

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, May 2, 2014
Yavapai Board of Supervisors Hearing Room
1015 Fair Street
Prescott, Arizona 86305

PRESENT: (Commission)

(Director's Staff)

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

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
Raymond A. Cota	2014-0028	Count B:	Take Wildlife Closed Season (Elk)
Philip T. Sorenson	2014-0029	Count B:	Take Wildlife Closed Season (Elk)
Robert W. Jones	2014-0030	Count A:	Take Excess Bag Limit (Elk)
Charles R. Stegenga	2014-0031	Count A: Count B:	Take Wildlife Without Permit (Elk) Possess Unlawfully Taken Wildlife (Elk)
Brandon D. McNeil	2014-0033	Count B:	Apply/Obtain 2013 Resident Big Game Permit by Fraud
Marlon A. Holden	2014-0035		Civil only; unlawful take, trophy mule deer

Roll call was taken and the following were present: Phillip Sorenson, Robert Jones, Charles Stegenga, and Brandon McNeil.

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

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Phillip T. Sorenson
Docket # 2014-0029

Sorenson was found guilty by the Pinetop/Lakeside (Juvenile) Justice Court for: Count B: Take wildlife closed season; and sentenced: Ordered to perform fifty (50) hours of community service.

The case officer was present via video teleconference.

Sorenson was present with his parents and addressed the Commission. Sorenson apologized for his actions. He completed his community service and asked if there was anything he could do to keep his hunting license. He requested leniency and to keep his fishing license.

The Commission questioned Mr. Sorenson about who shot the elk. Mr. Sorenson stated that Raymond Cota shot the elk initially (related case) and wounded it and then Mr. Sorenson shot and killed it. Mr. Sorenson stated that the others involved in the case were lying when they stated that Mr. Sorenson shot the elk first. Mr. Sorenson is no longer friends with Mr. Cota.

Sorenson's father addressed the Commission on his son's behalf. He did not raise his son to do this kind of thing and his son was only 15 years old when this incident occurred. He believed his son did the right thing by putting the animal out of its misery.

Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF PHILLIP T. SORENSON TO HUNT 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 PHILLIP T SORENSON TO COLLECT THE SHARED AMOUNT OF \$2,500.00 FOR THE LOSS OF ONE (1) BULL 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.

Commissioner Davis asked for a friendly amendment to impose \$500 civil damages and that it not be shared. Commissioners Madden and Mansell agreed. The remainder of the civil assessment will be charged in the other related case (Raymond Cota).

Amended Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF PHILLIP T. SORENSON TO HUNT 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 PHILLIP T SORENSON TO COLLECT THE ASSIGNED AMOUNT OF \$500.00 FOR THE LOSS OF ONE (1) BULL 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

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Robert W. Jones
Docket # 2014-0030

Jones was found guilty by the Round Valley Justice Court for Count A: Take excess bag limit (elk); and sentenced: Fined: \$1,423.80.

The case officer was present.

Jones was present along with his legal counsel, Mr. English.

Mr. English addressed the Commission and stated that Mr. Jones and Mr. Stegenga thought that buddy hunting was allowed and that Mr. Jones could take two elk, one with his own tag and one with his wife's tag. The pass through shot was unintentional and unknown until after he shot the second elk and went over to see them. That's when he saw that three elk were down. Trying to cover up what happened was the most regretful issue.

Mr. Jones addressed the Commission and took responsibility for his actions. He admitted his mistakes and stated that the incident has caused a lot of stress. He promised to never do anything like this again and asked the Commission for leniency.

The Commission discussed with the case officer the deception in the case and when the real story finally came out.

Alice Theresa Jones, wife of Mr. Jones, stated that this has been a terrible and painful experience and she apologized for her actions.

Randy Mifflin, friend of Mr. and Mrs. Jones, addressed the Commission on the Jones' behalf. He has never known them to do anything illegal.

Don Williams, friend of Mr. and Mrs. Jones, addressed the Commission on behalf of Mr. and Mrs. Jones and asked for leniency.

Motion: Ammons moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ROBERT W. JONES 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 **ROBERT W. JONES** TO COLLECT THE **SHARED** AMOUNT OF **\$2,500.00** FOR THE LOSS OF **ONE (1) COW ELK**; AND TO COLLECT AN **ADDITIONAL AMOUNT OF \$2,500.00 FOR THE LOSS OF A SECOND 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

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Charles R. Stegenga
Docket # 2014-0031

Stegenga pleaded guilty in the Round Valley Justice Court for Count A: Take wildlife without a permit (elk); and Count B: Possess unlawfully taken wildlife (elk); Both counts were dismissed; and sentenced: Six months with deferred judgment pending completion of a diversion program.

Stegenga addressed the Commission and apologized for his actions. He came to this hearing from California to be able to say that to the Commission and to his family and friends.

Motion: Harris moved and Madden seconded THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **CHARLES R. STEGENGA** TO COLLECT THE **SHARED** AMOUNT OF **\$2,500.00** FOR THE LOSS OF **ONE (1) COW ELK**; 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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Brandon D. McNeil

Docket # 2014-0033

McNeil was found guilty by the East Mesa Justice Court for Count B: Apply/obtain 2013 resident big game permit by fraud; and sentenced: Fined: \$565.00.

The case officer was present and answered questions for the Commission.

McNeil was present and addressed the Commission. He felt he was wrongly charged but he pled guilty to save time and money. He was told that there wouldn't be any further issues if he pled guilty. He has been living in Arizona since 2004, but because he sells insurance in California, he is over there for weeks or months at a time. He has a car and a boat registered in California. His brother bought him a California fishing license when he was supposed to only buy a 3 day license. He has never purchased a California hunting license. He has been a responsible hunter all his life. He files his taxes in Arizona, but was in California when it was time to vote, so he registered to vote in California.

Motion: Ammons moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BRANDON D. MCNEIL 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, Madden, Ammons
Nay - Mansell, Davis
Passed 3 to 2

(This case was reconsidered following the case of Raymond A. Cota)

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Raymond A. Cota

Docket # 2014-0028

Cota was found guilty by the Pinetop/Lakeside (Juvenile) Justice Court for Count B: Take wildlife closed season; and sentenced: Ordered to perform fifty (50) hours of community service.

Cota was not present.

Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RAYMOND A. COTA TO HUNT 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 RAYMOND A. COTA TO COLLECT THE ASSIGNED AMOUNT OF \$2,000.00 FOR THE LOSS OF ONE (1) BULL 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

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Brandon D. McNeil
Docket # 2014-0033

Commissioner Davis asked to reconsider the case of Brandon McNeil.

Motion: Harris moved and Davis seconded THAT THE COMMISSION VOTE TO RECONSIDER THE CASE OF BRANDON D. MCNEIL.

Vote: Aye – Harris, Mansell, Davis
Nay – Madden, Ammons
Passed 3 to 2

Commissioner Davis stated that this case is more complicated than the usual resident/nonresident case that comes before the Commission.

Motion: Davis moved and Harris seconded THAT THE COMMISSION VOTE TO AMEND THE LICENSE REVOCATION PERIOD FOR BRANDON D. MCNEIL TO ONE (1) YEAR; INSTEAD OF THE THREE YEAR PERIOD AS PREVIOUSLY VOTED.

Commissioner Mansell commented that he considered the same as Commissioner Davis’ comments as well as the time and effort of the officers on the first vote in which he voted no, however, he will support this amendment.

Vote: Aye - Harris, Davis, Mansell
Nay - Madden, Ammons

Passed 3 to 2

Chairman Harris commented that he changed his vote, but still has some questions about all the issues. An investigation has started in California, so this case may not be over. He advised Mr. McNeil to make sure he applies correctly as a resident or nonresident after his revocation period.

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Marlon A. Holden

Docket # 2014-0035

Holden pled not guilty in the Wilcox Justice Court for Citation 225917: Count A: Fail to tag immediately (mule deer); Count B: Invalid use of tag; and Citation 225919: Count A: Take over limit of mule deer; Count B: Possess unlawfully taken wildlife; and Count C: Export unlawfully taken wildlife. Court findings: All charges dismissed without prejudice; no conviction.

This hearing before the Commission is held pursuant to the provisions of ARS. § 17-314. The Department asserts that Marlon A. Holden was responsible for the loss of one (1) trophy mule deer.

Holden was not present. The Department received a letter from Mr. Holden's attorney that Mr. Holden declined to be present.

The case officer was present and answered questions for the Commission.

Motion: Madden moved and Mansell seconded THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST MARLON A. HOLDEN TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY MULE DEER; 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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These hearings concluded at 3:20 p.m.

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