

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, June 22, 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
Dennis C. Johnson, Jr.	2012-0029	Count B:	Possess Unlawfully Taken Wildlife (Mule Deer)
David E. Major	2012-0036	Count A:	Take Wildlife During Closed Season
Donald L. Patterson	2012-0037	Count B:	Obtain 2010 Resident License by Fraud
		Count D:	Take Wildlife Without Valid 2010 License (Elk)
Germane Lorta	2012-0038	Count C:	Possess Unlawfully Taken Wildlife (Mule Deer)
Roman Lorta	2012-0039	Count E:	Possess Unlawfully Taken Wildlife (Mule Deer)
Oscar H. Leonard	2012-0040	Count A:	Take Wildlife Unlawful Method
Norman E. Crosby	2012-0041	Count A:	Exceed Bag Limit (Elk)

Roll call was taken and the following were present: Donald L. Patterson.

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

Vote: Unanimous

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Donald L. Patterson

Docket # 2012-0037

Patterson was found guilty by the Williams Justice Court for: Citation 224556: Count B: Obtain 2010 resident license by fraud; and Citation 224558: Count D: Take wildlife without valid 2010 license; and Sentenced: Combined fine of \$1,060.00.

Patterson was present and addressed the Commission stating that the officer's case report was accurate. Patterson further stated that he was respectful of the officer and cooperated, and has already taken care of the court fine, and he asked the Commission for leniency because he has since lost his job.

Case Officer Walton was present by phone.

The Commission confirmed with Mr. Patterson that he lived in California at the time of this incident and that he did not purchase a California hunting license.

Motion: Davis moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DONALD L. PATTERSON 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.

Commissioner Davis stated that Mr. Patterson answered truthfully about previous incidences and admitted to previously taking a cow elk. He could have lied if he chose and there would be no way to prove it, so that is why his motion reads the way it does.

Vote: Unanimous

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Dennis C. Johnson
Docket # 2012-0029

Johnson was found guilty by the Quartzsite Justice Court for: Citation 231779: Count B: Possess unlawfully taken wildlife; and Sentenced: Fined \$350.00.

Johnson was not present

Motion: Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DENNIS C. JOHNSON 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 DENNIS C. JOHNSON TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY 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

Mr. Elms stated for the record that Mr. Johnson submitted a letter on his behalf and that the letter was included in the Commission packets.

Chairman Freeman stated that the Commission has the letter from Mr. Johnson and that it was considered.

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David E. Major
Docket # 2012-0036

Major was found guilty by the Pima County Consolidated Justice Court for: Count A: Take wildlife closed season; and Sentenced: Fined \$250.00.

Major was not present

Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DAVID E. MAJOR 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; 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.

Motion: Mansell moved and Harris seconded THAT THE COMMISSION VOTE TO AMEND THE MOTION TO A ONE YEAR REVOCATION PERIOD.

Vote: Aye - Freeman, Husted, Harris, Mansell
Nay - Davis
Passed 4 to 1

Amended Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DAVID E. MAJOR TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) 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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Germane Lorta
Docket # 2012-0038

The Arizona Game and Fish Department asserts that Germane Lorta was responsible for the loss of One (1) Mule Deer.

Lorta was not present.

Motion: Husted moved and Freeman seconded THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST GERMANE LORTA TO COLLECT THE **SHARED** AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY 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: Aye - Freeman, Husted, Davis

Nay - Harris, Mansell
Passed 3 to 2

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Roman Lorta
Docket # 2012-0038

The Arizona Game and Fish Department asserts that Roman Lorta was responsible for the loss of One (1) Mule Deer.

Lorta was not present.

Motion: Husted moved and Freeman seconded THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST GERMANE LORTA TO COLLECT THE **SHARED** AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY 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: Aye - Freeman, Husted, Davis
Nay - Harris, Mansell
Passed 3 to 2

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Oscar H. Leonard
Docket # 2012-0029

Johnson was found guilty by the Quartzsite Justice Court for: Citation 231779: Count B: Possess unlawfully taken wildlife; and Sentenced: Fined \$350.00.

Mr. Elms informed the Commission that Mr. Leonard sent a letter that was provided to the Commission in their packets.

Chairman Freeman confirmed that the Commission received the letter and considered it.

Leonard was not present

Motion: Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF OSCAR H. LEONARD 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; 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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Commissioner Husted recused himself from this case and left the room.

Norman E. Crosby
Docket # 2012-0041

The Arizona Game and Fish Department asserts that Norman E. Crosby was responsible for the loss of One (1) cow elk.

Crosby was not present.

Mr. Elms informed the Commission that the Department recently received a letter from Mr. Crosby. Mr. Elms read the letter to the Commission and into the record (also on file). The letter stated that this incident was an accident that was handled badly.

Motion: Harris moved and Mansell seconded THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST CROSBY TO COLLECT THE AMOUNT OF \$2,500.00 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.

Commissioner Mansell confirmed with Mr. Elms that when Mr. Crosby was stopped, neither elk had a tag on it and not tagging was also a violation that Mr. Crosby could have been cited for.

Vote: Unanimous
4 to 0
Husted recused

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These hearings concluded at 2:40 p.m.

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