

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Friday, September 23, 2005  
2:00 p.m. Time Certain  
Arizona Game and Fish Pinetop Office  
2878 E. White Mountain Blvd.  
Pinetop, AZ 85935

PRESENT: (Commission)

(Director's Staff)

Chairman W. Hays Gilstrap  
Commissioner Joe Melton  
Commissioner Michael M. Golightly  
Commissioner William H. McLean  
Commissioner Robert Hernbrode

Director Duane L. Shroufe  
Deputy Director Steve K. Ferrell  
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:** Ron Day, Law Enforcement Branch Chief

The Department would like the record to show that each of these cases have been reviewed and it has been determined that all cases meet 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 record should reflect that the Commission and the respondents have been 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 individual has been legally noticed for today's hearing.

The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed below:

<u>Name</u>	<u>Conviction</u>
Miller, Jeffrey A.	Count B: Use the tag of another (elk).
Hernandez, Mario M.	Count A: Possession of unlawfully taken wildlife (White-tailed doe deer). Count B: Take wrong gender (White-tailed doe deer). Count C: Take wildlife by unlawful method (rifle during archery only). Count D: Take without a valid tag.
Avila, Sergio L.	Count A: Possession of unlawfully taken wildlife (White-tailed doe deer). Count B: Take wrong gender (White-tailed doe deer). Count C: Take wildlife by unlawful method (rifle during archery only). Count D: Take without a valid tag.
Mendoza, Elias	Count A: Possession of unlawfully taken wildlife (White-tailed doe deer).

- Sanchez, Pablo L.
  - Count B: Take wrong gender (White-tailed doe deer).
  - Count C: Take wildlife by unlawful method (rifle during archery only).
  - Count D: Take without a valid tag.
  - Count A: Possession of unlawfully taken wildlife (White-tailed doe deer).
  - Count B: Take wrong gender (White-tailed doe deer).
  - Count C: Take wildlife by unlawful method (rifle during archery only).
  - Count D: Take without a valid tag.
- Porras, Gabriel V.
  - Count A: Possession of unlawfully taken wildlife (White-tailed doe deer).
- Roybal, Tony
  - Count A: Knowingly take wildlife during closed season (deer).
  - Count B: Take wildlife without valid license (deer).
  - Count C: Allow wildlife to go to waste (deer).
- McDaniel, Jesse A.
  - Count A: Possess unlawfully taken wildlife (bull elk).
  - Count B: Use firearm during archery-only season.
  - Count C: Fail to immediately tag.
- Sandoval, Mike A.
  - Count A: Shoot from motor vehicle.
  - Count C: Take wildlife by unlawful method (elk).
  - Count E: Take without valid tag (elk).
- Gardiner, Theodore E.
  - Count B: Allow another to use permit/tag.

Roll call was taken and the following were present: Jeffrey Miller, Jesse McDaniel, Mike Sandoval.

**Motion:** Golightly moved and McLean seconded THAT THE COMMISSION TAKE JURISDICTION IN THESE CASES.

**Vote:** Unanimous

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Jeffery A. Miller

Miller was found guilty by the Springerville Justice Court for: Count B: Use The Tag Of Another (elk); and sentenced Count B: Fined \$1418.00.

Commissioner Melton asked what determined the disposition of the wildlife making it unsalvageable.

Officer Wagner was present and stated that it was dark and they were not able to pinpoint the exact location of the elk in order to recover it. By the next morning when it was recovered, it was determined to be unsalvageable at that point.

Miller was present and addressed the Commission stating that he was hunting with his wife, but she was sick and so he helped her get her elk. He offered to guide the officer to where the elk was, but the officer stated that they would recover the elk in the morning instead.

Commissioner Hernbrode confirmed with the officer that the elk had not been field dressed.

Miller stated that his equipment to field dress was in his truck and his friends were bringing those things to him, but Officer Wagner would not allow them to.

Officer Wagner stated that in interviewing the friends, they denied knowledge that anything had happened and they wrote out statements as such. Additionally, it was midnight by the time the interviewing was done and we were returning in five hours at 5:00 a.m.

**Motion:** Golightly moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JEFFERY A. MILLER 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 **JEFFERY A. MILLER** TO COLLECT THE AMOUNT OF **\$2337.87** FOR THE LOSS OF **ONE (1) ELK**; 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

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Jesse A. McDaniel

McDaniel was found guilty by the Williams Justice Court for: Count A: Possess Unlawfully Taken Wildlife (bull elk); Count B Use Firearm During Archery-Only; Count C: Fail To Immediately Tag; and sentenced Count A, B and C: Fined \$1260.00.

McDaniel was present and addressed the Commission, apologizing for his actions.

**Motion:** McLean moved and Golightly seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JESSE A. MCDANIEL TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FOUR (4) 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 **SHARED** CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **JESSE A. MCDANIEL** TO COLLECT THE AMOUNT OF **\$1,168.94 FOR HIS PART** IN THE LOSS OF **ONE (1) 6X6 BULL ELK**; 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

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Mike Anthony Sandoval

Sandoval was found guilty by the Williams Justice Court for: Count A: Shoot From A Motor Vehicle; Count C: Take Wildlife By Unlawful Method (elk); Count E: Take Without Valid Tag; and sentenced Counts A, C, and E: Fined \$900.00.

Sandoval was present and addressed the Commission apologizing for his actions and stated that he was impaired by alcohol.

**Motion:** Hernbrode moved and Melton seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **MIKE ANTHONY SANDOVAL** 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 **MIKE ANTHONY SANDOVAL** TO COLLECT THE AMOUNT OF **\$2337.87** FOR THE LOSS OF **ONE (1) BULL ELK**; 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

McLean abstained, Golightly absent

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The following five cases, Hernandez, Avila, Mendoza, Sanchez, and Porras, are related. A video was taken by a hunter who reported their actions in the field and the video was viewed by the Commission.

Mario Mendez Hernandez

Hernandez was found guilty by the North Mesa Justice Court for: Count A: Possession Of Unlawfully Taken Wildlife (white-tailed doe deer); Count B: Take Wrong Gender (white-tailed doe deer); Count C: Take Wildlife By Unlawful Method (rifle during archery only); Count D: Take Without A Valid Tag; and sentenced Counts A: Fined \$531.00; Count B: Sentenced suspended; Count C: Sentence suspended; and Count D: Fined \$310.00.

Hernandez was not present.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **MARIO MENDEZ HERNANDEZ 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 **SHARED CIVIL DAMAGES** OR TO BRING CIVIL ACTION AGAINST **MARIO MENDEZ HERNANDEZ** TO COLLECT THE AMOUNT OF **\$280.54** FOR **HIS PART** IN THE LOSS OF **ONE (1) WHITE-TAILED DEER DOE**; 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  
Golightly absent

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Sergio Luna Avila

Avila was found guilty by the North Mesa Justice Court for: Count A: Possession Of Unlawfully Taken Wildlife (white-tailed doe deer); Count B: Take Wrong Gender (white-tailed doe deer); Count C: Take Wildlife By Unlawful Method (rifle during archery only); Count D: Take Without A Valid Tag; and sentenced Counts A: Fined \$531.00; Count B: Sentenced suspended; Count C: Sentence suspended; and Count D: Fined \$310.00.

Avila was not present.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **SERGIO LUNA AVILA 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 **SHARED** CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **SERGIO LUNA AVILA** TO COLLECT THE AMOUNT OF **\$280.54** FOR **HIS PART** IN THE LOSS OF **ONE (1) WHITE-TAILED DEER DOE**; 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  
Golightly absent

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Elias Mendoza

Mendoza was found guilty by the North Mesa Justice Court for: Count A: Possession Of Unlawfully Taken Wildlife (white-tailed doe deer); Count B: Take Wrong Gender (white-tailed doe deer); Count C: Take Wildlife By Unlawful Method (rifle during archery only); Count D: Take Without A Valid Tag; and sentenced Counts A: Fined \$531.00; Count B: Sentenced suspended; Count C: Sentence suspended; and Count D: Fined \$310.00.

Mendoza was not present.

**Motion:** McLean moved and Melton seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ELIAS MENDOZA** 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 **SHARED** CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **ELIAS MENDOZA** TO COLLECT THE AMOUNT OF **\$280.54** FOR **HIS PART** IN THE LOSS OF **ONE (1) WHITE-TAILED DEER DOE**; 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  
Golightly absent

Commissioner Melton confirmed with Mr. Day that none of these individuals had a license or tag.

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Pablo L. Sanchez

Sanchez was found guilty by the North Mesa Justice Court for: Count A: Possession Of Unlawfully Taken Wildlife (white-tailed doe deer); Count B: Take Wrong Gender (white-tailed doe deer); Count C: Take Wildlife By Unlawful Method (rifle during archery only); Count D: Take Without A Valid Tag; and sentenced Counts A: Fined \$531.00; Count B: Sentenced suspended; Count C: Sentence suspended; and Count D: Fined \$310.00.

Sanchez was not present.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **PABLO L. SANCHEZ 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 **SHARED** CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **PABLO L. SANCHEZ** TO COLLECT THE AMOUNT OF **\$280.54** FOR **HIS PART** IN THE LOSS OF **ONE (1) WHITE-TAILED DEER DOE**; 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  
Golightly absent

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Gabriel Vargas Porras

Porras was found guilty by the North Mesa Justice Court for: Count A: Possession Of Unlawfully Taken Wildlife (white-tailed doe deer); and sentenced Counts A: Fined \$531.00.

Porras was not present.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **GABRIEL VARGAS PORRAS 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 **SHARED** CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **GABRIEL VARGAS PORRAS** TO COLLECT THE AMOUNT OF **\$280.54** FOR **HIS PART** IN THE LOSS OF **ONE (1) WHITE-TAILED DEER DOE**; 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  
Golightly absent

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Tony Roybal

Roybal was found guilty by the Clifton Justice Court for: Count A: Knowingly Take Wildlife During Closed Season (deer); Count B: Take Wildlife Without Valid License (deer); Count C: Allow Wildlife To Go To Waste; and sentenced Counts A: Fined \$725.00; Count B: Fined \$275.00; Count C: Fined \$205.00.

Roybal was not present.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **TONY ROYBAL** 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 **TONY ROYBAL** TO COLLECT THE AMOUNT OF **\$1,402.72** FOR THE LOSS OF **ONE (1) DEER DOE**; 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  
Golightly absent

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Theodore E. Gardiner

Gardiner was found guilty by the Williams Justice Court for: Count B: Allow Another To Use Permit/Tag (elk); and sentenced Counts B: Fined \$300.00.

Gardiner was not present.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **THEODORE E. GARDINER 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 **THEODORE E. GARDINER** TO COLLECT THE AMOUNT OF **\$2,337.87** FOR THE LOSS OF **ONE (1) COW ELK**; 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

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These hearings concluded at 3:05 p.m.

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