



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION-DISMISSAL

FAILURE TO PROSECUTE

OAL DKT. NO. EER 13286-19

AGENCY DKT. NO.

Permit #915-010-001

FORTY NORTH OYSTER FARMS

Petitioner,

v.

**NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION,**

Respondent.

David R. Jacquette, Esq., for petitioner (Morris Wilson, P.C., attorneys)

Katherine D. Hunt, D.A.G., for respondent (Matthew J Platkin, Acting Attorney
General State of New Jersey, attorneys)

Record Closed: February 24, 2022

Decided: February 24, 2022

BEFORE **JOSEPH A. ASCIONE**, ALJ:

STATEMENT OF THE CASE

Forty North Oyster Farms (petitioner) brings this matter to challenge the denial of a permit to farm oysters. The New Jersey Department of Environmental Protection,

initially granted the permit and upon review rescinded its grant due to a change of circumstances. The NJDEP transmitted the matter to the Office of Administrative Law (OAL) to determine whether the rescission was appropriate.

The OAL scheduled telephone conferences on numerous occasions since the original filing of this matter on September 24, 2019. Petitioner failed to appear for scheduled telephone conferences on January 18, 2022, and January 28, 2022. No contact has been had from petitioner.

CONCLUSION

I **CONCLUDE** petitioner has failed to prosecute the matter as a result of its failure to appear for two telephone conferences in January 2022.

ORDER

For the reasons set forth herein, I **ORDER** petitioner's petition be DISMISSED for failure to prosecute.

I hereby **FILE** my initial decision with the **COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Environmental Protection does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, OFFICE OF LEGAL AFFAIRS, DEPARTMENT OF ENVIRONMENTAL PROTECTION, 401 East State Street, 4th Floor, West Wing, PO Box 402, Trenton, New Jersey 08625-0402**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

February 24, 2022

DATE



JOSEPH A. ASCIONE, ALJ

Date Received at Agency:

February 24, 2022

Date Mailed to Parties:

February 24, 2022

/mm