



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

IN THE MATTER OF : **HUNTING LICENSE SUSPENSION
INCIDENT # 23-20625**

DINA, JAMES : **JULY 16, 2024**

FINAL DECISION

A hearing was held on July 9, 2024, regarding the suspension of James Dina’s hunting license due to his involvement in a hunting-related shooting that caused injury to a person. General Statutes (CGS) §26-62. Parties in attendance included Mr. Dina, who represented himself, and Attorney Alison Rau, representing the Department of Energy and Environmental Protection and its Environmental Conservation Police.

**I.
FINDINGS OF FACT**

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

1. In a June 1, 2024, letter of suspension from Colonel Chris Lewis of the State Environmental Police, James Dina was advised that an investigation had determined that he had caused the injury of a person while hunting. He was further informed that pursuant to provisions of CGS 26-62, he was entitled to a hearing on his license suspension, and one would be held on July 9, 2024. ¹ (Ex. DEEP-2).
2. A status conference was held on July 8, 2024, to address procedural questions raised by Mr. Dina before the evidentiary hearing. Mr. Dina requested to proceed with the hearing via Zoom.
3. Before the hearing on July 9, 2024, a pre-hearing conference was held at which the parties agreed to the admission of DEEP exhibits one through eight and Respondent’s exhibits one and two. Corporal Christopher Poehnert, the investigating officer, was accepted without objection as DEEP’s sole witness, and Mr. Dina was his own witness. Both provided sworn testimony. ² (Ex. DEEP-4).
4. The incident that resulted in the pending suspension of Mr. Dina’s hunting license occurred on November 17, 2023. Dina, who has a valid hunting license, was pheasant hunting with the victim at Meadow Lands Preservation Association of South Windsor. Dina “aimed down” at a pheasant, and two pellets ricocheted, hitting the victim in the left elbow and temple. (Exs. DEEP-5-6, Test. Dina, July 9, 2024, 57:37).

¹ It was stipulated that the suspension letter was incorrectly dated and should have been dated July 1, 2024, the date it was issued via certified mail. (Ex. DEEP-2).

² 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.



5. On the day of the incident, Dina told police officers that he had not been hunting but was “bird-dogging” for the day and denied having a firearm with him. (Test. Poehnert, July 9, 2024, 25:31). Dina asked that the victim not report the incident to police and keep it “in-house.” After learning that the victim reported Dina accidentally shot him, Dina changed his account of the day to the police by showing them his firearm at the scene, which he had placed in the woods, off the path in an area of bushes. He did not admit to shooting the victim and stated maybe it was other hunters. No evidence was provided or discovered to support this, and no other hunters were in the area. On December 1, 2023, Dina was interviewed at the South Windsor police station and subsequently admitted that his pellets hit the victim. (Exs. DEEP 5-6, Test. Poehnert, July 9, 2024, 30, 34-36, Test. Dina, July 9, 2024, 1:00).
6. Corporal Poehnert testified that his investigation determined Dina caused injury to another person with a hunting instrument. (Test. Poehnert, July 9, 2024, 53:54). It was confirmed that the pellet removed from the victim’s temple belonged to Dina’s hunting instrument. (Id. 53:48). Mr. Dina further testified that he “does not contest” and has “no doubt [the victim] was hit from two pellets from [his] firearm.” (Test. Dina, July 9, 2024, 1:05, 1:12).
7. The victim required medical attention due to his injuries on his elbow and temple, and the pellet on his temple required follow-up treatment after discharge from the hospital on the day of the incident. It was ultimately surgically removed by a neurosurgeon. (Exs. DEEP-5-6).
8. The South Windsor Police charged Dina with Negligent Hunting in the 2nd degree, § 53a-217e(c), and interfering with an officer, § 53a-167a.³
9. Dina renewed his hunting license in January 2024. He did not purchase a game bird hunting stamp. (Exs. RES 1-2). He testified that he voluntarily stopped hunting due to this incident. Dina took a remedial hunter safety education course in June 2024. (Id., Test. Dina, July 9, 2024: 1:07-1:08).

II. CONCLUSIONS OF LAW

General Statutes §26-62 provides that “[a]ny person, who with any weapon or instrument used in hunting, injures...any person ...shall be given a hearing by the commissioner, who may, for cause shown, suspend the hunting license...for such period of time as the commissioner deems advisable.”

The evidence presented by DEEP meets its burden of proof to demonstrate that Mr. Dina caused injury to a person with a weapon being used while hunting, satisfying the provisions of §26-62. Although the unintentional nature of this incident is notable, it is irrelevant to the violation of the statute, where it is undisputed that Mr. Dina injured a person while hunting. By admission and substantial evidence in the record, Mr. Dina caused injury with his gun to the victim’s elbow and temple, ultimately requiring the victim to undergo surgery to remove the pellet from his temple. Section 26- 62 is a strict liability statute; as such, the statute holds someone liable regardless of intent or mental state during an act. See *Martinelli v. Dep’t of Energy & Env’t Prot.*, No. HHB-CV22-6074710S (Conn. Super. Ct. Mar. 31, 2023).

³ The criminal charges given to Mr. Dina regarding the hunting incident do not affect the ability of the DEEP to take administrative action under CGS § 26-62. (Ex. DEEP-5).



Connecticut
Department of Energy &
Environmental Protection

III. ORDER

As recommended by DEEP, Mr. Dina's hunting license is suspended for one year from the date of this decision. It is entered as the final decision and order of the Commissioner of the Department of Energy and Environmental Protection.

A handwritten signature in black ink that reads "Kathleen W. Reiser".

Kathleen W. Reiser, Esq.
Hearing Officer

Dated: July 16, 2024

cc: Email List