

Proceedings of the Arizona Game and Fish  
 Commission License Revocation and Civil  
 Assessment Hearings  
 Time Certain – 2:00 p.m.  
 Friday, April 13, 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  
 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>
Donald M. Mosley	2012-0001	Count A: Count B: Count C:	Waste Edible Game Meat Littering While Hunting Exceed Bag Limit
Michael D. Mosley	2012-0002	Count A: Count B: Count C:	Waste Edible Game Meat Littering While Hunting Exceed Bag Limit
Ronald J. Lewis	2012-0003	Count A: Count B: Count C:	Waste Edible Game Meat Littering While Hunting Exceed Bag Limit
Johnny T. Moran, Jr.	2012-0004	Count D: Count A: Count B: Count C:	Take Migratory Bird Without Stamp Waste Edible Game Meat Littering While Hunting Exceed Bag Limit
David Silva	2012-0022	Count D: Count A:	Take Migratory Bird Without Stamp Take Wildlife With Incorrect Tag
Casey R. Sherwood	2012-0023	Count A:	Possess Unlawfully Taken Wildlife
Mark R. LaPaglia	2012-0024		<b>Citation 231603</b>
		Count A: Count B: Count C:	Unlawful Take Wildlife Closed Season Unlawful Take Wildlife Closed Season Unlawful Take Wildlife Closed Season

		Count D:	Unlawful Take Wildlife Closed Season <b>Citation 231604</b>
		Count A:	Waste of Edible Game Meat
		Count B:	Waste of Edible Game Meat
		Count C:	Waste of Edible Game Meat
		Count D:	Waste of Edible Game Meat
Paul W. Lincoln	2012-0025	Count A:	Take Wildlife Without Valid License
		Count D:	Take Wildlife Closed Season
		Count F:	Shoot From Motor Vehicle <b>Citation 234557</b>
Loren D. Cooley	2012-0026	Count A:	Obtain 2009 Resident License by Fraud <b>Citation 234558</b>
		Count A:	Obtain 2010 Resident License by Fraud <b>Citation 234651</b>
		Count A:	Take Wildlife Without License
David Lee Cutlip	2012-0030	Count B:	Take Wildlife W/I ¼ Mile Occupied Structure
		Count C:	Possess Unlawfully Taken Wildlife

Roll call was taken and the following were present: David Silva, Casey Sherwood, Mark LaPaglia, Loren Cooley, and David Cutlip.

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

**Vote:** Unanimous

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David Silva  
Docket # 2012-0022

Silva was found guilty by the Mayer Justice Court for: Count A: Take wildlife with wrong species tag; and sentenced Count A: Fined \$585.00.

Silva was present and addressed the Commission stating that he did not know it was a mule deer. It was a spike buck running with two whitetail. He was not aware that it was a mule deer until the game warden told him. He would never shoot a spike buck. He tried cleaning the animal and taking it out but he couldn't since he recently had surgery. He also thought the meat was bad, so he left it.

Commissioner Husted asked if Mr. Silva tagged the animal and Mr. Silva stated that he did not.

**Motion:** Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DAVID SILVA 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 DAVID SILVA TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF 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

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The cases of Mark LaPaglia and Casey Sherwood are related.

Mark R. LaPaglia

Docket # 2012-0024

LaPaglia was found guilty by the Wellton Justice Court for: Citation 231603: Count A: Take wildlife closed season; Count B: Take wildlife closed season; Count C: Take wildlife closed season; and Count D: Take wildlife closed season; and Citation 231604: Count A: Waste of edible game meat; Count B: Waste of edible game meat; Count C: Waste of edible game meat; and Count D: Waste of edible game meat; and sentenced Citation 231603 Counts A-D: Combined Fine of \$1,036.80; and Citation 231604 counts A-D: Combined fine of \$1,036.80.

LaPaglia was present and addressed the Commission. He expressed remorse for his actions, but stated that he walked the area after he shot and there were four mule deer and not five. The reason he did this is because the landowner created the impression that this deer population was a problem and he was asking for help as a remedy. It was foolish, but that's why he did this.

**Motion:** Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARK R. LAPAGLIA 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 MARK R. LAPAGLIA TO

COLLECT THE **SHARED** AMOUNT OF **\$6,000.00** FOR THE LOSS OF **FOUR (4) 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.

Commissioner Davis commented that even though Mr. LaPaglia claims he only shot four, one was pregnant, so from his perspective it should still be five.

**Vote:** Aye - Freeman, Harris, Mansell  
Nay - Husted, Davis  
Passed 3 to 2

Commissioner Husted stated that he voted against the motion because he believes Mr. LaPaglia is responsible for six mule deer.

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Casey R. Sherwood  
Docket # 2012-0023

Sherwood was found guilty by the Wellton Justice Court for: Count A: Possess unlawfully taken wildlife; and sentenced: Fined \$433.20.

Sherwood was present, but did not address the Commission.

**Motion:** Davis moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **CASEY R. SHERWOOD 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 **CASEY R. SHERWOOD** TO COLLECT THE **SHARED** AMOUNT OF **\$6,000.00** FOR THE LOSS OF **FOUR (4) 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

Commissioner Husted commented on what Mr. LaPaglia said about the landowner, and asked the Regions to investigate those kind of rumors or complaints about major landowners. He would be concerned about large landowners saying pile up the wildlife on the edge of the farm.

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Loren D. Cooley  
Docket # 2012-0026

Cooley was found guilty by the Williams Justice Court for: Citation 234557: Count A: Obtain 2009 resident license by fraud; Citation 234558: Count A: Obtain 2010 resident license by fraud; and Citation 234651: Count A: Take wildlife without license; and sentenced: Combined Fine of \$400.00 and \$2,251.75 paid to AGFD Wildlife Theft Prevention Fund.

Cooley was present and addressed the Commission apologizing for his actions.

**Motion:** Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF LOREN D. COOLEY 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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David L. Cutlip  
Docket # 2012-0030

Cutlip was found guilty by the Prescott Justice Court for: Count B: Take wildlife within ¼ mile of occupied structure; and Count C: Possession of unlawfully taken wildlife; and sentenced: Combined Fine \$770.00.

Cutlip was present and addressed the Commission. He stated that the Game and Fish report does not identify him at all. The plea agreement was made and accepted because of financial reasons.

Commissioner Husted asked Mr. Cutlip if he shot the deer and he stated that he did not.

Commissioner Husted asked Mr. Cutlip if he know who shot the deer.

Mr. Cutlip stated that he would not say.

**Motion:** Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DAVID L. CUTLIP 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 **DAVID L. CUTLIP** TO COLLECT THE **SHARED** AMOUNT OF **\$1,500.00** FOR THE LOSS OF **ONE (1) 2X2 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

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Paul W. Lincoln  
Docket # 2012-0025

Lincoln was found guilty by the Williams Justice Court for: Count A: Take wildlife without valid license; Count D: Take wildlife closed season; and Count E: Shoot from motor vehicle; and sentenced: Combined Fine \$1,060.00.

Lincoln was not present.

**Motion:** Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **PAUL W. LINCOLN 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 **PAUL W. LINCOLN** TO COLLECT THE AMOUNT OF **\$2,500.00** FOR THE LOSS OF **ONE (1) 4X5 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

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The cases of Donald Mosley, Michael Mosley, Ronald Lewis and Johnny Moran, Jr. were continued to allow the Commission time to read related materials that were recently received by the Department.

**Motion:** Husted moved and Freeman seconded THAT THE COMMISSION POSTPONE THE CASES OF DONALD MOSLEY, MICHAEL MOSLEY, RONALD LEWIS AND JOHNNY MORAN, JR. UNTIL NEXT MONTHS COMMISSION MEETING.

**Vote:** Unanimous

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These hearings concluded at 2:24 p.m.

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