

4/28/09

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

RE: HOPE MILL VILLAGE ASSOCIATES, LLC/
VINCENT R. COCCOLI
NOTICE OF VIOLATION 2007-899FW AND C07-0076

AAD NO. 08-002/FWE

FINAL ORDER OF DEFAULT

This matter came before the Administrative Adjudication Division on April 23, 2009 for the purpose of a Prehearing Conference. Respondent Vincent R. Coccoli failed to appear or otherwise apprise the Hearing Officer of his inability to appear at said Prehearing Conference. The Respondent previously failed to appear on November 6, 2008 at a scheduled Prehearing Conference, and a Conditional Order of Default was previously entered on November 6, 2008.

On November 14, 2008 Respondent provided a response to the effect that he did not think that he was required to appear. The Conditional Default was not lifted. On November 26, 2008 a Prehearing Order was entered setting the matter down for Prehearing Conference on December 17, 2008 and it was Ordered that "In the event the Respondent Vincent R. Coccoli fails to appear at any scheduled appearance without notice to AAD, a Final Judgment of Default will be entered. A copy of said Order was forwarded to Respondent. Counsel for RIDEM requested a Final Order of Default be entered against Respondent.

FINDING OF FACT

1. On November 6, 2008 a Conditional Default was entered against Respondent Vincent R. Coccoli for failure to appear at scheduled Prehearing Conference on November 6, 2008.
2. On November 26, 2008 an Order was entered holding the Default in abeyance stating: "In the event that the Respondent Vincent R. Coccoli fails to appear at any scheduled appearance without notice to AAD, a Final Judgment of Default will be entered".

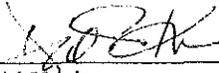
3. On March 13, 2009 a Prehearing Order was entered setting the matter down for Prehearing Conference on April 23, 2009 at 11:30 a.m.
4. On April 23, 2009 the Respondent failed to appear at the Prehearing Conference or otherwise advise of the reason for his non-appearance.
5. Counsel for OC&I requested a Final Judgment of Default be entered.
6. Respondent is in Default.

Wherefore, it is hereby

ORDERED

1. Respondent Vincent R. Coccoli is deemed to have waived his right to an adjudicatory hearing.
2. The Notice of Violation issued on February 22, 2008 shall be final and become a compliance order against Respondent Vincent R. Coccoli immediately upon the entry of the Final Agency Order herein.

Entered as an Administrative Order this 27th day of April, 2009 and herewith recommended to the Director for issuance as a Final Agency Order.



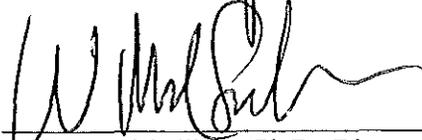
David Kerins
Acting Chief Hearing Officer
Administration Adjudication Division
235 Promenade Street, Third Floor
Providence, RI 02908
(401) 222-1357

RE: HOPE MILL VILLAGE ASSOCIATES, LLC
VINCENT R. COCCOLI
NOTICE OF VIOLATION 2007-899FW AND C07-0076

AAD NO. 08-002/FWE

Page 3

Entered as a Final Agency Order this 27th day of April 2009.



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 David D'Agostino, Gorham & Gorham, 25 Danielson Pike, PO Box 46, North Scituate, RI 02857; Stephen F. Del Sesto, Esq., Shechtman Halperin Savage, LLP, 1080 Main Street, Pawtucket, RI 02860; Vincent R. Coccoli, Hope Mill Village, P.O. Box 178, Hope, RI 02831; and via interoffice mail to John Langlois, Esq., DEM Office of Legal Services and David Chopy, Chief, DEM Office of Compliance and Inspection, 235 Promenade Street, Providence, RI 02908 on this 28th day of April, 2009.

