

STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



*OFFICE OF ADJUDICATIONS*

*IN THE MATTER OF*

*: BOATING DIVISION/  
SUSPENSION OF SAFE BOATING  
CERTIFICATE  
DEP REFERENCE NO. 10-011*

*RICHARD DONOVAN*

*: AUGUST 30, 2010*

**FINAL DECISION**

A hearing was held on August 30, 2010 at the Department of Environmental Protection (DEP) Marine Headquarters in Old Lyme regarding the suspension of the above-named operator's safe boating certificate. General Statutes §15-140q. Present were Mr. Donovan, his attorney Daniel Lyons, Tim Delgado of the DEP Boating Division and Officer John Chickos of the Environmental Conservation Police.

The following exhibit was admitted into evidence, with no objection from the respondent:

DEP-1 – DEP Report package including BUI Alcohol Test or Refusal Report, Intoxilyzer Test Results, and Narrative Incident Report of Officer John Chickos.

**PROCEDURAL HISTORY**

While responding to a boating accident that occurred on Long Island Sound, Officer Chickos was directed to Mr. Donovan as the operator of the vessel. Officer Chickos questioned Mr. Donovan and after noticing visible signs of intoxication instructed Mr. Donovan to perform a series of field sobriety tests. Mr. Donovan was subsequently arrested for boating while intoxicated. §15-133(d). A Notice of Suspension was mailed to Mr. Donovan on July 21, 2010, advising him of the August 22, 2010 effective date of the suspension of his Safe Boating Certificate and his right to a hearing prior to that date to determine probable cause for said suspension. §15-140q(g). A hearing was originally scheduled for August 16, 2010. Through his attorney, Mr. Donovan requested a two-week continuance. The request for a continuance was granted and the hearing was rescheduled for August 30, 2010.

**FINDINGS OF FACT**

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

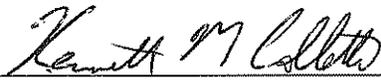
- (1) Mr. Donovan was operating the vessel.
- (2) Mr. Donovan was placed under arrest.
- (3) The results of two alcohol breath tests indicated that at the time of operation, Mr. Donovan had an elevated blood alcohol content.
- (4) There was probable cause to arrest Mr. Donovan for operating a vessel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

The respondent did not contest an affirmative finding on these issues.

**CONCLUSION AND ORDER**

There is probable cause to suspend the Connecticut Safe Boating Certificate of Richard Donovan and it is hereby ORDERED suspended for a period of *ninety (90) days, effective August 30, 2010 through November 28, 2010.*

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

  
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Kenneth M. Collette, Hearing Officer

**SERVICE LIST**

In the matter of Richard Donovan  
(Suspension of Safe Boating Certificate)  
DEP Reference No. 10-011

**PARTY**

Richard Donovan  
32 Woodvale Road  
Branford, CT 06405

**REPRESENTED BY**

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Tim Delgado