

This document contains the Connecticut regulations for the Hearing Procedure and the Report of Sale of Vessels Removed and Taken into Custody. This document was prepared by the State of Connecticut Department of Environmental Protection and is provided for the convenience of the reader. This is not the official version of the regulations. The official regulations are published by the State of Connecticut, Judicial Branch, Commission on Official Legal Publications in the Connecticut Law Journal. In the event there is inconsistency between this document and the regulations published in the Connecticut Law Journal, the Connecticut Law Journal publication will serve as the official version.

Sec. 15-9-1. Definitions.

As used in sections 15-9-1 to 15-9-5, inclusive,

(a) "Hearing Officer" means a person duly and properly appointed, according to Section 15-9-2 and Section 15-9 of the Connecticut General Statutes to conduct hearings under the provisions of Section 15-9 of the Connecticut General Statutes.

(b) "Appointing official" means a person(s) authorized to appoint hearing officers pursuant to Section 15-9 of the Connecticut General Statutes.

[1993]

Sec. 15-9-2. Qualifications, Appointment and Removal of Hearing Officers.

(a) Hearing officers shall be appointed by the chief executive officer of each town, except that when two or more towns join in making such appointment, they shall appoint one hearing officer among the several towns involved.

(b) No person shall be appointed to the position of hearing officer unless such person is:

(1) At least eighteen (18) years of age;

(2) In the opinion of the appointing official, a person capable of fairly administering the applicable provisions of law based on such person's background and experience, including, but not limited to, his education and special skills and training in small boat handling and mooring systems;

(3) A person possessing basic knowledge and experience concerning small boat nomenclature, ground tackle as it relates to moorings, anchoring etiquette and the display of appropriate signals while anchored.

(c) The names and addresses of the hearing officers shall be sent by the appointing official to the Commissioner of Transportation.

(d) Any hearing officer whose personal interests do or may give the appearance of conflict with his official responsibilities herein enumerated shall remove himself from presiding over any such hearing, and in such case the appointing official shall appoint a substitute hearing officer for that hearing.

(e) Any hearing officer may be removed for cause at any time by the appointing official when such official deems sufficient.

(f) Each hearing officer shall serve a two (2) year term, subject to re-appointment.

[1993]

Sec. 15-9-3. Hearing Procedures.

(a) Upon receipt of an application for hearing pursuant to subsection (b) of Section 15-9 of the Connecticut General Statutes, the hearing officer shall promptly schedule a hearing.

(b) Any party may, for good cause, request a continuance of a hearing, but the decision to allow such continuance shall be at the reasonable discretion of the hearing officer.

(c) At the hearing, the owner or master of the vessel may produce any relevant evidence to show that the removal of his vessel was not authorized by Section 15-9 of the Connecticut General Statutes.

(d) At the hearing, the authority who made the decision to remove the vessel may produce any relevant evidence to show that such removal was authorized by Section 15-9 of the General Statutes.

[1993]

Sec. 15-9-4. Final Decision.

(a) The hearing officer shall proceed with reasonable dispatch to conclude any matter pending before him and render a decision.

(b) The hearing officer shall provide both parties with written notice of his decision, which shall state the reasons for his determination.

[1993]

Sec. 15-9-5. Report of Sale of Vessel Removed and Taken into Custody.

(a) Any State or local police department reporting the sale of a removed vessel to the Commissioner of Transportation pursuant to Section 15-9 of the Connecticut General Statutes shall include the following information in such report:

- (1) Sale price
- (2) Charges or expenses
 - (A) Towing charges
 - (B) Storage charges
 - (C) Other charges, debts or obligations incurred by custodian of vessel
 - (D) Buyer's name and address
 - (E) Name of the vessel
 - (F) Registration or documentation and hull numbers
 - (G) Length of vessel
 - (H) Year built
 - (I) Make, model and type of vessel
 - (J) Name and address of owner at the time it came into the custody of the State or local police department
 - (K) Name, address and date of the publication in which the notice of auction was published

[1993]