



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

BRENDA OAKES,)	<u>ADMINISTRATIVE ACTION</u>
)	FINAL DECISION
Petitioner,)	
)	OAL DKT NO. ENH 00200-16
v.)	AGENCY REF. NO. 2015-0046
)	
NEW JERSEY DEPARTMENT OF)	
ENVIRONMENTAL PROTECTION,)	
DIVISION OF FISH AND WILDLIFE,)	
)	
Respondent.)	

This Order addresses a challenge by Brenda Oakes (Petitioner) of the February 10, 2015, denial by the Department of Environmental Protection (Department) of Petitioner's application for a captive game "Animal Exhibitor Permit" to possess whitetail deer at her residence in Kingwood Township, Hunterdon County. The Department denied the permit because Petitioner did not meet the relevant criteria to possess the species in accordance with the Department's Division of Fish and Wildlife rules governing the possession, propagation, liberation, sale and importation of game animals and game birds, N.J.A.C. 7:25-10.

The Department's denial did not inform Petitioner of her right to request an administrative hearing. To correct this oversight, on March 13, 2015, the Department sent a letter to Petitioner informing her of her right to a hearing and how to request one should she wish to. Thereafter, Petitioner timely requested a hearing, and the matter was transmitted to the Office of Administrative Law where it was assigned to Administrative Law Judge (ALJ) Dean J. Buono.


On June 27, 2017, the Department filed a motion for summary decision seeking to affirm the denial of Petitioner's application for a permit based on the undisputed facts in the record. Respondent filed a reply on July 12, 2017, citing her twenty years of experience raising and releasing animals, including deer, raccoons, and opossums, in support of issuance of a permit. The Department filed a response on July 26, 2017, noting that Petitioner's experience with animals was illegally obtained since she never had a permit from the Department to possess game animals and thus that experience could not be considered to support her application.

In his Initial Decision issued August 24, 2017, the ALJ found it was undisputed, based on Petitioner's own admission, that Petitioner did not comply with the permit regulations, which require, among other things, that the animal(s) not be from the wild stock of the state unless the Division gives prior authorization. Further, while Petitioner argued she had been rehabilitating and releasing fawns for many years, and that she had been "shadowing" a veterinarian working with deer at various zoos and farms, the ALJ found that Oakes did not detail the frequency and duration, responsibilities, and any hands-on experience she might have obtained doing so and thus did not demonstrate that she met the requirement of having extensive experience in maintaining the species. Neither Petitioner nor the Department filed exceptions to the Initial Decision.

For the reasons set forth therein and above, I ADOPT the ALJ's Initial Decision granting the Department's motion for summary decision and affirming the Department's denial of the permit. Petitioner's appeal is dismissed.

IT IS SO ORDERED.

October 3, 2017
DATE



Bob Martin, Commissioner
New Jersey Department of
Environmental Protection

BRENDA OAKES v.
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION,
DIVISION OF FISH AND WILDLIFE

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