

Proceedings of the Arizona Game and Fish
 Commission License Revocation and Civil
 Assessment Hearings
 Time Certain – 2:00 p.m.
 Friday, August 3, 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 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
Kit N. Goodwin	2012-0043	Count A:	Take Wildlife Closed Season (Elk)
		Count C:	Possess/Transport Unlawfully Taken Wildlife
Nathan N. Villa	2012-0044	Count A:	Possess Unlawfully Taken Wildlife (Javelina)
Saul L. Villa	2012-0045	Count A:	Take Wildlife Without Tag (Javelina)
		Count B:	Possess Unlawfully Taken Wildlife
Arthur L. Power	2012-0046	Count A:	Take Wildlife Without Valid Tag (Bear)
		Count C:	Possess Unlawfully Taken Wildlife
James F. Kasper	2012-0054	Count A:	Take Wildlife Without License (Javelina)
		Count B:	Possess/Transport Unlawfully Taken Wildlife
Pedro H. Cortez	2012-0055	Count A:	Take Wildlife Without License (Ringtail Cat)
		Count B:	Take Wildlife From Motor Vehicle
		Count C:	Take Wildlife Using Artificial Light
Sergio G. Gomez	2012-0056	Count B:	Hunt Without Valid License
Ramon Herrera	2012-0057	Count A:	Take Wildlife Using Artificial Light
		Count B:	Take Wildlife From Motor Vehicle

Roll call was taken and the following were present: Kit Goodwin, Arthur Power, and James Kasper.

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

Vote: Unanimous

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Kit N. Goodwin

Docket # 2012-0043

Goodwin was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife closed season; and Count C: Possess/transport unlawfully taken wildlife; and sentenced: Fined \$840.00 combined.

The Case Officer Dennerline was present and answered questions for the Commission.

Goodwin was present and addressed the Commission stating that the elk had been shot by someone else and he put it out of its misery. He could not call the Department because he had no cell phone coverage. He shot the elk and harvested the meat, and went home. He has always regretted doing this and now he knows that no matter what, you get a hold of a field officer.

Chairman Freeman stated that he should have called as soon as he had cell coverage.

Commissioner Husted asked about the tag. Mr. Goodwin stated that he put his cow tag on it when he sent it to the meat processor.

Commissioner Husted asked if the Department followed up with the meat processor.

Officer Dennerline stated that they did, but the meat processor had gone out of business.

Commissioner Mansell expressed appreciation for Mr. Goodwin's honesty and cooperation with the Department officer.

Motion: Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KIT N. GOODWIN TO HUNT IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEAR; 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: Husted moved and Freeman seconded THAT THE COMMISSION VOTE TO AMEND THE MOTION TO A THREE YEAR REVOCATION PERIOD.

Vote: Unanimous

Motion: Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KIT N. GOODWIN TO HUNT IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEAR; 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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Arthur L. Power
Docket # 2012-0046

Power was found guilty by the Mammoth Justice Court for: Count A: Take wildlife without valid tag; and Count C: Possess unlawfully taken wildlife; and sentenced: Fined \$517.00 combined, and pay \$150.00 to the Wildlife Theft Prevention Fund.

The Case Officer was present by phone.

Power was present and addressed the Commission apologizing for his actions. He knew what he did was wrong, but he was not thinking. He and his friend cleaned the bear and packed out the hide and skull. It was a remote area and he believed the meat would have gone bad by the time they got it out.

Motion: Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ARTHUR L. POWER 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; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST ARTHUR L. POWER TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) BLACK BEAR; 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 he will vote aye, but he would have liked to see another year.

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

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James F. Kasper
Docket # 2012-0054

Kasper was found guilty by the Pima County Consolidated Justice Court for: Count A: Take wildlife without valid license; and Count B: Possess/transport wildlife without tag attached; and sentenced: Fined \$366.00.

The Case Officer was present by phone.

Kasper was present and addressed the Commission along with his attorney, Matthew Green.

Mr. Green addressed the Commission on behalf of Mr. Kasper stating that Mr. Kasper had intended to retire in Arizona, but ended up having to postpone that for a while. Additionally, Mr. Kasper has voluntarily not hunted since March of 2011 when California Game and Fish interviewed him. Mr. Green referenced some documents that were sent to the Commission this past week that included a request for non-revocation of Mr. Green's license and supporting letters from Mr. Green's family and friends.

Chairman Freeman clarified for the record that the Commission has in their packets the motion to request non-revocation of license and copies of the supporting letters.

Mr. Odenkirk confirmed with Chairman Freeman that the Commission had received the documents as mentioned prior to this hearing and that they had the opportunity to review them. Mr. Odenkirk noted for the record that all Commissioners acknowledged that they have all reviewed the documents.

Mr. Kasper addressed the Commission and answered questions. He and his wife are now fully retired in Arizona and are residents. He didn't realize at the time that he was doing anything wrong.

James L. Kasper, Thomas Morrison, and Rodney Shackelford addressed the Commission on behalf of James F. Kasper and asked for leniency.

Motion: Davis moved and Husted seconded THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST JAMES F. KASPER TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF ONE (1) JAVELINA; 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, Davis
Nay - Davis
Passed 4 to 1

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Nathan N. Villa
Docket # 2012-0044

Villa was found guilty by the Oracle Justice Court for: Count A: Possess unlawfully taken wildlife; and sentenced: Fined \$423.00.

Villa was not present.

Motion: Husted moved THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF NATHAN N. VILLA TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FOUR (4) 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 died for lack of second.

Motion: Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF NATHAN N. VILLA TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEAR; 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 suggested amending the motion to a three year revocation period.

Commissioners Harris and Mansell agreed.

Amended Motion: Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF NATHAN N. VILLA TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEAR; 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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Saul L. Villa

Docket # 2012-0045

Villa was found guilty by the Oracle Justice Court for: Count A: Take wildlife without valid tag; and Count B: Possess unlawfully taken wildlife; and sentenced: Fined \$662.00 combined and 12 months unsupervised probation.

Villa was not present.

Motion: Husted moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SAUL L. VILLA 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 SAUL L. VILLA TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF ONE (1) JAVELINA; 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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Pedro H. Cortez
Docket # 2012-0055

Cortez was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife without valid license; Count B: Take wildlife from vehicle; and Count C: Take wildlife with artificial light; and sentenced: Fined \$1,790.00 combined.

Cortez was not present.

Motion: Davis moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF PEDRO H. CORTEZ 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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Sergio G. Gomez
Docket # 2012-0056

Gomez was found guilty by the Coconino County Superior Court for: Count B: Hunt without a valid license.

Gomez was not present.

Motion: Harris moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SERGIO G. GOMEZ 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 SERGIO G. GOMEZ TO COLLECT THE AMOUNT OF \$250.00 FOR THE LOSS OF ONE (1) RINGTAIL CAT; 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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Ramon Herrera

Docket # 2012-0057

Herrera was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife using artificial light; Count B: Hunt wildlife with aid of motor vehicle; and sentenced: Fined \$1,090.00 combined.

Herrera was not present.

Motion: Davis moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RAMON HERRERA 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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These hearings concluded at 3:22 p.m.

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