

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
ADMINISTRATIVE ADJUDICATION DIVISION**

**RE: RHEAULT, ROBERT B.
(Consolidated Matters)**

**AAD NO. 00-005/ENE
AAD NO. 00-004/ENE**

MODIFIED FINAL AGENCY ORDER

A Decision and Order of Remand (“Remand”) dated October 3, 2001 was issued by the Director in this matter. The Remand adopted the Recommended Decision and Order dated August 7, 2001 but modified it in part concerning suspension of the Respondent’s licenses. An Order was issued on October 5, 2001¹ which afforded Respondent until October 19, 2001 to file a written proposed schedule for the implementation of the license suspensions. The Division was allowed until October 26, 2001 to file a response. As of the date of this Order, Respondent has not filed a proposed schedule with AAD. The Division did timely file a Proposed Suspension Schedule for consideration.

Wherefore, based on the foregoing and in accordance with the Remand, it is hereby

ORDERED

1. The fifteen (15) day suspension of the Respondent’s Multi-Purpose Dealer’s License and Special Permit for Aquaculture is imposed for the following periods:
 - (a) commencing at 12:01 a.m. on Monday, November 26, 2001 through 11:59 p.m. on Friday, November 30, 2001.
 - (b) commencing at 12:01 a.m. on Monday, December 3, 2001 through 11:59 p.m. on Friday, December 7, 2001.
 - (c) commencing at 12:01 a.m. on Monday, December 10, 2001 through 11:59 p.m. on Friday, December 14, 2001.

¹ The Recommended Decision and Order, the Decision and Order of Remand and the Order dated October 5, 2001 are attached hereto and incorporated herein by reference.

RE: RHEAULT, ROBERT B.
(Consolidated Matters)
004/ENE
PAGE 2

AAD NO. 00-005/ENE
AAD NO. 00-

Provided however that during the above proposed suspension period the Respondent is permitted to maintain the Respondent's cultured species. Maintenance, however, does not extend to the marketing of cultured or harvested species to consumers or wholesalers, either directly or indirectly, nor the purchasing of cultured or harvested species.

Entered as an Administrative Order and herewith recommended to the Director for issuance as a Final Agency Order this 5th day of November, 2001.

Joseph F. Baffoni
Hearing Officer
Administrative Adjudication Division
Department of Environmental Management
235 Promenade Street, Third Floor
Providence, Rhode Island 02908
(401) 222-1357

Entered as a Final Agency Order this _____ day of _____, 2001.

Jan H. Reitsma
Director
Department of Environmental Management
235 Promenade Street, 4th Floor
Providence, RI 02908

RE: RHEAULT, ROBERT B.
(Consolidated Matters)
004/ENE
PAGE 3

AAD NO. 00-005/ENE
AAD NO. 00-

CERTIFICATION

I hereby certify that I caused a true copy of the within Order to be forwarded by first-class mail, postage prepaid, to John J. Kupa, Jr., 1130 Ten Rod Road, Suite E-305, North Kingstown, RI 02852 and Gary Powers, Esquire, DEM Office of Legal Services, Oliver Stedman Government Center, 4808 Tower Hill Road, Wakefield, RI 02879; and via interoffice mail to Gerald McAvoy, Esquire, Office of Legal Services, 235 Promenade Street, Providence, RI 02908 on this _____ day of _____, 2001.

RE: RHEAULT, ROBERT B.
(Consolidated Matters)
004/ENE
PAGE 4

AAD NO. 00-005/ENE
AAD NO. 00-

If you are aggrieved by this final agency order, you may appeal this final order to the Rhode Island Superior Court within thirty (30) days from the date of mailing of this notice of final decision pursuant to the provisions for judicial review established by the Rhode Island Administrative Procedures Act, specifically, R.I. Gen. Laws §42-35-15.