

DEM3 Office of Administrative Adjudication

DEM3.1 Adjudication Case Files

Office of Administrative Adjudication (AAD) is the administrative court for all environmental matters originating from the Department of Environmental Management. Division hears all appeals filed for denials of licenses and permits issued by the department's various programs. Office also adjudicates all appeals of enforcement actions taken by the many regulatory programs within the Department, and hears enforcement appeals for alleged violations of statutes and/or regulations under the jurisdiction of the department.

Case files document appeals process spanning initial request for hearings, hearing scheduling documents, evidence management, motions and pleadings, pre-hearing conferences, conference proceedings and final decisions. The files also document submission of requests for alternative resolution methods and consent agreements reached before the hearings result in a final decision.

Files may include requests for hearings, notices of hearings, and pre-hearing conference documentation, including case scheduling information, exhibits, lists of witnesses, written synopses of anticipated testimony, position summaries and anticipated objections. Files may also include, but are not limited to, documentary evidence, investigative reports, petitions to intervene, motions and pleadings, docket sheets, written arguments of the parties, interlocutory and final orders as well as requests for withdrawal from hearing, and hearing recording and transcripts.

Finally, files include Recommended Decisions developed by the Administrative Hearing Officer as well as the Final Decision issued by the director, or remand, where director denies or sets aside AHO recommended decision. Files may also contain Consent Orders, where the parties have found alternate means to dispose of the matter at a point before the director's issuance of the Final Decision. (RIGL § 42-17.7-4)

Retention: Permanent.

DEM3.2 Mediation Case Files

DEM offers voluntary, non-binding mediation program to help parties resolve disputes respecting all appeals of DEM enforcement orders. Individuals appealing DEM enforcement decisions may pursue informal mediation instead of, or in parallel with, adjudicative hearings, as well as mediation of decisions enforceable by Superior Court in the absence of a request for a hearing. Series documents AAD mediation process. Records may include copies of notice of violation, mediator notes, correspondence concerning non-compliance, and letters confirming terms of an agreement.

Retention: Retain five (5) years.

**Department of Environmental Management
Office of Administrative Adjudication**

Records Retention Schedule

Approved September 2006

DEM3.3 Certificates of Records Destruction

Certification of Records Destruction forms (PRA 003) signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable records retention schedules. (RIGL § 38-1-10, § 38-3-6(j), and § 42-8.1-10.).

Retention: Permanent.