

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
DIVISION OF AGRICULTURE  
235 PROMENADE STREET  
PROVIDENCE, RHODE ISLAND 02908-5767

PUBLIC NOTICE OF PROPOSED LICENSE ACTIONS PURSUANT TO RI GENERAL LAWS § 4-19-11 FOR A FACILITY LICENSED UNDER THE AUTHORITY OF THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT DIVISION OF AGRICULTURE.

DATE OF NOTICE: January 26, 2012

**REVOCATION OF PET SHOP LICENSE FOR SUPER SONIC PETS**

PURSUANT TO RI GENERAL LAW § 4-19-11, FAILURE OF ANY FACILITY LICENSED UNDER AUTHORITY OF RI GENERAL LAWS § 4-19-5, TO PROVIDE ADEQUATE HOUSING, FEED, OR WATER FOR ANIMALS IN POSSESSION OF THE PERSON LICENSED SHALL CONSTITUTE GROUNDS FOR THE REVOCATION OF ANY LICENSE(S) ISSUED UNDER RIGL § 4-19-5.

NAME AND MAILING ADDRESS OF LICENSEE:

**ANTHONY COLPACK d/b/a  
SUPER SONIC PETS  
1465 ATWOOD AVENUE  
JOHNSTON, RI**

WITH A SECOND LOCATION AT:

**SUPER SONIC PETS  
1435 VICTORY HIGHWAY  
NORTH SMITHFIELD, RI**

NAME AND ADDRESS OF FACILITY WHERE VIOLATION OF RIGL § 4-19-11 OCCURED:

**SUPER SONIC PETS  
1435 VICTORY HIGHWAY  
NORTH SMITHFIELD, RI**

BASIS FOR DECISION TO REVOKE LICENSE:

Based on a series of inspections conducted by agents of the Rhode Island Department of Environmental Management, the above referenced licensee failed to properly house, feed and water animals in his possession as referenced in RIGL § 4-19-11.

**FURTHER INFORMATION:**

Interested parties may conduct a review of public documents pertaining to this pet shop by contacting Kayla Saccoccio at (401) 222-6800 Extension 7307 between the hours of 8:30 a.m. and 4:00 p.m. to request a records review pursuant to the Rhode Island Access to Public Records Act, RIGL §38-2-3, *et. seq.*

**PUBLIC HEARING:**

Pursuant to Chapter 42-17.4 of the Rhode Island General Laws a public hearing has been scheduled to revoke a pet shop license. Notice should be taken that a public hearing will be held at the following time and place:

**Thursday, February 23<sup>rd</sup>, 2012 at 10:00 AM**  
**Room 300**  
**235 Promenade Street**  
**Providence, Rhode Island 02908**

The following is a summary of the procedures that shall be followed at the Public Hearing:

- a. The Presiding Officer shall have the authority to open and conclude the Hearing and to maintain order; and
- b. Any persons appearing at such a hearing may submit oral or written statements and data concerning the decision to revoke the license held by the licensee.
- c. An audio recording or transcription of the hearing will be performed.
- d. Anyone submitting oral testimony will be allowed only to submit testimony and not to debate any issue related to this hearing.

In addition, for the sake of accuracy, it is requested that statements be submitted in writing at the time of the hearing or be mailed to the DEM's Division of Agriculture, at the above address, before the date of the hearing. Oral testimony will also be heard at the Public Hearing, but will be limited to five (5) minutes in duration.

235 Promenade Street is accessible to the handicapped. Individuals requesting communication assistance (assistive listening devices/readers/interpreters/captions) must notify the D.E.M. at the telephone number listed above or at 831-5508 (T.D.D.) 72 hours in advance of the hearing date.

**PUBLIC COMMENT PERIOD:** ( February 1<sup>st</sup>, 2012 **TO** February 23<sup>rd</sup>, 2012 ).

Interested parties may submit comments on the decision to revoke the pet shop license and the administrative record to the address above no later than 4:00 PM on the February 23<sup>rd</sup>, 2012.

All persons, including the licensee, who believe this action is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period on February 23<sup>rd</sup>, 2012. Interested parties who submit comment may request a longer comment period if necessary to provide a reasonable opportunity to comply with these requirements. Comments should be directed to the

DEM's Division of Agriculture at the address above.

If, during the public comment period, significant new information is brought forward concerning the decision to revoke a pet shop license, DEM may reverse the decision to revoke the pet shop license or may reopen the public comment period. A public notice will be issued for any of these actions.

**FINAL DECISION AND APPEALS:**

Following the close of the comment period, and after a public hearing, the Director will issue a final decision and forward a copy of the final decision to the licensee and each person who has submitted written comments or requested notice. Within 30 days following the notice of the final decision, any interested person may submit a request for a formal hearing in accordance with the Rhode Island Administrative Procedures Act, RIGL § 42-35-9.

January 26, 2012  
Date

Ken Ayars  
Chief of the Division of Agriculture  
Department of Environmental Management



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 711

March 5<sup>th</sup>, 2012

To: Mr Anthony Colpack  
c/o Super Sonic Pets, Inc.  
1465 Atwood Avenue, Unit 5  
Johnston, RI 02919

RE: Notice of Intent to Revoke License  
Respond to Public Hearing Comment

Dear Mr Colpack;

The Rhode Island Department of Environmental Management (the "Department") has considered your oral comments delivered at the public hearing regarding revocation of your pet shop licenses that took place on February 23<sup>rd</sup>, 2012. The department has decided to revoke your licenses under the authority of RI General Laws § 4-19-8. The decision to revoke your licenses is based upon documented failure to provide adequate care for animals as is required under RI General Laws § 4-19-11. That statute entitled "Mistreatment of animals," states:

*"Failure of any person licensed or registered to adequately house, feed and water animals in his or her possession or custody shall constitute a misdemeanor, and upon conviction the person shall be subject to a fine of not more than one hundred dollars (\$100) per animal. Those animals shall be subject to seizure and impoundment and upon conviction of the person may be sold or euthanized at the discretion of the director and that failure shall also constitute grounds for revocation of license or registration after a public hearing."*

The Department has considered the statements that you presented at the public hearing. Those statements concerned your purported lease agreements for the subject property, located at 1435 Victory Highway in North Smithfield, RI. You also raised the argument that you are using the subject building for both business purposes and for personal use and questioned the Department's authority to cite you based on observations of your personal use of the subject property. Under the provisions of RIGL § 4-19-11, any and all animals in your possession or custody must be adequately housed, fed, and watered regardless. RIGL § 4-19-11 creates grounds for revocation of your license once the Department determines that you have mistreated animals, as defined within that statute, regardless of where those animals are physically located. Despite your position that the subject animals were in storage for personal use, RIGL § 4-19-11 contemplates possession and custody only. Therefore, the Department finds that your statements submitted during the public hearing are not relevant to the above-referenced matter.

Sincerely,

Ken Ayars, Chief, Division of Agriculture  
RI Department of Environmental Management

cc: Marisa DeSautel, ESQ, RIDEM, Office of Legal Services  
Scott Marshall, DVM, RI State Veterinarian



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 711

March 5<sup>th</sup>, 2012

To: Mr Anthony Colpack  
c/o Super Sonic Pets, Inc.  
1465 Atwood Avenue, Unit 5  
Johnston, RI 02919

RE: License Revocation

Dear Mr. Colpack;

Please be advised that your pet shop licenses are hereby immediately **REVOKED** under the authority of RI General Law § 4-19-11. That statute, entitled "Mistreatment of animals," states:

*"Failure of any person licensed or registered to adequately house, feed and water animals in his or her possession or custody shall constitute a misdemeanor, and upon conviction the person shall be subject to a fine of not more than one hundred dollars (\$100) per animal. Those animals shall be subject to seizure and impoundment and upon conviction of the person may be sold or euthanized at the discretion of the director and that failure shall also constitute grounds for revocation of license or registration after a public hearing."*

The Department conducted a public hearing on February 23, 2012 and following said hearing, determined that you have violated the conditions set forth in RI General Law § 4-19-11. The Department based this determination on the several inspections it conducted for the property located at 1435 Victory Highway, North Smithfield, RI. Copies of any and all inspection reports and all other pertinent supporting material is maintained as a public file by the Department's Division of Agriculture.

The Department received and considered comments related to this action. You provided oral testimony at the public hearing and you also provided written testimony, received via facsimile, to the Department, received on February 23<sup>rd</sup>, 2012. The Department's response to all comments received is being provided in the attached document, which response is incorporated by reference herein.

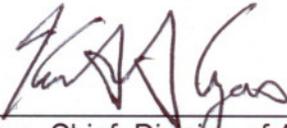
This ruling applies to all pet shop licenses that you currently hold with the Rhode Island Department of Environmental Management, specifically the licenses that you hold for locations at **1465 Atwood Avenue, Unit 5, Johnston, RI**, and at **1435 Victory Highway, North Smithfield, RI**.

If you are aggrieved by this determination, you may request a formal hearing within thirty (30) days of receipt of this notice, pursuant to RIGL §§42-17.7 and 42-35. The request should be submitted to the Administrative Adjudication Division at the following address:

Bonnie Stewart, Clerk  
RI Department of Environmental Management  
Office of Administrative Adjudication  
One Capitol Hill  
Second Floor  
Providence, RI 02903

A copy of your request must also be forwarded to the Department's Division of Agriculture and to the Department's Office of Legal Services, attention: Marisa Desautel.

Please be advised that you have the right to be represented by legal counsel before the Administrative Adjudication Division.



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Ken Ayars, Chief, Division of Agriculture  
RI Department of Environmental Management

cc: Marisa Desautel, ESQ, RIDEM, Office of Legal Services  
Scott Marshall, DVM, RI State Veterinarian



## RESPONSE TO COMMENTS

On February 23, 2012, the Rhode Island Department of Environmental Management (the "Department") received, via facsimile, twelve (12) written comments intended to oppose the Department's proposed action to revoke those pet shop licenses maintained by Anthony Colpack, pursuant to RIGL § 4-19-11

The statements concerned support for the level of care that Anthony Colpack and staff provided for the animals kept and cared for within Mr. Colpack's pet shop locations, the convenience of the pet shop location(s), the helpfulness of staff and the cleanliness of the pet shops.

A series of inspections performed by agents of the Department revealed that animals owned and maintained by Mr. Colpack were not adequately housed, fed, and/ or watered. Under the provisions of RIGL § 4-19-11, any and all animals in a licensee's possession or custody must be adequately housed, fed, and watered. RIGL § 4-19-11 requires revocation of a pet store license once the Department determines that a licensee has mistreated animals, as defined within that statute.

Therefore, the Department hereby finds that the written comments submitted are not relevant to its determination that Mr. Colpack's licenses must be revoked.