

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
ADMINISTRATIVE ADJUDICATION DIVISION

RE: MUNGEON REALTY, INC.
NOTICE OF VIOLATION OC&I/OPC 07-442

AAD NO. 08-001/WRE

FINAL ORDER OF DEFAULT

This matter came on before Hearing Officer David Kerins on October 1, 2009 for entry of a Final Judgment of Default. On May 29, 2009 a Prehearing Conference Order was issued scheduling a Prehearing Conference for July 3, 2009 at 9:30 a.m. The Respondent failed to appear at the Prehearing Conference or otherwise advise of the reason for its non appearance. An Order was issued setting the matter down for August 6, 2009 and again the Respondent did not appear. OWR requested that a Conditional Default be entered pursuant to paragraph 9 of the Prehearing Conference Order.

On August 13, 2009 an Order was entered granting OWR's motion for a Conditional Default. The Order advised Respondent that a Final Judgment of Default shall be entered against it unless it files good cause in writing by August 21, 2009 why a Final judgment should not be entered. As of October 1, 2009 no response has been received from Respondent.

FINDING OF FACT

1. On May 29, 2009 a Prehearing Conference Order was issued setting the matter down for Prehearing Conference on July 3, 2009.
2. Respondent did not appear on July 3, 2009 as Ordered.
3. On July 7, 2009 an Order was issued setting the matter down for August 6, 2009.
4. Respondent did not appear on August 6, 2009 as Ordered.
5. The Prehearing Conference Order in paragraph 9 states that a party shall be defaulted for non appearance
6. OWR requested a Conditional Default be entered.

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7. On August 13, 2009 a Conditional Default was entered giving Respondent until August 21, 2009 to provide good cause in writing why a Final Judgment of Default should not be entered.
8. As of October 1, 2009 no response has been received from the Respondent.
9. Respondent is in Default.

CONCLUSIONS OF LAW


1. The Respondent is in Default.

Wherefore, it is hereby

ORDERED

1. Respondent, Mungeon Realty, Inc. is in Default and is deemed to have waived its right to an adjudicatory hearing.
2. The Notice of Violation issued on October 18, 2007 shall be final and become a compliance order against Respondent, Mungeon Realty, Inc., immediately upon the entry of the Final Agency Order herein.

Entered as an Administrative Order this 1st day of October, 2009 and herewith recommended to the Director for issuance as a Final Agency Order.




David Kerins
Chief Hearing Officer
Administration Adjudication Division
235 Promenade Street, Third Floor
Providence, RI 02908
(401) 222-1357

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Entered as a Final Agency Order this 2nd day of October 2009.



W. Michael Sullivan, Ph.D., Director
Department of Environmental Management
235 Promenade Street, 4th Floor
Providence, RI 02908

CERTIFICATION

I hereby certify that I caused a true copy of the within Order to be forwarded by first-class mail, postage prepaid to Norbert Mungeon, Mungeon Realty, Inc., 1056 Eddie Dowling Highway, N. Smithfield, RI 02896 and via interoffice mail to Marisa Desautel, Esq., DEM Office of Legal Services and Dean H. Albro, Chief, DEM Office of Compliance and Inspection, 235 Promenade Street, Providence, RI 02908 on this 2nd day of October, 2009.

