

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

RE: MACHADO, MAURICIO
NOTICE OF VIOLATION OC&I/AIR 06-03

AAD NO. 06-001/ARE

FINAL ORDER OF DEFAULT

This matter came before the Administrative Adjudication Division on September 7, 2006 for the purpose of a Prehearing Conference. Respondent, Mauricio Machado, failed to appear or otherwise apprise the Hearing Officer of his inability to appear at said Prehearing Conference. Pursuant to the Prehearing Conference Order entered on June 22, 2006, a Conditional Order of Default was issued against Respondent, affording Respondent until and including September 18, 2006 to show good cause in writing why a Final Default Judgment should not enter and the Notice of Violation and Order and Penalty which was issued March 2, 2006 become a compliance order. Respondent's response to the Conditional Order of Default did not present any explanation for his failure to appear. Said response only stated that he is financially unable to pay a penalty, but did not show good cause why he failed to appear on September 7, 2006.

FINDING OF FACT

1. The Prehearing Order issued to the Respondent provided that "If either party fails to appear at the Prehearing Conference, the Hearing Officer sua sponte will issue a seven (7) day Conditional Order of Dismissal/Default against the non-attending party."
2. The Prehearing Conference was held at the Administrative Adjudication Division ("ADD") on September 7, 2006.

3. Respondent, Mauricio Machado, 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, Mauricio Machado, on September 8, 2006.
5. Pursuant to the Conditional Order, Respondent, Mauricio Machado had until September 18, 2006 to show good cause in writing why a Final Default Judgment should not enter against him.
6. As of this date, the Respondent, Mauricio Machado has failed to show good cause why he failed to appear at the Prehearing Conference on September 7, 2006.

CONCLUSIONS OF LAW

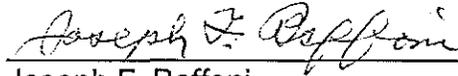
1. Respondent, Mauricio Machado, has failed to show good cause why a Final Order of Default should not enter and the Notice of Violation issued on March 2, 2006 become a compliance order against Respondent, Mauricio Machado.

Wherefore, it is hereby

ORDERED

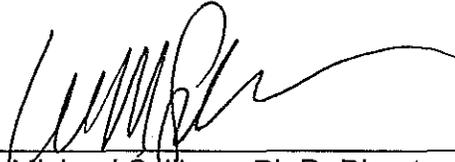
1. Respondent, Mauricio Machado is deemed to have waived its right to an adjudicatory hearing.
2. The Notice of Violation issued on March 2, 2006 shall be final and become a compliance order against Respondent, Mauricio Machado, immediately upon the entry of the Final Agency Order herein.

Entered as an Administrative Order this 23rd day of October, 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

Entered as a Final Agency Order this 26 day of October, 2006.



W. Michael Sullivan, Ph.D, Director
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 Order to be forwarded by first-class mail, postage prepaid to: Mauricio Machado 93 Chestnut Hill Avenue, Cranston, RI 02920; and via interoffice mail to John Langlois, Esquire, DEM Office of Legal Services and Dean H. Albro, Chief, DEM Office of Compliance and Inspection, 235 Promenade Street, Providence, RI 02908 on this 30th day of October, 2006.

