeah, I understand authority --

1 JUDGE HILLIARD: I don't have any ability to
2 protect anybody --

3 MS. SZAYNA: Yeah.

4 JUDGE HILLIARD: -- at the Commission.

5 MS. SZAYNA: No, I just -- I forwarded to the
6 units for that, and that's what they try to get in a
7 common ground so these people could submit official
8 statements.

9 JUDGE HILLIARD: All right. Well...

10 So you are going to need to assemble
11 three --

12 MS. SZAYNA: I have additional this third one.

13 JUDGE HILLIARD: Okay. I have one set. You
14 have two sets?

15 MS. SZAYNA: Yes.

16 JUDGE HILLIARD: All right.

17 (Pause.)

18 JUDGE HILLIARD: All right. I'm not sure
19 you've got three sets here. It seems to me you might
20 have the two.

21 MS. SZAYNA: And the one I provided for the --

22 JUDGE HILLIARD: Well, we -- I need three --

1 MS. SZAYNA: Oh --

2 JUDGE HILLIARD: -- sets.

3 MS. SZAYNA: -- you need three.

4 JUDGE HILLIARD: So --

5 MS. SZAYNA: I don't have a third one. I'm
6 sorry. Maybe I can do it just right now--

7 JUDGE HILLIARD: Yeah.

8 MS. SZAYNA: -- after the court proceeding.

9 JUDGE HILLIARD: After we are done here, you
10 can go to the copy machine and do it in there.

11 MS. SZAYNA: Thank you. I'm sorry.

12 JUDGE HILLIARD: You are going to need to take
13 the staples out before you copy it, okay?

14 And I've got -- I've got a total of
15 two copies of your closing brief. I need one more.

16 MS. SZAYNA: And the exhibits.

17 JUDGE HILLIARD: And I need three copies of
18 your original brief.

19 MS. SZAYNA: Oh, my original?

20 JUDGE HILLIARD: Yeah. Have you the original?

21 MS. SZAYNA: No. I sent it only electronically
22 and one copy to --

1 JUDGE HILLIARD: All right. But you need to --
2 you need to file it. You don't really need to send
3 it to me. You need to file it with the clerk. And
4 you should really file this, the responsive brief,
5 with the clerk too.

6 MS. SZAYNA: With the clerk? Okay. Downstairs
7 or here?

8 JUDGE HILLIARD: No.

9 Well, we have a clerk here.

10 MS. SZAYNA: Okay.

11 JUDGE HILLIARD: But if you -- probably what
12 you need to do is --

13 MS. SZAYNA: I believe I sent one -- the brief
14 I sent to Ms. Laurie (inaudible).

15 JUDGE HILLIARD: I didn't hear the last part.

16 MS. SZAYNA: Ms. Laura, Laurie.

17 JUDGE HILLIARD: All right. Well, it's not on
18 file.

19 MS. SZAYNA: Oh.

20 JUDGE HILLIARD: I checked -- I checked the
21 computer. So you need to make hard copies. You
22 don't have --

1 MS. SZAYNA: I could make it.

2 JUDGE HILLIARD: Why don't you -- why don't
3 you -- yeah, why don't you make copies of both
4 documents and mail them to the clerk. Make sure you
5 have a --

6 MS. SZAYNA: Signature.

7 JUDGE HILLIARD: -- a signature, live
8 signature, not a copy signature, on it, you know, on
9 the document. Okay?

10 MS. SZAYNA: Yes.

11 JUDGE HILLIARD: And if you call the clerk,
12 they will tell you how to do that.

13 MS. SZAYNA: I see.

14 JUDGE HILLIARD: So you -- otherwise, they may
15 reject it and send it back to you, and you don't want
16 that to happen.

17 MS. SZAYNA: No, I don't. I'm sorry.

18 JUDGE HILLIARD: So I'll keep a copy. You can
19 have that copy (indicating).

20 All right. Does the company have
21 anything they would like to add to that?

22 MR. PADRON: Actually, what I'd like to do, if

1 it's okay, is just have a few moments with Mr. Kmetz
2 to discuss --

3 JUDGE HILLIARD: All right. Fine.

4 While they are doing that, why don't
5 you make your --

6 MS. SZAYNA: I will make my copies.

7 JUDGE HILLIARD: -- third set of copies.

8 (Whereupon, a recess was taken.)

9 JUDGE HILLIARD: Does the company have anything
10 else they would like to put on the record?

11 MR. PADRON: Your Honor, I do have a printout
12 of all communications for any time that Ms. Szayna
13 either called NICOR or tried to access the account
14 via internet, whatever, from April of 2006 until
15 September 13th of 2010. Okay? I have that in a
16 spreadsheet here. I have three copies. I'd be more
17 than happy to submit them even though I'm not sure
18 what relevance they pose at this point. But -- well,
19 I take that back.

20 There is a relevance. And, really,
21 it's so hard to respond to the Complainant, not to
22 take away from what you are -- she is saying, because

1 she is, obviously, very emotional and upset about
2 this, but I feel that so much of it is irrelevant to
3 this case. And I don't want to disrespect her in any
4 regard. Okay?

5 My only concern is, is who was using
6 the gas, who owned the building, was the gas paid or
7 not. That's all. And from the testimony that
8 Mr. Kmetz gave back in the summer as well as our
9 records, I think it's very clear that you owned the
10 property, that you stopped paying in -- really in
11 2009. That's where the bulk of these charges arise.
12 And, really, everything else is irrelevant.

13 So I'm not going to put him back on
14 the stand or cross her because I believe that the
15 evidence that NICOR needs to show that she owns the
16 building, they used the gas, they haven't paid is
17 already there. The only thing that I would submit
18 would be this -- this chart indicating all
19 communication of either Ms. Botto -- I'm sorry --
20 Ms. Szayna contacting NICOR or accessing the internet
21 because, really, the only thing that I pulled from --
22 of relevance that I pulled from her testimony was

1 that in June of 2006, she says that her Creekwood
2 address where the bills were being sent was sold.
3 Okay. And that's where we were sending the bills.
4 So that, to me, is concerning. And what these
5 communications show is that, at no time when she was
6 speaking with whomever or, you know, contacting
7 NICOR, at no time did she indicate that that property
8 was sold.

9 It's true, Mr. Kmetz already testified
10 to the fact, that none of the bills ever came back to
11 us. Okay. And you were paying those bills
12 after -- you know, between '06 and '09, you were
13 still paying bills. So if -- I'm not sure if your
14 argument is that you weren't getting the bills. I
15 know that you said you sold the address, the address
16 where the bills were being sold (sic), or you sold --

17 JUDGE HILLIARD: Sent.

18 MR. PADRON: -- that property, but you were
19 still making payments.

20 So at no point did you indicate to
21 NICOR that you had moved. It was in '09 when you
22 changed -- April of '09 when you changed the address

1 to the Virginia address, and that's when we started
2 sending the bills to that address. Okay.

3 MS. SZAYNA: That's incorrect.

4 MR. PADRON: Okay. Well, regardless.

5 So I have this spreadsheet of
6 communications. If your Honor would like them, I'll
7 be more than happy to submit them.

8 I will get the names associated with
9 any calls made on August 5th and August 6th.

10 The only last thing I'd like to ask is
11 that -- you mentioned that you had no problems with
12 your other utilities regarding the name. Okay?
13 Right?

14 MS. SZAYNA: (Nodding.)

15 MR. PADRON: What I'd like is to know -- just
16 to see a ComEd bill from that property.

17 What name was that under? Is it under
18 Malgorzata Szayna?

19 MS. SZAYNA: I'd have to look. I think it's
20 the way it was already on there Villa Sophie.

21 MR. PADRON: If I could see those just --

22 MS. SZAYNA: I can -- I can supply those ones.

1 They will be changed in 2010 because it changed
2 everything.

3 MR. PADRON: I'm not worried about 2010 so
4 much. I'm more worried about like 2000, you know, 2,
5 when you purchased the property, up until 2009.

6 MS. SZAYNA: I will look if I have all of
7 those --

8 JUDGE HILLIARD: All right.

9 MS. SZAYNA: -- records and what record is it.

10 JUDGE HILLIARD: Okay. Fine.

11 While we are talking, it occurs to me
12 that I should note for the record that Ms. Szayna was
13 sworn in at our last hearing in July and that she was
14 still under oath here today. So all this testimony
15 is under oath. All right.

16 And you have agreed to provide him
17 with a copy of bills from other utilities so we can
18 compare the --

19 MS. SZAYNA: To my best of my ability to
20 find --

21 JUDGE HILLIARD: All right.

22 MS. SZAYNA: -- the earliest one.

1 JUDGE HILLIARD: All right. Now, I think you
2 also indicated, when you were making copies a while
3 back, that he's prepared a request for an extension
4 of time. The Commission, by rule, does these within
5 a year. Because this has gone on a long time, and I
6 have other responsibilities, it's not likely
7 to -- to -- that the process is going to be complete
8 within a year. And he has a paper that he's going to
9 ask you to sign which would extend the deadline for
10 60 days; and should it take longer than 60 days from
11 the date of filing, one year plus 60 days. I
12 would -- I would hope that the parties would execute
13 a -- another extension of time if we need one.

14 MR. PADRON: Yes.

15 JUDGE HILLIARD: So...

16 So we are going to keep the record
17 open.

18 You are going to -- you want to submit
19 that now?

20 MR. PADRON: Yes.

21 JUDGE HILLIARD: Your list?

22 MR. PADRON: That's fine.

1 JUDGE HILLIARD: Have you provided a copy to
2 her.

3 MR. PADRON: I have not. And, your Honor, I
4 apologize, I only have three copies.

5 I can email you a copy tomorrow.

6 MS. SZAYNA: Can we do the copy now?

7 MR. PADRON: Oh, maybe we can do the copy now.

8 JUDGE HILLIARD: Sure.

9 What size is that paper, 14?

10 MR. PADRON: Yeah, 14.

11 (Whereupon, a recess was taken.)

12 CHAIRMAN HILLIARD: So what are you going to
13 call it?

14 MR. PADRON: So this will be Group Exhibit --
15 NICOR Group Exhibit D.

16 JUDGE HILLIARD: All right.

17 (Whereupon, Respondent Group
18 Exhibit No. D was marked for
19 identification.)

20 JUDGE HILLIARD: All right. You are going to
21 give the reporter -- we need a total of three copies,
22 all right?

1 MR. PADRON: I gave her three copies.

2 JUDGE HILLIARD: Up here?

3 MR. PADRON: Yep, that's three copies.

4 JUDGE HILLIARD: All right. Fine.

5 MS. SZAYNA: Can I have one? Because to what
6 Mr. Pardon said, all the trying to blame me that I
7 was paying NICOR bills up to 2009 even not getting
8 the bill, could you please provide my payment amount
9 and amount which was on the computer? Because until
10 now, I have absolutely no knowledge if what I was
11 paying based on the computer display it was what
12 really was for my gas usage. And I believe that you
13 have what's current. If you have the print from your
14 web page like a history of the gas usage, that is the
15 way how I was reading my actual gas usage, and that
16 should give me some idea if ever I was paying what
17 was you claim -- maybe claimed on the bills which you
18 were sending or this number was different, because
19 this number was taken on this from the screen from
20 the computer.

21 MR. PADRON: This one I can tell you. I can
22 tell you that Group Exhibit -- NICOR Group Exhibit B,

1 which was submitted --

2 MS. SZAYNA: Yes, you submitted.

3 MR. PADRON: Okay?

4 MS. SZAYNA: Um-hmm.

5 MR. PADRON: If I were to put Mr. Kmetz on the
6 stand, he would say that no one has ever altered or
7 falsified this record. This is an accurate record of
8 all charges made and all payments received on your
9 account from its inception through September 1st,
10 2010.

11 JUDGE HILLIARD: All right. But does it break
12 it out into like late payments and --

13 MR. PADRON: Yes. Late payments are on here.

14 JUDGE HILLIARD: Deposit?

15 MR. PADRON: The deposit's on here.

16 MS. SZAYNA: But my request is for something
17 different. It's difficult for me because we don't
18 have. The bill states current usage, other charge
19 like a monthly charge, a monthly fee --

20 MR. PADRON: Okay.

21 MS. SZAYNA: -- plus probably some late fees,
22 and that will be total to be paid. When I go on the

1 network to the history of the usage --

2 MR. PADRON: This is what I can do. I have a
3 stack --

4 MS. SZAYNA: -- it's completely different
5 format which doesn't show. It shows one number.

6 MR. PADRON: Okay. I have a stack here. It's
7 about an inch thick. It's all of the bills that were
8 issued by NICOR beginning in April of 2006 and end --

9 MS. SZAYNA: Also if I can look to that and
10 compare it with my record.

11 MR. PADRON: -- and ending -- the last bill
12 here it looks like was in August of 2010.

13 I can make a copy of this and give it
14 to Ms. Szayna. I don't know if your Honor wants it
15 filed with the ICC clerk, but I can certainly give
16 you a copy of all the bills for --

17 MS. SZAYNA: Just few examples, because that
18 gives me the idea about the check I sent and how it
19 is relevant to the bill.

20 MR. PADRON: Why don't I just make you --

21 JUDGE HILLIARD: Make her a copy of the whole
22 thing.

1 MR. PADRON: I will make a copy.

2 JUDGE HILLIARD: You don't need to -- if you
3 want to put it in the record --

4 MR. PADRON: No.

5 JUDGE HILLIARD: -- that's fine.

6 MR. PADRON: No.

7 JUDGE HILLIARD: All right. Okay.

8 MS. SZAYNA: Thank you.

9 JUDGE HILLIARD: All right.

10 The -- if I haven't said this already,
11 Complainant's Group Exhibit from the 11-22 hearing
12 will be admitted in the record.

13 (Whereupon, Complainant's Group
14 Exhibit from 11-22-11 was
15 admitted into evidence.)

16 JUDGE HILLIARD: And the company's Schedule
17 D -- is that what you call it?

18 MR. PADRON: Yes.

19 JUDGE HILLIARD: -- will also be admitted in
20 the record.

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1 (Whereupon, Respondent's Exhibit
2 Schedule D was admitted into
3 evidence.)

4 JUDGE HILLIARD: And I won't close the record
5 until you have filed both of your briefs with the
6 clerk.

7 And what else do we have to do?

8 MR. PADRON: I think that's it, judge.

9 JUDGE HILLIARD: Okay. And we will be
10 adjourned for today, but the record will not be
11 closed until we -- how long is it going to take you
12 to file those briefs?

13 Why don't you call the -- call the
14 clerk in Springfield and talk to Laurie or one of
15 those people, and then I'll give you a --

16 MS. SZAYNA: And I should to send it to
17 Springfield?

18 JUDGE HILLIARD: Yeah.

19 MS. SZAYNA: Oh. I see. So that's the address
20 like ICC here (indicating).

21 JUDGE HILLIARD: Right. And you can send me --
22 send me a copy.

1 MS. SZAYNA: To this address, yes?

2 JUDGE HILLIARD: Yeah, send me a copy.

3 MS. SZAYNA: Okay.

4 So probably I would appreciate

5 something like two weeks --

6 JUDGE HILLIARD: Two weeks, okay.

7 MS. SZAYNA: -- taking into account that --

8 JUDGE HILLIARD: I will check in two weeks.

9 MS. SZAYNA: Yes. I will send an email with

10 the copy of the mailing --

11 JUDGE HILLIARD: Okay.

12 MS. SZAYNA: -- receipt so that you will have

13 the idea when it may appear, then.

14 JUDGE HILLIARD: All right. So we will keep

15 the record open until then, all right?

16 MS. SZAYNA: Thank you very much.

17 JUDGE HILLIARD: Anything else?

18 MR. PADRON: No, judge.

19 JUDGE HILLIARD: All right.

20 Thank you very much.

21 And you are going to submit that

22 extension of time?

1 MR. PADRON: Yes. She is signing it right now.

2 MS. SZAYNA: Yes.

3 MR. PADRON: I will file that with the ICC.

4 JUDGE HILLIARD: And then forward an email copy
5 to me, and I will grant the motion.

6 MR. PADRON: Very well.

7 JUDGE HILLIARD: If there is something for me
8 to grant. All right?

9 MR. PADRON: All right. Thank you.

10 JUDGE HILLIARD: Okay. Thanks.

11 MS. SZAYNA: Thank you.

12 (Whereupon, the above-entitled
13 matter was adjourned.)

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