

Proceedings of the Arizona Game and Fish
 Commission License Revocation and Civil
 Assessment Hearings
 Time Certain – 2:00 p.m.
 Friday, September 5, 2014
 Show Low City Council Chambers
 181 N. 9th Street
 Show Low, Arizona 85901

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
Dustin L. Meza	2014-0050	Count A:	Take Wildlife And Allow Edible Portions To Go To Waste (Javelina)
Cole R. Estes	2014-0051	Count A:	Take Wildlife And Allow Edible Portions To Go To Waste (Javelina)
Richard C. Rogers	2014-0053	Count A:	Take Wildlife Without Valid Tag/License (Turkey)
		Count B:	Possess Unlawfully Taken Wildlife (Turkey)
Frank Capanear	2014-0054	Count B:	Possess Unlawfully Taken Wildlife (Mule Deer)
William Holoboff	2014-0055	Count A:	Obtain 2012 Resident Hunting License By Misrepresentation
James D. Helms	2014-0057	Count A:	Obtain 2012 Resident Hunting License By Misrepresentation
Louis P. Perea Jr.	2014-0058	Count A:	Take Wildlife During A Closed Season (Waterfowl)
			Citation A08483
John A. Heideman	2014-0059	Count A:	Obtain 2013 Resident Hunting License By Misrepresentation
		Count B:	Obtain 2013 Resident Javelina Tag By Misrepresentation

Citation A08484

Count A: Obtain 2014 Resident Hunting License By
Misrepresentation

Count B: Obtain 2014 Resident Javelina Tag By
Misrepresentation

Roll call was taken and the following were present: Dustin Meza and Cole Estes.

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

* * * * *

Richard C. Rogers
Docket # 2014-0053

Rogers was found guilty by the Santa Cruz County Justice Court for: Count A: Take Wildlife without a valid tag/license; and Count B: Possess unlawfully taken wildlife; and sentenced: Combined fine of \$760.00.

Case Officer Simmons was present via video teleconference and answered questions for the Commission. Officer Simmons stated that Mr. Rogers' testimony was true and he did not use a shotgun to kill a turkey and an x-ray was done to prove that point.

Rogers was not present.

Motion: Davis moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RICHARD C. ROGERS TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED UNTIL HE COMPLETES THE HUNTER EDUCATION COURSE AND PROVIDES 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

* * * * *

The cases of Dustin Meza and Cole Estes are related and were addressed by the Commission at the same time.

Dustin L. Meza

Docket # 2014-0050

Meza was found guilty by the Tucson Animal Welfare Court for Count A: Take wildlife and allow edible portions to waste (javelina); and sentenced: Fined: \$260.00.

Cole R. Estes

Docket # 2014-0051

Estes was found guilty by the Tucson Animal Welfare Court for Count A: Take wildlife and allow edible portions to waste (javelina); and sentenced: Fined \$260.00.

Case Officer Guerena was present via video teleconference and answered questions for the Commission. Officer Guerena confirmed for Commissioner Davis that Mr. Meza was honest with him.

Meza was present and addressed the Commission stating that the game bags were left by mistake and explained how they were overlooked; the parts of the javelina left in the field were left there because they didn't think it was good.

Estes was present and addressed the Commission stating that he was ashamed of what happened; they tried to take on too many pigs with not enough time before dark; it was a huge mistake and he apologized for his actions.

Motion: Ammons moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DUSTIN L. MEZA AND COLE R. ESTES TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND THEY BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEAR; THAT THEIR 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 Harris stated that his motion reflects the fact that they came forward and were truthful, but because they left the game bags as well, this is also a littering offense, so this is really a lenient motion, but he wants them to learn from this process.

Vote: Unanimous

* * * * *

Frank N. Capanear
Docket # 2014-0054

Capanear was found guilty by the Wilcox Justice Court for Count B: Possess unlawfully taken wildlife (mule deer); and sentenced: Fined \$175.00.

Case Officer Bacorn was present via video teleconference.

Capanear was not present.

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

* * * * *

William Holoboff
Docket # 2014-0055

Holoboff was found guilty by the Yuma Justice Court for Count A: Obtain 2012 resident hunting license by misrepresentation; and sentenced: Fined \$362.40 and ordered to pay restitution of \$884.00 to the Wildlife Theft Prevention Fund.

Case Officer Nemlowill was present via video teleconference.

Holoboff was not present.

Commissioner Davis stated that this is a good example of why we need the online licensing system at the dealerships. This is one of those cases that could have been avoided if all the right questions were asked.

Chairman Mansell agreed with Commissioner Davis about the need for online licensing, but also pointed out that this is a case where there is an Oregon drivers license and an Arizona ID with an

Oregon mailing address, the majority of vehicles are registered in Oregon, the boat is registered in Oregon, he had a resident license in both Oregon and Arizona at the same time, and he files his income tax in the State of Oregon.

Commissioner Davis agreed and stated that his comments were not to say that this wasn't done willfully or intentionally.

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

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

* * * * *

Darby J. Helms
Docket # 2014-0057

Helms was found guilty by the Desert Ridge Justice Court for Count A: Obtain 2012 resident hunting license by misrepresentation; and sentenced: Fined \$236.00.

Case Officer Nemlowill was present via video teleconference.

Helms was not present.

Motion: Madden moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DARBY J. HELMS 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

* * * * *

Louis P. Perea, Jr.
Docket # 2014-0058

Peria Jr. was found guilty by the Mayer Justice Court for Count A: Take wildlife during a closed season (waterfowl); and sentenced: Fined \$493.00.

Case Officer Hurst was present via video teleconference.

Perea Jr. was not present.

Motion: Davis moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF LOUIS P. PEREA, JR. 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 LOUIS P. PEREA, JR. TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF TWO (2) WESTERN GREBES; 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

* * * * *

John A. Heideman
Docket # 2014-0059

Heideman was found guilty by the Desert Ridge Justice Court for Citation A048483: Count A: Obtain 2013 resident hunting license by misrepresentation; and Count B: Obtain 2013 resident javelina tag by misrepresentation; and Citation A08484: Count A: Obtain 2014 resident hunting license by misrepresentation; and Count B: Obtain 2014 resident javelina tag by misrepresentation; and sentenced: Combined fine of \$1,230.00.

Case Officer Nemlowill was present via video teleconference.

Heideman was not present.

Motion: Davis moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOHN A. HEIDEMAN 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 JOHN A. HEIDEMAN TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF ONE (1) JAVELINA; 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

* * * * *

These hearings concluded at 2:45 p.m.

* * * * *