



NEW YORK STATE
Adirondack
parkagency

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In the matter of the alleged violation
of 9 NYCRR Part 578 by:

RULING PURSUANT TO
9 NYCRR 581-4.9

Agency File: E2007-047

LEROY DOUGLAS and
THE DOUGLAS CORPORATION OF SILVER LAKE

Respondents.
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The Adirondack Park Agency ("Agency") conducted an enforcement proceeding on April 10, 2008 pursuant to 9 NYCRR Subpart 581-4 regarding the above-referenced matter. The Agency heard oral argument from Associate Attorney Paul Van Cott, on behalf of Agency staff; and Michael Naughton, counsel for Respondents, and considered the following documents comprising the written record in this matter:

- Agency Staff's January 25, 2008 Memorandum of Law and Notice of Motion for an Agency Order without Hearing;
- Respondents' March 13, 2008 Response and Cross-Motion;
- Agency Staff's March 28, 2008 Reply Memorandum of Law and Reply Affidavits in Support of Staff's Motion and in Opposition to Respondents' Cross-Motion;
- Respondents' Reply Affidavit, dated April 4, 2008; and
- Respondents' Sur-Reply Memorandum of Law, dated April 8, 2008.

Following oral argument, the Agency considered this matter and made the following findings of fact and law:

PROCEDURAL STATUS

1. Agency staff commenced this proceeding by service of a Notice of Hearing and Complaint ("Complaint") upon Respondents pursuant to 9 NYCRR § 581-4.3. This Complaint is made pursuant to 9 NYCRR Parts 578 and 581 and the Freshwater Wetlands Act, Environmental Conservation Law Articles 24 ("Wetlands Act") and 71, as well as Executive Law Sections 809 and 813, alleging a violation by Respondents. Respondents answered the Complaint as provided by 9 NYCRR § 581.4.4.

2. Agency staff have moved for an Order without an adjudicatory hearing pursuant to 9 NYCRR § 581-4.9. Respondents have responded to staff's motion and have cross-moved for dismissal of the Complaint.

PARTIES

3. The Agency is a duly constituted agency within the Executive Department of the State of New York, with headquarters in Ray Brook, Essex County, New York. Agency staff, through its executive director, is authorized to commence an enforcement proceeding pursuant to 9 NYCRR Subpart 581-4.

4. Respondent The Douglas Corporation of Silver Lake owns the subject property. Respondent Leroy Douglas is the chairman or chief executive officer of The Douglas Corporation of Silver Lake.

RULING

Respondents' Cross-Motion

The Agency denies Respondents' cross-motion seeking dismissal of Agency staff's Complaint.

Agency Staff's Motion for an Order without Hearing

The Agency denies Agency staff's motion for an order without hearing because there is disagreement between the parties and staff regarding facts material to the scope of the alleged violation.


Hearing

The Agency directs a hearing at an appropriate State office in Ray Brook, New York, pursuant to 9 NYCRR Part 581-4 to create a record of the existence and scope of the alleged violation. It requests a hearing report from the hearing officer as provided in 9 NYCRR 581-4.15 to address findings of fact and conclusions of law, with disposition of the matter reserved to the Agency.

Dated: Ray Brook, New York
April 11, 2008

ADIRONDACK PARK AGENCY

BY:


Curtis F. Stiles, Chairman