

12/7/11

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

RE: R&R POLISHING CO., INC.
NOTICE OF VIOLATION OC&IHW 2008-1717HW

AAD NO. 08-013/WME

FINAL ORDER OF DEFAULT

This matter came on before Hearing Officer David Kerins on December 7, 2011 for entry of a Final Judgment of Default. On September 19, 2011 a Prehearing Conference Order was issued scheduling a Prehearing Conference for October 27, 2011 at 10:00 a.m. The Respondent failed to appear at the Prehearing Conference or otherwise advise of the reason for its non appearance. OC&I requested that a Conditional Default be entered pursuant to paragraph 9 of the original Prehearing Conference Order dated November 18, 2008.

On October 27, 2011 an Order was entered granting OC&I's motion for a Conditional Default. The Order advised Respondent that a Final Judgment of Default shall be entered against it unless it files good cause in writing by November 7, 2011 why a Final Judgment should not be entered. As of December 9, 2011 no written response has been received from Respondent.

FINDING OF FACT

1. On September 19, 2011 a Prehearing Conference Order was issued setting the matter down for Prehearing Conference on October 27, 2011 at 10:00 a.m.
2. The original Prehearing Conference Order dated November 18, 2008 in paragraph 9 states that a party shall be defaulted for non appearance.
3. Respondent failed to appear for the Prehearing Conference on October 27, 2011 or otherwise advise of a reason for its nonappearance.
4. OC&I requested a Conditional Default be entered.
5. On October 27, 2011 a Conditional Default was entered giving Respondent until November 7, 2011 to provide good cause in writing why a Final Judgment of Default should not be entered.
6. As of December 9, 2011 no written response has been received from the Respondent.
7. Respondent is in Default.

CONCLUSIONS OF LAW

1. The Respondent is in Default.
2. Respondent's Appeal is deemed to be waived.

Wherefore, it is hereby

ORDERED

1. Respondent, R&R Polishing Co., Inc., is in Default and is deemed to have waived its right to an adjudicatory hearing.
2. Respondent's Appeal is Dismissed.
3. The Notice of Violation issued on September 17, 2008 is final and becomes a compliance order against Respondent, R&R Polishing Co., Inc., immediately upon the entry of the Final Agency Order herein.

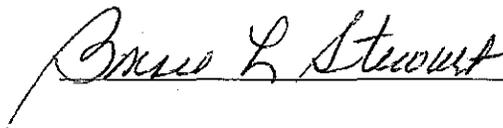
Entered as a Final Administrative Order this 9th day of December, 2011.



David Kerins
Chief Hearing Officer
Administration Adjudication Division
One Capitol Hill 2nd FL
Providence, RI 02908
(401) 574-8600

CERTIFICATION

I hereby certify that I caused a true copy of the within Status Conference Order to be forwarded by first-class mail, postage prepaid to Antonio Riccio, President, R&R Polishing Co., Inc., 37 Fletcher Avenue, Cranston, RI 02920; Mr. Joseph T. Little, Esquire, Registered Agent, R&R Polishing Co., Inc., 255 Waterman Avenue, East Providence, RI 02914 and via interoffice mail to Joseph LoBianco, Esquire, DEM Office of Legal Services, 235 Promenade Street, Providence, RI 02908 on this 7th day of December, 2011.



Bruce L. Stewart