

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

**RE: MIGNEAULT, HOWARD R.
NOTICE OF VIOLATION OC&I/ OWTS CI 08-0128**

AAD NO. 11-001/IE

FINAL ORDER OF DEFAULT

An Order of Conditional Default entered against Respondent on March 5, 2013. Respondent failed to object or otherwise demonstrate, in writing, good cause why the Conditional Default should be vacated. OC&I then filed a Motion for Order of Default on June 7, 2013. Respondent failed to object to this Motion as well.

OC&I then filed this Second Motion for Order of Default on August 13, 2013. Respondent also failed to object to this Second Motion for Order of Default.

Findings of Fact

1. The Rhode Island Department of Environmental Management, Office of Compliance and Inspection has subject matter jurisdiction over this matter and personal jurisdiction over the Respondent pursuant to RI General Laws 42-17.1-2 (21) and 42-17.6-3.
2. A Notice of Violation was sent to Respondent on or about December 15, 2010 and duly recorded at the Gloucester Town Hall on or about the same date.
3. Respondent filed a timely appeal on December 29, 2010 with the Administrative Adjudication Division.
4. A Prehearing Order was sent to Respondent on February 9, 2011.
5. Respondent failed to comply with the Prehearing Order.
6. OC&I filed a Motion for Order of Conditional Default on February 20, 2013.
7. Respondent failed to object or otherwise respond to the Motion for Order of Conditional Default.

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8. An Order of Conditional Default entered on March 5, 2013.
9. Respondent failed to object or otherwise demonstrate, in writing, good cause why the Conditional Default should be vacated.
10. OC&I filed a Motion for Order of Default on June 7, 2013 and a Second Motion for Order of Default on August 13, 2013.
11. Respondent failed to object to either Motion for Order of Default filed by OC&I.

Conclusions of Law

1. The Rhode Island Department of Environmental Management has subject matter jurisdiction over this matter and person jurisdiction over the Respondent pursuant to RI General Laws 42-17.1-2 (21) and 42-17.6-3.
2. A Notice of Violation was sent to Respondent on or about December 15, 2010 and duly recorded at the Gloucester Town Hall on or about the same date.
3. An Order of Conditional Default entered against Respondent on March 5, 2013.
4. Respondent did not object or otherwise respond to the Order of Conditional Default entered on March 5, 2013.
5. As of this date, no response has been received from Respondent.
6. Respondent is in Default.
7. Respondents appeal is DENIED and DISMISSED.

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ORDERED

1. Respondent, Howard R. Migneault is in Default and deemed to have waived his right to an Adjudicatory Hearing.
2. Respondents appeal is **Denied and Dismissed**.
3. The Notice of Violation issued December 15, 2010 is hereby made final and becomes a Compliance Order against Respondent Howard R. Migneault Immediately upon the entry of the Final Agency Order herein.

Entered as an Administrative Order this 22nd day of August, 2013.



David M. Spinella
Hearing Officer
Administrative Adjudication Division
One Capitol Hill, 2nd Floor
Providence, RI 02908
(401) 574-8600

CERTIFICATION

I hereby certify that I caused a true copy of the within Order to be forwarded by first class mail to Howard R. Migneault, 34 Richardson Clearing Trail, Chepachet, RI 02814 and via interoffice mail; Richard M. Bianculli, Jr., Esquire, DEM Office of Legal Services; and David Chopy, Chief, Office of Compliance and Inspection, 235 Promenade Street, Providence, RI 02908 on this 22nd day of August, 2013, 2013.

