

OFFICE OF ADJUDICATIONS

IN THE MATTER OF : **BOATING DIVISION/
BUI #05-003**

EDWARD G. MEZGER : **JULY 22, 2005**

FINAL DECISION

A hearing was held on July 21, 2005 at the Department of Environmental Protection Marine Headquarters in Old Lyme regarding the suspension of the right of Edward G. Mezger to operate a vessel in the waters of the State. General Statutes §15-140q. Mr. Mezger and the arresting officer John Hey were present, as was Eleanor Mariani of the DEP Boating Division. Mr. Mezger was arrested on June 26, 2005; a Suspension Notice was mailed to him on June 27, 2005, advising him of his right to a hearing prior to the effective date of the suspension to determine probable cause for said suspension.

FINDINGS OF FACT

Following this hearing, I find the following:

- (1) There was probable cause to arrest Mr. Mezger for operating a vessel while under the influence of intoxicating liquor;
- (2) Mr. Mezger was placed under arrest;
- (3) The results of two timely breath tests indicated that at the time of the alleged offense Mr. Mezger had an elevated blood alcohol count (BAC) of .125% (first test) and .114% (second test); and
- (4) Mr. Mezger was operating the vessel.

I also find that this was Mr. Mezger's first offense.

CONCLUSION AND ORDER

Having found the factors listed above, I find that there is probable cause to suspend Mr. Mezger's privileges to operate a vessel in the waters of the State of Connecticut. Therefore, under the provisions of General Statutes §15-140q, as of the date of this decision, the Commissioner of Environmental Protection hereby suspends the right of Edward G. Mezger to operate a vessel in the waters of the State for *90 days*. This suspension is retroactive to the Date of Mr. Mezger's arrest, *June 26, 2005 to September 24, 2005*.

The DEP Division of Law Enforcement is hereby directed to advise the Candlewood Lake Authority of this suspension of Mr. Mezger's privileges.

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

7/22/05
Date

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

APPENDIX A

PARTY LIST

Final Decision in the matter of State of Connecticut vs. Edward G. Mezger
(Suspension of Right to Operate)

PARTY

REPRESENTED BY

Edward G. Mezger
P.O. Box 73
Chappaqua, NY 10514

Self

Department of Environmental Protection
Law Enforcement Division
79 Elm Street
Hartford, CT 06106

EPO John Hey (#667)