

Proceedings of the Arizona Game and Fish
 Commission License Revocation and Civil
 Assessment Hearings
 Time Certain – 2:00 p.m.
 Friday, May 11, 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: Gene F. 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
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
Billy J. Hunton	2012-0027	Count D: Count A:	Take Migratory Bird Without Stamp Take Wildlife Without Valid License/Permit
Philip E. Golosewski	2012-0028	Count C:	Careless Misuse of Firearm While Hunting
Kyle A. Fix	2012-0031	Count A:	Waste of Edible Game Meat

Michael E. Sheets	2012-0033	Count A:	Possess Unlawfully Taken Wildlife
Nicholas Vasquez	2012-0034	Count A:	Take Wildlife Without Valid Permit
Samuel Vasquez	2012-0035	Count A:	Take Wildlife Without Valid Permit

Roll call was taken and the following were present: Philip Golosewski and Kyle Fix.

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: Husted moved and Harris seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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Philip E. Golosewski
Docket # 2012-0028

Golosewski was found guilty by the Verde Valley Justice Court for: Count A: Disorderly conduct, reckless handling or discharge weapon; and Count C: Careless misuse of firearm while hunting; and Fined \$100.00.

Golosewski was present and addressed the Commission stating that the officer’s determinations are what he admitted to, except that he was not intoxicated. His actions were due to poor judgment.

Case Officer Antolik was present by phone.

The Commission took no action in this case.

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Kyle A. Fix
Docket # 2012-0031

Fix was found guilty by the Mayer Justice Court for: Count A: Waste of edible game meat; and fined \$303.00.

Commissioner Harris stated that the violation for take of wildlife by unlawful method was dismissed, and with no guilty plea for that, the Assistant Attorney’s General have advised that there may be a question whether this case qualifies for license revocation.

The Commission took no action in this case.

Fix was present and addressed the Commission. He stated that he did not do as good a job as he could have on the elk, but he was cooperative and honest with the officer. It was dark at 10:00 p.m. when they packed out. He and a friend had 40-50 pounds of meat in their backpacks. He thought they did a better job than that. He has never been in trouble before. The trash and liter is something that he admits to and is ashamed of.

Maverick Anderson, longtime friend of Mr. Fix, addressed the Commission on behalf of Mr. Fix.

The Commission took no action in this case.

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The cases of Donald Mosley, Michael Mosley, Ronald Lewis and Johnny Moran, Jr. are related.

Donald M. Mosley
Docket # 2012-0001

Mosley was found guilty by the Hassayampa Justice Court for: Count A: Waste edible game meat; Count B: Littering while hunting; and Count C: Take over bag limit; and Fined \$250.00.

Mosley was not present.

The Case Officer was present.

Motion: Husted moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DONALD M. MOSLEY 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 DONALD M. MOSLEY TO COLLECT THE AMOUNT OF \$2,700.00 FOR THE LOSS OF FIFTY-FOUR (54) 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: Aye - Freeman, Husted, Mansell, Davis
Nay - Harris
Passed 4 to 1

(Following the case of Michael D. Mosley, the Commission voted to amend the motion for Donald M. Mosley to add the word "shared" to the amount of \$2,700.00.)

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Michael D. Mosley
Docket # 2012-0002

Mosley was found guilty by the Hassayampa Justice Court for: Count A: Waste game meat; Count B: Litter while hunting; and Count C: Take over bag limit; and Fined \$250.00.

Mosley was not present.

The Case Officer was present.

Motion: Mansell moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MICHAEL D. MOSLEY 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 DONALD M. MOSLEY TO COLLECT THE SHARED AMOUNT OF \$2,700.00 FOR THE LOSS OF FIFTY-FOUR (54) 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: Aye - Freeman, Husted, Mansell, Davis
Nay - Harris
Passed 4 to 1

Motion: Husted moved and Mansell seconded THAT THE COMMISSION VOTE TO AMEND THE MOTION FOR DONALD M. MOSLEY, DOCKET # 2012-0001, TO ADD THE WORD “SHARED” TO THE AMOUNT OF \$2,700.00.

Vote: Unanimous

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Ronald J. Lewis
Docket # 2012-0003

Lewis was found guilty by the Hassayampa Justice Court for: Count A: Waste edible game meat; Count B: Litter while hunting; and Count C: Take over bag limit; and Count D: Take migratory bird with no stamp; and Fined \$250.00.

Lewis was not present.

The Case Officer was present.

Motion: Davis moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RONALD J. LEWIS 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 RONALD J. LEWIS TO COLLECT THE SHARED AMOUNT OF \$2,700.00 FOR THE LOSS OF FIFTY-FOUR (54) 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: Aye - Freeman, Husted, Mansell, Davis
Nay - Harris
Passed 4 to 1

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Johnny T. Moran, Jr.
Docket # 2012-0004

Moran, Jr. was found guilty by the Hassayampa Justice Court for: Count A: Waste of edible game meat; Count B: Litter while hunting; and Count C: Take over bag limit; and Count D: Take migratory bird without stamp; and Fined \$250.00.

Moran, Jr. was not present.

The Case Officer was present.

Motion: Husted moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOHNNY T. MORAN, JR. 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 JOHNNY T. MORAN, JR. TO COLLECT THE SHARED AMOUNT OF \$2,700.00 FOR THE LOSS OF FIFTY-FOUR (54) 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: Aye - Freeman, Husted, Mansell, Davis
Nay - Harris
Passed 4 to 1

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Billy J. Hunton
Docket # 2012-0027

Hunton was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife without valid license/permit; and fined \$670.00.

Hunton was not present.

Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BILLY J. HUNTON 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 BILLY J. HUNTON TO COLLECT THE 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

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Billy J. Hunton
Docket # 2012-0027

Hunton was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife without valid license/permit; and fined \$670.00.

Hunton was not present, but sent a letter to the Department stating that he will not be able to attend the hearing on May 11, 2012 due to problems with transportation. He understands that he broke the law and he understands the charges against him.

Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BILLY J. HUNTON 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 BILLY J. HUNTON TO COLLECT THE 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

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Michael E. Sheets
Docket # 2012-0033

Sheets was found guilty by the Flagstaff Justice Court for: Count A: Possess unlawfully taken wildlife; and Count B: Take wildlife other than specified on tag; and fined \$836.00.

Sheets was not present.

Motion: Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MICHAEL E. SHEETS 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 MICHAEL E. SHEETS TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) 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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The cases of Nicholas Vasquez and Samuel Vasquez are related.

Nicholas Vasquez
Docket # 2012-0034

Vasquez was found guilty by the Green Valley Justice Court for: Count A: Take wildlife without valid permit; and fined \$260.00.

Vasquez was not present.

Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF NICHOLAS 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 NICHOLAS VASQUEZ TO COLLECT THE SHARED 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

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Samuel Vasquez
Docket # 2012-0035

Vasquez was found guilty by the Green Valley Justice Court for: Count A: Take wildlife without valid permit; and fined \$260.00.

Vasquez was not present.

Motion: Davis moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SAMUEL 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 SAMUEL VASQUEZ TO COLLECT THE SHARED 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

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These hearings concluded at 2:40 p.m.

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