



**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS**

IN THE MATTER OF

:

BRAINARD, HAROLD

:

MARCH 26, 2025

FINAL DECISION

A hearing was held on March 20, 2025, regarding the suspension of Harold Brainard's hunting license in accordance with Article XI of the Interstate Wildlife Violator Compact (IWVC), Public Act 13-248, Connecticut General Statute (Conn. Gen. Stat.) §26-26b. The parties in attendance were Attorney Anthony Novak, representing Mr. Brainard ("Brainard" or "License Holder"), and Attorney Alison Rau, representing the Department of Energy and Environmental Protection ("DEEP") and its Environmental Conservation Police ("EnCon").

Through the evidence and testimony in the record, DEEP staff satisfied its burden of proof to suspend the hunting license of Mr. Brainard and demonstrated the legal issues of this matter, which, pursuant to Conn. Gen. Stat. §26-26b, are as follows:

- (A) A participating state suspended the person's privileges;
- (B) There was a conviction in the participating state;
- (C) The person failed to comply with the terms of a citation issued for a wildlife violation in a participating state or
- (D) A conviction in a participating state could have led to a license suspension or penalty in Connecticut.

**I.
FINDINGS OF FACT**

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

1. On November 13, 2024, Mr. Brainard was hunting deer on private land in Maine. Brainard reached his hunting location via an ATV, which was at least seven to ten miles from the main road. He left his hunting location upon sunset. While driving back to the main road on the ATV, Brainard noticed what he believed to be "eyes" on the side of the road. He used both high and low beams on the ATV to illuminate the object and pointed his firearm at it. He could not determine the object and continued driving back to his pick-up location. Ex. DEEP-9, Test Brainard, March 20, 2025, 28-30:00. ¹

¹ All citations to testimony provided at the evidentiary hearing refer to the Zoom recording of the hearing, a copy of which remains on file with the Office of Adjudications. 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.

2. This object was later identified as a wildlife simulator. Ex. DEEP-9.
3. Upon exiting the woods and being picked up by friends, Mr. Brainard was stopped and questioned. A Game Warden came to the scene and issued a ticket for a hunting violation regarding the use of artificial lights to illuminate wildlife. Test. Brainard, March 20, 2025, 32:00.
4. Brainard pled guilty to the charge and paid a fine, leading to a conviction in the State of Maine. Test. Brainard, March 20, 2025, 34:11.
5. The violation regarding the use of artificial lights to illuminate wildlife holds a “non-mandatory” suspension, where the Commissioner of the Maine Department of Inland Fisheries & Wildlife has the discretion to suspend a license. In this instance, Maine determined that a suspension was warranted. Ex. RES-1.
6. On February 5, 2025, the State of Maine issued a Suspension Letter to Mr. Brainard regarding his conviction of Title 12 M.R.S.A section 10255: Use of artificial lights to illuminate wildlife. The Maine Suspension letter states, “Maine is a member state of the Interstate Wildlife Violator Compact (IWVC) and, as such, has entered your name and terms of suspension into the IWVC database. Your hunting privileges may be suspended in all member states for the duration of your suspension in Maine.” Ex. RES – 1.
7. Connecticut is a member state of the IWVC. Test. Ulkus, March 20, 2025, 8:54.
8. The main goals of the IWVC are to facilitate the handling of nonresidents who have a violation committed in the State of Connecticut, to help manage resources and sharing of information about violators, and to have reciprocal suspension of licenses. Test. Ulkus, March 20, 2025, 9:16.
9. EnCon Police were notified via the IWVC database of Brainard’s suspension. Test. Ulkus, March 20, 2025, 10:30.
10. Upon notification of the suspension, Sergeant Ulkus reviewed the case, spoke with Brainard, and emailed Aaron M. Cross, Game Warden Major of the Maine Department of Inland Fisheries & Wildlife, for additional information on the suspension and conviction. Ex. DEEP-9, Test. Ulkus, March 20, 2025, 10:30- 15:30.
11. Game Warden Major Cross confirmed that Brainard was charged and convicted of a hunting violation regarding the use of artificial light. During the incident, he had a .308 scoped rifle and pointed it twice at the wildlife simulator over an hour after sunset. Ex. DEEP-9, Test. Ulkus, March 20, 2025, 14-15:30.
12. Sergeant Ulkus determined that Connecticut’s law and suspension penalty were comparable to those of the Maine Violation Brainard was convicted of, specifically Conn. Gen. Stat. §26-85. Test. Ulkus, March 20, 2025, 12:42, 24:42.
13. On February 25, 2025, DEEP’s Division of State Environmental Conservation Police issued a suspension letter to Brainard. In accordance with Article V of the IWVC, Public Act 13-248, Connecticut suspended the privilege to hunt as if the violation occurred in this state. As a result of Brainard’s conviction, his Connecticut hunting license privileges are suspended until reinstated by the suspending state. Ex. RES-4.
14. Article IV of the IWVC states, “upon receipt of a report of a conviction of a wildlife violation subject to suspension from the licensing authority of the issuing state, the licensing authority of the home state shall enter such conviction in its records according to current procedure and

shall treat such conviction as if it occurred in the home state for the purposes of the suspension of license privileges and for the purposes of the terms of the suspension of privileges.” Ex. DEEP-12.

15. Article V of the IWVC states, “All party states shall recognize the suspension of license privileges of rights of any person by any party state as if the violation on which the suspension is based had, in fact, occurred in the person’s state and would have been the basis for suspension of privileges or rights in his or her state.” Ex. DEEP-12.

II. **CONCLUSIONS OF LAW**

Article XI of the Interstate Wildlife Violators Compact, Conn. Gen. Stat. §26-26b states:

A person receiving notice under subsection (a) of this article may, within twenty days of the date notice is given, request a hearing before the commissioner on whether the requirements for suspension or penalty have been met. The requesting person may present evidence and arguments at the hearing only whether:

- (A) A participating state suspended the person’s privileges;
- (B) There was a conviction in the participating state;
- (C) The person failed to comply with the terms of a citation issued for a wildlife violation in a participating state; or
- (D) A conviction in a participating state could have led to a license suspension or penalty in Connecticut.

The first two prongs of the statute are undisputed by the License Holder. Maine is a participating state in the IWVC and suspended Brainard’s privileges. Further, Brainard pleaded guilty to the charge and paid the associated fee, leading to a conviction for the use of artificial lights to illuminate wildlife. Therefore, the only question presented is whether a conviction in a participating state could have led to a license suspension or penalty in Connecticut. In this case, it could have. Sergeant Ulkus testified that the statute in which Connecticut reciprocated Mr. Brainard’s suspension, Conn. Gen. Stat. §26-85, is comparable to the statute in which he was convicted of a hunting violation in Maine. Test. Ulkus, March 20, 2025, 24:42.

The Maine statute which Brainard’s violated is based on the use of artificial light, “between 1/2 hour after sunset and 1/2 hour before sunrise the next day to illuminate, jack, locate, attempt to locate or show up wild animals or wild birds from September 1st to December 15th of each calendar year.” Title 12 M.R.S.A §11214 -1-M.

Comparably, Conn. Gen. Stat. § 26-85 states:

“No person shall use or attempt to use or possess any jacklight for the purpose of taking any deer. For the purpose of establishing a *prima facie* case under the provisions of this section, a jacklight shall be construed as any artificial light when used in conjunction with any rifle larger than a twenty-two long rifle, or with a shotgun and ball shells or shot larger than No. 2 shot or with a bow and arrow or crossbow, in any area frequented by deer or where deer are known to be present, or in any



deer habitat, and possession of such articles in any such place, or any road, lane or passageway adjacent to such place, by any person during the period from one-half hour after sunset to sunrise shall be *prima facie* evidence of a violation of this section."

The license holder argued that the statutes are incomparable because the Connecticut statute has more requirements than the illumination of wildlife, but the IWVC does not require identical statutes to uphold a reciprocal violation. Article V of the IWVC addresses the reciprocal recognition of a suspension, stating "All party states shall recognize the suspension of license privileges of rights of any person by any party state as if the violation on which the suspension is based had, in fact, occurred in the person's state and would have been the basis for suspension of privileges or rights in his or her state." Conn. Gen. Stat. § 26-26b. Upon notification from the IWVC database that a suspension had been entered, Sergeant Ulkus² reviewed the matter, spoke with the license holder, contacted the State of Maine, and reviewed the case with the Colonel of EnCon. The facts demonstrate that Brainard used artificial light from the ATV on suspected wildlife over an hour after sunset and aimed a firearm larger than a twenty-two long rifle at the object in an area known to be frequented by deer. Ex. DEEP-9. Test. Ulkus, March 20, 2025, 10:30- 15:30; Test. Brainard, March 20, 2025, 28-30:00: Therefore, given the undisputed facts of the case, the *prima facie* factors of Conn. Gen. Stat §26-86 have been met, and if the violation on which the Maine suspension is based had, in fact, occurred in Connecticut, it would have been the basis for the suspension of privileges or rights in Connecticut.

In summary, DEEP staff met its burden of proving the legal elements of Conn. Gen. Stat. §26-26b, Article XI, and the reciprocal suspension of Mr. Brainard's hunting license is upheld pursuant to the Interstate Wildlife Violators Compact.

III. ORDER

As recommended by DEEP, Mr. Brainard's hunting license is suspended until the issuing state reinstates it. It is entered as the final decision and order of the Commissioner of the Department of Energy and Environmental Protection.



Kathleen W. Reiser, Esq.
Hearing Officer

Dated: March 26, 2025

cc: Email List

² Sergeant Ulkus, an expert witness in this matter, has been employed with EnCon since April 2010 and has significant experience investigating and enforcing Connecticut hunting violations. Ex. DEEP-7.