

Proceedings of the Arizona Game and Fish
 Commission License Revocation and Civil
 Assessment Hearings
 Time Certain – 2:00 p.m.
 Friday, September 10, 2010
 Arizona Game and Fish Department
 5000 West Carefree Highway
 Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Chairperson Jennifer L. Martin
 Vice Chair Robert R. Woodhouse
 Commissioner Norman W. Freeman
 Commissioner Jack F. Husted
 Commissioner John W. Harris

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

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. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 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. Each of the following individuals were legally noticed for this hearing.

Name	Docket #	Count	Conviction
Michael E. Mangum	2010-0058	One Count	Take Wildlife During Closed Season
Ramon O. Ruiz	2010-0059	Count A:	Obtain 2005 License/Permit by Fraud
Ramon O. Ruiz	2010-0060	Count C:	Possess Unlawfully Taken Wildlife (Elk)
Terry L. Stilwell	2010-0061	Count B:	Take Wildlife After Legal Light
Sopha Nhoung	2010-0062	Count A:	Fishing Without a License
Steve C. Dozier	2010-0065	Count A:	Allow Use of Tag
Donna L. Wagner	2010-0066	Count B:	Take Wildlife Closed Season (Mule Deer)
Robert A. Dozier	2010-0067	Count A:	Possess Unlawfully Taken W/L (Mule Deer)
		Count B:	Take Wildlife Closed Season (Mule Deer)
		Count E:	Littering While Hunting
Robert A. Dozier	2010-0068	Count A:	Possess Unlawfully Taken W/L

			(Mule Deer)
		Count B:	Take Wildlife Closed Season (Mule Deer)
Kham Sylivai	2010-0071	Count A:	Exceed Bag Limit
		Count B:	Possess Unlawfully Taken Wildlife (Fish)

Wildlife Compact Violations

Zachary Lee Smith	2010-0050	Failure to Comply With Wisconsin Citation
Michael Aceves	2010-0051	Failure to Comply With Wisconsin Citation

Roll call was taken and the following were present: Terry Stilwell and Kham Sylivai.

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.

Motion: Woodhouse moved and Husted seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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Terry Lee Stilwell
Docket # 2010-0061

Stilwell was found guilty by the Williams Justice Court for: Count B: Take Wildlife After Legal Light; and sentenced Count B: Fined \$250.00.

Case Officer Larry Phoenix was present.

Ron Stilwell, brother of Terry Stilwell, addressed the Commission and pointed out several items in the report that were not true. He believed Officer Phoenix falsified the documents to make it all fit. He requested that the Commission review his brother's evidence. He stated that his brother was at his house at 6 o'clock after shooting the elk and it was not dark out.

Officer Larry Phoenix addressed the Commission and answered questions supporting the information in his report.

Motion: Husted moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TERRY L. STILWELL TO HUNT, FISH, AND TRAP IN THE STATE

OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **THREE (3) YEAR**; 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.

Commissioner Woodhouse requested to amend the motion to a 5 year revocation period and add a civil assessment of \$8,000.

Commissioner Husted accepted the amendment.

Chair Martin withdrew her second.

Commissioner Woodhouse seconded.

Commissioner Husted stated he accepted the amendment for the purpose of discussion but is not in favor of the 5 year revocation period and preferred a 3 year revocation period.

The Commission further discussed the incident with Officer Phoenix confirming that the shot was actually after the legal light time.

Commissioner Woodhouse commented that on Count A, Careless misuse of a firearm while hunting, Mr. Stilwell pled guilty per a plea agreement. When he pled guilty, he admitted that he did it. Also, he takes great exception to someone accusing one of the Department officers of falsifying records. They can dispute the facts of the case in an appropriate manner but when someone stands before the Commission and disputes the credibility of an officer, he takes offense to that.

Amended Motion: Husted moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **TERRY L. STILWELL TO HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEAR**; 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 **TERRY L. STILWELL** TO COLLECT THE AMOUNT OF **\$8,000.00** FOR THE LOSS OF **ONE (1) TROPHY 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: Aye - Husted, Woodhouse
Nay - Martin, Freeman, Harris
Failed 3 to 2

Motion: Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TERRY L. STILWELL TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEAR; 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 TERRY L. STILWELL TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY 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: Aye - Woodhouse, Freeman, Harris, Husted
Nay - Martin
Passed 4 to 1

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Kham Sylivai
Docket # 2010-0071

Sylivai was found guilty by the San Tan Justice Court for: Count A: Exceed Bag Limit; and Count B: Possess Unlawfully Taken Wildlife (Fish); and sentenced Counts A and B: Combined Fine of \$75.00.

Sai Sylivai, daughter of Kham Sylivai, addressed the Commission on her father's behalf stating that he cannot speak or read English and didn't know he was over the limit on fish.

Motion: Harris moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KHAM SYLIVAI TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEAR; 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 KHAM

SYLIVAI TO COLLECT THE AMOUNT OF **\$400.00** FOR THE LOSS OF **EIGHT (8) CHANNEL CATFISH**; 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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Michael Eugene Mangum

Docket # 2010-0058

Mangum was found guilty by the Round Valley Justice Court for: One Count: Take Wildlife (Mule Deer) During Closed Season; and One Count: False Reporting to Law Enforcement; and sentenced both Counts: Combined Fine of \$2,786.00 a three years probation.

Mangum was not present.

Motion: Husted moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **MICHAEL E. MANGUM** TO **HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEAR**; 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 **MICHAEL E. MANGUM** TO COLLECT THE AMOUNT OF **\$6,000.00** FOR THE LOSS OF **FOUR (4) 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

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Ramon Omar Ruiz

Docket # 2010-0059

Docket # 2010-0060

Mr. Elms advised the Commission that Mr. Ruiz has requested a continuance of this case.

Motion: Freeman moved and Harris seconded THAT THE COMMISSION VOTE GRANT MR. RUIZ A CONTINUANCE OF THIS CASE.

Vote: Unanimous

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Sopha Nhoung
Docket # 2010-0062

Nhoung was found guilty by the Yuma Justice Court for: Count A: Fishing without a license; and sentenced Count A: Fined of \$84.40.

Nhoung was not present.

Motion: Woodhouse moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SOPHA NHOUNG TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEAR; 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

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Steve C. Dozier
Docket # 2010-0065

Dozier was found guilty by the San Tan Justice Court for: Count A: Allow use of tag; and sentenced Count A: Fined \$200.00.

Dozier was not present.

Motion: Freeman moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF STEVE C. DOZIER TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEAR; 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

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Donna L. Wagner
Docket # 2010-0066

Wagner was found guilty by the Greenlee County Justice Court for: Count B: Take wildlife during closed season (mule deer); and sentenced Count B: Fine \$375.00.

Wagner was not present.

The Commission clarified with Mr. Elms that Ms. Wagner attempted to shoot at a mule deer and missed and that is why there is no civil assessment.

Motion: Harris moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DONNA L. WAGNER TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEAR; 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

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Robert Allen Dozier
Docket # 2010-0067

Dozier was found guilty by the Greenlee County Justice Court for: Count A: Possess Unlawfully Taken W/L (Mule Deer); and Count B: Take Wildlife Closed Season (Mule Deer); and Count E: Littering While Hunting; and sentenced Counts A, B and E: Combined Fine of \$730.00 and 24 hours community service.

Dozier was not present.

Motion: Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ROBERT A. DOZIER TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5)

YEAR; 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 **ROBERT A. DOZIER** TO COLLECT THE AMOUNT OF **\$1,500.00** FOR THE LOSS OF **ONE (1) 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

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Robert A. Dozier
Docket # 2010-0068

Commissioner Martin noted that Mr. Dozier was only noticed for another 5 year revocation period instead of 10 years.

Mr. Elms offered that the Department can re-notice Mr. Dozier for the next month's Commission meeting.

Motion: Woodhouse moved and Husted seconded THAT THE COMMISSION VOTE TO CONTINUE THE CASE OF ROBERT A. DOZIER UNTIL NEXT MONTH'S COMMISSION MEETING.

Vote: Unanimous

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Zachary Lee Smith
Docket # 2010-0050

Pursuant to recent notice from the **State of Wisconsin**, **Zachary Lee Smith** has failed to appear in regards to a citation for the wildlife violation of **fishing without a license**. Thus, **Zachary Lee Smith** is to be considered for immediate suspension of any licenses to take wildlife in Arizona until such time as the **State of Wisconsin** notifies the Department that he is in compliance with the terms of the original citation. This is in accord with the Wildlife Violator Compact for which the **State of Wisconsin** and Arizona are participating members.

Smith was not present.

Motion: Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ZACHARY LEE SMITH** TO **HUNT, FISH, AND TRAP** IN THE STATE

OF ARIZONA BE SUSPENDED AND HE BE DENIED ANOTHER UNTIL SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE TERMS OF THE WILDLIFE CITATION HAS BEEN FURNISHED BY THE STATE OF WISCONSIN; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING; 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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Michael Aceves
Docket # 2010-0051

Pursuant to recent notice from the **State of Wisconsin**, **Michael Aceves** has failed to appear in regards to a citation for the wildlife violation of **fishing without a license**. Thus, **Michael Aceves** is to be considered for immediate suspension of any licenses to take wildlife in Arizona until such time as the **State of Wisconsin** notifies the Department that he is in compliance with the terms of the original citation. This is in accord with the Wildlife Violator Compact for which the **State of Wisconsin** and Arizona are participating members.

Smith was not present.

Motion: Woodhouse moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MICHAEL ACEVES TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE SUSPENDED AND HE BE DENIED ANOTHER UNTIL SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE TERMS OF THE WILDLIFE CITATION HAS BEEN FURNISHED BY THE STATE OF WISCONSIN; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING; 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 3:09 p.m.

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