

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Friday, April 15, 2005 - 2:00 p.m.  
Avondale City Council Chambers  
11465 W. Civic Center Dr.  
Avondale, AZ 85323

PRESENT: (Commission)

(Director's Staff)

Chairman W. Hays Gilstrap  
Commissioner Joe Melton  
Commissioner Michael M. Golightly  
Commissioner William H. McLean  
Commissioner Chilton

Director Duane L. Shroufe  
Deputy Director Steve K. Ferrell  
Assistant Attorney General Jim Odenkirk  
Assistant Attorney General Shelley Cutts

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments  
for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Craig McMullen, Acting Law Enforcement Branch Chief

The Department would like the record to show that each of these cases have been reviewed and it has been determined that all cases meet the criteria established in A.R.S. §15-714, §17-238, §17-314, §17-340, §17-362 and/or §17-363 for Commission action. The record should reflect that the Commission and the respondents have been 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. All of these exhibits may be considered by the Commission in order to make a final determination. Each individual has been legally noticed for today's hearing.

The Commission considered and took action on the license revocations and/or civil assessments for the individuals listed below:

<u>Name</u>	<u>Conviction</u>
Hardy, Steven P.	Count A: Take Big Game without permit/tag (deer).
Robinson, Casey W.	Count A: Vandalism (Destroy Fence While Hunting).
Sanchez, Manuel C.	Count A: Take a Pied-Billed Grebe out of season (Non-Game Bird).
Turnbough, Robert	Count A: Shoot into a road. Count B: Possess unlawfully taken wildlife (elk).
Peterson, Blair C.	Count A: Unlawful Method of Take (deer).
Seeley, Austin M.	Count A: Possess unlawfully taken wildlife (bear). Count B: Knowingly take wildlife during the closed season (bear). Count C: Take wildlife without valid permit (bear).
Russell, Raymond J.	Count A: Litter while hunting.

Roll call was taken and the following were present: Robert Turnbough, Blair C. Peterson, and Raymond J. Russell.

**Motion:** Melton moved and McLean seconded THAT THE COMMISSION TAKE JURISDICTION IN THESE CASES.

**Vote:** Unanimous

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Blair C. Peterson

Peterson was found guilty by the Moccasin Justice Court for: Count A: Unlawful Method of Take (deer); and sentenced Count A: Fined \$750.00, of which \$600.00 was suspended.

Peterson was present and addressed the Commission stating that he was there to take accountability for his actions.

Chairman Gilstrap noted that Mr. Peterson drove in from Utah to attend this Commission meeting.

**Motion:** McLean moved and Chilton seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BLAIR C. PETERSON TO HUNT 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, 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 BLAIR C. PETERSON TO COLLECT THE AMOUNT OF \$1,402.72 FOR THE LOSS OF ONE (1) 7X7 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.

Chairman Gilstrap asked if there was a difference in the amounts for a trophy animal as opposed to an average animal.

Mr. McMullen stated that the Statute and Rule provide that the civil assessment shall 'not be less than,' so the Commission can make that decision.

Commissioner Golightly asked if the deer was scored for the Boone and Crocket book, but that information was not available at this time. Further, Commissioner Golightly asked Mr. Peterson why he turned himself in.

Mr. Peterson stated that a friend noticed the fragments and he admitted to him what he did. Basically, he didn't want to have to lie to friends and family for the rest of his life. It was a bigger deer than he thought and it became a bigger deal than he anticipated and so he just needed to deal with it.

Mr. McMullen stated that an officer from the strip was present and informed him that the buck scored around 230 and was 34 inches wide.

Mr. Peterson stated that it could not have been over 30 inches wide.

Commissioner Golightly confirmed that 230 was the minimum for entry into the book and further requested that the Department get the score on those kind of bucks ahead of time.

**Vote:** Aye Gilstrap, Melton, McLean, Chilton  
Nay Golightly  
Passed 4 to 1

Commissioner McLean commented that normally he wouldn't have any sympathy, but he believes Mr. Peterson stood up and did what he needed to do and it saved him two years in his motion.

Commissioner Chilton agreed that there should be a difference for someone who comes forward.

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Raymond J. Russell

Russell was found guilty by the Pinetop/Lakeside Justice Court for: Count A: Litter While Hunting; and sentenced Count A: Fine suspended.

Russell was present and addressed the Commission stating that he had cleaned up and piled all the trash to be burned, but upon finding that his ground blind had been stolen, he was upset and left forgetting to burn it.

Commissioner Chilton commented that cans don't burn.

**Motion:** Chilton moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSE PRIVILEGES OF RAYMOND J. RUSSELL TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA ARE 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

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Steven P. Hardy

Hardy was found guilty by the Fredonia Justice Court for: Count A: Take Big Game Without Permit/Tag (deer); and sentenced Count A: Fined \$224.00.

Hardy was not present.

Mr. McMullen stated that Department records show two previous citations issued to Hardy. The most recent was issued in September 2004 for shooting from a maintained road with a bow and arrow at a decoy.

Commissioner Golightly asked when the archery incident would come before the Commission, to which Mr. McMullen stated that it had probably not been adjudicated yet.

Commissioner McLean requested that Mr. McMullen follow up and try to expedite bringing the previous case before the Commission.

Commissioner Golightly clarified with Mr. McMullen that Hardy did not have his license revoked from his previous citations. The earlier citation was for taking waterfowl after legal shooting time in 1996.

**Motion:** Golightly moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF STEVEN P. HARDY TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA ARE 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 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 STEVEN P. HARDY TO COLLECT THE AMOUNT OF \$1,402.72 FOR THE LOSS OF ONE (1) MULE DEER DOE; 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 Turnbough

Turnbough was found guilty by the Flagstaff Justice Court for: Count A: Shoot Into A Road; Count B: Possess Unlawfully Taken Wildlife (elk); and sentenced Count A: Fined \$400.00; and Count B: Fined \$400.00.

Commissioner Golightly asked if the road was a maintained road and the case officer addressed the Commission stating that it was.

Turnbough was present and addressed the Commission admitting his offense and that it was wrong. He is a native Arizonan who has hunted all his life and he's been through Hunter Education, as well as put his two teenagers through Hunter Education. He knew better, but had a weak moment and used bad judgment.

Commissioner Golightly asked what day of the hunt this happened, to which Mr. Turnbough replied that it was the third day of a four day hunt.

**Motion:** Golightly moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ROBERT TURNBOUGH TO HUNT 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 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 TURNBOUGH TO COLLECT THE AMOUNT OF \$2,337.87 FOR THE LOSS OF ONE (1) ANTERLESS 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:** Aye Golightly, McLean, Chilton  
Nay Gilstrap, Melton  
Passed 3 to 2

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#### Casey William Robinson

Robinson was found guilty by the Kingman/Cerbat Justice Court for: Count A: Vandalism (destroy fence while hunting); and sentenced Count A: One (1) year unsupervised probation and restitution to the Hualapai Indian Tribe in the amount of \$770.00.

Robinson was not present.

**Motion:** Chilton moved and Melton seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CASEY WILLIAM ROBINSON 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.

Commissioner McLean commented that he thought five years was too steep.

Chairman Gilstrap commented that when this Department works as hard as it does to work with cooperators on access, and someone is caught doing something of this nature, the Commission should be as aggressive as is appropriate in showing our cooperators that we don't tolerate people violating their private or public lands.

**Vote:** Aye Gilstrap, Melton, Golightly, Chilton  
Nay McLean  
Passed 4 to 1

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Manuel Chee Sanchez

Sanchez was found guilty by the Yuma Justice Court for: Count A: Take A Pied-Billed Grebe Out Of Season (non-game bird); and sentenced Count A: Fined \$239.00.

Sanchez was not present.

Sanchez has been convicted of wildlife violations four times in the past three years, with the last offense still pending.

**Motion:** Melton moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MANUEL CHEE SANCHEZ TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA ARE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS TO RUN CONSECUTIVELY AFTER HIS CURRENT REVOCATON, WHICH ENDS ON DECEMBER 10, 2009; 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 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 MANUEL CHEE SANCHEZ TO COLLECT THE AMOUNT OF \$31.17 FOR THE LOSS OF ONE (1) PIED-BILLED GREBE; 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 Melton commented that this is the type of case, repeat offenders, in which the Commission is looking for additional revocation authority.

Commissioner McLean requested that Mr. McMullen follow up on the case that is still pending and try to expedite bringing it before the Commission.

**Vote:** Unanimous

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Austin M. Seeley

Seeley was found guilty by the Pinetop/Lakeside Justice Court for: Count A: Possess Unlawfully Taken Wildlife (bear); Count B: Knowingly Take Wildlife During The Closed Season (bear); Count C: Take Wildlife Without Valid Permit; and sentenced Count A: Fined \$500.00; Count B: Fined \$600.00; and Count C: Fined \$400.00.

Seeley was not present, but submitted a letter of his testimony stating that he killed the bear because the bear was on his porch and a threat to his family.

Commissioner Chairman commented that the letter indicated that the bear was a threat, but at the time of the report, there was no mention of the bear being a threat.

Chairman Gilstrap asked if the outcome would have been different if Seeley had called the Department and reported shooting the bear.

The case officer, Shawn Wagner, addressed the Commission stating that if Seeley had called, the outcome could have been different. When asked why he didn't call, his response was because he knew he would be in trouble for poaching a bear. In addition, Mr. Seeley's yard was littered and kitchen garbage was on the front porch. There was an aggressive bear in the neighborhood that had been removed three weeks prior to this incident. The bear that was shot posed no threat at the time it was killed, it was simply going from garbage can to garbage can, or front porch in this case.

**Motion:** McLean moved and Chilton seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF AUSTIN M. SEELEY TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA ARE 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 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 AUSTIN M. SEELEY TO COLLECT THE AMOUNT OF \$1402.72 FOR THE LOSS OF ONE (1) BLACK BEAR; 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