

Proceedings of the Arizona Game and Fish
 Commission License Revocation and Civil
 Assessment Hearings
 Time Certain – 2:00 p.m.
 Friday, January 11, 2013
 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
James R. Shaff	2012-0059	Count A:	Take Wildlife While Revoked
		Count C:	Take Wildlife Without Valid License
James R. Shaff	2012-0063	Count A:	Take Wildlife While Revoked
		Count D:	Take Wildlife Without Valid License
James R. Shaff	2012-0064	Count A:	Take Wildlife While Revoked
		Count D:	Take Wildlife Without Valid License
Michael S. Orozco	2013-0001	Count A:	Transportation/Possess Live Bass
Aaron Thompson	2013-0002		Citation A00474
		Count A:	Take Wildlife Without Valid License
		Count B:	Take Wildlife Without Permit or Tag
		Count C:	Take Wildlife Closed Season
		Count D:	Waste of Edible Game Meat
			Citation A00475
		Count A:	Possess Unlawfully Taken Wildlife
Jacob G. Richards	2013-0003	Count C:	Unlawful Possession Wildlife
Jose Higuera-Alvarez	2013-0004	Count A:	Commercialize Live Wildlife

Roll call was taken and the following were present: Jacob Richards and Jose Higuera-Alvarez.

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

Vote: Unanimous

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Jacob Glen Richards

Docket # 2013-0003

Richards was found guilty by Willcox Justice Court for: Count C: Unlawful possession of wildlife; and sentenced: Fined \$665.00 with \$238.00 suspended.

The Case Officer was not present.

David Richards, addressed the Commission on behalf of Jacob Richards. One of their dogs came up missing and they believed it was coyotes, so they set some traps. It was his understanding that he could defend his home and livestock, so he asked Jacob to set the traps around the house. A couple days later, their Labrador Retriever was in one of the traps, so they tripped all the traps and didn't trap anymore. The Officer gave a verbal warning, but then came back when a cage trap turned up with Jacobs ID on it.

Jacob Richards addressed the Commission. He has never used a cage trap in the past when he had a trapping license, so he doesn't know anything about the cage trap with his ID on it. Now he knows that you are not allowed to set traps even to protect your property. He paid his ticket and asked the Commission for community service or something like that instead of a revocation.

Annette Richards stated that Jacob was always very good about following the rules and that this was her fault because she asked him to set the traps. Annette Richards asked the Commission for leniency.

Commissioner Husted asked Jacob Richards if he ever sold any of his coyote pelts to which Jacob Richards stated he did not.

Commissioner Harris confirmed with Jacob Richards that he paid his fine.

The Commission took no action in this case.

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Jose F. Higuera-Alvarez

Docket # 2013-0004

Higuera-Alvarez was found guilty by the Pima Consolidated Justice Court for: Count A: Amended to guilty of attempted barter, sell, or offer for sale any wildlife or part of wildlife unlawfully taken during closed season; and sentenced: Fined \$805.00 with two years probation.

Alvarez was present and addressed the Commission. He stated the animal was given to him and he didn't know it was illegal to keep. If he knew, he would have turned it loose.

Chairman Freeman stated for the record that wildlife that has been held should not be turned loose in the wild because of disease and other things. In a case like that, a person should call the Department.

Motion: Husted moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOSE F. HIGUERA-ALVAREZ 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; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST JOSE F. HIGUERA-ALVAREZ TO COLLECT THE AMOUNT OF \$250.00 FOR THE LOSS OF ONE (1) GILA MONSTER; 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 stated that he will vote nay because where the animal is now is a benefit and so Mr. Higuera-Alvarez should not have to pay \$250.00.

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

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Michael Skye Orozco

Docket # 2013-0001

Orozco was found guilty by the Hassayampa Justice Court for: Count A: Transport/possess live bass; and sentenced: Fined \$123.00.

Case Officer Rigo was present.

Orozco was not present, but provided a letter to the Department.

Mr. Elms provided a copy to each Commissioner.

Chairman Freeman read the letter into the record (attached).

Public Comment

The following people addressed the Commission requesting that the Commission impose the maximum revocation period because they believe this was an attempt to cheat in the tournament:

- Kim Carter, Senior Manager of Bass Tournament
- Daniel Elias
- Angelo Messina, President, Arizona Bass Nation
- Ron Schofield
- Don McDowell, Conservation Director, AZBFN – TBF AZ

Mr. McDowell provided the Commission with a copy of a letter from Arizona BASS Federation Nation banning Mr. Orozco from participating in fishing tournaments and requesting the maximum revocation (attached).

Motion: Freeman moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MICHAEL SKY OROZCO 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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James R. Shaff

Docket # 2012-0059

Shaff was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife while revoked; and Count C: Take wildlife without a valid license; and sentenced: Fined \$260.00.

Mr. Elms informed the Commission that Mr. Shaff was on the agenda for December and he sent a request asking to have that postponed. Our general practice for the first time is to honor that request. Mr. Shaff has requested another continuance for this month. It is up to the Commission now whether or not to grant a continuance. Mr. Shaff informed Mr. Elms that he didn't know if

he was going to appear before the Commission. He asked for a continuance because he was writing a letter to the Commission and it was going to take quite some time to write. This case has the potential for a permanent revocation.

The Commission was in consensus to not grant another continuance and to hear these cases now.

Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMES R. SHAFF TO HUNT, FISH, TRAP AND GUIDE 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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James R. Shaff
Docket # 2012-0063

Shaff was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife while revoked; and Count C: Take wildlife without a valid license; and sentenced: Fined \$260.00.

Motion: Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMES R. SHAFF TO HUNT, FISH, TRAP AND GUIDE IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TEN (10) 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 JAMES R. SHAFF TO COLLECT THE AMOUNT OF \$150.00 FOR THE LOSS OF THREE (3) 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: Unanimous

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James R. Shaff

Docket # 2012-0064

Shaff was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife while revoked; and Count C: Take wildlife without a valid license; and sentenced: Fined \$260.00.

Motion: Davis moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMES R. SHAFF TO HUNT, FISH, TRAP AND GUIDE IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER PERMANENTLY. 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 JAMES R. SHAFF TO COLLECT THE AMOUNT OF \$150.00 FOR THE LOSS OF THREE (3) 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: Unanimous

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Aaron D. Thompson, II

Docket # 2013-0002

Thompson was found guilty by the Bulehead Justice Court for: Citation A00474: Count A: Take wildlife without valid license; Count B: Take wildlife without permit or tag; Count : Take wildlife closed season; Count D: Waste of edible game meat; Count E: Take wildlife unlawful device; and Citation A00475: Count A: Possess unlawfully taken wildlife; Count B: Take wrong sex; and sentenced: Combined Fine \$2,320.00.

Case Officer **Apfel** was present.

Thompson was not present.

Motion: Husted moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF AARON D. THOMPSON, II 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 AARON D. THOMPSON, II TO COLLECT THE 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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The Commission re-opened the case of James R. Shaff, Docket #2012-0064 and confirmed with Mr. Elms that the motion included a revocation period for hunt, fish, trap and guide.

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These hearings concluded at 3:12 p.m.

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To board of Commissioners,

I regret that I am unable to attend this commission meeting, due to school obligations that I was unable to get covered. I am remorseful for my actions on the morning of March 16, 2012, and those actions have forever changed my life. I understand there is considerable pressure on the department to take action on my licenses, but I would like to make clear that my actions were never to cheat during the Big Bass Days tournament, as I never weighed any fish. I am currently attending Northern Arizona University as a full time student with a 3.27 GPA, in pursuit of a forestry degree with a fish and wildlife certificate. My goal is to someday work for the Arizona Game and Fish Department as previously discussed with Officer Dave Rigo, to make a positive impact in the state and on our natural resources. If it is determined that action should be taken toward my licenses, I ask that it only be taken on my fishing license because I have never before been in trouble with the law and I have never committed any hunting violations. I would also ask that a probation period be considered if at all possible. Fishing, hunting and the outdoors is a major part of my life, as I am a life time hunt and fish license holder and pursuing a degree in the outdoors dealing with wildlife. My wife and I spend a lot of time in the outdoors and spend a considerable amount of money on tags, passes, permits and sporting goods every year. Due to this incident, I have already had a great deal of loss, in that I can never fish in another tournament in Arizona and receive constant harassment while on the lake. I am limited to where and when I can fish, and I always have to take someone with me due to the harassment and tampering with my unattended vehicle and trailer. Again, I would like to reiterate that I am remorseful for my actions and have been cooperative throughout the process with Officer Dave Rigo. I plan to continue working with Steve Rosenstock (NAU Arizona Game and Fish coordinator) to volunteer with the department and participate in the summer internships for the next two years while I'm attending NAU. Thank you for your time and consideration.

Best Regards,



Michael Orozco

(928) 978-9754



**ARIZONA
B.A.S.S.**

**FEDERATION
NATION**

December 31, 2012

**Chairman Commission Norman W. Freeman
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85036**

Re: Michael Orozco

Dear Chairman Commissioner Freeman,

Regarding the recent conviction of Michael Orozco by the civil courts for transportation of live fish to Lake Pleasant in March of 2012 the following tournament organizations have initiated a permanent, lifetime, band on Mr. Orozco from participating in their events:

- 1. Allstar Bass Tournaments, Local**
- 2. American Bass (ABA) national and local**
- 3. Arizona B.A.S.S. Federation Nation (B.A.S.S.) regional and local**
- 4. Bass Anglers Sports Society (B.A.S.S.) National**
- 5. Bill Luke Bass Days, Local**
- 6. Forrest L. Woods (FLW) National and local**
- 7. Jack AZ, local**
- 8. Lucas Oil national, regional and local**
- 9. Midweek Bass Association (MBA) local**
- 10. Monterey Bass Company (MBC) local**
- 11. The Bass Federation, Arizona, (FLW) local**
- 12. Total Bass Addicts, regional and local**
- 13. Western Outdoor News (WON) local and regional**

As well, numerous other regional and local non affiliated fishing club and groups have mirrored the major organizations imposing bans on Mr. Orozco from participating in their fishing events.

We understand the civil conviction on the "transportation of live fish" and the seriousness of that violation, however, we believe that the intent of Mr. Orozco needs to be addressed as well, that of willfully attempting to defraud the tournament organization and participants by bringing his own Bass for no other reason than financial gain. In plain terms, this is cheating and should not be tolerated by the jurisdictional disciplines, tournament organizations and participants.

Again, we hope the AZGFD Board of Commissioners will hand down a full five year revocation of Mr. Orozco's hunting and fishing privileges for his blatant disregard of our state laws, sense of fair play and good sportsmanship. A clear message needs to be sent that we, the State of Arizona, will not tolerate this behavior.

**On behalf of the organizations,
Sincerely,
Don McDowell
Conservation Director
AZBFN, TBF-AZ**