

Proceedings of the Arizona Game and Fish  
 Commission License Revocation and Civil  
 Assessment Hearings  
 Time Certain – 2:00 p.m.  
 Friday, April 15, 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 Robert E. Mansell

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
Neil E. Marshall	2011-0027	Count D:	Obtain Tag by Fraud
Ernesto Valenzuela	2011-0028	Count A:	Take Wildlife Closed Season (Deer)
		Count B:	Possess Unlawfully Taken Wildlife (Deer)
		Count D:	Exceed Bag Limit Wildlife (Deer)
		Count A:	Take Wildlife at Night (Mountain Lion)
Miguel E. Ruiz	2011-0029	Count B:	Shoot Within ¼ Mile Residence
		Count C:	Trespass While Hunting
		Count A:	Fail to Immediately Tag Wildlife (Deer)
Donald L. Bell	2011-0031	Count C:	Take Wildlife With Aid of Vehicle (Deer)
		Count D:	Discharge Firearm From Maintained Road
		Count A:	Obtain Resident License by Fraud
Cesar R. Arevalos	2011-0032	Count A:	Possess Unlawfully Taken Wildlife
Victor F. Zazueta	2011-0033	Count A:	Possess Unlawfully Taken Wildlife (Antelope)
Isidro F. Zazueta	2011-0034	Count A:	Possess Unlawfully Taken Wildlife (Antelope)
		Count B:	Take Wildlife During Closed Season (Antelope)
Alfredo M. Fernandez	2011-0035	Count A:	Possess Unlawfully Taken Wildlife (Antelope)
Danny G. Chavez	2011-0036	Count A:	Possess Unlawfully Taken Wildlife

Juan Q. Chavez                      2011-0037      Count A:      (Antelope)  
   Possess      Unlawfully      Taken      Wildlife  
   (Antelope)

Roll call was taken and the following were present: Neil Marshall, Donald Bell, and Alfredo Fernandez.

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

**Vote:** Unanimous

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Neil E. Marshall  
Docket # 2011-0027

Marshall was found guilty by the Maricopa County Superior Court for: Count D: Obtain resident tag by fraud; and sentenced Count D: Paid \$1,689.45 to OGT Fund and unsupervised probation for 6 months.

Mr. Elms noted that Mr. Marshall faxed a letter to the Commission on Monday, April 12 (on file with packet) in which he apologizes for his mistakes and misunderstandings.

Case Officer Myers was present by phone and answered questions for the Commission.

Marshall was present and addressed the Commission stating that he did not intentionally misrepresent his residency. He stated that his home is in Arizona with his family, but his work takes him all over the country. He is in the film industry and sometimes he spends more that a year out of town. He has never purchased a resident license or tag in any other state. He considers Arizona his home and spends his time here.

**Motion:** Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF NEIL E. MARSHALL 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.

Commissioners Woodhouse and Husted believed there was more to this case than some of the other cases of resident misrepresentation that they have seen and so they will vote no on a 1 year term of revocation.

**Vote:** Aye - Freeman, Harris, Mansell  
Nay - Woodhouse, Husted  
Passed 3 to 2

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Donald L. Bell  
Docket # 2011-0031

Bell was found guilty by the Fredonia Justice Court for: Count A: Fail to immediately tag wildlife; Count C: Take wildlife with aid of vehicle; Count D: Discharge firearm from road; and sentenced Counts A, C and D: Fined \$1310.00.

Case Officer Buck was present and answered questions for the Commission.

Bell was present and addressed the Commission stating that at 70 years old he finally got a tag. His hunt didn't go very well because he was having chest troubles. Towards the end of his hunt he saw two bucks on the side of the road and he did shoot from the side of the road. He didn't see the buck fall and then some guy starting yelling at him. He's never had a game violation of any kind. He never saw the guy that was yelling and didn't mean to swing his gun in his direction.

Commissioner Husted confirmed with Mr. Bell that he was with his wife and two others and no body went to look if the deer had been shot.

Peggy Bell (wife) addressed the Commission and added that the reason that no one went to look for the deer was because this guy was yelling at them, so they left. They were afraid the person that was yelling was going to come over and have a confrontation with them. Ms. Bell requested that the Commission allow her husband to keep his license so he could go hunting with family.

**Motion:** Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DONALD LEE BELL 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 DONALD LEE BELL TO

COLLECT THE **\$8,000.00 FOR THE LOSS OF ONE (1) 4X4 TROPHY 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.

Commissioner Husted commented that he believed Mr. Bell was a good man, but that the Commission could not condone not following up on a shot.

**Vote:** Unanimous

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Alfredo M. Fernandez

Docket # 2011-0035

Fernandez was found guilty by the Mayer Justice Court for: Count A: Possess unlawfully taken wildlife (antelope); and sentenced Count A: Fined \$100.00.

Fernandez was present and addressed the Commission. Department employee Rosie Bernal acted as interpreter for Mr. Fernandez. Mr. Fernandez stated that his daughter's boyfriend actually shot the animal. He said he shot the deer because he didn't want his daughter's boyfriend to get into trouble. He regretted his participation in this situation and requested that his license not be revoked so he can hunt with his family.

**Motion:** Freeman moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ALFREDO M. FERNANDEZ** 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 **ALFREDO M. FERNANDEZ** TO COLLECT THE **SHARED** AMOUNT OF **\$1,500.00 FOR THE LOSS OF ONE (1) ANTELOPE**; 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.

The Commission discussed and was in consensus that the amount should be "shared."

**Vote:** Unanimous

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Ernesto Valenzuela

Docket # 2011-0028

Valenzuela was found guilty by the Santa Cruz County Justice Court #1 for: Count A: Take wildlife during closed season; Count B: Possess unlawfully taken wildlife; and Count D: Exceed bag limit; and sentenced Counts A, B and D: Fined \$990.00.

Valenzuela was not present.

**Motion:** Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ERNESTO VALENZUELA 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 ERNESTO VALENZUELA TO COLLECT THE AMOUNT OF \$3,000.00 FOR THE LOSS OF TWO (2) WHITE TAIL 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

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Miguel E. Ruiz

Docket # 2011-0029

Ruiz was found guilty by the Santa Cruz County Justice Court #1 for: Citation 226087: Count A: Take wildlife at night; and Count B: Shoot within ¼ mile of building; and Citation 226088: Count A: Trespass while hunting; and sentenced a combined fine of \$1030.00.

Ruiz was not present.

**Motion:** Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MIGUEL E. RUIZ 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

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Cesar R. Arevalos  
Docket # 2011-0032

Arevalos was found guilty by the Flagstaff Justice Court for: Count A: Obtain resident license by fraud; and sentenced Count A: Fined \$437.00.

Arevalos was not present.

**Motion:** Woodhouse moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CESAR R. AREVALOS 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.

Commissioner Husted commented that the last revocation they did for license fraud was for one year.

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

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Victor F. Zazueta  
Docket # 2011-0033

Zazueta was found guilty by the Mayer Justice Court for: Count A: Possession of unlawfully taken wildlife (antelope); and sentenced Count A: Suspended.

Zazueta was not present.

**Motion:** Husted moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF VICTOR F. ZAZUETA 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 **VICTOR F. ZAZUETA** TO COLLECT THE **SHARED** AMOUNT OF **\$1,500.00 FOR THE LOSS OF ONE (1) ANTELOPE**; 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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Isidro F. Zazueta  
Docket # 2011-0034

Zazueta was found guilty by the Mayer Justice Court for: Count A: Possession of unlawfully taken wildlife (antelope); and Count B: Take wildlife closed season (antelope); and sentenced Counts A and B: Fined \$250.00.

Zazueta was not present.

**Motion:** Freeman moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ISIDRO F. ZAZUETA 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 **ISIDRO F. ZAZUETA** TO COLLECT THE **SHARED** AMOUNT OF **\$1,500.00 FOR THE LOSS OF ONE (1) ANTELOPE**; 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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Danny G. Chavez  
Docket # 2011-0036

Chavez was found guilty by the Mayer Justice Court for: Count A: Possession of unlawfully taken wildlife (antelope); and sentenced Count A: Fined \$100.00.

Chavez was not present.

**Motion:** Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DANNY G. CHAVEZ 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 DANNY G. CHAVEZ TO COLLECT THE **SHARED** AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) ANTELOPE; 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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Juan Q. Chavez

Docket # 2011-0037

Chavez was found guilty by the Mayer Justice Court for: Count A: Possession of unlawfully taken wildlife (antelope); and sentenced Count A: Fined \$125.00.

Chavez was not present.

**Motion:** Harris moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JUAN Q. CHAVEZ 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 JUAN Q. CHAVEZ TO COLLECT THE **SHARED** AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) ANTELOPE; 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 3:12 p.m.

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