

Proceedings of the Arizona Game and Fish
 Commission License Revocation and Civil
 Assessment Hearings
 Time Certain – 2:00 p.m.
 Friday, August 26, 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
Kirk Carpenter	2011-0052	Count A:	Littering While Hunting
Hugh Campbell	2011-0053	Count A:	Littering While Hunting
Alfredo A. Negrete, Sr.	2011-0055	Count A:	Obtain Resident License by Misrepresentation (2009)
Alfredo A. Negrete, Jr.	2011-0056	Count A:	Obtain Resident License by Misrepresentation (2009)
Cody W. Reidhead	2011-0057	Count A:	Take Wildlife Closed Area
Matthew R. LaRue	2011-0061	Count C:	Possess/Transport Unlawfully Taken Wildlife
Anthony Josefowicz	2011-0062	Count A:	Take Over Bag Limit
Jason E. Herrick	2011-0063	Count A:	Obtain License by Misrepresentation (2011)
		Count B:	Obtain Tag by Misrepresentation (2011)
Gary J. Murray	2011-0064		Civil Assessment Only

Roll call was taken and the following were present: Cody Reidhead, Matthew LaRue and Anthony Josefowicz.

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

Vote: Unanimous

* * * * *

Cody W. Reidhead
Docket # 2011-0057

Reidhead was found guilty by the Round Valley Justice Court for: Count A: Take wildlife closed area; and sentenced Count A: Fined \$340.00.

Case Officer Hartzell was not available, so Officer Capps was available by phone and answered questions for the Commission.

Reidhead was present and addressed the Commission. He stated that he was told he was in an area that was not in the Alpine area closure. There was no signage. Neither of the two Game and Fish Officers or the two Deputy Officers could tell him where the boundary of the closure was. He self reported because he thought at the time he killed the two elk. He now knows that he did not kill the second elk, but that it was killed by someone in another hunting party who was unable to locate his elk.

The Commission questioned Mr. Reidhead and Mr. Elms about the case and looked at a map provided by Mr. Elms that outlined the boundaries and where Mr. Reidhead was standing when he shot the elk.

Commissioner Freeman stated that he was struggling with this one.

Commissioner Harris confirmed with Mr. Elms that there was no forensics to prove that Mr. Reidhead shot the second elk.

Commissioner Husted stated that the Commission has always been appreciative when someone self reports, but the area is closed for a reason and the ¼ mile rule is for a reason, and so he is wrestling with this case also.

Commissioner Harris stated that without the case officer there are too many unanswered questions, so he was having difficulty with this case.

Chairman Woodhouse stated that he was struggling with the strange boundary issue and that this was a complicated case.

Commissioner Husted advised Mr. Reidhead that if he doesn't get revoked or assessed today that he needed to go back and help send the message to others on the importance of the boundaries and the ¼ mile from an occupied structure rule, and not just tell everyone how lucky he was today.

The Commission took no action on this case.

* * * * *

Matthew R. LaRue
Docket # 2011-0061

Officer Hartzell was not present.

LaRue was found guilty by the Clifton Justice Court for: Count A: Use unlawful weapon; Count B: Waste edible game meat; and Count: Possess/transport unlawfully taken wildlife; and sentenced Counts A, B, and C: Combined Fine \$1,200.00.

LaRue was present and addressed the Commission stating that he shot a 4x4 mule deer during the archery hunt with his 22 rifle. He doesn't know why he did it. He saw the buck and just gave in to the temptation to shoot it. He went back after work and cut the head off.

Commissioner Mansell advised Mr. LaRue that there would be consequences for his actions but that he appreciated him coming to the hearing today and facing what he did.

Commissioner Husted agreed with Commissioner Mansell and further advised Mr. LaRue that he would like to see him come away from this experience with a sportsman's ethic that knows the value of that 4x4.

Motion: Mansell moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MATTHEW R. LARUE 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 MATTHEW R. LARUE TO COLLECT THE \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY 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

* * * * *

Anthony G. Josefowicz

Docket # 2011-0062

Josefowicz was found guilty by the Round Valley Justice Court for: Count A: Take over bag limit (elk); and sentenced Count A: Fined \$339.40, \$150.00 of which to Wildlife Theft Prevention Fund.

Case Officer Hartzell was not present.

Josefowicz was present and addressed the Commission stating that he is 70 years old and has been hunting since he was 14, and has never been in trouble before. He shot deliberately and not rapidly at his target. He did not think for a minute that he hit one.

Commissioner Husted confirmed with Mr. Josefowicz that even though he did not believe he shot the elk, he did not dispute the officers' investigation that found that he did shoot the elk.

Motion: Freeman moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ANTHONY G. JOSEFOWICZ 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 ANTHONY G. JOSEFOWICZ TO COLLECT THE \$2,500.00 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.

Commissioner Mansell suggested an amendment stating that he would be more supportive if the revocation were for 3 years instead of 5 years.

Amended Motion: Freeman moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ANTHONY G. JOSEFOWICZ 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 ANTHONY G. JOSEFOWICZ TO COLLECT THE

\$2,500.00 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

* * * * *

Kirk M. Carpenter
Docket # 2011-0052

Mr. Elms stated that the Department received a request to continue from Mr. Carpenter’s attorney. The Department discussed this with the Assistant Attorneys General and decided that the request was relevant, so the Department moved Mr. Carpenter’s hearing to the next Commission meeting.

* * * * *

Hugh R. Campbell
Docket # 2011-0053

Campbell was found guilty by the Williams Justice Court for: Count A: Littering while hunting; and sentenced Count A: Fined \$150.00.

Case Officer Rice was present by phone.

Campbell was not present.

Commissioner Harris confirmed with Officer Rice that only Mr. Campbell’s DNA was found on the beer can and that Mr. Campbell did not admit to throwing it out.

Motion: Husted moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **HUGH R. CAMPBELL 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; 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, Mansell
Nay - Harris
Passed 4 to 1

* * * * *

Alfred A. Negrete, Sr.
Docket # 2011-0055

Negrete Sr. was found guilty by the Yuma Justice Court for: Count A: Obtain 2009 resident license by misrepresentation; and sentenced Count A: Fined \$259.20 and restitution of \$5,864.00.

Negrete, Sr. was not present.

Motion: Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ALFRED A. NEGRETE, SR. 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 ALFRED A. NEGRETE, SR. 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

* * * * *

Alfred A. Negrete, Jr.
Docket # 2011-0056

Negrete, Jr. was found guilty by the Yuma Justice Court for: Count A: Obtain 2009 resident license by misrepresentation; and sentenced Count A: Fined \$259.20 and restitution of \$3,728.00.

Negrete, Jr. was not present.

Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ALFRED A. NEGRETE, JR. 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

* * * * *

Jason E. Herrick
Docket # 2011-0063

Herrick was found guilty by the Hassayampa Justice Court for: Count A: Obtain 2011 license misrepresentation; Count B: Obtain 2011 tag by misrepresentation; and sentenced Count A and B: Combined Fine of \$590.00.

Herrick was not present, but sent a letter on his behalf to the Commission.

Mr. Elms provided the Commission with a copy of Mr. Herrick's letter for consideration.

Motion: Woodhouse moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JASON E. HERRICK 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

* * * * *

Gary J. Murray
Docket # 2011-0064

Murray was found not guilty by the Bisbee Justice Court for: Count A: Take wildlife wrong sex; and Count B: Possess unlawfully taken wildlife. Court findings: Dismissed without prejudice. Per plea agreement, paid \$250.00 to Operation Game Thief Fund.

Murray was not present.

Motion: Mansell moved and Freeman seconded THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST GARY J. MURRAY. TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MULE 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: Aye - Woodhouse, Freeman, Husted, Mansell

Nay - Husted

Passed 4 to 1

* * * * *

These hearings concluded at 3:20 p.m.

* * * * *