

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

**RE: RODRIGUES, ANTHONY L. & NIDIA  
NOTICE OF VIOLATION CI94-204**

**AAD No. 99-006/IE**

**FINAL ORDER OF DEFAULT**

This matter came before Hearing Officer Mary F. McMahon on July 17, 2000 for prehearing conference. Respondents failed to appear or otherwise apprise the Hearing Officer of their inability to appear at said conference. (This is the second occasion Respondents have failed to appear at a prehearing conference.) The Office of Compliance and Inspection ("OCI") moved for entry of a conditional order of default against Respondents.

On July 17, 2000 a Conditional Order of Default was entered against Respondents. The Order provided that, pursuant to paragraph number 11 on page 4 of the Prehearing Order, a seven (7) day conditional order was issued wherein Respondents had until July 25, 2000 to show good cause why a Final Order of Default should not enter and the Notice of Violation and Order that was issued on July 8, 1999 become a compliance order. Respondents have not responded to the Conditional Order of Default.

**FINDINGS OF FACT**

1. The Prehearing Order issued to the parties on January 7, 2000 provided that: "Upon failure of a party to appear at the Prehearing Conference, the Hearing Officer shall sua sponte issue a seven (7) day Conditional Order of Dismissal/Default with prejudice which shall automatically become final unless objected to by the absent party, said objection stating the grounds for the failure to appear."

2. A prehearing conference was held on July 17, 2000.
3. Respondents failed to appear at the prehearing conference.
4. A Conditional Order of Default was issued against Respondents on July 17, 2000.
5. Pursuant to the Conditional Order, Respondents had until July 25, 2000 to show good cause why a Final Order of Default should not enter and the Notice of Violation issued on July 8, 1999 become a compliance order.
6. As of this date, Respondents have not responded to the Conditional Order of Default.

**CONCLUSION OF LAW**

Respondents have failed to show good cause why a Final Order of Default should not enter and the Notice of Violation issued on July 8, 1999 become a compliance order.

Wherefore, it is hereby

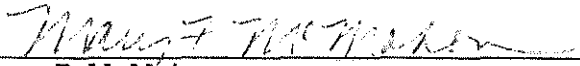
**ORDERED**

1. Respondents are deemed to have waived their rights to an adjudicatory hearing.
2. The Notice of Violation shall become a compliance order immediately upon the entry of the Final Agency Order herein.

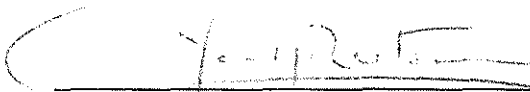
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Entered as an Administrative Order this 1<sup>ST</sup> day of August, 2000  
and herewith recommended to the Director for issuance as a Final Agency  
Order.

  
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Mary F. McMahon  
Hearing Officer  
Administration Adjudication Division  
235 Promenade Street, Third Floor  
Providence, RI 02908  
(401) 222-1357

Entered as a Final Agency Order this 3<sup>rd</sup> day of August 2000.

  
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Jan H. Reitsma, Director  
Department of Environmental Management  
235 Promenade Street, 4<sup>th</sup> Floor  
Providence, Rhode Island 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 Mr. Anthony L. & Nidia  
Rodrigues, 68 Founder Avenue, Warwick, RI 02886; via interoffice mail to  
Paula J. Younes, Esquire, and Gregory S. Schultz, Esquire, Office of Legal  
Services and Dean H. Albro, Chief, Office of Compliance and Inspection,  
235 Promenade Street, Providence, RI 02908 on this 1<sup>st</sup> day  
of August, 2000.

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