

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

**RE: HENAULT, RICKY
NOTICE OF SUSPENSION**

AAD NO. 00-007/ENE

FINAL ORDER OF DEFAULT

This matter came before Hearing Officer Joseph F. Baffoni on August 16, 2000 for a Prehearing Conference. Respondent failed to appear or otherwise apprise the Hearing Officer of his inability to appear at said Prehearing Conference. (This is the third occasion Respondent has failed to appear at a Prehearing Conference.) The Office of Compliance and Inspection ("OCI") moved for entry of a conditional order of default against Respondent.

On August 17, 2000 a Conditional Order of Default was entered against Respondent. The Order provided that, pursuant to the Prehearing Order entered on May 16, 2000 (as amended by Order entered August 8, 2000), a seven (7) day conditional order was issued wherein Respondent had until August 25, 2000 to show good cause in writing why Respondent should not be deemed to have waived his right to an adjudicatory hearing concerning the suspension of his shellfish license. As of the date of this Administrative Order, Respondent has not responded to the Conditional Order of Default.

FINDINGS OF FACT

1. The Prehearing Order issued to the parties on May 16, 2000 provided that: "Upon failure of a party to appear at the Prehearing Conference, the Hearing Officer shall sua sponte issue a seven (7) day Conditional Order of Dismissal/Default with prejudice which shall automatically become final unless objected to by the absent party, said objection stating the grounds for the failure to appear."
2. A Prehearing Conference was held on August 16, 2000.
3. Respondent failed to appear at said Prehearing Conference.
4. A Conditional Order of Default was issued against Respondent on August 17, 2000.
5. Pursuant to the Conditional Order of Default, Respondent had until August 25, 2000 to show good cause in writing why Respondent should not be deemed to have waived his right to an adjudicatory hearing concerning the suspension of his shellfish license.
6. As of this date, Respondent has not responded to the Conditional Order of Default.

CONCLUSION OF LAW

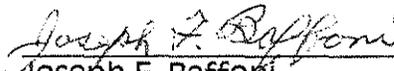
1. Respondent has failed to show cause that relief from the Conditional Order of Default should be granted.
2. Respondent has failed to show good cause why Respondent should not be deemed to have waived his right to an adjudicatory hearing concerning the suspension of his shellfish license.
3. Final Default Judgment should be entered suspending the Respondent's shellfish license for thirty (30) days (to commence and terminate on the dates as hereinafter specified).

Wherefore, it is hereby

ORDERED

1. Respondent is deemed to have waived his right to an adjudicatory hearing concerning the suspension of his shellfish license.
2. Commercial Shellfish License SFRA # 4269 which was issued to the Respondent, Ricky Henault, is hereby suspended for thirty (30) days for the period commencing at 12:01 a.m. on September 22, 2000 and terminating at 11:59 p.m. on October 21, 2000.

Entered as an Administrative Order this 8th day of September, 2000 and herewith recommended to the Director for issuance as a Final Agency Order.



Joseph F. Baffoni
Hearing Officer
Department of Environmental Management
Administration Adjudication Division
235 Promenade Street, 3rd Floor
Providence, Rhode Island 02908
(401) 222-1357

Entered as a Final Agency Order this 8th day of September, 2000.



Jan H. Reitsma, Director
Department of Environmental Management
235 Promenade Street, 4th Floor
Providence, Rhode Island 02908

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CERTIFICATION

I hereby certify that I caused a true copy of the within Order to be forwarded by first-class mail, postage prepaid, to Ricky Henault, 30 Riverdale Avenue #6, West Warwick, RI 02893; via interoffice mail to Gary Powers, Esquire, c/o Irene Lennox, and Gerald McAvoy, Esquire, Executive Counsel, Office of Legal Services, 235 Promenade Street, Providence, RI 02908 on this 13th day of September, 2000.

Bruce R. Stewart