

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, March 9, 2012
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

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

Commissioner Kurt R. Davis was not present.

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.

Name	Docket #	Count	Conviction
Juan C. Arenas	2012-0016	Count A:	Take W/L With Aid of Artificial Light
Gustavo V. Enriquez	2012-0017	Count A:	Take W/L With Aid of Artificial Light
Ernesto V. Enriquez	2012-0018	Count A:	Take W/L With Aid of Artificial Light
Gustavo S. Enriquez	2012-0019	Count A:	Take W/L With Aid of Artificial Light
Jason L. Mortimer	2012-0020	Count A:	Possess Unlawfully Taken Wildlife
		Count B:	Possess Unlawfully Taken Wildlife
Rodney P. Gilbert	2012-0021	Count A:	Possess Unlawfully Taken Wildlife
		Count B:	Possess Unlawfully Taken Wildlife

Roll call was taken and the following were present: Gustavo V. Enriquez, Ernesto V. Enriquez, and Gustavo S. Enriquez.

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
4 to 0
Davis not present

* * * * *

The cases of Gustavo V. Enriquez, Ernesto V. Enriquez, Gustavo S. Enriquez and Juan C. Arenas were related.

Gustavo V. Enriquez
Docket # 2012-0017

Enriquez was found guilty by the Prescott Justice Court for: Count A: Take wildlife with artificial light; and sentenced Count A: Fined \$323.00.

Enriquez was present and addressed the Commission stating that they were not poaching. His young son was playing with his brother with the flashlight. He did not know he was violating the law.

Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GUSTAVO V. ENRIQUEZ TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF UNTIL THE TIME HE COMPLETES THE HUNTER EDUCATION COURSE; 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
4 to 0
Davis not present

* * * * *

Ernesto V. Enriquez
Docket # 2012-0018

Enriquez was found guilty by the Prescott Justice Court for: Count A: Take wildlife with artificial light; and sentenced Count A: Fined \$303.00.

Enriquez was present and addressed the Commission stating that he was messing with the light and playing with his nephew, but they were just going to get their trucks and go home. He didn't realize he was violating the law.

Motion: Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ERNESTO V. ENRIQUEZ TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF UNTIL THE TIME HE COMPLETES THE HUNTER EDUCATION COURSE; 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
4 to 0
Davis not present

* * * * *

Gustavo S. Enriquez
Docket # 2012-0019

Enriquez was found guilty by the Prescott Justice Court for: Count A: Take wildlife with artificial light; and sentenced Count A: Fined \$303.00.

Enriquez was present and addressed the Commission stating that guns were loaded but there was nothing in the chamber. Also, he always holds his gun when riding in the back of the truck to keep it from bouncing around.

Motion: Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GUSTAVO S. ENRIQUEZ TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO (2) 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 stated that this case was a different in that Gustavo S. Enriquez had a tag, while the two previous cases did not, and that he was riding in the back of the pickup. All the elements of spotlighting were there.

Vote: Aye - Freeman, Husted, Harris
Nay - Mansell
Passed 3 to 1
Davis not present

* * * * *

Juan C. Arenas
Docket # 2012-0016

Arenas was found guilty by the Prescott Justice Court for: Count A: Take wildlife with artificial light; and sentenced Count A: Fined \$303.00.

Arenas was not present, but sent a letter to the Department. The Commission all received a copy of the letter and it was added to the record.

Commissioner Harris confirmed that Mr. Arenas was the other tag holder in the back of the vehicle.

Chairman Freeman confirmed that Mr. Arenas also had rounds in his firearms.

Motion: Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JUAN C. ARENAS TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO (2) 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 - Freeman, Husted, Harris
Nay - Mansell
Passed 3 to 1
Davis not present

* * * * *

Jason L. Mortimer
Docket # 2012-0020

Mortimer was found guilty by the Clifton Justice Court for: Count A: Possess unlawfully taken wildlife; and Count B: Possess unlawfully taken wildlife; and sentenced Counts A and B: Fined \$350.00.

Mortimer was not present.

Motion: Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JASON L. MORTIMER 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
4 to 0
Davis not present

* * * * *

Rodney P. Gilbert
Docket # 2012-0020

Gilbert was found guilty by the Clifton Justice Court for: Count A: Possess unlawfully taken wildlife; and Count B: Possess unlawfully taken wildlife; and sentenced Counts A and B: Fined \$350.00 and forfeiture of all weapons used.

Gilbert was not present.

Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RODNEY P. GILBERT 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
4 to 0
Davis not present

* * * * *

These hearings concluded at 2:24 p.m.

* * * * *