

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE, BLDG. 69-2
CRANSTON, RHODE ISLAND 02920**

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| _____ | : | |
| IN THE MATTER OF: | : | |
| | : | |
| Cameron Burroughs, | : | DBR No.: 16GA001 |
| | : | |
| Respondents. | : | |
| _____ | : | |

ORDER OF DISMISSAL

On November 22, 2016, the Department of Business Regulation (“Department”) issued a Notice of Appointment of Hearing Officer and Scheduling of Pre-Hearing Conference for Appeal of Summary Suspension to Cameron Burroughs (“Respondent”) in response to the Respondent’s appeal of the Department’s summary suspension for six (6) months¹ of the Respondent’s license (“License”) as a boxer pursuant to R.I. Gen. Laws § 41-5-1 *et seq.* On December 1, 2016, a pre-hearing conference was held and a discovery schedule set. All discovery responses were due by December 30, 2016. On February 13, 2017, the Department filed a motion to compel discovery. Section 2.11 of the Department’s Rules of Procedure for Administrative Hearings, 230-RICR-100-002 (“Rules of Procedure”) provides that any objection to a motion shall be filed within ten (10) days of the filing of the written motion. The Respondent did not file an objection to the Department’s motion within ten (10) days and never filed an objection. By order dated March 2, 2017, the Respondent was ordered to comply with discovery within fourteen (14) days of the order.

On March 29, 2017, the Department filed a motion to dismiss the Respondent’s appeal. The Respondent did not file an objection as provided by Section 2.11 of the Rules of Procedure.

¹ The License suspension was from September 17, 2016 to March 17, 2017.

To date, the Respondent has not filed an objection. The Department argued that this matter should be dismissed with prejudice because the Respondent did not file any discovery responses as required by the undersigned's order to compel discovery issued on March 2, 2017.

Section 2.11 of the Rules of Procedure allows any motions to be filed that are permissible under the Rhode Island Superior Court Rules of Civil Procedure. Super. R. Civ. P. 37(b)(2)(C)² allows for the dismissal of an action for noncompliance with discovery orders. See *Burns v. Conn. Mut. Life Ins. Co.*, 743 A.2d 566 (R.I. 2000). In addition, Section 2.21 of the Rules of Procedure provides that if any party "fails to prosecute or defend an action as provided by these Rules, the Hearing Officer may enter a default judgment against the defaulting Party" and that the Hearing Office may take such action deemed appropriate in the Hearing Officer's discretion.

In this matter, the Respondent failed to comply with the discovery deadlines and did not contact the Department regarding an extension to respond to discovery. The Respondent did not comply with the order to compel discovery. The Respondent did not object to the Department's motion to compel discovery or the Department's motion to dismiss.

Based on the forgoing, it is recommended that the Respondent's appeal of his License suspension be dismissed with prejudice.

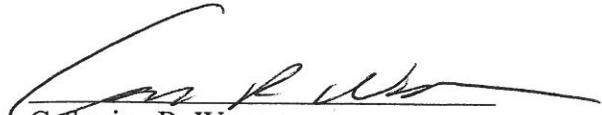
² Super. R. Civ. P. 37(b)(2)(C) provides as follows:

(2) *Other Consequences.* If a party or an officer, director, or managing agent of a party or a person designated under Rule 30(b)(6) to testify on behalf of a party fails or refuses to obey an order to provide or permit discovery, including an order made under subdivision (a) of this rule or Rule 35, the court may make such orders and enter such judgment in regard to the failure or refusal as are just, and among others the following:

(C) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or a final judgment dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party.

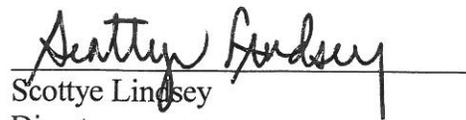
As recommended by:

Date: April 25, 2017


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 Order of Dismissal.

Date: 5/1/17


Scottye Lindsey
Director

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 on this 2 day of April, 2017 that a copy of the within Order was sent by first class mail, postage prepaid to Mr. Cameron Burroughs, 535 Nasa Parkway, Webster, TX 77598 and c/o Mr. DeGerrian Evans, 26923 Springfield Lane, Hockley, TX and by electronic delivery to Cameron Burroughs and Jenna Algee, Esquire, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, 02820