

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



OFFICE OF ADJUDICATIONS

IN THE MATTER OF : *LICENSE SUSPENSION*
STEPHEN GOMBOS : *DEP ORDER NO.: 99-11256*
APRIL 24, 2009

FINAL DECISION

A hearing was held on April 22, 2009 regarding the request of Mr. Stephen Gombos to have his hunting privileges in the state of Connecticut restored. The parties in attendance included Mr. Gombos and his attorney, Donald Tamis and Capt. Rick Lewis representing the Department of Environmental Protection (DEP) and its Environmental Conservation Police. Also in attendance were Mr. William Graham and Ms. Cathie Garfield who spoke on the record pursuant to Regs., Conn. State Agencies §22a-3a-6(t). Based on the evidence in the record, I find as follows.

Findings of Fact

1. On November 20, 1999, Stephen Gombos fired his rifle while hunting and shot William Garfield in the chest causing his death. Mr. Gombos fired his rifle carelessly and before properly identifying his target. (Ex. DEP-1).
2. Mr. Gombos voluntarily relinquished his hunting license and privilege to hunt in Connecticut on April 12, 2000 pursuant to General Statutes §26-62. (Ex. DEP-4)
3. Mr. Gombos was notified on October 17, 2008 that his hunting privileges were indefinitely suspended and that the suspension remained in effect. (Ex. DEP-2).
4. Mr. Gombos has not completed a remedial hunter education course as required by §26-62 for restoration of his hunting license or privileges. Mr. Gombos was aware that the firearms safety course he completed on March 3, 2008 did not qualify as a remedial hunter education course. (Ex. RESP-1; test. 4/22/09¹, S. Gombos, K. Schneider).

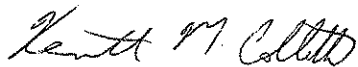
¹ The testimony and proceedings in this matter were recorded. No written transcript has been prepared. The audio recording of this hearing is on file with the Office of Adjudications and is the official record of this proceeding.

Conclusions of Law

Based on these findings of fact and as a matter of law, I cannot restore Mr. Gombos's hunting privileges until he completes a hunter safety education course. "Any person whose hunting license is under suspension pursuant to this section shall successfully complete a remedial hunter education course as required under section 26-31 prior to any restoration of his privilege to obtain a hunting license." General Statutes §26-62. Mr. Gombos has not met this basic requirement for restoration.

The present request for restoration can be rejected solely for the failure to complete the hunter education course. However, based on the evidence presented and in accordance with DEP's recommendation, I conclude that even if Mr. Gombos completes the required hunter education course, he should not have his hunting license or privilege to hunt in the State of Connecticut restored. The Commissioner enjoys broad discretion in deciding whether to suspend someone's license under §26-62 and likewise whether to restore someone's license or privilege to hunt after it has been suspended. Mr. Gombos, when offered an opportunity at the hearing, was unable to articulate through his own testimony or through his attorney the reasons why his license or privilege to hunt should be restored other than the passage of time. This explanation was insufficient and the lack of mitigating facts in favor of restoration is distinct. Furthermore, Mr. Gombos was not even prepared for the result he sought as evidenced by his knowing failure to complete the required hunter education course. Finally, as noted by DEP, Mr. Gombos has expressed no need for the restoration of his hunting privileges.

The investigative report of the Environmental Conservation Police indicates that Mr. Gombos acted carelessly in failing to adequately identify his target before discharging his weapon. Although he did not intentionally cause the death of Mr. Garfield, the accident was certainly preventable. The surest way to prevent a similar incident is to continue the indefinite suspension of Mr. Gombos's privilege to hunt. 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. Where lives are at stake the Commissioner's discretion must be exercised on the side of utmost caution. Therefore, I reject Mr. Gombos's request for restoration of his hunting license or privileges. His license and privilege to hunt remain indefinitely suspended.



Kenneth M. Collette, Hearing Officer

cc: Donald H. Tamis, Esq.
Capt. Rick Lewis, Environmental Conservation Police

PARTY LIST

In the matter of Stephen Gombos
(Suspension of Hunting License)
Case No. 99-11256

PARTY

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