

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

RE: GORDON, GIOCONDA
NOTICE OF VIOLATION 2007 738 AND CI 07-98

AAD No. 08-003/IE

FINAL ORDER OF DEFAULT

This matter came before the Administrative Adjudication Division on December 16, 2008 for the purpose of a Prehearing Conference. Respondent, Gioconda Gordon, failed to appear or otherwise apprise the Hearing Officer of her inability to appear at said Prehearing Conference. Notice was received that Respondent's son was going to attend the Prehearing Conference. The Respondent's son is not authorized by law to appear on behalf of the Respondent. The Respondent was advised in the Prehearing Conference Order entered on April 17, 2008, the Conditional Order of Default entered October 17, 2008 and the Order setting the matter down for Prehearing Conference dated November 26, 2008 that failure to appear would result in a Default. Counsel for RIDEM requested a Final Order of Default be entered against Respondent.

FINDING OF FACT

1. The Prehearing Conference Order issued to the parties on April 17, 2008 provided that "If either party fails to appear at the Status 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 scheduled to be held at the Administrative Adjudication Division ("ADD") on October 16, 2008.
3. Respondent, Gioconda Gordon, failed to appear at the Prehearing Conference or otherwise apprise the Hearing Officer of her inability to appear
4. A Conditional Order of Default was issued against Respondent, Gioconda Gordon on October 17, 2008.
5. Pursuant to the Conditional Order, Respondent, Gioconda Gordon, had until October 27, 2008 to show good cause in writing why a Final Default Judgment should not enter against her.

6. Respondent, Gioconda Gordon filed a response on October 30, 2008 advising of financial difficulties but not giving good cause for her non appearance.
7. On November 26, 2008 Counsel for RIDEM filed an objection to the Respondent's response.
8. On November 26, 2008 an Order was entered scheduling the Prehearing Conference for December 17, 2008 at 10:30 a.m. and holding the Default in abeyance.
9. The November 26, 2008 Order expressly stated that "In the event that Respondent fails to appear, a Final Judgment of Default shall be entered".
10. Respondent failed to appear at the Prehearing Conference on December 16, 2008.
11. Counsel for RIDEM requested a Final judgment be entered against Respondent.

Wherefore, it is hereby

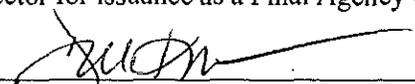
ORDERED

1. Respondent, Gioconda Gordon is deemed to have waived her right to an adjudicatory hearing.
2. The Notice of Violation issued on February 12, 2008 shall be final and become a compliance order against Respondent, Gioconda Gordon, immediately upon the entry of the Final Agency Order herein.

RE: GORDON, GIOCONDA
NOTICE OF VIOLATION 2007 738 AND CI 07-98
Page 3

AAD No. 08-003/IE

Entered as an Administrative Order this 18th day of December, 2008 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

Entered as a Final Agency Order this 23rd day of December 2008.



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, via regular mail, postage prepaid to: Gioconda Gordon, 143 Freshfield Drive, Hudson, NC 28638; and via interoffice mail to Gary Powers, Esquire, DEM Office of Legal Services and David Chopy, Chief, Office of Compliance and Inspection, 235 Promenade Street, Providence, RI 02908 on this 29th day of December, 2008.



Bruce L. Stewart

RE: GORDON, GIOCONDA
NOTICE OF VIOLATION 2007 738 AND CI 07-98
Page 4

AAD NO. 08-003/IE

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.