



MAINE DEPARTMENT OF LABOR

Default Decision

**Bureau of Labor Standards
v.
Noble Partners, LLC**

**BLS 2021
454109 and 446298**

To:

Sean C Grady
Kristine Hanly
Scott Cotnoir
Anne Macri

History of the Case

This is a proceeding initiated by determinations by the Maine Department of Labor, Bureau of Labor Standards (BLS) against Noble Partners (Appellant), a State of Maine employer, alleging several violations of Maine Labor Law. The citations were contained in letters from Wage and Hour Division Director Scott Cotnoir dated March 11, March 23 and July 19 of 2021.

On July 23, 2021, the Appellant contested the determinations and sought review. The request regarding the citations dated July 19 was received timely and is therefore subject to appeal without question. The appeal request regarding the citations dated March 23 was not timely, but its inclusion in the subjects of a full review was the subject of a prehearing conference held on September 27, 2021 and will be allowed. A full hearing on the substance of the appeal was initially scheduled for November 10, 2021 but was subsequently postponed at the request of the appellant.

Hearing Scheduled for April 12, 2022

A hearing was scheduled by the Hearing Officer for 9AM on Tuesday April 12, 2022, to be conducted via Zoom. Notice of the hearing was sent on March 21, 2022 to all parties by email and to appellant and his attorney by USPS certified mail.

That notice included an order by the Hearing Officer to provide certain documents, such as witness and exhibit lists, no later than April 4, 2022. It also included notice that a party's failure to participate in a hearing and/or to comply with requirements of a hearing order may result in a default in accordance with 5 M.R.S. § 9053(3).

Disposition without Full Hearing

5 MRA §9053, in part, provides for Disposition without full hearing

Unless otherwise provided by law, agencies may:

2. Stipulation, settlement, consent order. *Make informal disposition of any adjudicatory proceeding by stipulation, agreed settlement or consent order.*

3. Default. *Make informal disposition of any adjudicatory proceeding by default, provided that notice has been given that failure to take required action may result in default, and further provided that any such default may be set aside by the agency for good cause shown;*

Section 9053(3) contemplates disposition due to the failure of the appellant to participate in the proceeding.

The Appellant has been given adequate notice of potential default as required by 5 MRA section 9053(3). The Appellant disregarded the Hearing Officer's order requiring the provision of documents which was included in the notice of the hearing. Failure of the Appellant to take required action results in default.

DECISION

The appellant's appeal is dismissed, and the citation letters dated March 23, 2021 and July 19, 2021 are final agency action.

Thank you.



Mike Roland, Director
Maine Bureau of Labor Standards

NOTICE OF APPEAL RIGHTS

Any party wishing to appeal this decision must file an appeal in the Superior Court within 30 days after receipt of the decision. The appeal may be filed in the Superior Court in Kennebec County, located at 95 State Street in Augusta, Maine, 04330. Alternatively, the appeal may be filed in the Superior Court located in the county in which the appealing party resides.