

Proceedings of the Arizona Game and Fish
 Commission License Revocation and Civil
 Assessment Hearings
 Time Certain – 2:00 p.m.
 Friday, June 24, 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
Nathan Williams	2011-0048	Count A:	Misuse of Firearm While Hunting – Injury
Jesse A. Hensley	2011-0049	Count A:	Take Big Game W/O Valid License (Elk)
Jesse A. Hensley	2011-0060	Count A:	Obtain Big Game Tag by Misrepresentation
John P. Clark	2011-0050	Count A:	Use Tag of Another (Mountain Lion)
Gabriel Ortiz	2011-0051	Count A:	Take Wildlife Closed Season (Javelina)
		Count B:	Possession of Unlawfully Taken Wildlife
Garabet Ovasapian	2011-0054	Count A:	Obtain License by Misrepresentation
Manual Pena	2011-0058	Count A:	Take Wildlife Wrong Unit (Elk)
		Count B:	Shoot Within ¼ Mile of Occupied Structure
Joshua R. Ebert	2011-0059	Count A:	Take Wildlife Closed Area (Bobcat)

Roll call was taken and the following were present: Gabriel Ortiz and Manual Pena.

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

Vote: Unanimous

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Gabriel M. Ortiz
Docket # 2011-0051

Ortiz was found guilty by the Pima County Consolidated Justice Court for: Count A: Take wildlife closed season; and Count B: Possession of unlawfully taken wildlife; and sentenced Counts A and B: Combined Fine \$750.00.

Case Officer Tobin was present.

Ortiz was present and addressed the Commission. He apologized for his actions and explained what happened and why he didn't realize he was doing anything wrong. He thought he could take two deer in one year if one was with a bow and one with a firearm, and he didn't tag his javelina because he was only taking the head to be mounted. Hunting is a family tradition and his passion. This situation has hurt him because he has been portrayed as a poacher and he may lose his license. He asked to do community service or anything to reduce the time the Commission revokes his license.

Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GABRIEL M. ORTIZ TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) 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 GABRIEL M. ORTIZ TO COLLECT THE **\$1,500.00 FOR THE LOSS OF ONE (1) MULE DEER** AND **\$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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Manuel E. Pena
Docket # 2011-0058

Pena was found guilty by the Flagstaff Justice Court for: Count A: Take big game wrong unit; and Count B: Shoot within ¼ mile of occupied structure; and sentenced Counts A and B: Combined Fine \$666.00.

Case Officer White was present.

Pena was present and addressed the Commission stating that he didn't know he was in the wrong unit and he didn't see the occupied building. He had a map but it wasn't a good enough map.

Motion: Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MANUEL E. PENA 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 MANUEL E. PENA TO COLLECT THE \$1,500.00 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

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Nathan W. Williams

Docket # 2011-0048

Williams was found guilty by the Flagstaff Justice Court for: Count A: Misuse of firearms while hunting (injury); and sentenced Count A: Fined \$550.00 and 30 days jail time.

Case Officer Phoenix was present.

Williams was not present but sent a letter to the Department. The Commission was provided with a copy of the letter.

Motion: Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF NATHAN W. WILLIAMS 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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Jesse A. Hensley

Docket # 2011-0049

Hensley was found guilty by the Flagstaff Justice Court for: Count A: Take big game without valid license; and sentenced Counts A: Fined \$200.00.

Hensley was not present but sent a letter. Copies were provided to the Commission.

Motion: Freeman moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JESSE A. HENSLEY 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 JESSE A. HENSLEY TO COLLECT THE AMOUNT OF \$1,500.00 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

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Jesse A. Hensley

Docket # 2011-0060

Hensley was found guilty by the North Valley Justice Court for: Count A: Obtain 2008 big game permit by misrepresentation; and sentenced Count A: Fined \$140.00.

Hensley was not present.

Motion: Harris moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JESSE A. HENSLEY TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS TO RUN CONCURRENTLY WITH PREVIOUS REVOCATION; 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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John P. Clark

Docket # 2011-0050

Clark was found guilty by the Cochise County Justice Court #3 for: Count A: Use tag of another; and sentenced Count A: Fined \$488.88, suspended pending return of mountain lion hide to AGFD.

Clark was not present.

Motion: Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOHN P. CLARK 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 JOHN P. CLARK TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MOUNTAIN LION; AAND 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 stated that he will vote against this motion because if it was an elk or deer he believes Commissioner Husted would not feel so benevolent. He also didn't like the lack of cooperation.

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

Motion: Freeman moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOHN P. CLARK 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 **JOHN P. CLARK** TO COLLECT THE AMOUNT OF **\$1,500.00 FOR THE LOSS OF ONE (1) MOUNTAIN LION**; AAND 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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Garabet B. Ovasapian
Docket # 2011-0054

Ovasapian was found guilty by the Yuma Justice Court for: Count A: Obtain license by misrepresentation; and sentenced Count A: Fined \$185.00 with \$230.60 surcharges.

Ovasapian was not present.

Motion: Mansell moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **GARABET B. OVASAPIAN 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 **GARABET B. OVASAPIAN** TO COLLECT THE AMOUNT OF **\$150.00 FOR THE LOSS OF THREE (3) MOURNING DOVES**; 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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Joshua R. Ebert
Docket # 2011-0059

Ebert was found guilty by the Desert Ridge Justice Court for: Count A: Take wildlife closed season; and sentenced Count A: Fined \$110.00.

Ebert was not present.

Mr. Elms stated for the record that the Department received the notice for Mr. Ebert back in the mail today. He was legally noticed but the package was returned.

Motion: Husted moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JOSHUA R. EBERT 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 **JOSHUA R. EBERT** TO COLLECT THE AMOUNT OF **\$500.00 FOR THE LOSS OF TWO (2) BOBCATS**; 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 2:52 p.m.

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