

IN THE MATTER OF

*: HUNTING LICENSE SUSPENSION
INCIDENT #21-20177*

ANTONIO SILVA

:

MARCH 2, 2023

FINAL DECISION

A hearing was held on February 28, 2023, regarding the suspension of the hunting license of Antonio Silva as a result of his involvement in a hunting-related shooting that caused injury to a hunting dog on October 22, 2022. General Statutes (CGS) §26-62. Parties in attendance included Mr. Silva and his attorney John Cronin, and Attorney Alison Rau representing the Department of Energy and Environmental Protection and its Environmental Conservation Police.

***A
FINDINGS OF FACT***

Based on the evidence presented at the hearing and in the administrative record, I find:

1. In a January 25, 2023 letter from Colonel Chris Lewis of the State Environmental Conservation Police (EnCon), Antonio Silva was informed that an investigation had determined that he had caused the injury of a dog while hunting. He was further advised that pursuant to the provisions of CGS §26-62, he was entitled to a hearing on his license suspension and that one would be held on February 28, 2023. (Ex. DEEP-2.)
2. Just prior to the start of the hearing on February 28, a pre-hearing conference was held at which the parties agreed to the admission of DEEP exhibits 1 - 4 and 6 - 14 as full exhibits.¹ No exhibits were offered by Mr. Silva and he was the sole witness for the license holder, without objection. Additionally, Officer Jordan Jacquo, who investigated the incident, was admitted as a witness for DEEP, without objection. Both provided sworn testimony.² (Ex. DEEP-14.)
3. The incident that resulted in the pending suspension of Mr. Silva's hunting license occurred on October 22, 2022, when Silva, who had a valid hunting license, was pheasant hunting with a group of other hunters at the Meriden Rod & Gun Club. Silva's dog was on a leash while the dog that was injured was off his leash so he could flush out birds. A bird was flushed out and Silva loaded his gun to take a shot. He was the only hunter in the group to shoot; it is the standard practice of the group that one hunter shoots at a time. His intention was to shoot upward at the bird but instead he shot downward and hit Moose, the unleashed dog. Silva believes his dog bumped him and pulled his arm down, causing him to point his gun downward. Silva did not see Moose and only heard the dog cry out when he had been shot. (Exs. DEEP-6, 7; test. 2/28/23, A. Silva, J. Jacquo.)

¹ Exhibit DEEP-5 was withdrawn prior to the hearing.

² The recording of the hearing is in the administrative record on file with the Office of Adjudications.

4. Officer Jacquo, who responded to a call for assistance from someone at the Club, came to the scene and interacted with a visibly upset Silva, who had returned after taking his dog and gun home. (Others, including the dog's owner, had taken the injured dog to the vet for care.) Silva, who was cooperative, spoke with Jacquo and provided a written statement that set out the details of the incident from his perspective and is summarized in the incident report. (Exs. DEEP-6, 7, 12; test. 2/28/23, A. Silva, J. Jacquo.)
5. After observing the scene, talking with Mr. Silva, and gathering evidence such as discharged shell casings from Mr. Silva's gun, Officer Jacquo issued a misdemeanor summons for violation of Regs., Conn. State Agencies §26-66-1(e)³ to Mr. Silva. Officer Jacquo, who has experience investigating hunting incidents and cases involving firearms, issued the misdemeanor citation based on the totality of the circumstances and the compliance of the incident with the provisions of CGS § 26-62 regarding injury to an animal while hunting.⁴ (Exs. DEEP-6, 8, 10, 11; test. 2/28/23, J. Jacquo.)

B
CONCLUSIONS OF LAW

General Statutes §26-62 provides that “[a]ny person, who with any weapon or instrument used in hunting, injures...any animal...shall be given a hearing by the commissioner, who may, for cause shown, suspend the hunting license...for such period of time as the commissioner deems advisable.”

The evidence presented by DEEP meets its burden of proof to demonstrate that Mr. Silva caused injury to an animal with a weapon being used while hunting, satisfying the provisions of §26-62. Mr. Silva has expressed his regret that his actions apparently caused an unfortunate accident and claims he did not see or intend to harm the dog. While his remorse is commendable, it is not relevant to his violation of the statute where it is undisputed that with a hunting instrument he caused injuries to a domestic animal. Section 26-62 is a strict liability statute; as such, the statute holds someone liable regardless of what his intent or mental state was when acting.

C
ORDER

As recommended by DEEP, Mr. Silva's hunting license is suspended for one year from the date of this decision and until such time that he completes a remedial hunter safety education course offered by the DEEP. See [Connecticut Hunter Education](#). Mr. Silva shall surrender his hunting license immediately by mailing the license to the Department of Energy and Environmental Protection, Environmental Conservation Police, Attn: Carla Karle, 79 Elm St, Harford, CT 06106.

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

Janice B. Deshais
Janice B. Deshais, Esq.
Hearing Officer

³ Prohibition on discharge of weapon toward a domestic animal within range of traveled portion of public roadway.

⁴ The prosecution of Mr. Silva for the violation of §26-66-1(e) does not affect the ability of the DEEP to take administrative action under CGS §26-62. (Ex. DEEP-13.)

Service list

In the Matter of Antonio Silva
(Suspension of Hunting License)
DEEP Incident No. 21-20177

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