

Proceedings of the Arizona Game and Fish  
 Commission License Revocation and Civil  
 Assessment Hearings  
 Time Certain – 2:00 p.m.  
 Friday, February 10, 2012  
 Arizona Game and Fish Department  
 5000 West Carefree Highway  
 Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Chairman Norman W. Freeman  
 Vice Chairman Jack F. Husted  
 Commissioner John W. Harris  
 Commissioner Robert E. Mansell  
 Commissioner Kurt R. Davis

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:** John Romero, Acting Law Enforcement Branch Chief

Mr. Romero 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>
Wade J. Irvin	2012-0008	Count A:	Take Wildlife Closed Season (Elk, Mule Deer)
		Count B:	Take Wildlife Without Valid Tag (Elk, Mule Deer)
Kyle D. Mullins	2012-0009	Count A:	Take Wildlife Without Valid Tag (Elk, Mule Deer)
		Count B:	Take Wildlife Closed Season (Elk, Mule Deer)
Christopher P. Kitchen	2012-0010	Count A:	Vandalism While Hunting
Wendell K. Moate	2012-0011	Count A:	Vandalism While Hunting
Carol M. McDade	2012-0012	Count A:	Allow Edible Game Meat to Waste (Elk)
Thomas W. McDade	2012-0013	Count A:	Take Wildlife Without Valid License (Elk)
		Count B:	Take Wildlife Without Valid Tag (Elk)
		Count C:	Use Permit/Tag of Another
		Count D:	Allow Edible Game Meat to Waste (Elk)
Richard T. Fox	2012-0014	Count A:	Unlawful Method of Take (Mule Deer)
		Count B:	Take Wrong Sex (Mule Deer)
		Count C:	Litter While Hunting
Kailyle R. Moses	2012-0015	Count A:	Take Wildlife Without Valid License/Tag (Mule Deer)
		Count B:	Waste of Edible Game Meat (Mule Deer)

Roll call was taken and the following were present: Wade Irvin and Kyle Mullins.

Mr. Romero informed the Commission that Wendell K. Moate was granted a new trial by the Pima County Superior Court, so he will not have a hearing before the Commission today.

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

**Vote:** Unanimous

\* \* \* \* \*

Wade J. Irvin

Docket # 2012-0008

Irvin was found guilty by the Payson Regional Justice Court for: Count A: Take wildlife closed season; and Count B: Take wildlife without valid tag; and sentenced Counts A and B: Fined \$250.00 combined, community service, and forfeiture of firearms.

Irvin was present and addressed the Commission apologizing for his actions and stating that it will never happen again.

Justin Irvin, father of Wade Irvin, stated that Wade is a good kid and that people need to pay for what they do but \$6,500 was a lot. The deer should not be taken into account for the boys.

**Motion:** Husted moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF WADE J. IRVIN 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 WADE J. IRVIN TO COLLECT THE **SHARED** AMOUNT OF \$6,500.00 FOR THE LOSS OF TWO (2) ELK AND 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

\* \* \* \* \*

Kyle D. Mullins

Docket # 2012-0009

Mullins was found guilty by the Payson Regional Justice Court for: Count A: Take wildlife without valid tag; and Count B: Take wildlife closed season; and sentenced Counts A and B: Fined \$250.00 combined, 20 hours community service, and forfeiture of firearms.

Mullins was present and addressed the Commission apologizing for his actions and stating that it will never happen again.

Nancy Loehr, grandmother of Kyle Mullins, addressed the Commission and stated that Kyle has been a law abiding citizen and that both Kyle and Wade are good kids.

**Motion:** Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KYLE D. MULLINS 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 D. MULLINS TO COLLECT THE **SHARED** AMOUNT OF **\$6,500.00** FOR THE LOSS OF **TWO (2) ELK AND 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.

Donny Mullens, father of Kyle Mullins, addressed the Commission stating that he agreed the boys should have their license revoked, but that they paid their fine and community hours. The fine imposed by the Commission is a lot of money for 19 year old kids with no jobs.

**Vote:** Unanimous

\* \* \* \* \*

Christopher P. Kitchen

Docket # 2012-0010

Kitchen was found guilty by the Sahuarita Municipal Court for: Count A: Vandalism while hunting; and sentenced Count A: Fined \$943.00.

Kitchen was not present.

**Motion:** Mansell moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHRISTOPHER P. KITCHEN 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

\* \* \* \* \*

Carol M. McDade  
Docket # 2012-0012

McDade was found guilty by the Flagstaff Justice Court for: Count A: Allow edible portions of game meat to waste; and sentenced Count A: Fined \$233.00.

McDade was not present.

**Motion:** Davis moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CAROL M. MCDADE 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 CAROL M. MCDADE TO COLLECT THE **SHARED** AMOUNT OF \$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:** Unanimous

\* \* \* \* \*

Thomas W. McDade

Docket # 2012-0013

McDade was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife without valid license; Count B: Take wildlife without valid tag; Count C: Use permit/tag of another; and Count D: Allow edible portions of game meat to waste; and sentenced Counts A, B, C, and D: Fined \$1,497.00 combined.

McDade was not present.

**Motion:** Husted moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF THOMAS W. MCDADE 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 CAROL M. MCDADE TO COLLECT THE **SHARED** AMOUNT OF \$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:** Unanimous

\* \* \* \* \*

Richard T. Fox  
Docket # 2012-0014

Fox was found guilty by the Flagstaff Justice Court for: Count A: Unlawful method of take; Count B: Take wrong sex; and Count C: Litter while hunting; and sentenced Counts A, B, and C: Fined \$1,366.00 combined.

Fox was not present.

**Motion:** Mansell moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RICHARD T. FOX 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 RICHARD T. FOX 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:** Unanimous

(The Commission considered a letter from Mr. Fox at the end of these hearing proceedings. No further action was taken.)

\* \* \* \* \*

Kailyle R. Moses

Docket # 2012-0015

Moses was found guilty by the Graham County Justice Court #2 for: Count A: Take wildlife without a valid license/tag; and Count B: Waste of edible game meat; and sentenced Counts A and B: Fined \$415.00 combined.

Moses was not present.

**Motion:** Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **KAILYLE R. MOSES 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 **KAILYLE R. MOSES** TO COLLECT THE AMOUNT OF **\$2,500.00** FOR THE LOSS OF **ONE (1) SPIKE 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:** Unanimous

\* \* \* \* \*

Richard T. Fox

Docket # 2012-0014

This hearing was reopened for the Commission to consider a letter written to the Commission from Mr. Fox.

The Commission read the letter and the letter has been attached to the record. The Commission was in consensus to not take any action in regards to the letter.

\* \* \* \* \*

These hearings concluded at 2:24 p.m.

\* \* \* \* \*