



IN THE MATTER OF

*: HUNTING LICENSE SUSPENSION
INCIDENT #22-17306*

ROMER RODRIGUEZ

:

MARCH 3, 2023

FINAL DECISION

A hearing was held on February 28, 2023, regarding the suspension of the hunting license of Romer Rodriguez due to his involvement in a hunting-related shooting that caused injury to a person. General Statutes (CGS) §26-62. Parties in attendance included Mr. Rodriguez, who represented himself, 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 of suspension from Colonel Chris Lewis of the State Environmental Conservation Police, Romer Rodriguez was advised that an investigation had determined that he had caused the injury of a person while hunting. He was further informed 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. (Exs. DEEP-2, 4.)
2. Before 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 – 9 as full exhibits. Rodriguez, who was also his own witness, offered no exhibits. He and DEEP’s witness Officer Michael Curran, who was the primary investigator of this incident, were accepted without objection. Both provided sworn testimony.¹ (Ex. DEEP-9.)
3. The incident that resulted in the pending suspension of Mr. Rodriguez’s hunting license occurred on November 5, 2022. Rodriguez, who has a valid hunting license, was bird-hunting with a few other men, including the victim, Mr. Moser, at the Mystic Rod & Gun Club. It is undisputed that Mr. Rodriguez shot at a bird that had been flushed out by a hunting dog. After the bird dropped, Mr. Moser cried out and was seen holding his arm. Rodriguez, who provided first aid to Mr. Moser at the scene, did not see his victim when he shot his gun. The investigation of the incident concluded that both Rodriguez and Moser were wearing “blaze orange clothing,” but there was no clear line of sight between the two men. (Exs. DEEP-5, 7; test. 2/28/23, R. Rodriguez, M. Curran.)
4. Officer Curran was called to the scene, and advised to proceed to the hospital where Mr. Moser was being treated for pellet (“bb”) wounds. Mr. Rodriguez was upset and was

¹ The recording of the hearing is in the administrative record on file with the Office of Adjudications.

observed by Curran to be distraught and remorseful. Rodriguez was cooperative, and he and Moser provided written statements that were summarized in Curran's incident report. (Ex. DEEP-5; test. 2/28/23, R. Rodriguez, M. Curran.)

5. After observing the scene, examining evidence, and talking to Mr. Rodriguez, Mr. Moser, and another hunter who witnessed the incident, Officer Curran determined that Rodriguez had fired a shot in Mr. Moser's direction while in range of Mr. Moser and struck him with at least 11 lead pellets ("bbs"), causing minor injuries. Curran issued a written warning to Mr. Rodriguez for violation of Regs., Conn. State Agencies §26-66-1(e), which prohibits the discharge or a weapon towards a person.² (Exs. DEEP-5, 6, 8; test. 2/28/23, M. Curran.)

B

CONCLUSIONS OF LAW

General Statutes §26-62 provides that "[a]ny person, who with any weapon or instrument used in hunting, injures...any person ...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. Rodriguez caused injury to a person with a weapon being used while hunting, satisfying the provisions of §26-62. Although Mr. Rodriguez's regret about this incident is notable, it is irrelevant to his violation of the statute, where it is undisputed that he injured a person while hunting. Section 26-62 is a strict liability statute; as such, the statute holds someone liable regardless of intent or mental state during an act.

C

ORDER

As recommended by DEEP, Mr. Rodriguez'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. Rodriguez 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

² The warning given to Mr. Rodriguez 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-6.)

Service list

In the Matter of Romer Rodriguez
(Suspension of Hunting License)
DEEP Incident No. 22-17306

PARTY

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REPRESENTED BY

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