



COMMONWEALTH OF PENNSYLVANIA  
ENVIRONMENTAL HEARING BOARD

**RICHARD QUIGLEY, JR. and LET’S CUT  
A DEAL SERVICES, LLC.** :

v. :

**COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION and MATTHEW VELLO  
and KATHLEEN G. SHEEHAN VELLO,  
Intervenors** :

**EHB Docket No. 2022-105-W**

**Issued: June 24, 2024**

**OPINION AND ORDER DISMISSING APPEAL**

**By MaryAnne Wesdock, Judge**

**Synopsis**

The appeal of an estate and business is dismissed for lack of representation as required by 25 Pa. Code § 1021.21.

**OPINION**

This matter involves an appeal of an order issued by the Pennsylvania Department of Environmental Protection (Department) alleging violations of the Solid Waste Management Act. The appeal was originated by Richard Quigley, Jr. and Let’s Cut a Deal Services, LLC through their attorneys, Eckert Seamans Cherin & Mellott, LLC (Eckert). During the pendency of the appeal, Mr. Quigley, Jr. died, and his father, Richard P. Quigley, Sr. was appointed as Administrator of his son’s estate.<sup>1</sup> Mr. Quigley, Sr. advised Eckert that he was unable to retain them to represent the estate and business in this matter. Eckert filed a Motion to Withdraw as

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<sup>1</sup> Mr. Quigley, Sr. was also a recipient of the Department’s order, and a separate appeal was filed by him at Docket No. 2022-104-W.

Counsel which was subsequently granted by the Board. The Department filed a response to the Motion to Withdraw in which it asked the Board to issue a rule to show cause as to why the appeal should not be dismissed for lack of representation pursuant to 25 Pa. Code § 1021.21.

The Board’s rule at 25 Pa. Code § 1021.21(a) requires parties, other than individuals appearing on their own behalf, to be represented by an attorney. This requirement applies both to corporations, *id.* at § 1021.21(b), and estates, *Gary Graham, Executor of the Estate of Robert B. Graham v. DEP*, 2023 EHB 30, 31-32.

Prior to Eckert’s departure from the case, the Board referred Mr. Quigley, Sr. to the *Pro Bono* Committee of the Pennsylvania Bar Association Environmental and Energy Law Section to determine whether *pro bono* counsel was available to represent the business and the estate in this matter. Unfortunately, despite the best efforts of the Committee, that search was not fruitful. The presiding judge then sent a letter to Mr. Quigley, Sr., explaining as follows:

Under the Environmental Hearing Board’s rules, incorporated businesses and estates are not allowed to proceed without an attorney. If you would like to proceed with this appeal, as the Administrator of your son’s estate, an attorney will need to represent your son’s estate and Let’s Cut a Deal Services. If you choose not to retain an attorney on behalf of the estate and/or business, you may not be able to proceed any further in the appeal of *Richard Quigley, Jr. and Let’s Cut a Deal Services, LLC v. DEP*, Docket No. 2022-105-W.

(EHB Docket No. 2022-105-W, Entry No. 45.)

The letter further stated that if Mr. Quigley, Sr. intended to have the appeal go forward, he should have an attorney notify the Board by May 2, 2024 that they were representing his son’s estate and business in this proceeding, and a lack of response would indicate to the Board that he did not wish to proceed with the appeal. Neither Mr. Quigley, Sr. nor an attorney representing the estate and business contacted the Board by May 2, 2024, and the Department renewed its earlier

request for a rule to show cause why the case should not be dismissed. In lieu of a rule to show cause, the Board issued an order on May 22, 2024 giving Mr. Quigley, Sr. until June 14, 2024 to demonstrate why the appeal at Docket No. 2022-105-W should not be dismissed for non-compliance with 25 Pa. Code § 1021.21(a) and (b). The order further advised him that if no response were received the appeal would be dismissed. No response was received, and we understand this lack of response to mean that Mr. Quigley, Sr. does not wish to proceed with the appeal at Docket No. 2022-105-W. The dismissal of this appeal in no way affects Mr. Quigley, Sr.'s appeal at Docket No. 2022-104-W.

Therefore, the Board enters the following order:



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**EHB Docket No. 2022-105-W**

**ORDER**

AND NOW, this 24<sup>th</sup> day of June, 2024, it is ordered that the appeal of Richard Quigley, Jr. and Let’s Cut a Deal Services, LLC, Environmental Hearing Board Docket No. 2022-105-W, is dismissed for non-compliance with 25 Pa. Code § 1021.21(a) and (b).

**ENVIRONMENTAL HEARING BOARD**

s/ Steven C. Beckman  
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**STEVEN C. BECKMAN**  
**Chief Judge and Chairperson**

s/ Bernard A. Labuskes, Jr.  
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**BERNARD A. LABUSKES, JR.**  
**Judge**

s/ Sarah L. Clark  
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**SARAH L. CLARK**  
**Judge**

s/ MaryAnne Wesdock  
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**MARYANNE WESDOCK**  
**Judge**

s/ Paul J. Bruder, Jr,  
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**PAUL J. BRUDER, JR.**  
**Judge**

**DATED: June 24, 2024**

**c: DEP, General Law Division:**  
Attention: Maria Tolentino  
(*via electronic mail*)

**For the Commonwealth of PA:**  
John H. Herman, Esquire  
Christopher Ryder, Esquire  
Melanie Seigel, esquire  
(*via electronic filing system*)

**For Appellant:**  
Richard P. Quigley, Sr., Administrator  
(*via US mail*)

**For Intervenors:**  
Kathleen G. Sheehan Vello, Esquire  
(*via electronic filing system*)