

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

RE: NEW PROPERTY SOLUTIONS, LLC
NOTICE OF VIOLATION OC&I/UST 09-03818

AAD NO. 09-006/WME

FINAL ORDER OF DEFAULT

This matter came on before Hearing Officer David Kerins on July 15, 2009 for entry of a Final Judgment of Default. On April 9, 2009 a Prehearing Conference Order was issued scheduling a Prehearing Conference for June 25, 2009 at 10:30 a.m. The Respondent failed to appear at the Prehearing Conference or otherwise advise of the reason for its non appearance. OWR requested that a Conditional Default be entered pursuant to paragraph 9 of the Prehearing Conference Order.

On June 26, 2009 an Order was entered granting OWR'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 July 7, 2009 why a Final judgment should not be entered. As of July 15, 2009 no response has been received from Respondent.

FINDING OF FACT

1. On April 9, 2009 a Prehearing Conference Order was issued setting the matter down for Prehearing Conference on June 25, 2009 at 10:30 a.m.
2. The Prehearing Conference Order in paragraph 9 states that a party shall be defaulted for non appearance.
3. OWR requested a Conditional Default be entered.
4. On June 26, 2009 a Conditional Default was entered giving Respondent until July 7, 2009 to provide good cause in writing why a Final Judgment of Default should not be entered.
5. As of July 15, 2009 no response has been received from the Respondent.
6. Respondent is in Default.

CONCLUSIONS OF LAW

1. The Respondent is in Default.

Wherefore, it is hereby

ORDERED

1. Respondent, New Property Solutions, LLC is in Default and is deemed to have waived its right to an adjudicatory hearing.
2. The Notice of Violation issued on February 11, 2009 shall be final and become a compliance order against Respondent, New Property Solutions, LLC., immediately upon the entry of the Final Agency Order herein.

Entered as an Administrative Order this 15th day of July, 2009 and herewith recommended to the Director for issuance as a Final Agency Order.



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

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Entered as a Final Agency Order this 15th day of July 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 Status Conference Order to be forwarded by first-class mail, postage prepaid to Edgar Almeida, New Property Solutions, LLC, 397 Dyer Avenue, Cranston, RI 02920-7008 and via interoffice mail to Susan Forcier, Esquire, DEM Office of Legal Services and David Chopy, Chief, Office of Compliance and Inspection, 235 Promenade Street, Providence, RI 02908 on this 16th day of July, 2009.

