

DELAWARE DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL

DELAWARE DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL
CONTROL,

Department,

v.

JAMES THOMPSON AND COMPANY,
INC.,

Respondent.

Reconsideration of

Secretary's Order

2024-W-0007 (Jan. 21,

2025)

HEARING

DATE: Wednesday, April 23, 2025

TIME: 10:22 a.m.

BEFORE: Lisa Vest, Hearing Officer

LOCATION: Remote Proceeding

Delaware Department of Natural

Resources and Environmental Control

89 Kings Highway

Dover, DE 19901

REPORTED BY: Andrew Weader

JOB NO.: 7271228

A P P E A R A N C E S

ON BEHALF OF DEPARTMENT DELAWARE DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL CONTROL:

DEVERA SCOTT, ESQUIRE

Delaware Deputy Attorney General

89 Kings Highway

Dover, DE 19901

devera.scott@state.de.us

(302) 739-4211

ALSO PRESENT:

Nicholas Griseto, Respondent (by videoconference)

Terry Griseto, Respondent (by videoconference)

E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Exhibit 1	Secretary's Order No. 2024-W-0007, Notice of Administrative Penalty Assessment, 01/21/2025	N/A
Exhibit 2	Respondent's Letter, 01/30/2025	N/A
Exhibit 3	Affidavit of Publication, LocalIQ	N/A
Exhibit 4	Affidavit of Publication, Independent News Media	N/A
Exhibit 5	Notice of Hearing, Public Meeting Calendar	N/A
Exhibit 6	Public Notice of Hearing, DNREC Website, 04/02/2025	N/A
Exhibit 7	Spanish Translation of Public Notice	N/A
Exhibit 8	Haitian Creole Translation of Public Notice	N/A
Exhibit 9	Link to DNREC Hearing Page, James Thompson and Company, Inc., 04/02/2025	N/A

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E X H I B I T S (Cont'd)

NO.	DESCRIPTION	ID/EVD
Exhibit 10	Written Notice of Hearing	
	Date Letter, 03/26/2025	N/A

D O C U M E N T S R E Q U E S T E D

NO.	DESCRIPTION	PAGE
1	Alphatex Documents	9

1 P R O C E E D I N G S

2 MS. GRISETO: -- had explained that
3 they're well-versed in dealing with lagoon issues and
4 that they had the team that could actually -- you
5 know, that could address it and move forward with it.

6 So once that fell through, we -- we
7 reached out to ask what we could do with the limited
8 resources that we had. We had ceased operations --
9 stopped in April of '23, so we were no longer, you
10 know, generating revenue. We thought we had
11 everything sold. The foreclosure took place.

12 We really weren't sure what to do at
13 that point.

14 THE REPORTER: Good morning. I'm sorry
15 to interrupt. This is Andrew Weader. I'm the court
16 reporter, and I just received a link for this a moment
17 or two ago.

18 THE HEARING OFFICER: Okay. Sir,
19 that's fine. We had to go ahead and start.
20 Appreciate you joining in, but I've got the Zoom
21 recording going. So we're good.

22 THE REPORTER: Okay.

23 THE HEARING OFFICER: We're good.
24 Thank you so much, though, for letting me know that

1 you did get here.

2 THE REPORTER: No worries. Absolutely.
3 Sorry for the delay.

4 THE HEARING OFFICER: That's okay.
5 I'm sorry, Ms. Griseto. Continue.

6 THE REPORTER: We're on the record at
7 10:22 a.m.

8 MS. GRISETO: So, I mean, in my
9 understanding, those -- those were the issues, that
10 they were not taking the necessary steps to transfer
11 ownership of the permit.

12 But I'm -- we're at a loss as to what
13 we need to do and tried to reach out, you know, to
14 DNREC for direction, because we're unclear as to how
15 to move forward with it.

16 And when I first spoke with Joshua
17 Barth about it, he said that he was also unclear,
18 because he had not dealt with a situation where there
19 was a foreclosure of land that the lagoon sat on and
20 how that transfer actually was to take place.

21 And shortly after Joshua and I talked,
22 someone else was -- he moved to a different division,
23 I believe, and someone else took over our case. And
24 like I said, they asked if we could do an amicable

1 letter. There was no way to do an amicable letter to
2 transfer ownership.

3 So we -- we've been at a loss as to
4 what to do to -- to address this. I'm not sure what
5 steps can be taken. Like I said, James Thompson's not
6 in business. James Thompson's not generating revenue.
7 We thought we had addressed this, and we thought
8 everything was being sold.

9 Then it went into foreclosure. If we
10 reached out, we tried to ask, "What -- what do we do
11 with the lagoon since we don't own the land? We don't
12 have access to it. How do we move it forward?" And,
13 you know, our permit had expired in 2019.

14 And I think it had an administrative
15 approval or something, they called it, as we were
16 trying to renew it, you know, many, many years ago.
17 So I just -- like I said, I'm -- for us, I -- I don't
18 know how we would be able to address the permit issue.

19 I'm not sure how to transfer that
20 ownership to the new landowner that took possession.
21 It wasn't like it was a friendly sale and we were
22 going to, you know, file whatever documents are
23 necessary to -- to move this forward. It wasn't that
24 situation.

1 So I don't know how we -- I don't know
2 how we transfer the ownership of it.

3 THE HEARING OFFICER: Okay. Thank you
4 for your testimony.

5 MR. GRISETO: I'm sorry.

6 THE HEARING OFFICER: Yes, Mr. Griseto?

7 MR. GRISETO: Okay. If I could just
8 surmise on what she said, we have documentation from
9 Joshua. We have the sale documentation that we no
10 longer own the property. We have a letter from DNREC,
11 which Terry responded with the same things after
12 Joshua left.

13 And then we also have the letter from
14 Alphatex's attorney forbidding us access. Can we
15 present that as evidence?

16 THE HEARING OFFICER: Absolutely. So
17 I -- this right here, this administrative hearing is
18 the formal platform to obtain testimony and give the
19 respondent an opportunity to speak.

20 As I mentioned in my opening remarks,
21 I'm going to leave the record open for five business
22 days so that any documentation that the respondent
23 wishes the secretary to consider, we can get it in.
24 We can get it part of this package and get it to him

1 for reconsideration.

2 And in a few minutes, I'll give you the
3 address and everything and the email so that that can
4 be effectuated. Is there any other verbal testimony
5 that you wish to offer at this time?

6 MR. GRISETO: The only other thing
7 is -- is that Terry said and I'll reconfirm James
8 Thompson and Company is no longer in business, no
9 longer generating any revenue. It's basically ceased
10 operation, so -- and we do not have access to the
11 property.

12 THE HEARING OFFICER: Okay. Very good.
13 Thank you for that testimony from both Mr. and Mrs.
14 Griseto. As I mentioned at the beginning, counsel for
15 the department is present. I am unsure whether they
16 wish to offer anything at this time.

17 Ms. Scott, is there anything that you
18 wish to offer on the record at this point?

19 MS. SCOTT: Hearing Officer Vest, this
20 is Devera Scott, and I am here to listen to what the
21 Grisetos have to say in their -- on their behalf. I
22 don't have anything in particular to say.

23 But I would be interested in seeing
24 those documents that they mentioned from Alphatex's

1 attorney, cease and desist or no trespass. I would
2 like to see those documents whenever they're made
3 available to you, Hearing Officer Vest.

4 THE HEARING OFFICER: Very good. Thank
5 you, Ms. Scott.

6 As I mentioned at the beginning of this
7 matter, this is not a standard public hearing like the
8 ones that DNREC routinely puts on. It is an
9 administrative hearing held upon request of the
10 respondent in this specific matter.

11 Given the fact that there seems to be
12 additional documentation that needs to be incorporated
13 into the record, as I mentioned previously, we are not
14 going to close the record at the conclusion of this
15 hearing. I am going to keep it open for an additional
16 five business days.

17 That way, this information can be
18 gotten to me, incorporated into the matter before us,
19 and reviewed for reconsideration.

20 That means that the deadline to get any
21 and all additional documentation in will be next
22 Wednesday, April 30th. I'm giving it five business
23 days.

24 For receipt of that information, the

1 respondent can email it to me at
2 lisa.vest@delaware.gov, or you could certainly mail it
3 or somehow, you know, to expedite it, UPS, FedEx,
4 whatever. You could do a hard copy if you wished, or
5 you can do it both ways. It's completely up to you.

6 It just needs to get in to me by close
7 of business on Wednesday, April 30th. The physical
8 address to get it to me would just be put it to my
9 attention at DNREC and mark it, "Attention, Lisa
10 Vest." The address is 89 Kings Highway, K-I-N-G-S,
11 Dover, Delaware 19901.

12 Being that we have received the
13 testimony from both the respondent and counsel for the
14 department, this matter is going to now be concluded.
15 I want to thank everybody for giving us the time on
16 this busy weekday morning.

17 And again, as long as the information
18 is provided to me no later than close of business on
19 Wednesday, April 30th, it will be incorporated into
20 the record. Once April 30th comes and goes, the
21 record will close.

22 There will be no more additional
23 information received to be incorporated in this
24 matter. I will then review the entirety of the record

1 and offer recommendations to the secretary in this
2 matter. The department will ultimately issue a
3 secretary's order.

4 That order will provide the secretary's
5 final decision in this matter, and we'll move forward
6 in that manner. Again, thank you, everyone, for
7 attending. This hearing is hereby adjourned.

8 MR. GRISETO: Thank you very much.
9 Have a good day.

10 THE HEARING OFFICER: You, too.

11 THE REPORTER: We're off the record at
12 10:30 a.m.

13 (Whereupon, at 10:30 a.m., the
14 proceeding was concluded.)
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CERTIFICATE

I, ANDREW WEADER, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Andrew Weader

ANDREW WEADER

Notary Public in and for the
Commonwealth of Pennsylvania

CERTIFICATE OF TRANSCRIBER

I, AUDREY FRANKLIN, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Audrey Franklin

AUDREY FRANKLIN

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