

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

RE: CHAMPLIN, RODMAN & KATHY

AAD No. 02-004/ISA

AAD No. 02-005/ISA

AAD No. 02-006/ISA

FINAL ORDER OF DEFAULT

This matter came before Hearing Officer Joseph F. Baffoni on June 5, 2003 for a Prehearing Conference. The Intervenors Jo-Anne Gorton-Harvey, Sarah Rodgers and Joseph Tomlinson failed to appear or otherwise apprise the Hearing Officer of their inability to appear at said Prehearing Conference.

On June 6, 2003 a Conditional Order of Default was entered against said Intervenors. The Order provided that, pursuant to the Prehearing Order entered on May 7, 2003 (as amended on May 27, 2003), a seven (7) day conditional order was issued wherein Intervenors had until June 13, 2003 to show good cause in writing why a Final Default Judgment should not enter. As of the date of this Administrative Order, Intervenors have not responded to the Conditional Order of Default.

FINDINGS OF FACT

1. The Prehearing Order issued on May 7, 2003 (as amended on May 27, 2003) 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 June 5, 2003.
3. The Intervenors Jo-Anne Gorton-Harvey, Sarah Rodgers and Joseph Tomlinson failed to appear at said Prehearing Conference.
4. A Conditional Order of Default was issued against Intervenors on June 6, 2003.

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5. Pursuant to the Conditional Order of Default, the Intervenor had until June 13, 2002 to show good cause in writing why a Final Default Judgment should not enter.
6. As of this date, Intervenor have not responded to the Conditional Order of Default.

CONCLUSION OF LAW

1. The Intervenor Jo-Anne Gorton-Harvey, Sarah Rodgers and Joseph Tomlinson have failed to show cause that relief from the Conditional Order of Default should be granted.
2. The Intervenor have failed to show good cause why Intervenor should not be dismissed as parties to this matter.

Wherefore, it is hereby

ORDERED

1. That a Final Order of Default is hereby ENTERED as to the Intervenor Jo-Anne Gorton-Harvey, Sarah Rodgers and Joseph Tomlinson; and they are DISMISSED as parties to this matter.

Entered as an Administrative Order this 17th day of June, 2003 and herewith recommended to the Director for issuance as a Final Agency Order.

Joseph F. Baffoni
Hearing Officer
Department of Environmental Management
Administration Adjudication Division
235 Promenade Street, 3rd Floor
Providence, Rhode Island 02908
(401) 222-1357

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Entered as a Final Agency Order this 18th day of June, 2003.

Jan H. Reitsma, Director
Department of Environmental Management
235 Promenade Street, 4th Floor
Providence, Rhode Island 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 Donald D. Page, Esquire, P.O. Box 618, Portsmouth, RI 02871; Jo-Anne Gorton-Harvey, 117 Black Point Lane, Portsmouth, RI 02871; Sarah Rodgers, 259 Black Point Lane, Portsmouth, RI 02871; and Joseph Tomlinson, 230 Briarwood Lane, Portsmouth, RI 02871; and via interoffice mail to: Timothy Pavilonis, Esquire, DEM Office of Legal Services, 235 Promenade St., 4th Fl., Providence, RI 02908; on this 18th day of June, 2003.
