

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE COMPLEX
1511 PONTIAC AVENUE
CRANSTON, RI 02920**

IN THE MATTER OF:

**Rhode Island Recycled Metals, LLC
Complainant**

v.

**Francis L. Jacques d/b/a CRES-RI, Inc.
Respondent.**

DBR No.: 11-L-0010

ORDER OF DISMISSAL

The above-entitled matter arose from the Department of Business Regulation's ("Department") Order Appointing Hearing Officer and Providing Notice of Complaint Hearing issued on February 19, 2011 to Rhode Island Recycled Metals, LLC ("Recycled") and Francis L. Jacques d/b/a CRES-RI, Inc. ("Respondent"). A pre-hearing conference was held on April 25, 2011. At that time a discovery schedule was set and a hearing date scheduled. The hearing date was continued at the request of the Respondent as new counsel substituted in and the parties then continued the matter to explore settlement. An informal meeting was held on February 15, 2013. An informal meeting was held on February 26, 2013 and a hearing scheduled for May 1, 2013 which was continued at the request of the parties to further work on a stipulation of facts with April 30, 2013 as a deadline for a written status. No written status was received by that date. Having received no communication from the parties, the undersigned emailed the parties to provide a written status by June 28, 2013 and for Recycled to indicate whether it wished to pursue its complaint. No response was received by that date. On July 15, 2013, the undersigned wrote

by first class mail to the parties and informed the parties to reply to the undersigned by July 26, 2013 to indicate whether this matter would proceed. No response was received by July 26, 2013. To date, no response has been received.

Section 21 of *Central Management Regulation 2 Rules of Procedure for Administrative Hearings* provides for the dismissal of a matter for non-prosecution and failure to reply.

Therefore, based on the forgoing, this matter is dismissed.

As recommended by:

Date: August 15, 2013


Catherine R. Warren
Hearing Officer

I have read the Hearing Officer's recommendation and I hereby ADOPT/REJECT the recommendation of the Hearing Officer in the above-entitled Final Order.

Date: 17 August 2013


Paul McGreevy
Director

Entered as an Administrative Order No.: 13 - 041 this 27th day of August, 2013.

NOTICE OF APPELLATE RIGHTS

THIS DECISION CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-12. PURSUANT TO R.I. GEN. LAWS § 42-35-15, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE MAILING DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MUST BE COMPLETED BY FILING A PETITION FOR REVIEW IN SUPERIOR COURT. THE FILING OF THE COMPLAINT DOES NOT ITSELF STAY ENFORCEMENT OF THIS ORDER. THE AGENCY MAY GRANT, OR THE REVIEWING COURT MAY ORDER, A STAY UPON THE APPROPRIATE TERMS.

CERTIFICATION

I hereby certify that on this 27th day of August, 2013, that a copy of the within Order was sent by first class mail, postage prepaid to –

Richard E. Stang, Esquire
5 Hope Street
Westport, MA 02790

Christopher M. Mulhearn, Esquire
Law Offices of Christopher M. Mulhearn, Inc.
55 Pine Street, 4th floor
Providence, RI 02903

and by hand delivery to –

Maria D'Alessandro, Deputy Director
Department of Business Regulation
Division of Insurance
Pastore Complex
1511 Pontiac Avenue
Cranston, RI

