

Proceedings of the Arizona Game and Fish
 Commission License Revocation and Civil
 Assessment Hearings
 Time Certain – 2:00 p.m.
 Friday, March 8, 2013
 Sahuarita Town Council Chambers
 375 W. Sahuarita Center Way
 Sahuarita, Arizona 85629

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.

<u>Name</u>	<u>Docket #</u>	<u>Count</u>	<u>Conviction</u>
Stacy A. Grimmatt	2013-0005	Count A:	Citation 226176 Take Wildlife Closed Season (Mountain Lion)
		Count B:	Possess/Transport Unlawfully Taken Wildlife (Mountain Lion)
Christopher J. Payne	2013-0014	Count A:	Citation 226177 Take Wildlife Without Tag (Mountain Lion)
		Count A:	Take Wildlife Without Permit/Tag (Turkey)
Jory D. Wright	2013-0015	Count A:	Take Wildlife Without Permit/Tag (Turkey)
Michael S. Herring	2013-0024	Count A:	Possession of Unlawfully Taken Wildlife (Trout)
		Count B:	Exceed Bag Limit (Trout)

Roll call was taken and the following were present: Stacy Grimmatt and Christopher Payne.

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

Vote: Unanimous

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Stacy Grimmatt

Docket # 2013-0005

Grimmett was found guilty by the Wilcox Justice Court for: Citation 226176: Count A: Take wildlife closed season; and Citation 226177: Count A: Take wildlife without tag; and sentenced: Combined fine of \$1,013.20.

Case Officer McClard was present.

Grimmett was present and addressed the Commission stating that he has never been in trouble before with the Department. He got excited and made a mistake. He's been archery hunting for 4 years and this is the only thing he's ever shot. He has three kids that like to hunt and fish and he hopes to continue being able to take them hunting and fishing. He has already paid a lot in court costs.

Motion: Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF STACY A. GRIMMETT 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; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST STACY A. GRIMMETT TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MOUNTAIN LION; 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 Harris stated that he seconded the motion because this case is similar to another case where the Commission did a one year revocation.

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

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Christopher J. Payne

Docket # 2013-0014

Payne was found guilty by the Williams Justice Court for: Count A: Take wildlife without permit/tag; and sentenced: Fined: \$530.00.

Case Officer Rice was available by video teleconference.

Payne was present and addressed the Commission stating that he was not stalking the turkey. He has been archery hunting for seven years and has never shot anything. His wife and kids were with him on a deer hunt and his son saw the turkey. He got caught up in his kids excitement, but he did not intend to shoot the turkey and never aimed at it. He fully expected it would run away. It was all for show for his kids and that's all. He asked the Commission for leniency.

Motion: Davis moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHRISTOPHER J. PAYNE 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 Mansell asked Commissioner Davis if he would consider amending his motion to only revoke the license until a hunter education course had been completed.

Commissioner Davis stated that he would not accept the amendment.

Commissioner Husted stated that he would not second the amendment.

Vote: Aye - Husted, Davis, Madden

Nay - Mansell, Harris

Passed 3 to 2

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Jory D. Wright

Docket # 2013-0015

Mr. Wright requested a continuance until April when the Commission meeting will be in Phoenix.

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO GRANT JORY D. WRIGHT'S REQUEST FOR A CONTINUANCE TO THE APRIL COMMISSION MEETING.

Vote: Unanimous

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Michael S. Herring
Docket # 2013-0024

Herring was found guilty by the Flagstaff Justice Court for: Count A: Possession of unlawfully taken wildlife; Count B: Exceed bag limit; and sentenced: Fined \$426.80.

Case Officer Fabian was available via video teleconference.

Herring was not present.

Motion: Madden moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MICHAEL S. HERRING 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; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST MICHAEL S. HERRING TO COLLECT THE AMOUNT OF \$900.00 FOR THE LOSS OF EIGHTEEN (18) TROUT; 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 Harris seconded for discussion and asked Commissioner Madden if he would consider amending his motion to a three year revocation period.

Commissioner Madden agreed to amend his motion.

Amended Motion: Madden moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MICHAEL S. HERRING 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; THAT THE DEPARTMENT BE

DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **MICHAEL S. HERRING** TO COLLECT THE AMOUNT OF **\$900.00** FOR THE LOSS OF **EIGHTEEN (18) TROUT**; 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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