

DRAFT

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, August 1, 2014
Double Tree by Hilton Hotel, Kaibab Room
1175 West Route 66
Flagstaff, Arizona 86001

PRESENT: (Commission)

(Director's Staff)

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

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
Ian M. Kuemerle	2014-0047	Count A:	Citation 231399 Apply for 2011 Deer Permit by Fraud
		Count A:	Citation 235372 Apply for 2010 Deer Permit by Fraud
Francisco Delatorre	2014-0048	Count B:	Take Wildlife Without Valid Tag (Elk)
Louie A. Moreno	2014-0047	Count A:	Take Wildlife With Unlawful Device (Mule Deer)
		Count B:	Possess Unlawfully Taken Wildlife (Mule Deer)

Roll call was taken and the following were present: Ian Kuemerle and Francisco Delatorre.

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: Ammons moved and Harris seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous
4 to 0
Madden not present

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Ian M Kuemerle
Docket # 2014-0047

Kuemerle was found guilty by the Hassayampa Justice Court for: Citation 231399: Count A: Apply for 2011 deer permit by fraud; and Citation 235472: Count A: Apply for 2010 deer permit by fraud; and sentenced: Fined \$432.00 and restitution of \$668.75 to the Wildlife Theft Protection Fund.

Case Officer Hervert was present via video teleconference from the Region VI Office.

Mr. Elms provided documents to the Commission that the Department received from Kuemerle two days prior to this meeting. The documents consisted of letters of character witness and information on Kuemerle's past. These documents were scanned and emailed to the Commission prior to this meeting for review.

Mr. English, legal counsel for Mr. Kuemerle, addressed the Commission on behalf of Mr. Kuemerle. Statements included that Mr. Kuemerle took full responsibility and fully cooperated with the Department. Mr. Kuemerle failed to appear in court because the summons was sent to his Wickenburg address while he was at his residence in California.

Commissioner Davis asked about Mr. Kuemerle's reason for doing this being financial hardship.

Mr. English stated that was correct. Mr. Kuemerle had purchased a hotel in Lake Havasu and due to the real estate crash in 2008, their hotel business failed.

Mr. Kuemerle addressed the Commission and apologized for his actions to the Commission and to all Arizona sportsmen.

Motion: Harris moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF IAN M. KUEMERLE 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; 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 - Mansell, Madden, Ammons, Harris

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Nay - Davis
Passed 4 to 1

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Francisco Delatorre
Docket # 2014-0048

Delatorre was found guilty by the Flagstaff Justice Court for Count B: Take wildlife without valid tag; and sentenced: Fined: \$446.00.

Delatorre addressed the Commission with his sister. His sister spoke for him stating that Francisco did not know he was in a no hunting zone. This was his first time hunting, he was not driving and he trusted his uncle and the individual that was driving to take him to the correct area open for hunting. He did not shoot anything. In order to not make this mistake again, he will research where it is legal to hunt.

Case Officer Fabian was present and recounted the case for the Commission and answered questions.

Commissioner Davis confirmed with Officer Fabian that initially Delatorre was not truthful, stating that he was hunting mountain lion, and later admitted that he was hunting elk. He was also hunting in the wrong unit.

Motion: Ammons moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF FRANCISCO DELATORRE 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 - Mansell, Madden, Ammons, Harris
Nay - Davis
Passed 4 to 1

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Louie A. Moreno
Docket # 2014-0049

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Moreno was found guilty by the Douglas Justice Court for Count A: Take wildlife with unlawful device; and Count B: Possess unlawfully taken wildlife; and sentenced: Combined fine of \$276.60.

Moreno was not present.

Mr. Elms read the case summary into the record (attached).

Case Officer Richins was present via video teleconference and answered questions for the Commission.

Commissioner Harris asked if Moreno possessed an archery deer tag.

Officer Richins stated that Moreno did not have an archery deer tag at that time. He had an unfilled rifle tag earlier in the year and was using that as an assumption that he could fill that tag in the calendar year.

Motion: Madden moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF LOUIE A. MORENO 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 LOUIE A. MORENO TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) 4X4 MULE DEER BUCK; 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 2:34 p.m.

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