

Rule 12 Discovery - Statement of Interpretation

The following is an interpretation of Rule 12 of the Rules of Practice for the Administrative Adjudication Division for Environmental Matters (AAD) filed with the Secretary on July 10, 1990.

Section 12.00 a) provides that parties to administrative proceedings are encouraged to engage in discovery as practiced in the Superior Courts of this State. The Department interprets this Rule to mean that the Superior Court Rules of Civil Procedure apply to discovery in contested matters before the AAD.

Specifically, any party to a docketed matter may request the production of documents and such a request shall be in conformance with and governed by Rule 34 of the Superior Court Rules of Civil Procedure except as noted herein.

Accordingly, the Division shall produce and make available for copying records and documents at the primary office of the Division and shall upon production make available a copying machine and area in which the requesting party or his/her representative may copy produced documents. The Division may charge a fee for the copying of documents.

The R.I. Access to Public Records Act governs information requests to AAD by non-parties and requests for information of a general nature not related to pending litigation before the AAD. The fee for copying of documents also applies to requests made pursuant to the R.I. Access to Public Records Act.

Pursuant to R.I.G.L. §42-35-2 (3) this statement of interpretation is available for public inspection at the Administrative Adjudication Division Offices, 235 Promenade Street, Providence, Rhode Island 02908.