

Proceedings of the Arizona Game and Fish
 Commission License Revocation and Civil
 Assessment Hearings
 Time Certain – 2:00 p.m.
 Friday, August 2, 2013
 Flagstaff City Hall Council Chambers
 211 W. Aspen Avenue
 Flagstaff, Arizona 86001

PRESENT: (Commission)

(Director's Staff)

Chairman John W. Harris
 Vice Chair Robert E. Mansell
 Commissioner Kurt R. Davis
 Commissioner Edward "Pat" Madden

Director Larry D. Voyles
 Deputy Director Ty E. Gray
 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 J. Apodaca	2013-0021	Count A:	Take Wildlife Closed Season (Deer)
Julian R. Milligan	2013-0022	Count A:	Take Wildlife Without Valid Tag In Possession (Deer)
Phillip A. Milligan	2013-0023	Count A:	Take Wildlife Without Valid Tag In Possession (Deer)
Devin R. Davis	2013-0030	Count A:	Knowingly Take Wildlife Closed Season (Antelope)
Cody S. Moline	2013-0042	Count E:	Unlawful Method of Take (Antelope)
		Count C:	Failure to Tag Immediately (Deer)
		Count D:	Waste of Edible Game Meat (Deer)
Kenneth Dodrill	2013-0051	Count A:	Obtain 2009 Resident License by Fraud Citation 231029
Mickey Burdette	2013-0052	Count A:	Obtain 2012 Resident License by Fraud
Randall W. Weber	2013-0053	Count A:	Obtain 2012 Resident License by Fraud
Debra K. Weber	2013-0054	Count A:	Obtain 2012 Resident License by Fraud
Taylor E. Haught	2013-0055	Count A:	Obtain License by Fraud
		Count B:	Obtain Elk Permit by Fraud

Roll call was taken and the following were present: Julian Milligan, Phillip Milligan, Devin Davis, Cody Moline, Kenneth Dodrill, Mickey Burdette, Randall Weber, Debra Weber, and Taylor Haught.

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: Davis moved and Madden seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous
4 to 0

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Taylor E. Haught
Docket # 2013-0055

Haught was found guilty by the North Mesa Justice Court for: Count A: Obtain license by fraud; and Count B: Obtain elk tag by fraud; and sentenced: Combined fine of \$590.00.

Case Officer was not present.

Haught was present and addressed the Commission. He stated that the facts of the case are correct and that he takes responsibility for his actions. He apologized to the Commission and stated that the consequences have been high.

Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TAYLOR E. HAUGHT 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
4 to 0

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Julian R. Milligan
Docket # 2013-0022

Milligan was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife without valid tag in possession; and sentenced: Fined \$185.00.

Milligan was present and addressed the Commission. Stated that he made a mistake and the reason he lied to the officer was because he was nervous.

Case Officer Padilla was present and answered questions for the Commission.

Motion: Harris moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JULIAN R. MILLIGAN 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
4 to 0

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Phillip A. Milligan
Docket # 2013-0023

Milligan was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife without valid tag in possession; and sentenced: Fined \$185.00.

The Case Officer was present.

Milligan was present and addressed the Commission stating that this was just one mistake and that he has never done wrong by the Game and Fish Department.

Motion: Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF PHILLIP A. MILLIGAN 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
4 to 0

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Devin R. Davis
Docket # 2013-0030

Davis was found guilty by the Verde Justice Court for: Count A: Knowingly take wildlife closed season (antelope); and Count E: Unlawful method of take; and sentenced: Fined \$1,266.00.

The Case Officer was not present.

Davis was present and addressed the Commission stating that he made a mistake.

Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DEVIN R. DAVIS 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 DEVIN R. DAVIS TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) BUCK ANTELOPE; 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
4 to 0

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Cody S. Moline
Docket # 2013-0042

Moline was found guilty by the Kingman/Cerbat Justice Court for: Count A: Shoot wildlife from vehicle; Count B: Shoot wildlife from roadway; Count C: Fail to tag immediately; and Count D: Waste of edible game meat; and sentenced: Fined \$1,520.00.

Case Officer Apfel was present.

Moline was present and addressed the Commission. He stated that he made a bad decision and apologized for his actions.

Motion: Davis moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CODY S. MOLINE 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 CODY S. MOLINE TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) 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.

Motion to Amend: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO CHANGE THE REVOCATION PERIOD FROM THREE (3) YEARS TO FIVE (5) YEARS.

Vote: Aye - Mansell, Madden
Nay - Harris, Davis
Failed 2 to 2

(Vote on original motion)

Vote: Aye - Harris, Davis, Madden
Nay - Mansell
Passed 3 to 1

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Kenneth F. Dodrill
Docket # 2013-0051

Dodrill was found guilty by the Lake Havasu Justice Court for Citation A04701: Count A: Obtain 2009 resident license by fraud; and sentenced: Fined \$300.00 and ordered to pay restitution of \$151.50.

Case Officer Ehret was present.

Dodrill was present and addressed the Commission stating that he traveled back and forth between Lake Havasu and Colorado and was confused as to residency. He apologized for his actions and asked for leniency.

Chairman Harris confirmed with Mr. Dodrill that he purchased a resident fishing license in both Arizona and in Colorado.

Motion: Harris moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KENNETH F. DODRILL 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
4 to 0

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Mickey Lee Burdett
Docket # 2013-0052

Burdett was found guilty by the Hassayampa Justice Court for Citation 231029: Count A: Obtain 2012 resident license by fraud; and sentenced: Fined \$307.50.

Case Officer Nemlowill was present via video teleconference.

Burdett was present and addressed the Commission stating that he takes full responsibility for his actions and has paid his fines. He further asked the Commission for leniency.

Motion: Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MICKEY LEE BURDETT 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
4 to 0

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Randall W. Weber
Docket # 2013-0023

Weber was found guilty by the Bullhead Justice Court for Citation A00507: Count A: Obtain 2012 resident license by fraud; and sentenced: Fined \$300.00.

Case Officer Nemlowill was present via video teleconference.

Weber was present and addressed the Commission stating that he owns a house in Bullhead City and thought he was a resident. He buys nonresident licenses in other states. He asked the Commission to only revoke his fishing license and not his hunting license.

Motion: Davis moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RANDALL W. WEBER 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
4 to 0

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Debra K. Weber
Docket # 2013-0054

Weber was found guilty by the Bullhead Justice Court for Citation A00412: Count A: Obtain 2012 resident license by fraud; and sentenced: Fined \$300.00.

Case Officer Nemlowill was present via video teleconference.

Weber was present and addressed the Commission stating that this was an embarrassing situation and that she and her husband have never been involved in a criminal violation before.

Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DEBRA K. WEBER 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
4 to 0

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James J. Apodaca
Docket # 2013-0021

Apodaca was found guilty by the Mayer Justice Court for: Count A: Take wildlife closed season (deer) and fined \$513.00.

Apodaca was not present.

Motion: Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMES J. APODACA 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; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST JAMES J. APODACA TO COLLECT THE SHARED AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) 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
4 to 0

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These hearings concluded at 3:02 p.m.

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