

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Time Certain – 2:00 p.m.  
Friday, October 14, 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.

<b>Name</b>	<b>Docket #</b>	<b>Count</b>	<b>Conviction</b>
Ruben N. Carroll	2011-0070	Count A: Count C:	Exceed Big Game Bag Limit Waste of Edible Game Meat
Enrique L. Vasquez	2011-0071	Count B:	Take Wildlife Closed Season

Roll call was taken and the following were present: Ruben N. Carroll.

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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Ruben N. Carroll  
Docket # 2011-0070

Carroll was found guilty by the Flagstaff Justice Court for: Count A: Exceed bag limit; and Count C: Waste of edible game meat; and sentenced Counts A and B: Fined \$640.00.

Case Officer Richins was available by phone and answered questions for the Commission.

Carroll was present and addressed the Commission with two concerns. One was that he was unaware that the Department would want to salvage the meat, and the other was that his dad would have let him use his cell phone, but that his dad, as with most hunters, would probably walk away from a hunting accident like this and not report it. Also, he did not know of a third elk. It's possible that he could have shot it but he didn't believe so and there were other hunters in the area. He does not understand why he will now have a criminal record because of wasted game meat and exceeding the bag limit from an accidental shooting.

The Commission discussed with Mr. Carroll the details of his case. The Commission definitely takes self-reporting into consideration, but the longer one waits to self-report, the less they take it into consideration.

**Motion:** Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RUBEN N. CARROLL TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (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 CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST RUBEN N. CARROLL TO COLLECT THE \$2,500.00 FOR THE LOSS OF ONE (1) 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.

**Motion to Amend:** Mansell moved and Freeman seconded THAT THE COMMISSION VOTE TO AMEND THE MOTION TO A TWO (2) YEAR REVOCATION PERIOD AND A \$5000 CIVIL ASSESSMENT.

**Vote:** Unanimous

**Amended Motion:** Mansell moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RUBEN N. CARROLL TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO (2) 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 **RUBEN N. CARROLL** TO COLLECT THE **\$5,000.00 FOR THE LOSS OF ONE (1) 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 - Freeman, Mansell  
Nay - Woodhouse, Husted, Harris  
Failed 3 to 2

**Motion:** Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **RUBEN N. CARROLL** TO **HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **TWO (2) 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 **RUBEN N. CARROLL** TO COLLECT THE **\$2,500.00 FOR THE LOSS OF ONE (1) 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, Husted, Harris, Mansell  
Nay - Freeman  
Passed 4 to 1

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Enrique L. Vasquez  
Docket # 2011-0071

Vasquez was found guilty by the Ironwood Justice Court for: Count B: Take wildlife closed season and fined \$350.00; and sentenced Count B: Fined \$350.00.

Case Officer Stewart was present.

Vasquez was not present.

**Motion:** Mansell moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ENRIQUE L. VASQUEZ** 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 **ENRIQUE L. VASQUEZ** TO COLLECT THE **\$3,000.00 FOR THE LOSS OF TWO (2) MULE DEER BUCKS**; 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 2:44 p.m.

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