

IN THE MATTER OF : ***HUNTING LICENSE SUSPENSION***
DEEP INCIDENT: 21-20177

KRASOWSKI, SEBASTIAN : ***June 20, 2022***

FINAL DECISION

A hearing was held on June 15, 2022, regarding the suspension of Mr. Sebastian Krasowski's hunting privileges in accordance with General Statutes § 26-62 as a result of his involvement in a hunting related shooting that allegedly caused personal injury on October 16, 2021. The parties in attendance included Mr. Sebastian Krasowski, representing himself, and Attorney Alison Rau representing the Department of Energy and Environmental Protection (DEEP) and its Environmental Conservation Police. Based on the evidence in the record, I find as follows.

A

Procedural History

On May 24, 2022, DEEP sent a certified letter to Mr. Krasowski, notifying him of its intent to suspend his license for a year, pursuant to General Statutes § 26-62. This letter informed Mr. Krasowski of his right to hearing, and noticed the hearing for June 15, 2022 at 1:00 PM. On May 27, 2022, Mr. Krasowski confirmed his receipt of the letter and attendance at the hearing with EnCon Secretary Jade Sharkeny.

On June 8, 2022, a notice was sent by email to the parties regarding pre-hearing information, specifically stating a deadline for the submission of proposed exhibits and witnesses. Pursuant to this order, DEEP submitted proposed exhibits DEEP 1-12 on June 14, 2022, and proposed one witness, Officer J. Jacquo. Mr. Krasowski did not submit proposed exhibits or witnesses.¹

A pre-hearing conference was held on June 15, 2022, prior to the start of the hearing. DEEP exhibits 1-12 were fully admitted, with no objection. Additionally, Officer J. Jacquo was admitted as an expert witness, with no objection from Krasowski.

B

Findings of Fact

1. On October 16, 2021, Sebastian Krasowski fired his shotgun while hunting and injured Jack M Taylor. At the time Mr. Krasowski discharged his weapon, he was hunting pheasant at the

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. Additionally, Documents not listed as an exhibit in these findings are part of the docket file for this proceeding, which is part of the administrative record of this matter.

Bristol Fish and Game Club in Wolcott with a friend. Mr. Krasowski fired his shotgun at an airborne pheasant while Mr. Taylor was in range of the weapon, unintentionally causing Mr. Taylor's injuries. Mr. Taylor was also hunting pheasant at the time of the incident in the middle of a field which has a slight grade. (Ex. DEEP-5).

2. The distance from Mr. Krasowski, at the time he fired his shot at an airborne pheasant, to Mr. Taylor was between fifty six to a hundred yards. DEEP took GPS coordinates of the location where Taylor was and where Krasowski was allegedly standing, and the two points were approximately fifty-six yards apart. Mr. Krasowski maintains he was farther away, but admits that the area that he was shooting towards was fully visible from his location and that he saw Mr. Taylor's location prior to shooting and knew that his first shot was in the general direction of the victim when he discharged his weapon. Officer Jacquo testified that the distance of fifty six yards to 100 yards did not change his opinion that the shot was negligent or careless, and given that Krasowski could see that Taylor was in the general area of his shot, the possible difference in distance did not make it appropriate. (Ex. DEEP-5; Test. 6/15/22, J. Jacquo, S. Krasowski.)
3. During the Police's investigation, Krasowski provided his shotgun and one shotshell of ammunition to the police. (Ex. DEEP-5).
4. Mr. Taylor was hit by two pellets or BBs, with one imbedded into his left arm and one imbedded on the left side of his face below his eye. (Ex. DEEP-5, 11).
5. One shot from a gun may disperse several pellets. When BBs discharge from the gun, they disperse in a cone shape method and are not a single bullet but several pellets. (Test. 6/15/22, J. Jacquo.)
6. After Mr. Taylor had been shot, he yelled out "you just shot me" in Mr. Krasowski's direction. He also heard another shot go directly over his head. Mr. Krasowski admits that he heard this shout and that he later learned that Mr. Taylor was hit by this first shot. When Mr. Taylor spoke with Krasowski and his friend, Krasowski indicated that he took the first shot. He also gave Mr. Taylor his hunting license information and apologized for impact the incident had on Mr. Taylor's day of hunting. This admission regarding the first shot was in the incident report filed by Officer Jacquo, as well as testified to by Mr. Krasowski. (Ex. DEEP-5, Test. 6/15/22 S. Krasowski).
7. Mr. Krasowski testified during the hearing that he did not believe he or his friend shot Mr. Taylor, but that there were other hunters in the field located behind him who may have caused the injury. The incident report does not include this allegation, and Mr. Krasowski did not provide this information related to other hunters to police prior to the hearing. (Ex. DEEP-5, Test. 6/15/22, J. Jacquo, S. Krasowski).
8. Mr. Krasowski admitted to being in violation of § 26-66-1(r), when he was not wearing 400 square feet of orange on his person while hunting on the day in question.
9. Mr. Krasowski was legally hunting with the appropriate permits, and last underwent hunting training in 1996. (Test. 6/15/22 J. Jacquo, S. Krasowski).

C ***Conclusions of Law***

The Commissioner enjoys broad discretion in deciding whether to suspend someone's license or privilege to hunt under General Statutes §26-62. The investigative report of the Environmental Conservation Police supports the conclusion that Mr. Krasowski acted carelessly

in failing to adequately exercise due care before discharging his weapon. Although he did not intentionally cause Mr. Taylor's injury and the injuries sustained were overall minor in nature, the accident was certainly preventable. Although Mr. Krasowski argued that there is inconclusive evidence that he shot Taylor, he admitted several times, both in the incident report and during the hearing, that he fired the first shot in the direction of Taylor. This record contains a substantial basis in fact from which it can be inferred that Mr. Krasowski's shot in the direction of Taylor caused the injuries, establishing probable cause for his subsequent citations. "Probable cause, broadly defined, comprises such facts as would reasonably persuade an impartial and reasonable mind not merely to suspect or conjecture, but to believe that criminal activity has occurred. . . . Reasonable minds may disagree as to whether a particular [set of facts] established probable cause. . . . Thus, [a determination of probable cause] need only have a substantial basis of fact from which [it] can be inferred . . . that the evidence in the administrative record supports a finding of probable cause with respect to the plaintiff's violation." (Citations omitted; internal quotation marks omitted.) *Murphy v. Commissioner of Motor Vehicles*, 254 Conn. 333, 344 (2000).

The facts demonstrate that Mr. Krasowski shot in the general direction of where Mr. Taylor was hunting. He acknowledged that he was aware of Mr. Taylor's location, that he flushed a bird and the bird flew about fifteen feet in the air to his left and he took a shot and missed. After his shot, he heard Mr. Taylor yelling that Krasowski had shot him and later learned that Taylor was hit by the first shot. Mr. Krasowski has admitted that he took the first shot and, when Taylor spoke with him, he provided Mr. Taylor with his license information and apologized.² While Mr. Krasowski believed he was approximately 100 yards away from Taylor, and the actual distance is in dispute, such a fact has no bearing on the conclusion that Mr. Taylor was injured by a shot from Mr. Krasowski's gun. Presumably, given that Mr. Krasowski took the shot, he thought he was close enough in distance to hit his targeted mark, which was in the same general location of Mr. Taylor. Further, Mr. Krasowski testified that the other groups in the field were located behind him, and therefore, if his argument was correct that he was not close enough to injure Mr. Taylor, neither would the subsequent groups of hunters in the field. According to the incident report, and Officer Jacquo, Mr. Krasowski did not indicate during the investigation that it was not him that shot Taylor but some other group of hunters. A reasonable mind, based on the facts found, would find that it was Mr. Krasowski's shot that injured Taylor.

Based on the evidence presented and in accordance with DEEP's recommendation, I suspend Mr. Krasowski's privilege to hunt in Connecticut for one year and until such time that he completes a remedial hunter safety education course offered by the Department of Energy and Environmental Protection. Mr. Krasowski is required to surrender his hunting 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.

² While the contents of what was said during the apology are in dispute and notice of an apology in and of itself are not evidence of an admission, in the context of the surrounding facts it adds to a pattern of facts which demonstrate a substantial basis of fact from which it can be inferred that Mr. Krasowski's weapon discharge unintentionally caused the injuries of Mr. Taylor.

Kathleen W. Reiser

Kathleen W. Reiser
Hearing Officer