

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Friday, August 11, 2006 – 2:00 p.m.  
Time Certain  
Radisson Woodlands Hotel  
1175 W. Route 66  
Flagstaff, Arizona 86001

PRESENT: (Commission)

(Director's Staff)

Chairman Joe Melton  
Commissioner Michael M. Golightly  
Commissioner William H. McLean  
Commissioner Robert Hernbrode  
Commissioner Jennifer L. Martin

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:** Ronald L. Day, 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 was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed below:

<u>Name</u>	<u>Conviction</u>
Erickson, Lance J.	Count A: Possess unlawfully taken wildlife (elk).
Remmert, Richard	Count A: Take wildlife in wrong unit (elk). Count B: Possession of unlawfully taken wildlife (elk).
Klebba, Claude E.	Count A: Obtain 2006 Arizona resident fishing license by fraud or misrepresentation.
Carter, Steven A.	Count A: Knowingly possess wildlife taken in a closed area (elk).
Denny, Alice Begay	Failure to comply with the terms of a citation for wildlife violation (i.e. fishing without a valid license) as per the terms of the Wildlife Violator Compact.
Claw, Henry Joe	Failure to comply with the terms of a citation for a wildlife violation (i.e. fishing without a valid license) as per the terms of the Wildlife Violator Compact.

Batty, Blake H.

Failure to comply with the terms of a citation for a wildlife violation (i.e. fishing without a valid license) as per the terms of the Wildlife Violator Compact.

Maiers, Robert G.

Count A: Obtain resident hunting license by fraud.

Count B: Obtain resident elk permit by fraud.

Count C: Apply for resident deer permit by fraud.

(Continued from the June 23, 2006, Commission Meeting).

Roll call was taken and the following were present: Lance Erickson and Robert Maiers.

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

**Vote:** Unanimous

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Lance J. Erickson

Erickson was found guilty by the Seligman Justice Court for: Count A: Possess unlawfully taken wildlife (elk); and sentenced Count A: Fined \$215.00.

Officer Baumgarten addressed the Commission stating that Mr. Erickson was very cooperative and without his truthful account, the Department would not have been successful in the prosecution of other individuals related to this incident.

The Commission questioned Mr. Erickson about what happened to the elk meat.

Mr. Erickson stated that the ranch owner directed that the meat be put in the barn.

**Motion:** Hernbrode moved and Martin seconded that no further action be taken on this matter.

Commissioner McLean requested that the vote on this motion be tabled until Mr. Erickson review a photo spread.

Commissioner Martin withdrew her second.

**Motion failed for lack of second.**

**Motion:** McLean moved and Martin seconded THAT THE COMMISSION VOTE TO TABLE THIS MATTER FOR NO LONGER THAN THE NEXT COMMISSION MEETING IN SEPTEMBER AND A LATER REPORT FROM OFFICER BAUMGARTEN CONCERNING WHETHER OR NOT HE HAS BEEN ABLE TO COMPLETE FURTHER INVESTIGATION IN THIS MATTER.

**Vote:** Aye - Melton, Golightly, McLean, Martin  
Nay - Hernbrode  
Passed 4 to 1

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Richard R. Remmert

Remmert was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife in wrong unit (elk); and Count B: Possession of unlawfully taken wildlife (elk); and sentenced Count A: Sentence suspended; and Count B: Sentence suspended.

Remmert was not present, but was represented by Attorney David Thorne. Mr. Thorne requested that the Commission postpone this hearing because the case was currently in the appeal process with the Court.

Chairman Melton asked Mr. Odenkirk what would happen to the Commissions' action today if Mr. Remmert's Court appeal was successful.

Mr. Odenkirk stated that if the Court reversed its decision, any action taken by the Commission would be nullified.

The Commission further discussed the ramifications and/or benefits of postponing versus taking action today.

**Motion:** McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO DENY THE APPLICANTS MOTION FOR A STAY AND MOVE FORWARD WITH THE PROCEEDINGS TODAY.

**Vote:** Unanimous

Mr. Day briefed the Commission on the case.

Mr. Thorne addressed the Commission stating that Mr. Remmert was depending on his licensed guide to keep him within the unit boundaries of his hunt.

Officer Caputo addressed the Commission confirming the case record that Mr. Remmert was advised by his original guide that his permit was only valid for a small portion of his hunt unit and therefore should have had knowledge that he was hunting in the wrong hunt area.

**Motion:** McLean and Martin moved THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **RICHARD R. REMMERT 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 **RICHARD R. REMMERT** TO COLLECT THE AMOUNT OF **\$2,417.08** FOR THE LOSS OF **ONE (1) 7 X 8 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 G. Maiers

Maiers was found guilty by the Round Valley Justice Court for: Count A: Obtain resident hunting license by fraud; Count B: Obtain resident elk permit by fraud; and Count C: Apply for resident deer permit by fraud; and sentenced Count A: Fined \$473.00; and Count B: Fined \$203.00; and Count C: Fined: \$203.00.

Officer Weiss answered questions for the Commission and stated that Mr. Maiers was cooperative.

Maiers was present and addressed the Commission apologizing for his actions.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ROBERT G. MAIERS 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:** Unanimous

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Claude E. Klebba

Klebba was found guilty by the La Paz Justice Court for: Count A: Obtain resident fishing license by fraud or misrepresentation; and sentenced Count A: Fined \$218.00.

Klebba was not present, but sent a letter received by the Department on August 9, 2006. Mr. Day read the letter into the record as follows: Attention Ronald Day, To reiterate our phone conversation, I do not contest the citation for being stupid, however, I did not misrepresent my state of residency to obtain an Arizona ID card with which I purchased an Arizona resident fishing license. Only after seeing the other out-of-state retirees with resident licenses, and after

asking the lady at the Fort Mohave License Bureau, if this card allowed me to hold a resident license and being told by her that she thought it would, did I feel comfortable to purchase one. Also, if I had been hatching some devious plot, I certainly would not have shown the agent my South Dakota drivers license and ID. Prior to this, my first and only Fish and Game citation I have received was in Colorado in 1979. Claude Klebba.

Officer Kohnke was present and answered questions for the Commission.

Commissioner Martin verified with Officer Kohnke that Mr. Klebba stated that he was told by someone from the Fort Mohave License Bureau that he could purchase the resident fishing license if he had an Arizona ID card.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **CLAUDE E. KLEBBA TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **ONE (1) 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 - Melton, Golightly, McLean, Hernbrode  
Nay - Martin  
Passed 4 to 1

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Steven A. Carter

Carter was found guilty by the Flagstaff Justice Court for: Count A: Knowingly possess wildlife taken in a closed season (elk); and sentenced Count A: Fined \$289.00.

Carter was not present.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **STEVEN A. CARTER 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

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The following three individuals were issued a citation for a wildlife violation in an Interstate Wildlife Violator Compact member state and failed to take care of the matter, so each of these citations went to warrant.

Alice Begay Denny, Henry Joe Claw, and Blake H. Batty

Failure to comply with the terms of a citation for a wildlife violation (i.e. fishing without a valid license) as per the terms of the Wildlife Violator Compact.

**Motion:** Golightly moved and Martin and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ALICE BEGAY DENNY, HENRY JOE CLAW, AND BLAKE H. BATTY TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE SUSPENDED AND THEY BE DENIED ANOTHER UNTIL THE LICENSING AUTHORITY FROM THE **STATE OF UTAH** FURNISHES THE DEPARTMENT WITH SATISFACTORY EVIDENCE OF THE SUBJECTS' COMPLIANCE WITH THE ORIGINAL CITATION; THAT THE LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING; 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 3:21 p.m.

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