

Proceedings of the Arizona Game and Fish
 Commission License Revocation and Civil
 Assessment Hearings
 Time Certain – 2:00 p.m.
 Friday, February 1, 2013
 Yuma City Hall Council Chambers
 One City Plaza
 Yuma, Arizona 85364

PRESENT: (Commission)

(Director’s Staff)

Chairman Jack F. Husted
 Vice Chairman John W. Harris
 Commissioner Robert E. Mansell
 Commissioner Kurt R. Davis
 Commissioner Edward “Pat” Madden

Director Larry D. Voyles
 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
Rickey D. Short	2013-0006	Count A:	Littering While Hunting
Jose Flores-Castellanos	2013-0007	Count B:	Possess/Transport Unlawfully Taken Wildlife (Gila Monster) Citation 231636
Steven A. Arizaga	2013-0008	Count B:	Possess/Transport Unlawfully Taken Wildlife (Dove) Citation 231022
Steven M. Orr	2013-0010	Count A:	Obtain 2012 Resident Elk Tag by Misrepresentation Citation 231023
		Count A:	Obtain 2012 Resident Deer Tag by Misrepresentation Citation 231024
		Count A:	Obtain 2012 Resident License by Misrepresentation Citation 231638
Jason R. Wegman	2013-0011	Count B:	Possess/Transport Unlawfully Taken Wildlife (Dove)
Trevor R. Witte	2013-0012	Count C:	Possess/Transport Unlawfully Taken Wildlife (Dove)

Roll call was taken and the following were present: Rickey Short, Steven Orr, and Trevor Witte.

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

Vote: Unanimous

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Rickey D. Short
Docket # 2013-0006

Short was found guilty by the Kingman/Cerbat Justice Court for: Count A: Littering while hunting; and sentenced: Fined \$200.00.

Case Officer Lainie Antolik was present by video teleconference.

Short was present and addressed the Commission. Short stated that he had a homemade toilet with him, but it was not used. It looked like it was used because the people that camped there before him left the mess. He saw the mess was there including the torn t-shirt rags used as toilet paper when he first arrived. He had an RV with a toilet and running water and no need for the homemade toilet, so it wasn't used. He put the homemade toilet over the mess that was already there so that no one would step in it. Other trash that was there was also not his trash.

Officer Antolik answered questions for the Commission and told them that when she looked inside of the homemade toilet, there were several layers of fresh excrement with several layers of the rags inside of the toilet and Mr. Short had no response for that. Initially, when Mr. Short said that he placed the homemade toilet over the mess, he said there was only one small piece of rag visible above ground.

Motion: Davis moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RICKEY D. SHORT TO HUNT AND FISH IN THE STATE OF ARIZONA BE SUSPENDED UNTIL HE COMPLETES THE HUNTER EDUCATION COURSE AND PROVIDES 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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Steven M. Orr

Docket # 2013-0010

Orr was found guilty by the Hassayampa Justice Court for: Citation 231022, Count A: Obtain 2012 resident elk tag by misrepresentation; Citation 231023, Count A: Obtain 2102 resident deer tag by misrepresentation; and Citation 231024, Count A: Obtain 2012 resident license by misrepresentation; and sentenced: Combined Fine of \$1,287.00.

Case Officer Nemlowill was present.

Orr was present and addressed the Commission stating that he owned a house in Arizona and thought he considered a resident. He pleaded guilty and paid his fines. He was cooperative with the officer and was not trying to double dip by hunting in two states. He was here to apologize and take responsibility for his actions.

Motion: Harris moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF STEVEN M. ORR TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER UNTIL HE COMPLETES THE HUNTER EDUCATION COURSE, AND PROVIDES 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: Aye - Husted, Harris, Mansell, Madden
Nay - Davis
Passed 4 to 1

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Jason R. Wegman

Docket # 2013-0011

Wegman was found guilty by the Yuma Justice Court for: Citation 231638, Count B: Possess/transport unlawfully taken wildlife; and sentenced: Fined \$341.03.

Case Officer Nemlowill was present.

Wegman was not present, but was represented by his attorney, William Michael Smith.

Mr. Smith stated that there were some inaccuracies in the Notice of Hearing and he questioned Title 17 under which Mr. Wegman was cited.

The Commission discussed with Mr. Smith that Mr. Wegman pled guilty to the charges and that Mr. Wegman wrote on his application that he was a resident for 8 years and 1 month.

Assistant Attorney General Jim Odenkirk advised the Commission that the conviction was for unlawful take or possession of wildlife and that the Commission has the authority to revoke his license.

Mr. Smith asked the Commission, if they should find to revoke Mr. Smith's license, to consider that Mr. Smith has already incurred costs and has been punished substantially in this matter.

Motion: Madden moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JASON R. WEGMAN 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 JASON R. WEGMAN TO COLLECT THE AMOUNT OF \$900.00 FOR THE LOSS OF EIGHTEEN (18) 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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Trevor R. Witte
Docket # 2013-0012

Witte was found guilty by the Yuma Justice Court for: Count C: Possess/transport unlawfully taken wildlife; and sentenced: Fined \$69.80.

Case Officer Nemlowill was present.

Witte was present and addressed the Commission stating that he pled guilty and that he paid a fine of \$179 and not \$69. He was under the impression that he could be a resident of two states. He owns a house and a driver's license in Arizona. He understands the assessment for damages, but hopes that the revocation is not so severe.

Motion: Mansell moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TREVOR R. WITTE 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 **TREVOR R. WITTE** TO COLLECT THE AMOUNT OF **\$1,000.00** FOR THE LOSS OF **TWENTY (20) 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.

The Commission discussed that the difference in this case from the earlier case was that Mr. Witte had a license in two states.

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

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Jose S. Flores Castellanos
Docket # 2013-0007

Castellanos was found guilty by the Pima County Consolidated Justice Court for: Count B: Possess/transport unlawfully taken wildlife; and sentenced: Fined \$350.00.

Castellanos was not present.

Motion: Harris moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JOSE S. FLORES CASTELLANOS** 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 **JOSE S. FLORES CASTELLANOS** 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.

Vote: Unanimous

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Steven A. Arizaga
Docket # 2013-0008

Arizaga was found guilty by the Yuma Justice Court for: Citation 231636, Count B: Possess/transport unlawfully taken wildlife; and sentenced: Fined \$443.00.

Arizaga was not present.

Case Officer Nemlowill was present and answered questions for the Commission. Officer Nemlowill stated that Mr. Arizaga was receiving resident privileges in California for part of his violation period in Arizona. He didn't own property in Arizona but was using his father's address in Yuma.

Motion: Husted moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF STEVEN A. ARIZAGA 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 STEVEN A. ARIZAGA TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF TEN (10) 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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These hearings concluded at 2:52 p.m.

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