

Department of Environmental Management  
Administrative Adjudication Division  
State of Rhode Island  
Re: Cumberland Farms, Inc.  
AAD No. 05-035/WME  
Notice of Violation OC&I/UST 05-00996  
2006

**FINAL ORDER OF DEFAULT**

This matter came before the Administrative Adjudication Division on April 6, 2006 for the purpose of a Status Conference. Respondent, Cumberland Farms, Inc., failed to appear or otherwise apprise the Hearing Officer of its inability to appear at said Status Conference. Pursuant to the Status Conference Order entered on October 24, 2005 and the Order Granting Continuance issued on February 21, 2006, a Conditional Order of Default was issued against Respondent, affording Respondent until and including April 14, 2006 to show good cause in writing why a Final Default Judgment should not enter. Respondent has not responded to the Conditional Order of Default.

**FINDING OF FACT**

1. The Status Conference Order issued to the parties on October 24, 2006 provided that "If either party fails to appear at the Status Conference, the Hearing Officer sua sponte will issue a seven (7) day Conditional Order of Dismissal/Default against the non-attending party."
2. The Status Conference was held at the Administrative Adjudication Division ("ADD") on April 6, 2006.
3. Respondent, Cumberland Farms, Inc., failed to appear at the Status Conference or otherwise apprise the Hearing Officer of its inability to appear.
4. A Conditional Order of Default was issued against Respondent, Cumberland Farms, Inc., on April 6, 2006.
5. Pursuant to the Conditional Order, Respondent, Cumberland Farms, Inc. had until April 14, 2006 to show good cause in writing why a Final Default Judgment should not enter against it.
6. As of this date, the Respondent, Cumberland Farms, Inc. has not responded to the Condition Order of Default.

**CONCLUSIONS OF LAW**

1. Respondent, Cumberland Farms, Inc., has failed to show good cause why a Final Order of Default should not enter and the Notice of Violation issued on September 26, 2005 become a compliance order against Respondent, Cumberland Farms, Inc.  
Wherefore, it is hereby

**ORDERED**

1. Respondent, Cumberland Farms, Inc. is deemed to have waived its right to an adjudicatory hearing.
2. The Notice of Violation issued on September 26, 2005 shall be final and become a compliance order against Respondent, Cumberland Farms, Inc., immediately upon the entry of the Final Agency Order herein.

Entered as an Administrative Order this \_\_\_\_\_ day of May 2006 and herewith recommended to the Director for issuance as a Final Agency Order.

Joseph F. Baffoni  
Hearing Officer  
Entered as a Final Agency Order this \_\_\_\_ day of \_\_\_\_\_, 2006.  
W. Michael Sullivan, Ph.D  
Director

**NOTICE OF APPELLATE RIGHTS**

This Final Order constitutes a final order of the Department of Environmental Management pursuant to RI General Laws § 42-35-12. Pursuant to R.I. Gen. Laws § 42-35-15, a final order may be appealed to the Superior Court sitting in and for the County of Providence within thirty (30) days of the mailing date of this decision. Such appeal, if taken, must be completed by filing a petition for review in Superior Court. The filing of the complaint does not itself stay enforcement of this order. The agency may grant, or the reviewing court may order, a stay upon the appropriate terms.