

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Time Certain – 2:00 p.m.  
Friday, June 26, 2009  
Arizona Game and Fish Department  
5000 West Carefree Highway  
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Chairman Robert D. Hernbrode  
Vice Chair Jennifer L. Martin  
Commissioner Robert R. Woodhouse  
Commissioner Norman W. Freeman  
Commissioner Jack F. Husted

Director Larry D. Voyles  
Deputy Director Gary R. Hovatter  
Deputy Director Bob Broscheid  
Assistant Attorney General Jim Odenkirk  
Assistant Attorney General Shelley Cutts

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments  
for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §15-714, §17-238, §17-314, §17-340, §17-362 and/or §17-363 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. All of these exhibits may be considered by the Commission in order to make a final determination. Each of the following individuals were legally noticed for this hearing.

<u>Name</u>	<u>Conviction</u>
Scott, Benjamin	Count B: Possession of unlawfully taken mountain lion
Presmyk, Kevin	Count A: Assist in unlawful take of big game for monetary gain
Anderson, Aaron	Count A: Possession of unlawfully taken big game Count B: Unlawful method of take Count C: Litter while hunting
Peterson, Blair	Count A: Possession of unlawfully taken big game
Peterson, Chris	Count A: Possession of unlawfully taken big game Count B: Knowingly take big game in a closed season Count C: Take big game without a valid permit Count D: Waste edible portions of big game Count E: Unlawful cross country travel

Gurnett, Theresa	Count A: Allow use of tag by another Count B: Possession of unlawfully taken big game
Cook, Arthur	Count A: Use tag of another Count B: Take big game w/o valid permit Count C: Possession of unlawfully taken big game Count D: Shooting from a maintained road
Hottle, Gregory	Count A: Take mule deer with handgun during archery-only season Count B: Possess unlawfully taken mule deer
Valdez, Ivan	Count A: Use license and permit/tag of another
Valdez, Thomas	Count A: Allow another to use license and tag

Roll call was taken and the following were present: Blair Peterson, Chris Peterson, Theresa Gurnett, Arthur Cook, and Gregory Hottle.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment.

The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed above with the exception of Ivan Valdez. Mr. Elms requested and was granted permission from the Commission to remove Ivan Valdez from the list of individuals to be considered for revocation.

**Motion:** Hernbrode moved and Freeman seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

**Vote:** Unanimous

\* \* \* \* \*

The cases of Blair Peterson and Chris Peterson were related.

Blair C. Peterson

Peterson was found guilty by the Page Justice Court for: Count A: Possession of unlawfully taken big game (mule deer); and sentenced Count A: Fined \$250.00.

Case Officer Fong was present via video teleconference from the Region II office.

Peterson was present and addressed the Commission stating that he had no idea his brother was going to do what he did and that he told him he didn't want any part of it, but he did end up transporting the animal so the meat wouldn't be wasted. Peterson explained to the Commission what happened in this case and further pointed out some inaccuracies in the case report.

**Motion:** Husted moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BLAIR C. PETERSON TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST BLAIR C. PETERSON TO COLLECT IN THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) 5 X 5 MULE DEER BUCK; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

\* \* \* \* \*

Chris S. Peterson

Peterson was found guilty by the Page Justice Court for: Count A: Possession of unlawfully taken big game; Count B: Knowingly take big game in a closed season; Count C: Take big game without a valid permit; Count D: Waste edible portions of big game; Count E: Unlawful cross country travel; and sentenced Counts A, B, C, D and E: Fined \$6140.00, reduced to \$4570.00.

Case Officer Fong was present via video teleconference from the Region II office.

Peterson was present and addressed the Commission explaining his circumstances and how this situation came about.

**Motion:** Woodhouse moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHRIS S. PETERSON TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TEN (10) YEARS FOR COUNT A AND COUNT B AND THAT THE OTHER VIOLATIONS ARE SERVED CONCURRENT WITH THOSE TEN YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT

IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **CHRIS S. PETERSON** TO COLLECT IN THE AMOUNT OF **\$8,000.00** FOR THE LOSS OF **ONE (1) 5 X 5 MULE DEER BUCK**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Aye - Hernbrode, Woodhouse, Freeman, Husted  
Nay - Martin  
Passed 4 to 1

Mr. Elms clarified with the Commission later in this meeting that the \$8000.00 civil assessment for Blair Peterson and the \$8,000.00 civil assessment for Chris Peterson was not for a total of \$16,000.00. The \$8000.00 is to be paid only one time by either Blair Peterson or Chris Peterson or both. The Commission agreed that in the future they will use the word "shared" in the motion when the civil assessment is shared with another person.

\* \* \* \* \*

Theresa E. Gurnett

Gurnett was found guilty by the Fredonia Justice Court for: Count A: Allow use of tag by another; Count B: Possession of unlawfully taken big game (mule deer); and sentenced Counts A and B: Fined \$475.00.

Case Officer Fong was present via video teleconference from the Region II office.

Gurnett was present and addressed the Commission providing them with her version of what happened and disputing the version of the reporting party. Gurnett believed that the reporting party selected her and her hunting partner to follow and watch for a violation so that he could report it and get a reward.

Daniel Kaczmarek addressed the Commission on behalf of his friends Theresa Gurnett and Arthur Cook. He was not present at the time of the incident but spoke highly of their character and disputed several items in the report.

Officer Fong answered questions for the Commission and stated that the reporting party did not collect a reward and further that he spent his own time and money in reporting the incident and in going to court.

**Motion:** Martin moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **THERESA E. GURNETT** TO **HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **THREE (3) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE

DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **THERESA E. GURNETT** TO COLLECT IN THE AMOUNT OF **\$1,500.00** FOR THE LOSS OF **ONE (1) 2 X 2 MULE DEER BUCK**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

(Following the case of Arthur R. Cook, the Commission re-voted on the Theresa E. Gurnett case to add the word "shared" to the civil damages amount)

\* \* \* \* \*

Arthur R. Cook

Cook was found guilty by the Fredonia Justice Court for: Count A: Use tag of another; Count B: Take big game w/o valid permit (mule deer); Count C: Possession of unlawfully taken big game; Count D: Shooting from a maintained road; and sentenced Counts A, B, C and D: Fined \$950.00.

Case Officer Fong was present via video teleconference from the Region II office.

Cook was present and addressed the Commission providing them with his version of what happened and disputing the version of the reporting party.

**Motion:** Freeman moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ARTHUR R. COOK** TO **HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **THREE (3) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **ARTHUR R. COOK** TO COLLECT **SHARED** CIVIL DAMAGES IN THE AMOUNT OF **\$1,500.00** FOR THE LOSS OF **ONE (1) 2 X 2 MULE DEER BUCK**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

The Commission re-voted on the Theresa E. Gurnett case to add the word "shared" to the civil damages amount.

**Motion:** Martin moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **THERESA E. GURNETT TO HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **THREE (3) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **THERESA E. GURNETT** TO COLLECT **SHARED** CIVIL DAMAGES IN THE AMOUNT OF **\$1,500.00** FOR THE LOSS OF **ONE (1) 2 X 2 MULE DEER BUCK**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

\* \* \* \* \*

Gregory E. Hottle

Hottle was found guilty by the North Mesa Justice Court for: Count A: Take mule deer with handgun during archery-only season; Count B: Possess unlawfully taken mule deer; and sentenced Count A: Fined \$100.00; and Count B: Fined \$390.00.

Case Officer Fousek was not present.

Hottle was present and addressed the Commission apologizing for his actions and requesting to keep his fishing license. He also disagreed with the mule deer classification as a trophy mule deer.

**Motion:** Husted moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **GREGORY E. HOTTLE TO HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **GREGORY E. HOTTLE** TO COLLECT CIVIL DAMAGES IN THE AMOUNT OF **\$8,000.00** FOR THE LOSS OF **ONE (1) TROPHY MULE DEER**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

\* \* \* \* \*

Benjamin T. Scott

Scott was found guilty by the Yavapai County Justice Court for: Count B: Possession of unlawfully taken mountain lion; and sentenced Count B: Sentence suspended; defendant was placed on unsupervised probation for 2 years; received 100 days on Order jail time; \$60.00 a day jail fee if jail time is imposed; \$300.00 attorney fees; \$25.00 public defender fee.

Scott was not present.

**Motion:** Hernbrode moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BENJAMIN T. SCOTT TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS BEGINNING ON THE 8<sup>TH</sup> OF SEPTEMBER, 2050 AND TO BE ADDED TO CURRENT REVOCATIONS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST BENJAMIN T. SCOTT TO COLLECT CIVIL DAMAGES IN THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MOUNTAIN LION; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

Commissioner Woodhouse requested that the Department look into Mr. Scott's previous revocations and verify that 2050 is the correct year. A couple of Commissioners recalled that Mr. Scott was revoked until 2065.

Mr. Elms will check if there is an error and report back to the Commission at the next meeting.

Ms. Cutts advised the Commission that they could change the motion to run consecutive to prior convictions which would eliminate any issue if there is an error in the date.

**Motion:** Hernbrode moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BENJAMIN T. SCOTT TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS TO RUN CONSECUTIVE TO PRIOR CONVICTIONS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS

CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST BENJAMIN T. SCOTT TO COLLECT CIVIL DAMAGES IN THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MOUNTAIN LION; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

\* \* \* \* \*

Kevin D. Presmyk

Mr. Elms advised that Mr. Presmyk requested an extension because he is attending school in Texas at this time.

**Motion:** Woodhouse moved and Martin seconded THAT THE COMMISSION VOTE TO MOVE KEVIN D. PRESMYK'S REVOCATION HEARING TO THE OCTOBER COMMISSION MEETING.

**Vote:** Unanimous

\* \* \* \* \*

Aaron C. Anderson

Scott was found guilty by the Williams Justice Court for: Count A: Possession of unlawfully taken big game; Count B: Unlawful method of take; Count C: Litter while hunting; and sentenced Count A, B, and C: Fined \$630.

Anderson was not present.

**Motion:** Hernbrode moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF AARON C. ANDERSON TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST AARON C. ANDERSON TO COLLECT CIVIL DAMAGES IN THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) 2 X 3 MULE DEER BUCK; AND FURTHER

MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

\* \* \* \* \*

Thomas L. Valdez

Scott was found guilty by the Round Valley Justice Court for: Count A: Allow another to use license and tag; and sentenced Count A: Fined \$421.00.

Valdez was not present.

**Motion:** Freeman moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF THOMAS VALDEZ TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

\* \* \* \* \*

These hearings concluded at 3:41 p.m.

\* \* \* \* \*