

Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS

IN THE MATTER OF : ***LICENSE SUSPENSION***
CRISTOBOL TORRES-SOTOMEYER : ***DEP INCIDENT NO. 11-8000***
JANUARY 31, 2012

FINAL DECISION

A hearing was held on January 30, 2012 regarding the suspension of Mr. Cristobol Torres-Sotomeyer'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 24, 2011. The parties in attendance included Mr. Torres-Sotomeyer, representing himself and Sgt. Ryan Healy and Officers Nicholas Miofsky and Jason Williams 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

Findings of Fact

1. On October 24, 2011, Cristobol Torres-Sotomeyer fired his shotgun while hunting and injured Jesse F. Kanaple of Plainville. At the time Mr. Torres-Sotomeyer discharged his weapon, he was hunting pheasant at the Simsbury Wildlife Management Area in Simsbury. Mr. Torres-Sotomeyer fired his shotgun at an airborne pheasant while Mr. Kanaple was in range of the weapon, unintentionally causing Mr. Kanaple's injury. Mr. Kanaple was also hunting pheasant at the time of the incident and was across an open field from Mr. Torres-Sotomeyer's position. Mr. Torres-Sotomeyer's hunting dog flushed a pheasant from the brush and he fired two shots at the airborne pheasant. The distance from Mr. Torres-Sotomeyer, at the time he fired his shots, to Mr. Kanaple was 78 yards. The area that he was shooting towards was fully visible from Mr. Torres-Sotomeyer's location and he knew that his first shot was in the general direction of the

victim when he discharged his weapon. (Exs. DEEP-1, 2; test. 1/30/12, J. Williams, C. Torres-Sotomeyer.)¹

2. Pellets from the shotgun shell fired by Mr. Torres-Sotomeyer struck Mr. Kanaple and his hunting companion. The pellets injured Mr. Kanaple's chin. (Exs. DEEP-1, 2.)

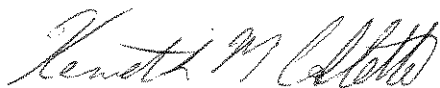
3. Mr. Torres-Sotomeyer has been hunting for over thirty five years. He is properly licensed and holds the necessary permits for pheasant hunting. He has taken a firearms safety course. It has been over thirty-five years since he completed such a course. (Ex. DEEP-1; test. C. Torres-Sotomeyer.)

B

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 indicates that Mr. Torres-Sotomeyer acted carelessly in failing to adequately exercise due care before discharging his weapon. Although he did not intentionally cause Mr. Kanaple's injury and the injury sustained was minor in nature, the accident was certainly preventable. Mr. Torres-Sotomeyer acknowledged that he had made a mistake in firing his weapon in the direction of those individuals and accepted responsibility for that mistake. Based on the evidence presented and in accordance with DEEP's recommendation, I suspend Mr. Torres-Sotomeyer's privilege to hunt in Connecticut until such time that he completes the remedial hunter safety education course offered by the Department of Energy and Environmental Protection. Mr. Torres-Sotomeyer has been provided with information on the anticipated dates for this course as well as contact information for the DEEP official responsible for conducting these courses. It will be his responsibility to register and complete the proper course. Mr. Torres-Sotomeyer must contact the Environmental Conservation Police to confirm the completion of this course and provide documentation of completion in accordance with § 26-31(g).

Entered as the final decision and order of the Commissioner of the Department of Energy and Environmental Protection.



Kenneth M. Collette, Hearing Officer

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.

Service list

In the matter of Cristobol Torres-Sotomeyer
(Suspension of Hunting License)
DEP Incident No. 11-8000

PARTY

REPRESENTED BY

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