

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



OFFICE OF ADJUDICATIONS

IN THE MATTER OF

: LICENSE SUSPENSION
DEP INCIDENT NO. 08-12536

GINO J. CARRIER

: AUGUST 27, 2009

FINAL DECISION

A hearing was held on August 25, 2009 regarding the suspension of Mr. Gino Carrier's hunting privileges in accordance with General Statutes § 26-62 as a result of his involvement in the shooting of a domestic animal on November 27, 2008 in Watertown. The parties in attendance included Mr. Carrier, representing himself and Capt. Rick Lewis, representing the Department of Environmental Protection (DEP) and its Environmental Conservation Police. Also in attendance was Sgt. Christopher Dwyer of the Environmental Conservation Police who was observing the proceedings. Based on the evidence in the record, I find as follows.

Findings of Fact

1. On November 27, 2008, Gino Carrier fired his rifle while hunting and shot a golden retriever named Sarah, a domestic animal owned by Peter Laue. Mr. Carrier fired his rifle carelessly and before properly identifying his target, accidentally causing the death of the animal. At the time Mr. Carrier discharged his weapon, he was in a tree stand on Mr. Laue's property in Watertown. Mr. Carrier's property was approximately 22 feet south of his location in the tree stand. Mr. Carrier did not have permission from Mr. Laue to hunt on his property. (Ex. DEP-1).

2. Having hunted only once prior to this incident, Mr. Carrier has little hunting experience. He is not currently licensed to hunt in Connecticut and was not licensed to hunt in Connecticut on the date of the incident in question. Mr. Carrier completed a hunter education course in 1990. He hunts as a form of recreation and not for subsistence. (Ex. DEP-1; test. 8/25/09, G. Carrier.)¹

¹ The testimony and proceedings in this matter were recorded. No written transcript has been prepared. The audio recording of this hearing is on file with the Office of Adjudications and is the official record of this proceeding.

3. On the date of the incident, Mr. Carrier was hunting with Mr. Ryan Carrier, his minor son. Ryan Carrier has no hunting experience and has not completed a hunter education course. Ryan Carrier was in Mr. Carrier's immediate presence at the time he discharged his weapon. Another individual, Ronald Siemiatkoski, was also hunting with the Carriers but was not involved in the shooting. Mr. Carrier discharged his weapon after encouragement from his son to fire at an animal that he mistakenly believed to be a deer. (Ex. DEP-1; test. G. Carrier.)

4. Mr. Carrier discharged his weapon at a distance 324 feet away from the animal while using a 3x-9x telescopic lens. The target was 85.7 percent visible from Mr. Carrier's firing location and should have been clearly discernible from the location which he fired. Mr. Laue was fourteen feet from his dog at the time she was shot and standing next to his vehicle which was parked approximately 90 feet from a small cabin he maintains on his property. At the time Mr. Carrier discharged his weapon, Mr. Laue's minor son and daughter were in the cabin. Mr. Carrier had observed this building on this property prior to the date of the incident in question. (Ex. DEP-1; test. G. Carrier.)

Conclusions of Law

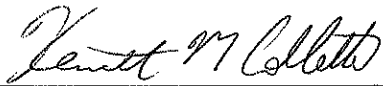
The Commissioner enjoys broad discretion in deciding whether to suspend someone's license or privilege to hunt under §26-62. Mr. Carrier sincerely acknowledged that he had made a mistake and accepted responsibility for that mistake. However, he was unable to articulate through his own testimony the reasons why his privilege to hunt should not be suspended for the recommended length of time. When weighed against each other, there are more facts in favor of a lengthier suspension than the shorter period of five years requested by Mr. Carrier. He clearly violated several hunting laws and violations. Of note, he fired his weapon on and further into the property of a neighbor without permission to do so and in a manner that caused direct harm to that neighbor's property and could have caused significant personal injury to his neighbor or even death. Furthermore, Mr. Carrier exercised a significant lack of restraint in discharging his weapon upon encouragement from his son, an individual with no training or experience in hunting. The lack of mitigating facts in favor of a shorter suspension is distinct. Mr. Carrier expressed no need for his hunting privileges other than as a form of recreation to enjoy on his property. Based on the evidence presented and in accordance with DEP's recommendation, I will suspend Mr. Carrier's privilege to hunt in Connecticut for ten years.

The investigative report of the Environmental Conservation Police indicates that Mr. Carrier acted carelessly in failing to adequately identify his target before discharging his weapon. Although he did not intentionally cause the death of a family pet, the accident was certainly preventable. The surest way to prevent a similar incident is to follow the recommendation of the DEP to suspend Mr. Carrier's privilege to hunt for ten years. As it authorizes the use of a deadly weapon, a license or privilege to hunt in the State of Connecticut carries significant responsibility. It is clear that this state's hunting

statutes and regulations are intended to prevent and deter certain reckless and irresponsible conduct.²

Where lives are at stake the Commissioner's discretion must be exercised on the side of utmost caution. Therefore, Mr. Carrier's privilege to hunt is suspended until May 1, 2019. Even after the time for the suspension expires, Mr. Carrier's privileges cannot be reinstated until he completes a remedial hunter education course as articulated in General Statutes § 26-31.

Entered as the final decision and order of the Commissioner of the Department of Environmental Protection.



Kenneth M. Collette, Hearing Officer

² I note that the record includes three letters of character reference from various individuals submitted on behalf of Mr. Carrier that all attest to his dedication and hard work as a father and a business owner. This decision is not a commentary on those traits. Instead, the goal of this suspension is to prevent a similar accident and educate the public about the serious consequences of failing to exercise due care when pursuing a recreational activity that involves the use of a deadly weapon.

PARTY LIST

In the matter of Gino Carrier
(Suspension of Hunting License)
DEP Incident No. 08-12536

PARTY

REPRESENTED BY

Gino Carrier
292 Amity Road
Bethany, CT 06524

Self

Department of Environmental Protection
ENCON Police
79 Elm Street
Hartford, CT 06106

Capt. Rick Lewis