OFFICE OF ADJUDICATIONS

IN THE MATTER OF

: SUSPENSION OF SAFE BOATING CERTIFICATE DEP # 06-001

MATTHEW R. MORGAN

AUGUST 4, 2006

FINAL DECISION

A hearing was held on August 1, 2006 at the DEP Marine Headquarters in Old Lyme regarding the suspension of the boating certificate of Matthew R. Morgan. General Statutes §15-140q. Present were: Mr. Morgan, Sergeant William Wagner of the City of Groton Police Marine Unit and Eleanor Mariani and Kathryn Keenan of the DEP Boating Division. Observing was James Malcolm of the DEP Office of Adjudications.

On July 8, 2006, Mr. Morgan was stopped by members of the U.S. Coast Guard for maneuvering his vessel through a restricted areas without running lights. Mr. Morgan was subsequently arrested for boating while intoxicated. §15-133(d). A Notice of Suspension was mailed to Morgan on July 18, 2006, advising him of the effective date of suspension and his right to a hearing prior to that date to determine probable cause for said suspension. §15-140q(g).

FINDINGS OF FACT

After a hearing limited to a determination of the following issues, I find as follows. $\S15-133(d)$; 15-140q(g).

- (1) There was probable cause to arrest Mr. Morgan for operating a vessel while under the influence of intoxicating liquor.
- (2) Mr. Morgan was placed under arrest.
- (3) The results of two timely breath tests indicated that at the time of operation, Mr. Morgan had an elevated blood alcohol content.
- (4) Mr. Morgan was operating the vessel.

CONCLUSION AND ORDER

There is probable cause to suspend the Connecticut Safe Boating Certificate of Matthew R. Morgan and it is hereby ORDERED suspended for a period of not more than *ninety* (90) days, effective August 12, 2006 through November 10, 2006.

Entered as a final order of the Commissioner of Environmental Protection by:

/s/ J Deshais	
Janice B. Deshais, Hearing	Officer

PARTY LIST

Final Decision in the matter of Matthew R. Morgan, Ref. #06-001 (Suspension of Safe Boating Certificate)

PARTY	REPRESENTED BY
Matthew R. Morgan 185 Kitemaug Road Uncasville, CT 06382	Self
City of Groton Police Marine Unit 295 Meridian Street Groton, CT 06340	Sergeant William Wagner
DEP Boating Division 333 Ferry Road Old Lyme, CT 06371 (Via facsimile)	Eleanor Mariani Kathryn Keenan