

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

RE: VAN PAVAO AND SPH LLC  
NOTICE OF VIOLATION 2007 1481 AND CI 07-191

AAD NO. 09-001/IE

**DECISION AND ORDER**

This matter came on before Hearing Officer David Kerins on April 16, 2009 for Status Conference and for consideration of OC&I's Motion to Dismiss Respondents' appeal. Respondents failed to appear or otherwise advise the Hearing Officer of their reason for nonappearance. The Respondents did not file an objection to OC&I's Motion to Dismiss.

**FINDINGS OF FACT**

1. Respondents Van Pavao and SPH LLC did not file its request for appeal of the NOV within thirty (30) days as required by law.
2. Respondents did not file and objection to OC&I's Motion to Dismiss.
3. Respondents did not attend the scheduled Status Conference or advise Hearing Officer of the reason for their nonappearance.

It is hereby

**ORDERED**

1. OC&I's Motion to Dismiss is **GRANTED**
2. Respondents Van Pavao and SPH, LLC appeal is **DISMISSED** for failure to file their request for appeal within a timely manner.

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

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David Kerins  
Acting Chief Hearing Officer  
Department of Environmental Management  
Administrative Adjudication Division  
235 Promenade Street, Third Floor  
Providence, RI 02908  
(401) 222-1357

Entered as a Final Agency Order this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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W. Michael Sullivan, Ph.D., Director  
Department of Environmental Management  
235 Promenade Street, 4<sup>th</sup> Floor  
Providence, Rhode Island 02908

**CERTIFICATION**

I hereby certify that I caused a true copy of the within Decision and Order to be forwarded by first-class mail, postage prepaid to Van Pavao, PE, President, Seaport Homes, 17 Wyassup Lake Road, North Stonington, CT 06359 and SPH LLC and via interoffice mail to Susan B. Forcier, Esquire, DEM, Office of Legal Services and Dean Albro, Chief, DEM Office of Compliance and Inspection, 235 Promenade Street, Providence, RI 02908 on this \_\_\_\_\_ day of April, 2009.

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