

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Friday, May 19, 2006 – 8:00 a.m.  
Embry-Riddle Aeronautical University  
3700 Willow Creek Road  
Prescott, Arizona 86301

PRESENT: (Commission)

(Director's Staff)

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

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>
Rock, Bernard J.	Count A: Attach tag belonging to another (elk). Count B: Take wildlife in excess of bag limit (2 elk) Count C: Take wildlife and allow edible portions to waste (elk).
Rivera, Christina P. Hibbs, Jason C.	Count A: Allow tag to be attached by another (elk). Count A: Take wildlife during closed season (elk). Count B: Allow edible game meat to waste (elk).
Murphy, Richard D.	Count A: Shoot from a vehicle Count B: Take wildlife at night (rabbit). Count C: Take wildlife with artificial light (rabbit). Count D: Littering while hunting.
Shillingburg, Michael T.	Count A: Take during closed season (Gila Monster). Count B: Possession of restricted live wildlife (Gila Monster).

Roll call was taken and the following were present: Bernard J. Rock, Christina P. Rivera, Jason C. Hibbs.

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

**Vote:** Unanimous

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The following two cases, Rock and Rivera were related.

Bernard J. Rock

Rock was found guilty by the Round Valley Justice Court for: Count A: Attach Tag Belonging To Another (elk); and Count B: Take Wildlife In Excess Of Bag Limit (2 elk); and Count C: Take Wildlife And Allow Edible Portions To Waste (elk); and sentenced Count A: Fined \$1,388.00; Count B: Fined Suspended; and Count C: Fined \$203.00.

Rock was present and addressed the Commission stating that Ms. Rivera had nothing to do with the incident and shouldn't have to pay damages except for giving her tag away. Also, Rock stated that it was an accident and he did not mean to shoot the calf. Additionally, neither he nor Rivera had the means to pay the proposed civil assessment amounts.

Commissioner Gilstrap confirmed with Mr. Day that tagging someone else's take was illegal.

Commissioner Mclean clarified with Mr. Day that the civil damages assessed were for two elk with the cost of 1 and ½ assessed to Rock and ½ assessed to Rivera.

**Motion:** Hernbrode moved THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **BERNARD J. ROCK 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.

**Motion died for lack of second.**

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **BERNARD J. ROCK 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 **SHARED** CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **BERNARD J. ROCK** TO COLLECT THE AMOUNT OF **\$3000.00** FOR HIS PART IN THE LOSS OF **TWO (2) 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 Gilstrap clarified with Mr. Day that individuals are allowed to make installment payments towards their civil assessments.

**Vote:** Unanimous

Commissioner McLean explained his vote stating that the fine is a penalty paid to the Justice Court and in addition to that, when someone takes an animal unlawfully or assists in taking an animal unlawfully they have essentially stolen the value of that animal from the people of the State of Arizona. Commissioner McLean believes it is mandatory that they make restitution.

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Christina P. Rivera

Rivera was found guilty by the Round Valley Justice Court for: Count A: Allow Tag To Be Attached By Another (elk); and sentenced Count A: Fined \$493.00.

Rivera was present but did not address the Commission.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **CHRISTINA P. RIVERA TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND SHE 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 SHE 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 **SHARED** CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **CHRISTINA P. RIVERA** TO COLLECT THE AMOUNT OF **\$1000.00** FOR HER PART IN THE LOSS OF **TWO (2) 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 – Melton, McLean, Hernbrode, Gilstrap

Nay – Golightly  
Passed 4 to 1

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Jason C. Hibbs

Hibbs was found guilty by the Kingman Municipal Court for: Count A: Take Wildlife During Closed Season (elk); Count B Allow Edible Game Meat To Waste (elk); and sentenced Count A: Fined \$384.00; and Count B: Fined \$207.00.

Hibbs was present and stated that he thought he was shooting at an antlered deer.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JASON C. HIBBS 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 **JASON C. HIBBS** TO COLLECT THE AMOUNT OF **\$2,417.08** FOR THE LOSS OF **ONE (1) SPIKE 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:** Aye – Melton, McLean, Hernbrode, Gilstrap  
Nay – Golightly  
Passed 4 to 1

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Richard D. Murphy, Jr.

Murphy was found guilty by the Williams Justice Court for: Count A: Shoot From A Vehicle; Count B: Take Wildlife At Night (Rabbits); Count C: Take Wildlife With Artificial Light (rabbits); and Count D: Littering While Hunting; and sentenced Count A: Fined \$200.00; Count B: Fined \$200.00; Count C: Fined \$200.00; and Count D: Fined \$50.00.

Murphy was not present.

Commissioner Hernbrode confirmed with Mr. Day the status of jackrabbits as nongame animals.

**Motion:** Gilstrap moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **RICHARD D. MURPHY, 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; 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, Hernbrode, Gilstrap  
Nay McLean  
Passed 4 to 1

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Michael T. Shillingburg

Shillingburg was found guilty by the Mesa/Gilbert Justice Court for: Count A: Take During Closed Season (Gila monster); and Count B: Possession Of Restricted Live Wildlife (Gila monster); and sentenced Count A: Fined \$500.00; and Count B: Fine suspended.

**Motion:** Golightly moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **MICHAEL T. SHILLINGBURG TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND THAT HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5)** YEARS; THAT THE 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 LICENSES 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 2:44 p.m.

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