

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

**RE: LOFFREDO, DAVID A.  
NOTICE OF VIOLATION OC&I/UST NO. 01-00380**

**AAD NO. 01-016/WME**

**FINAL ORDER OF DEFAULT**

This matter came before Hearing Officer Joseph F. Baffoni on December 20, 2002 for the purpose of a Prehearing Conference. Respondent failed to appear or otherwise apprise the Hearing Officer of the inability to appear at said prehearing conference. On December 26, 2002, a Conditional Order of Default was issued against the Respondent affording Respondent until and including January 6, 2003 to show good cause in writing why, a final default judgement should not enter in this matter. As of the date of this order, the Respondent has not responded to the Conditional Order of Default or made any attempt to show cause why a final default judgement should not be entered against Respondent.

**ORDERED**

1. The Prehearing Order issued to the parties on March 21, 2002 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. The prehearing conference was called on December 20, 2002.
3. Respondent failed to appear at the prehearing conference or otherwise apprise the Hearing Officer of his inability to appear.
4. A Conditional Order of Default was issued against Respondent on December 26, 2002.
5. Pursuant to the Conditional Order, Respondent had until January 6, 2003 to show good cause why a final default judgement should not enter.
6. The Respondent has not responded to the Conditional Order of Default.

CONCLUSIONS OF LAW

1. Respondent has failed to show cause that relief from the Conditional Order of Default should be granted.
2. Respondent has failed to show good cause why a Final Order of Default should not enter and the Notice of Violation issued on November 8, 2001 become a compliance order.

Wherefore, it is hereby

**ORDERED**

1. Respondent is deemed to have waived his right to an adjudicatory hearing.
2. The Notice of Violation issued on November 8, 2001 shall be final and become a compliance order immediately upon the entry of the Final Agency Order herein.

Entered as an Administrative Order this 10<sup>th</sup> day of January, 2003 and herewith recommended to the Director for issuance as a Final Agency Order.

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

Entered as a Final Agency Order this 13<sup>th</sup> day of January, 2003.

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Jan H. Reitsma, Director  
Department of Environmental Management  
235 Promenade Street, 4<sup>th</sup> Floor  
Providence, RI 02908

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**CERTIFICATION**

I hereby certify that I caused a true copy of the within Order to be forwarded by first-class mail, postage prepaid, to Geoffrey A. Regan, Esquire, P.O. Box 4357, Middletown, RI 02842; via interoffice mail to Bret Jedele, Esquire, Office of Legal Services and Dean H. Albro, Chief, Office of Compliance and Inspection, 235 Promenade Street, Providence, RI 02908 on this \_\_\_\_\_ day of January, 2003.

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