

**STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

In the Matter of the Revocation of Special Licenses Issued Pursuant to Environmental Conservation Law Sections 11-0511 and 11-0515 and Part 175 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York to:

**AFFIDAVIT OF
MAXWELL P.
NICOLS**

**DEC Case No.
OHMS 2021-75700**

Wendy Hall,
Respondent.

MAXWELL P. NICOLS, being duly sworn, deposes and says:

1. I am an Environmental Conservation Officer (ECO) employed by the New York State Department of Environmental Conservation (DEC) in the Division of Law Enforcement. I have held this position for approximately five-and-a-half years. Since approximately 2016, I have been assigned to DEC's Region 5 in Essex County. On December 24, 2020, I was promoted to the title of Acting Lieutenant overseeing ECOs assigned to Clinton and Essex Counties.

2. As an ECO assigned to Essex County, I am personally familiar with the Adirondack Wildlife Refuge located at 977 Springfield Road in the Town of Wilmington, Essex County, and owned and operated by Wendy and Steven Hall. I have been to the Refuge approximately five times in the course of my duties as an ECO.

3. On or about July 28, 2020, I was assigned to investigate a report made to DEC that a bobcat had escaped from a pen at the Refuge. I met Wendy and Steven Hall at the Refuge on that day. I saw a hole in fencing at the top of the bobcat enclosure. In response to my question whether the bobcat had escaped, Steven Hall told me that the bobcat had died and that he had reported the death to Joseph Therrien of DEC's Special Licenses Unit in Albany. Wendy and Steven Hall told me they had buried the bobcat on the Refuge property.

4. On or about July 30, 2020, I met with Melissa Sheeley to hear from her about alleged violations at the Refuge. Sheeley told me that she formerly volunteered at the Refuge. Sheeley told me that, on or about June 20, 2020, she was at the Refuge

and noticed that an enclosure used to house a bobcat named Yayo was empty. Sheeley told me she saw a Have-A-Heart trap set up outside the enclosure. Sheeley told me that Wendy and Steven Hall confirmed to Sheeley that the bobcat Yayo had escaped from its enclosure.

5. Sheeley also told me that Wendy and Steven Hall had euthanized a juvenile eagle and directed Sheeley to assist in burying the carcass. Sheeley told me that she later determined that Wendy and Steven Hall had not reported possessing, euthanizing, or burying the eagle to federal regulators.

6. I typed up notes of Sheeley's statement during our July 30, 2020 meeting. On or about March 22, 2021, I met again with Melissa Sheeley at which time she reviewed, swore to, and signed the statement.

7. On or about August 2, 2020, a second former volunteer from the Refuge—Connor Schmitz—emailed me that he, too, had participated in the euthanization and burial of the eagle at the Refuge. I am aware that Schmitz subsequently provided a sworn voluntary statement to an ECO on or about March 27, 2021 concerning this incident.

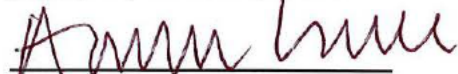
8. On or about October 14, 2020, I attended a search of the Refuge property under a search warrant issued to the United States Fish and Wildlife Service (USFWS). USFWS was the lead agency for purposes of the search and investigation with support from DEC.

9. Wendy and Steven Hall were present at the Refuge during the October 14, 2020 search. In my presence, Wendy Hall admitted to a USFWS agent that a bald eagle in her possession had been euthanized and was buried on Refuge property.

10. Wendy Hall led us to a location on the Refuge and showed us a spot where she said the eagle was buried. In my presence, USFWS staff exhumed the carcass and determined that it was a bald eagle.


Lt. Maxwell P. Nicols

Sworn to before me this
7 day of June, 2021


Notary Public

