



## **State of New Jersey**

OFFICE OF ADMINISTRATIVE LAW

### **INITIAL DECISION**

### **DISMISSAL**

OAL DKT. NO. ECE 16102-12

AGENCY DKT. NO. PEA11002-0263-97-000.1

### **SEASONS REALITY, LLC & FRANK WEIDNER**

Petitioner,

v.

### **NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, COASTAL AND LAND USE COMPLIANCE AND ENFORCEMENT**

Respondent.

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**Jacqueline Quick**, Deputy Attorney General, for petitioner (Christopher Porrino, Acting Attorney General of New Jersey, attorney)

**Jack A. Traina**, Esq., for respondent (Law Offices of Traina & Traina, attorneys)

Record Closed: May 7, 2016

Decided: June 23, 2016

BEFORE **IRENE JONES**, ALJ:

### **STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

On or about February 9, 2012, the respondent, Seasons Realty, LLC, Frank Weidner, individually and Tom Dibiasi, individually filed a request for an appeal from a Notice of Civil Administrative Penalty Assessment. On December 5, 2012, the petitioner, New Jersey Department of Environmental Protection – Coastal and Land Use Compliance and Enforcement

forwarded the matter to the Office of Administrative Law ("OAL") for hearing as a contested case. A prehearing conference was held on March 12, 2013 and at the request of the parties, hearing dates were adjourned to allow the parties to engage in settlement discussions. The matter did not settle and the respondent has failed to respond to discovery requests. On October 6, 2015, the petitioner moved to dismiss the appeal for failure to provide discovery. After further discussions, no discovery was provided by Seasons Realty and Frank Weidner. On April 7, 2016, an Order was entered dismissing this matter for failure to answer discovery and prosecute this matter. Thus, for the foregoing reasons, the Motion to Dismiss is hereby **GRANTED** and this matter is hereby **DISMISSED**.

I hereby **FILE** my initial decision with the **COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Environmental Protection does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

June 23, 2016



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DATE

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**IRENE JONES, ALJ**

Date Received at Agency:

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June 23, 2016

Date Mailed to Parties:

sej