

Proceedings of the Arizona Game and Fish  
 Commission License Revocation and Civil  
 Assessment Hearings  
 Time Certain – 2:00 p.m.  
 Friday, August 6, 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. §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. Each of the following individuals were legally noticed for this hearing.

<b>Name</b>	<b>Docket #</b>	<b>Count</b>	<b>Conviction</b>
Drew C. Ketner	2010-0039	Count A:	Take Big Game (Elk) Wrong Unit
Justin P. Morroni	2010-0040	Count B:	Possess Wildlife (Elk) Unlawfully Taken
Matthew J. Petersen	2010-0048	Count A:	Take Big Game (Deer) Without Valid Tag
		Count B:	Possess Wildlife (Deer) Unlawfully Taken
Bobby B. Waldrop	2010-0049	Count A:	Take Wildlife (Deer) Unlawfully Taken
		Count B:	Take Wildlife (Deer) Using Artificial Light
Chance D. Clarkson	2010-0052	Count A:	Take Wildlife (Elk) During Closed Season
		Count E:	Take Wildlife (Elk) Using Artificial Light
Jye J. Patton	2010-0053	Count A:	Take Wildlife (Elk) During Closed Season
		Count F:	Discharge Firearm W/I ¼ Mile Residence
Kevin R. Everett	2010-0056	Count A:	Unlawful Littering While Hunting
Shandy J. Odell	2010-0057	Count A:	Unlawful Littering While Hunting
Emil McCain	2010-0063	Count A:	Prohibited Take of an Endangered

			Species (Jaguar)
Gary E. Sanders	2010-0064	Count 9:	Obtain 2007 Hunt License by Fraud
		Count 10:	Obtain 2008 Hunt License by Fraud
Justin Gunderson	2010-0069	Count D:	Possess Unlawfully Taken Wildlife (Elk)
Tyrel Smail	2010-0070	Count D:	Possess Unlawfully Taken Wildlife (Elk)

Roll call was taken and the following were present: Drew Ketner, Justin Morrioni, Chance Clarkson, Jye Patton, Kevin Everett, Shandy Odell, and Tyre Smail.

Mr. Elms noted that Gary Sanders had requested a continuance last week and was granted a continuance by the Department. His name should have been removed from the final agenda but for some reason it was not.

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 Harris seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

**Vote:** Unanimous

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The cases of Drew C. Ketner and Justin P. Morrioni are related.

Drew C. Ketner  
Docket # 2010-0039

Ketner was found guilty by the Flagstaff Justice Court for: Count A: Take Big Game (Elk) Wrong Unit; and sentenced Counts A: Fined \$250.00.

Case Officer Birkeland was present.

Ketner was present and addressed the Commission. This was his first elk hunt. He went to a map store and bought a map to be sure he was hunting in the right area and the store attendant helped him by outlining his hunt unit on a map. It turned out to be wrong and he is devastated by all that has happened.

The Commission questioned Mr. Ketner about the circumstances surrounding his violation.

Commissioner Woodhouse pointed out that the text boundary description in the regulations book is very definitive and the boundaries are clearly found on the map. Mr. Ketner was about 14 miles west of the boundary.

Commissioner Husted asked Officer Birkeland if he believed this was a poaching incident or an honest mistake. Officer Birkeland believed that they did not intentionally do what they did.

**Motion:** Husted moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DREW C. KETNER TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) 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 DREW C. KETNER TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY 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.

Commissioner Freeman seconded the motion but asked for discussion on the civil assessment because he was struggling with the amount in this situation. Following discussion, and not being able to reduce the civil assessment amount, Commissioner Husted called for the question.

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

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The cases of Drew C. Ketner and Justin P. Morroni are related.

Justin P. Morroni  
Docket # 2010-0040

Morroni was found guilty by the Flagstaff Justice Court for: Count B: Possess Wildlife (Elk) Unlawfully Taken; and sentenced Counts B: Fined \$250.00.

Case Officer Birkeland was present.

Morroni addressed the Commission stating that this was an unfortunate set of circumstances. They had the best of intentions and did not intend to break the law.

Karen S. McDonald, Attorney for Justin Morroni, spoke on behalf of Mr. Morroni's and requested that the Commission not assess civil damages.

**Motion:** Husted moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JUSTIN P. MORRONI TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE

**(1) 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 **JUSTIN P. MORRONI** TO COLLECT THE AMOUNT OF **\$8,000.00** FOR THE LOSS OF **ONE (1) TROPHY 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 - Martin, Freeman, Husted  
Nay - Woodhouse, Harris  
Passed 3 to 2

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The cases of Jye J. Patton and Chance D. Clarkson are related.

Jye J. Patton  
Docket # 2010-0053

Patton was found guilty by the Flagstaff Justice Court for: Count A: Take Wildlife (Elk) During Closed Season; and Count F: Discharge Firearm W/I ¼ Mile Residence; and sentenced Count A: Fined \$500.00 and Count B: Fined \$250.00.

Case Officer Lautzenheiser was present.

Patton was present and addressed the Commission admitting that he was guilty but that he made a mistake. He and Mr. Clarkson went looking for an animal he wounded, thought they found it, and shot a different animal. It was dark and the next morning they realized it was the wrong elk. The intent was not to poach but to keep an animal from suffering.

**Motion:** Harris moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JYE J. PATTON** 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 **JYE J. PATTON** TO COLLECT THE AMOUNT OF **\$8,000.00** FOR THE LOSS OF **ONE (1) TROPHY 6 X 6 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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The cases of Jye J. Patton and Chance D. Clarkson are related.

Chance D. Clarkson

Docket # 2010-0052

Clarkson was found guilty by the Flagstaff Justice Court for: Count A: Take Wildlife (Elk) During Closed Season; and Count E: Take Wildlife (Elk) Using Artificial Light; and sentenced Count A: Fined \$500.00 and Count B: Fined \$250.00.

Case Officer Lautzenheiser was present.

Clarkson was present and addressed the Commission stating that this was very hard for him. He's been hunting all his life. He learned to hunt from his dad who recently passed away. He respects the outdoors. Mr. Clarkson apologized to Officer Lautzenheiser. He understands what happened and that it was wrong.

**Motion:** Woodhouse moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHANCE D. CLARKSON 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 CHANCE D. CLARKSON TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY 6 X 6 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, Husted, Harris

Nay - Martin

Passed 4 to 1

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The cases of Shandy J. Odell and Kevin R. Everett are related.

Shandy J. Odell

Docket # 2010-0057

Odell was found guilty by the Mammoth Justice Court for: Count A: Unlawful Littering While Hunting; and sentenced Count A: Fined \$150.00 plus 40 hours of community service for the Arizona Game and Fish Department.

Case Officer Brochu was present.

Odell was present and addressed the Commission. He provided them with a copies of an email sent to the Department on June 21, 2010 that included a statement from his dad, Gordon Odell, and pictures. Shandy Odell was retrieving the animal for his dad, Gordon Odell. Mr. Odell stated that they were in rough terrain and were running out of water, and were likely suffering from heat exhaustion. That is why they abandoned the animals and he didn't recall leaving the water bottles or he would have gone back for them. He always leaves his camp cleaner than when he got there.

Gordon Odell submitted a blue slip but decided not to speak.

The Commission questioned Shandy Odell on several circumstances surrounding the case.

Commissioner Martin commented on the pictures that it was obviously very rough terrain and questioned the decision to shoot where it would be so difficult to retrieve the animal. She noted that the shooter is not before the Commission today, but the one retrieving the animal is.

**Motion:** Harris moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SHANDY J. ODELL TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) 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:** Aye - Woodhouse, Freeman, Husted, Harris  
Nay - Martin  
Passed 4 to 1

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The cases of Shandy J. Odell and Kevin R. Everett are related.

Kevin R. Everett  
Docket # 2010-0056

Everett was found guilty by the Mammoth Justice Court for: Count A: Unlawful Littering While Hunting; and sentenced Count A: Fined \$150.00 plus 40 hours of community service for the Arizona Game and Fish Department.

Case Officer Brochu was present.

Everett was present and addressed the Commission stating that they usually bring back their water bottles but this was an unusually difficult situation. He also believed that the meat had gone bad and that's why they took the heads and left the rest.

**Motion:** Freeman moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KEVIN R. EVERETT TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO (2) 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:** Aye - Freeman, Husted, Harris  
Nay - Martin, Woodhouse  
Passed 3 to 2

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The cases of Tyrel J. Smail and Justin C. Gunderson are related.

Tyrel J. Smail  
Docket # 2010-0070

Smail was found guilty by the Williams Justice Court for: Count D: Possess Unlawfully Taken Wildlife (Elk); and sentenced Count D: Fined \$556.00.

Case Officer Poppenberger was present.

Smail was present and addressed the Commission stating that he flew in from Alaska to be present at this hearing. He has cooperated fully and felt bad about the situation. He never did anything like this before and will never do it again.

**Motion:** Freeman moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TYREL J. SMAIL 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 **TYREL J. SMAIL** TO COLLECT THE AMOUNT OF **\$10,500.00** FOR THE LOSS OF **TWO (2) BULL ELK, ONE OF WHICH HAVING ANTLERS AT LEAST 6 POINTS ON ONE SIDE**; 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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#### Executive Session

The Commission voted to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for the purpose of discussion and consultation with legal counsel.

**Motion:** Freeman moved and Husted seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

**Vote:** Unanimous

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#### Emil B. McCain

Docket # 2010-0063

McCain was found guilty by U.S. District Court of Arizona for: Count A: Prohibited Take of an Endangered Species (Jaguar); and sentenced Count A: Five (5) years supervised probation within the U.S., unsupervised if outside the U.S; a special assessment charge of \$25.00 was imposed by the court; and Fined \$1,000.00.

McCain was not present.

Mr. Elms stated for the record that the Department sent out four notices to Mr. McCain to every known address in the Department's system. One notice went to his attorney who indicated that he was no longer representing him. One notice was returned and two have not been returned. The Department has received information that suggests Mr. McCain is out of the country, but we have not received a request from him to continue this hearing.

#### Public Comment

Sergio Avila, Sky Island Alliance, called in from Region V: Has followed the case of Macho B; asked the Department and the Commission to take steps to make sure this never happens again;

requested that the Department and Commission inform partners such as other state agencies and also Internationally, specifically the Trilateral Committee, because there are a lot of people that do not know the responsibility that McCain had in this case.

Commissioner Freeman commented that this case is unusual in that it deals with a Threatened and Endangered species. In his personal opinion, the value to the public trust was probably in the millions of dollars, but today, in the scope of this revocation, it needs to be something defensible and reasonable. When people work with endangered species they are held to a higher standard. It's much like revoking a guide. They are held to a higher standard; more is expected from a guide than from a first time hunter. More is also expected from so called professionals whether they directly work for this Department or whether they are contractors working for other groups. They need to understand they are working with a rare and precious resource and they are under a larger magnifying glass than the general public.

Commissioner Woodhouse agreed that the value of the jaguar is extremely high.

Commissioner Martin commented on some emails that she and other Commissioners received suggesting that leniency may be appropriate and that sometimes animals die in trapping activity. While she agrees that sometimes that is the case, she hopes that those writing to the Department understand that this individual pled guilty to prohibited take of an endangered species and that is what the Commission is looking at here. While some animals die in trapping activities, this animal was trapped illegally.

Commissioner Husted commented that one letter said McCain is not some unscrupulous poacher. But Commissioner Husted believes that an unscrupulous scientist is even worse. He agrees with Commissioner Freeman that they should be held to a higher standard and that the credibility of the scientific community has suffered a hit. He was surprised at the call for leniency and he is not inclined to grant any.

Commissioner Freeman stated that this motion requires further study by the Department and the Commission but for now he made the following motion:

**Motion:** Freeman moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF EMIL B. MCCAIN 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 EMIL B. MCCAIN TO COLLECT THE AMOUNT OF NO LESS THAN \$8,000.00 FOR THE LOSS OF ONE (1) THREATENED AND ENDANGERED SPECIES (JAGUAR); 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 Husted asked for clarification on the direction given to the Department on the “no less than” part of the motion.

Commissioner Freeman stated that statute says the minimum that the Commission can assess today is \$8,000. He wants to be clear that the Commission is assessing the minimum. To be reasonable in this, further study is needed by the Department and the Commission to determine how much greater than \$8,000 this animal’s value is. He believes that can be done as a separate process, so for this motion he has stated a minimum of \$8,000, so that the Commission can do more in the future if those numbers can be quantified and defined.

Commissioner Martin commented on the true value of the animal possibly being more than \$8,000 and asked Commissioner Freeman if he also wanted to direct the Department to look at the cost of the attempted rescue efforts.

Commissioner Freeman confirmed that he wanted the Department to look at the value of the animal as well as the cost associated with the recovery and rescue efforts.

**Vote:** Unanimous

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Matthew R. Petersen

Docket # 2010-0048

Petersen was found guilty by the Payson Regional Justice Court for: Count A: Take Big Game (Mule Deer) Without Valid Tag; Count B: Possess Wildlife (Deer) Unlawfully Taken; and Count E: Waste Game Meat (Mule Deer); and sentenced Counts A, B and C: Combined Fine \$750.00.

Petersen was not present.

Commissioner Freeman expressed appreciation on behalf of the Commission to DPS for working so well with the Department. It means a lot to have the cooperation of such another fine law enforcement agency in the state.

**Motion:** Harris moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MATTHEW R. PETERSEN 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 MATTHEW R. PETERSEN 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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Bobby B. Waldrop  
Docket # 2010-0049

Waldrop was found guilty by the Payson Regional Justice Court for: Count A: Take Wildlife (Mule Deer) Unlawfully Taken; and Count B: Take Wildlife (Mule Deer) Using Artificial Light; and sentenced Count A: Fined \$562.00; and Count B: Fine suspended.

Waldrop was not present.

**Motion:** Woodhouse moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BOBBY B. WALDROP 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 BOBBY B. WALDROP 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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The cases of Tyrel J. Smail and Justin C. Gunderson are related.

Justin C. Gunderson  
Docket # 2010-0069

Gunderson was found guilty by the Williams Justice Court for: Count D: Possess Unlawfully Taken Wildlife (Elk); and sentenced Count D: Fined \$556.00.

Gunderson was not present.

**Motion:** Husted moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JUSTIN C. GUNDERSON 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 **JUSTIN C. GUNDERSON** TO COLLECT THE AMOUNT OF **\$10,500** FOR THE LOSS OF **TWO (2) BULL ELK, ONE OF WHICH HAVING ANTLERS AT LEAST 6 POINTS ON ONE SIDE**; 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 5:04 p.m.

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