

**BEFORE THE BOARD OF COMMISSIONERS  
OF THE METROPOLITAN WATER RECLAMATION DISTRICT  
OF GREATER CHICAGO**

Metropolitan Water Reclamation	)	
District of Greater Chicago, a unit of	)	
Local government,	)	
Petitioner,	)	
	)	
	)	No. 02-001
Vs.	)	
	)	Contract # 96-246-P2
Dauro Company, an Illinois Corporation,	)	
	)	
Respondent.	)	

**FINAL ORDER**

This matter comes to be heard pursuant to a prior amended Notice of Show Cause complaint filed by the Petitioner (hereinafter the "District") against the Gonzales Construction Company (hereinafter "Gonzales") and the Dauro Company (hereinafter "Dauro"). The amended complaint contained three counts. The first count related to the Gonzales Company and has been previously settled by agreement of the parties and an Order dismissing Gonzales from further proceedings entered. The second count was directed against the Dauro Company alleging that Dauro acted together with Gonzales to circumvent the District's Affirmative Action Ordinance. The third count was directed against the Dauro Company alleging that Dauro's actions also violated a prior settlement agreement entered into in a previous case.

The cause was originally heard before Hearing Officer Dennis Beninato on October 10, 2007. No decision was entered following that hearing and the Hearing Officer became unavailable. As such, and by specific agreement of the parties, Hearing Officer Byron K. Bradley will review the prior transcripts, testimony and exhibits and enter a decision in this cause.

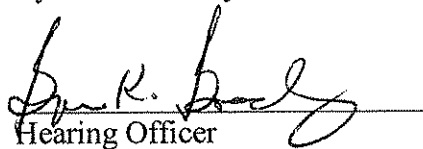
On January 7, 2010 Hearing Officer Byron K. Bradley submitted his decision and findings in favor of the Petitioner and against the Respondent Dauro as to Counts 2 and 3. The Parties were then to submit any post hearing motions and present mitigation.

Having received the written submissions of the Petitioner and Respondent the following Final Order is entered:

1. The Order of January 7, 2010 in favor of the Petitioner and against the Respondent Dauro as to Counts 2 and 3 shall stand.
2. The Respondent's Motion to Reconsider is denied as is Respondent's request for attorney's fees. The fact that the initial hearing ended without fault on the part of either party is akin to a "mistrial" and as such, the parties bear their own attorney's fees. In as much as no final order was entered and no penalty imposed by the initial hearing officer, the Respondent's request that any disqualification from future bidding on District construction projects begin from the date the initial hearing officer should have entered an order is denied.
3. A specific finding that the Respondent engaged in fraudulent conduct and misrepresentation is entered.
4. A specific finding that the Respondent is a non-responsible entity is entered and the Respondent is disqualified and barred from bidding on District construction contracts for a period of (1) one year from the date of this Order. The Hearing Officer considers the Respondent's violation of the prior six month no bid agreement a factor in aggravation in setting the one year penalty.
5. The Petitioner is awarded its attorney fees and costs, including Court Reporter fees and Hearing Officer fees together with the costs of collection, if necessary.

February 24, 2010

Byron K. Bradley

  
Hearing Officer