

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, January 10, 2014
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Chairman John W. Harris
Vice Chairman 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
Taron D. Langhove	2014-0002	Count A:	Obtain 2011 Resident License by Fraud
Phillip J. Stricklin	2014-0003	Count A:	Take Wildlife Without Valid License
		Count B:	Possess Unlawfully Taken Wildlife
Robert S. Lewis	2014-0005	Count A:	Possess Unlawfully Taken Wildlife
		Count C:	Take Wildlife Wrong Unit
Michael D. Busby	2014-0006	Count A:	Take Wildlife Without Valid Permit
Adrian C. Arghir	2014-0008	Count A:	Take Wildlife Closed Season
		Count B:	Possess Unlawfully Taken Wildlife
Ralph E. Pastorino	2014-0009	Count A:	Littering While Fishing
John L. Dickey	2014-0010	Count A:	Littering While Fishing
Christopher Braaten	2014-0011	Count A:	Obtain 2013 Resident Permit by Fraud

Roll call was taken and the following were present: Michael Busby, Adrian Arghir, Ralph Pastorino, John Dickey, and Christopher Braaten.

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

Vote: Unanimous
4 to 0

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Michael D. Busby

Docket # 2014-0006

Busby was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife without valid permit; and sentenced: Fined: \$246.00.

Case Officer was present via video teleconference.

Busby was present and addressed the Commission stating that he thought he had a tag because his dad had bought his tag for him that same day. He has never tried to take anything without a valid tag. He stepped all the way to the edge of the road to shoot with his bow.

Keith Busby, father of Michael Busby, addressed the Commission on behalf of his son. He was supposed to have bought the tag the day before and went up to camp, but didn't make it until the next day.

Michael Wallace addressed the Commission on behalf of Michael Busby, stating that he obeys the laws and always exhibits good behavior.

Commissioner Davis confirmed with Mr. Busby that since the incident, he has taken a Hunter Education class.

Motion: Harris moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MICHAEL D. BUSBY 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.

Vote: Unanimous
4 to 0

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Adrian C. Arghir
Docket # 2014-0008

Arghir was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife closed season; and Count B: Possess unlawfully taken wildlife; and sentenced: Combined fine: \$1,120.00.

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

Arghir was present and addressed the Commission stating his English was not good at the time he bought the tag. The store clerk told him that the tag was for a general hunt and that he could hunt during this time.

Chairman Harris confirmed with Mr. Arghir that he has taken a Hunter Education class since the incident.

Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ADRIAN C. ARGHIR TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO (2) 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 ADRIAN C. ARGHIR 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.

Commissioner Davis confirmed with Mr. Arghir that he just completed the Hunter Education course in November 2013.

Commissioner Davis offered a friendly amendment to withdraw the Hunter Education course.

Commissioners Madden and Mansell agreed.

Amended Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ADRIAN C. ARGHIR TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO (2) 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 THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST

ADRIAN C. ARGHIR 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.

Commissioner Mansell commented that this was a lenient revocation period, but that he was going to support it because he believes there was some complications with a language barrier.

Vote: Unanimous
4 to 0

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Ralph E. Pastorino
Docket # 2014-0009

Pastorino was found guilty by the Flagstaff Justice Court for: Count A: Littering while fishing; and sentenced: Fined: \$123.00.

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

Pastorino was present and addressed the Commission stating that the trash was left because they were asked to leave immediately, within 10 minutes, and they did not leave the human excrement for reasons of retaliation. They went back to pick everything up the next day, including a shade cover that they left, and everything was already picked up.

Commissioner Mansell stated that he is going to make a motion and it will be elevated because of the human excrement that was left behind.

Motion: Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **RALPH E. PASTORINO 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: Aye - Harris, Mansell, Madden
Nay - Davis
Passed 3 to 1

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John L. Dickey
Docket # 2014-0010

Dickey was found guilty by the Flagstaff Justice Court for: Count A: Littering while fishing; and sentenced: Fined: \$123.00.

The Case Officer was present.

Dickey addressed the Commission stating that they were not told the day before that they were in a no camping area. They were not told until the Forest Ranger showed up and told them they had 10 minutes to leave.

Motion: Madden moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RALPH E. PASTORINO 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: Aye - Harris, Mansell, Madden
Nay - Davis
Passed 3 to 1

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Christopher H. Braaten
Docket # 2014-0011

Braaten was found guilty by the North Valley Justice Court for: Count A: Obtain 2013 resident permit by fraud; and sentenced: Fined: \$263.00.

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

Braaten was present and addressed the Commission stating that he was guilty of the charge. He cooperated with the Case Officer and was able to determine that although he has a home in Arizona and in another state, he is actually an Arizona resident. He had a residence in both states and thought at the time that he could purchase a resident license in both states.

Motion: Davis moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHRISTOPHER H. BRAATEN 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.

Vote: Unanimous
4 to 0

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Taron D. Langhover
Docket # 2014-0002

Langhover was found guilty by the Pima County Consolidated Justice Court for: Count A: Obtain 2011 resident license by fraud; and sentenced: Fined: \$520.00.

Langhover was not present.

Motion: Davis moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **TARON D. LANGHOVER 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 **TARON D. LANGHOVER** TO COLLECT THE AMOUNT OF **\$11,500.00** FOR THE LOSS OF **TWO HUNDRED AND THIRTY (230) REPTILES AND AMPHIBIANS**; 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

(The Commission re-opened this case following the case of Phillip J. Stricklin to add the word "shared" in regards to the civil assessment)

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Phillip J. Stricklin

Docket # 2014-0003

This hearing is being held pursuant to the provisions of A.R.S. § 17-314. The Department asserts that Phillip J. Stricklin was responsible for the loss of two hundred and thirty (230) reptiles and amphibians.

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

Stricklin was not present.

Motion: Madden moved and Harris seconded THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST PHILLIP J. STRICKLIN TO COLLECT THE SHARED AMOUNT OF \$11,500.00 FOR THE LOSS OF TWO HUNDRED AND THIRTY (230) REPTILES AND AMPHIBIANS; 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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Taron D. Langhover
Docket # 2014-0002

Case re-opened to add the word “shared” regarding the civil assessment.

Amended Motion: Madden moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TARON D. LANGHOVER 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 TARON D. LANGHOVER TO COLLECT THE SHARED AMOUNT OF \$11,500.00 FOR THE LOSS OF TWO HUNDRED AND THIRTY (230) REPTILES AND AMPHIBIANS; 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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Robert S. Lewis
Docket # 2014-0005

Lewis was found guilty by the Flagstaff Justice Court for: Count A: Possess unlawfully taken wildlife; and Count C: Take big game wrong unit; and sentenced: Combined fined: \$870.00.

Lewis was not present.

Motion: Davis moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ROBERT S. LEWIS 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 **ROBERT S. LEWIS** TO COLLECT THE AMOUNT OF **\$2,500.00** FOR THE LOSS OF **ONE (1) COW ELK**; 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 3:00 p.m.

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