

This matter comes before the Commission upon ADPC&E's Motion for Default Judgment filed on December 18, 1990, requesting that the Commission grant the Motion for Default Judgment and order Les N. Longstreth to comply with all applicable NESHAP and state regulations in the event of future demolition or asbestos removal projects and to pay a civil penalty in the aggregate of Thirty-four Thousand Two Hundred Dollars (\$34,200).

ADPC&E seeks a Motion for Default Judgment because Les N. Longstreth failed to appear and defend within the time prescribed by the Arkansas Rules of Civil Procedure and Regulation No. 8 without excusable neglect, unavoidable casualty, or other just cause.

Upon review of the record in this matter, the Commission finds that the Motion for Default Judgment should be and is hereby denied.

COMMISSIONERS

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Chairman

SUBMITTED BY: PAT CROSSLEY DATE PASSED: \_\_\_\_\_