

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

RE: FENNER, RICHARD A. AND KATHLEEN M. AD NO. 16-002/ DE
NOTICE OF VIOLATION/ DAM STATE I.D. 320
OC&I DAMS 13-82 AND 15-6

FINAL ORDER OF DEFAULT

This matter came on before Hearing Officer David Kerins on August 17, 2017 for entry of a Final Judgment of Default. On July 10, 2017 an Order was issued scheduling an Administrative Hearing for July 25, 2017 at 9:30 a.m. The Respondent, Richard Fenner, advised in an e-mail dated July 17, 2017 that he would not be in attendance at the Hearing (see OC&I Exhibit A). Respondents failed to appear on the Hearing date. On July 27, 2017 the OC&I filed a Motion for Entry of Final Judgment. As of August 17, 2017 no Objection or response has been received from Respondent.

FINDING OF FACT

1. On May 17, 2017 a Prehearing Conference Record and Order was issued setting the matter down for Administrative Hearing on July 18, 2017 at 9:30 a.m.
2. The Prehearing Conference Record and Order stated that a Final Judgment would be entered for non- appearance.
3. On July 17, 2017 the Respondent, Richard Fenner, sent an e-mail to the AAD Clerk advising that he would not attend the Administrative Hearing.
4. Respondents failed to appear for the Administrative Hearing on July 25, 2017.
5. On July 27, 2017 the OC&I filed a Motion for Entry of Final Judgment of Default.
6. As of August 17, 2017 no Objection or response has been received from the Respondents.
7. Respondents are in Default.

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CONCLUSIONS OF LAW

1. The Respondents are in Default
2. Respondents' Appeal is deemed to be waived.

Wherefore, it is hereby

ORDERED

1. The Respondents Richard Fenner and Kathleen Fenner are in Default and are deemed to have waived their right to an adjudicatory hearing.
2. Respondent's Appeal is **DISMISSED.**
3. The Notice of Violation issued on August 2, 2016 is final and becomes a compliance order against Respondents Richard Fenner and Kathleen Fenner immediately upon the entry of the Final Agency Order herein.

Entered as a Final Administrative Order this 21st day of August, 2017.



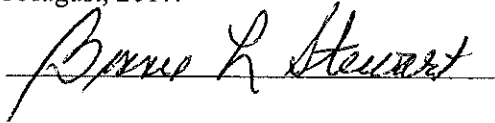
David Kerins
Chief Hearing Officer
Administration Adjudication Division
One Capitol Hill, 2nd Floor
Providence, RI 02908
(401) 574-8600

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CERTIFICATION

I hereby certify that I caused a true copy of the within Status Conference Order to be forwarded by first-class mail to: Richard A. Fenner and Kathleen M. Fenner, 131 Knighthawk, Irvine CA 92604; via interoffice mail to Joseph J. LoBianco, Esquire, DEM Office of Legal Services and David Chopy, Chief, Office of Compliance and Inspection, 235 Promenade Street, Providence, RI 02908 on this 21st day of August, 2017.



LoBianco, Joseph (DEM)

From: Richard Arthur Fenner <fenner1677@gmail.com>
Sent: Monday, July 17, 2017 5:54 PM
To: Stewart, Bonnie (DEM)
Cc: LoBianco, Joseph (DEM); Guglielmino, Paul (DEM)
Subject: [EXTERNAL] : Hearing AD NO.16-002/DE

Bonnie, Joe and Paul-

I will not be in attendance for the 7/25/2017 meeting as I have nothing new to add at this point. I am still pursuing possible corrections to the problem and will advise you accordingly.

Regards

Richard

Richard Arthur Fenner
First Team Real Estate
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