

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

RE: TONETTI ENTERPRISES, LLC AND
HEMISPHERE MANAAGEMENT CORPORATION
NOTICE OF VIOLATION OC&I/UST 05-18886

AAD NO. 06-003/WME

FINAL ORDER OF DEFAULT AGAINST RESPONDENT
HEMISPHERE MANAGEMENT CORPORATION

This matter came before Hearing Officer Joseph F. Baffoni on March 2, 2006 for a Status Conference. Hemisphere Management Corporation, failed to appear or otherwise apprise the Hearing Officer of its inability to appear at said Status Conference. Pursuant to the Status Conference Order dated January 30, 2006, A Conditional Order of Default was issued against said Respondent, Hemisphere Management Corporation, affording said Respondent until and including March 14, 2006 to show good cause in writing why a Final Default Judgment should not enter. The Respondent, Hemisphere Management Corporation, has not responded to the Conditional Order of Default.

FINDINGS OF FACT

1. A Status Conference Order was issued to the parties on January 30, 2006 provided that: "upon failure of a party to appear at the Status Conference, the Hearing Officer shall sua sponte issue a seven (7) day Conditional Order of Dismissal/ Default."
2. The Status Conference was held at the Administrative Adjudication Division ("AAD") on March 2, 2006.
3. Respondent, Hemisphere Management Corporation, failed to appear at the Status Conference or otherwise apprise the Hearing Officer of its inability to appear.

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4. A Conditional Order of Default was issued against Respondent, Hemisphere Management Corporation on March 3, 2006.
5. Pursuant to the Conditional Order, Respondent, Hemisphere Management Corporation had until March 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, Hemisphere Management Corporation, has not responded to the Condition Order of Default.

CONCLUSIONS OF LAW

1. Respondent, Hemisphere Management Corporation, has failed to show good cause why a Final Order of Default should not enter and the Notice of Violation issued on December 28, 2005 become a compliance order against Respondent, Hemisphere Management Corporation.

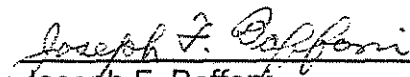
Wherefore, it is hereby

ORDERED

1. Respondent, Hemisphere Management Corporation is deemed to have waived its right to an adjudicatory hearing.
2. The Notice of Violation issued on December 28, 2005 shall be final and become a compliance order against Respondent, Hemisphere Management Corporation, immediately upon the entry of the Final Agency Order herein.

Entered as an Administrative Order this 22nd day of March, 2006 and

herewith recommended to the Director for issuance as a Final Agency Order.



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

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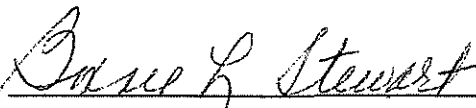
Entered as a Final Agency Order this 22 day of March, 2006.



W. Michael Sullivan, Ph.D.
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 Final Order of Default to be forwarded by first-class mail, postage prepaid to: Joseph A. Lamagna, Esquire, 716 Central Avenue, Pawtucket, RI, 02861; Demetrios Haseotes, President, Hemisphere Management Corporation, 375 Broadway, Menands, NY 12204 and via interoffice mail to Brain Wagner, Esquire, Office of Legal Services and Dean H. Albro, Chief, Office of Compliance and Inspection, 235 Promenade Street, Providence, RI 02908 on this 22nd day of March, 2006.



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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.