



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. ADC 14394-12

AGENCY DKT. NO. SADC ID #1375

RICK AND MONICA LARUE,

Petitioners,

v.

**MONMOUTH COUNTY AGRICULTURE
DEVELOPMENT BOARD,**

Respondent.

Rick and Monica LaRue, petitioners, pro se

Christopher L. Beekman, Esq., for respondent (The Beekman law Firm, LLC,
attorneys)

Record Closed: October 4, 2013

Decided: October 21, 2013

BEFORE PATRICIA M. KERINS, ALJ:

This matter is an appeal by Petitioners Rick and Monica LaRue (LaRues) from the action of the Monmouth County Agriculture Development Board (Board) denying them commercial farm status. That action was incorporated in a resolution of the Board dated May 2, 2012. Petitioners appealed that action to the State Agriculture Development Committee (Committee) by letter dated July 4, 2012, and the matter was

transmitted to the Office of Administrative Law (OAL) for a hearing as a contested case on October 23, 2012.

A telephone conference was held on January 17, 2013, and the matter was scheduled for a hearing on June 10, 2013. The parties agreed at that time that petitioners would submit further information to the Board. A telephone status conference was then held on July 18, 2013, and a hearing date was scheduled for October 4, 2013. Prior to that hearing, the Board met and determined that petitioners had met the requirements for commercial farm status.

Although the issue of commercial farm status was resolved by the Board in petitioners' favor, the LaRues disagreed with the Board that their appeal was moot, filing a series of documents on September 25, 2013. Petitioners contended that while they had been granted commercial farm status, they disagreed with the process and procedures used by the Board and wished to continue their appeal on that basis. The Board then filed a Motion to Dismiss the appeal on the grounds of mootness. On October 4, 2013, oral argument was held on the Motion and a ruling on the Motion was placed upon the record.

As set forth on the record, the issue underlying the appeal in this matter was the Board's action denying petitioners commercial farm status for their property. That issue has now been resolved in their favor and the disputed issue therefore is moot. While petitioners may disagree with the procedures used by the Board, the underlying issue has nevertheless been resolved in their favor. As a result there is no remaining controversy to be decided in this matter.

ORDER

Respondent's Motion to Dismiss on the grounds of mootness is **GRANTED**.

I hereby FILE my initial decision with the STATE AGRICULTURE DEVELOPMENT COMMITTEE for consideration.

This recommended decision may be adopted, modified or rejected by the STATE AGRICULTURE DEVELOPMENT COMMITTEE, which by law is authorized to make a final decision in this matter. If the State Agriculture Development Committee 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 EXECUTIVE DIRECTOR OF THE STATE AGRICULTURE DEVELOPMENT COMMITTEE, Health/Agriculture Building, PO Box 330, Trenton, New Jersey 08625-0330, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

10/21/13
DATE

Patricia M. Kerins
PATRICIA M. KERINS, ALJ

Date Received at Agency:

10/21/13

Date Mailed to Parties:

10/21/13

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