

Lynn Audrey Booth
AAD No. 93-002/IE
ISDS Notice of Violation No. CI91-49
ISDS Notice of Violation No. IS88-60
Page 2

hearing submitted by the Respondent was not received until February 12, 1993; 19 days after the deadline to appeal. This tribunal has previously held that any request for hearing not similarly filed is not within the jurisdiction of AAD. Cumberland Park Homes, Inc., AAD No. 91-017/FWA.

Therefore, the Hearing Officer makes the following findings of fact and law:

1. That pursuant to AAD Rule 8.00 and R.I.G.L. Section 42-17.1-2(u), a Respondent must file a request for adjudicatory hearing within 10 days of service.
2. That Respondent filed a request for hearing 19 days after receipt of service.
3. That Respondent did not file a timely request for hearing.
4. That pursuant to AAD Rule 8.0, the non-moving party must file a timely objection to that motion.
5. That Respondent filed no objection to the State's motion.
6. That Respondent did not appear for oral argument on the motion.
7. That this tribunal lacks the required subject matter jurisdiction to hear this appeal.

Therefore, it is hereby ordered:

ORDERED

1. That the State's request to dismiss NOV No. CI91-4 IS 88-60, AAD No. 93-002/IE is granted.

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ISDS Notice of Violation No. IS88-60
Page 3

Entered as an Administrative Order this 30th day of
March, 1993.

Patricia Byrnes
Patricia Byrnes
Hearing Officer
Department of Environmental Management
Administrative Adjudication Division
One Capitol Hill, Third Floor
Providence, RI 02908

Entered as a Final Order this 2nd day of April
1993. LD

Louise Durfee
Louise Durfee
Director
Department of Environmental Management
9 Hayes Street
Providence, RI 02908

CERTIFICATION

I hereby certify that I caused a true copy of the within
Decision and Order on the Department of Environmental
Management's Motion to Dismiss to be forwarded via regular
mail, postage prepaid to Lynn Audrey Booth, Six Prescott
Drive, Johnston, RI 02919 and via interoffice mail to John A.
Langlois, Esq., Office of Legal Services, 9 Hayes Street,
Providence, RI 02908 on this 5th day of March, 1993.

John A. Langlois