

COMMONWEALTH OF MASSACHUSETTS
DIVISION OF MARINE FISHERIES

SUFFOLK, SS.

ADJUDICATORY PROCEEDING
DOCKET NO. MD-159461-DCH

_____)
IN THE MATTER OF: MICHAEL)
G. LANE.)
 and)
_____)
MASTER DIGGER PERMIT,)
ID No. 159461)
_____)

**REPORT ON PRE-HEARING CONFERENCE AND
NOTICE OF DECISION**

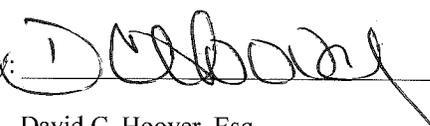
On motion of the respondent, a pre-hearing conference was held pursuant to 801 CMR 1.01 §10(a) on Tuesday, May 12, 2011 in the above-referenced matter. In attendance were the respondent Michael G. Lane and his counsel Stephen M. Ouellette, Charles Lane and Robert Mueller.

In lieu of conducting an evidentiary hearing on the alleged violations contained in the April 29, 2011 order to show cause, the respondent proposed a thirty day agency suspension of master digger permit #159461. Upon further discussion, the respondent agreed to the following:

1. sixty-day suspension of master digger permit #159461 effective from May 1, 2011 through June 30, 2011;
2. payment of the \$1,000 surety bond required by 322 CMR §7.01(5)(c)(1) and §7.02(2)(b);
3. conditioning and restricting master digger permit #159461 or any shellfish permit(s) that the respondent may apply for in 2012 to a one-year probationary period effective from May 1, 2011 through April 30, 2012; and
4. during this probationary period any additional enforcement reports alleging any further violation(s) by the respondent of the Commonwealth's shellfish laws will result in summary suspension of the master digger permit and an expedited evidentiary hearing concerning the four DPH enforcement reports filed in this matter, as well as any new allegations.

Dated: 5-16-11

By: _____


David C. Hoover, Esq.
Administrative Law Magistrate
Department of Fish and Game