

Proceedings of the Arizona Game and Fish
 Commission License Revocation and Civil
 Assessment Hearings
 Time Certain – 2:00 p.m.
 Friday, February 4, 2011
 Arizona Game and Fish Department
 5000 West Carefree Highway
 Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

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

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 was legally noticed for this hearing.

Name	Docket #	Count	Conviction
Kyle Roan	2011-0006	Count A:	Knowingly Take W/L Closed Season (Deer)
Kyle Roan	2011-0007	Count A:	Knowingly Take W/L Closed Season (Deer)
Kyle Roan	2011-0008	Count C:	Possess/Transport Unlawfully Taken W/L (Deer)
Kyle Roan	2011-0009	Count B:	Possess/Transport Unlawfully Taken W/L (Deer)
Dominic Rodriguez	2011-0010	Count A:	Possess/Transport Unlawfully Taken W/L (Deer)
Dominic Rodriguez	2011-0011	Count A:	Possess/Transport Unlawfully Taken W/L (Deer)
Dominic Rodriguez	2011-0012	Count A:	Knowingly Take W/L Closed Season (Deer)
Dominic Rodriguez	2011-0013	Count A:	Take Wrong Sex W/L (Deer)
Chad M. Gierlich	2011-0018	Count A:	Possess Unlawfully Taken W/L (Javelina)
Chris J. Gierlich	2011-0019	Count A:	Take W/L Closed Season (Javelina)

Wildlife Violator Compact

James Smith	2011-0016	WVC	License Violation Non Compliance New Mexico
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Roll call was taken and the following were present: Kyle Roan and Dominic Rodriguez.

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

Vote: Unanimous

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Kyle W. Roan

Docket # 2011-0006

Roan was found guilty by the Mammoth Justice Court for: Count A: Knowingly take wildlife closed season; and sentenced Count A: \$2,500.00 and 12 months unsupervised probation.

Roan was present and addressed the Commission. Roan stated that he has made a lot of mistakes but has made changes as far as not drinking and being around that type of environment. This has been a real wake up call. Besides poaching he was drinking and not being responsible and not working. Now he has a job and is trying to get back on the right track.

Olivia M. Kennedy, mother of Kyle Roan, addressed the Commission. Ms. Kennedy has had many conversations with her son about consequences and that they are far reaching. Her son was a good student, but just went south on her. He is trying to turn around now and is remorseful and paying his fines.

Motion: Husted moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KYLE W. ROAN 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 KYLE W. ROAN TO COLLECT THE SHARED AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) 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

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Kyle W. Roan

Docket # 2011-0007

Roan was found guilty by the Mammoth Justice Court for: Count A: Knowingly take wildlife closed season; and sentenced Count A: \$4,656.80.

Roan was present but did not address the Commission.

Motion: Martin moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KYLE W. ROAN TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TEN (10) 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 KYLE W. ROAN TO COLLECT THE SHARED AMOUNT OF \$3,000.00 FOR THE LOSS OF TWO (2) 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: Aye - Woodhouse, Freeman, Husted, Martin
Nay - Harris
Passed 4 to 1

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Kyle W. Roan
Docket # 2011-0008

Roan was found guilty by the Mammoth Justice Court for: Count C: Possess/transport unlawfully taken wildlife; and sentenced Count C: Fined \$507.00.

The Commission took no action.

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Kyle W. Roan
Docket # 2011-0009

Roan was found guilty by the Mammoth Justice Court for: Count B: Possess/transport unlawfully taken wildlife; and sentenced Count B: 12 Months unsupervised probation; fine waived.

The Commission took no action.

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Dominic M. Rodriguez

Docket # 2011-0010

Rodriguez was found guilty by the Mammoth Justice Court for: Count A: Possess/transport unlawfully taken mule deer; and sentenced Count A: \$507.00 and 12 months unsupervised probation.

Rodriguez was present and addressed the Commission. Rodriguez stated that he didn't want the meat to go to waste so he took it. Times are hard but he is trying to pay his fines. He has a good family and a good head on his shoulders and is getting his life straight. He has learned a big lesson.

Pablo Rodriguez, brother of Dominic Rodriguez, addressed the Commission on behalf of his brother. He stated that his brother was in a dark period of his life, but that he was now trying to make something better of himself. He understands consequences and is sharing that now with his nephews.

The Commission took no action.

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Dominic M. Rodriguez

Docket # 2011-0011

Rodriguez was found guilty by the Mammoth Justice Court for: Count A: Possess/transport unlawfully taken wildlife; and sentenced Count A: \$507.00.

The Commission took no action.

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Dominic M. Rodriguez

Docket # 2011-0012

Rodriguez was found guilty by the Mammoth Justice Court for: Count A: Take wildlife closed season; and sentenced Count A: \$4,656.80 and 12 months unsupervised probation.

Motion: Harris moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DOMINIC M. RODRIGUEZ 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 DOMINIC M. RODRIGUEZ TO COLLECT THE SHARED AMOUNT OF \$3,000.00 FOR THE LOSS OF

TWO (2) 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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Dominic M. Rodriguez

Docket # 2011-0013

Rodriguez was found guilty by the Mammoth Justice Court for: Count A: Take wrong sex wildlife; and Count C: Possess/transport unlawfully taken wildlife; and sentenced Counts A and B: \$507.00 and 12 months unsupervised probation.

Motion: Freeman moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **DOMINIC M. RODRIGUEZ TO HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **TEN (10) 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 **DOMINIC M. RODRIGUEZ** TO COLLECT THE AMOUNT OF **\$1,500.00** FOR THE LOSS OF **ONE (1) WHITE-TAIL 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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Chad M. Gierlich

Docket # 2011-0018

Gierlich was found guilty by the Cochise County Justice Court #4 for: Count A: Possess unlawfully taken wildlife (Javelina); and sentenced Count A: \$300.00.

Gierlich was not present.

The case officer was available by phone to answer any questions the Commission may have.

Mr. Elms presented the Commission with a request from Mr. Chad Gierlich's legal council requesting a continuance because Mr. Gierlich is in jail and unable to attend. Mr. Elms also

provided the Commission with a letter from Mr. Christopher Gierlich requesting a continuance because his wife is pregnant and could go into labor any day now.

Motion: Martin moved and Freeman seconded THAT THE COMMISSION VOTE TO DENY THE REQUESTS FOR CONTINUANCE BY CHAD GIERLICH AND CHRISTOPHER GIERLICH.

Vote: Unanimous

Motion: Freeman moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHAD M. GIERLICH 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 DOMINIC M. RODRIGUEZ TO COLLECT THE SHARED AMOUNT OF \$500.00 FOR THE LOSS OF ONE (1) JAVELINA 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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Christopher J. Gierlich
Docket # 2011-0019

Gierlich was found guilty by the Cochise County Justice Court #4 for: Count A: Possess unlawfully taken wildlife (Javelina); and sentenced Count A: \$300.00.

Gierlich was not present.

The case officer was available by phone to answer any questions the Commission may have.

As stated in the case of Chad Gierlich, Mr. Elms provided the Commission with a letter from Mr. Christopher Gierlich requesting a continuance because his wife is pregnant and could go into labor any day now.

Motion: Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHRISTOPHER J. GIERLICH 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 **CHRISTOPHER J. GIERLICH** TO COLLECT THE **SHARED** AMOUNT OF **\$500.00** FOR THE LOSS OF **ONE (1) JAVELINA** 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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James C. Smith
Docket # 2011-0016

Pursuant to recent notice from the **State of New Mexico**, **James C. Smith** has failed to appear in regards to a citation for the wildlife violation of: **Fishing without a license**. Thus, **James C. Smith** is to be considered for immediate suspension of any licenses to take wildlife in Arizona until such time as the **State of New Mexico** 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 States of **New Mexico** and Arizona are participating members.

Smith was not present.

Motion: Harris moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JAMES C. SMITH** TO **HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE SUSPENDED AND HE BE DENIED ANOTHER UNTIL THE LICENSING AUTHORITY FROM THE **STATE OF NEW MEXICO** FURNISHES THE DEPARTMENT WITH SATISFACTORY EVIDENCE OF THE SUBJECT'S COMPLIANCE WITH THE ORIGINAL CITATION; 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 3:15 p.m.

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