

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Friday, January 19, 2007  
2:00 p.m. Time Certain  
Glendale Civic Center  
5750 West Glenn Drive  
Glendale, Arizona 85301

PRESENT: (Commission)

(Director's Staff)

Chairman Joe Melton  
Commissioner Michael M. Golightly  
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:** Pat Barber, Law Enforcement Branch Chief

Mr. Barber requested a postponement for Joseph C. Armstrong until the March Commission meeting because the Department was not able to provide him with notice for this meeting. The Department has since been able to discover some additional addresses in order to send him notice. The Commission agreed to postpone.

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 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 of the following individuals has been legally noticed for this hearing.

<u>Name</u>	<u>Conviction</u>
Crow, Granville L.	Count A: Take over limit of wildlife (8 doves over). Count B: Waste game meat (17 doves).
Escalante, Omar L.	Count A: Take over limit of wildlife (35 doves over).
Escalante, Hermes	Count A: Take over limit of wildlife (35 doves over).
Escalante, Eugenio V.	Count A: Take over limit of wildlife (35 doves over).
Gillette, George R.	Count A: Possession of wildlife without evidence of legality (elk). Count B: Take wildlife without permit-tag (elk). Count C: Possession of unlawfully taken wildlife (elk). Count D: Exceed bag limit (2 elk). Count F: Failure to tag wildlife after kill (elk). Count H: Possession of wildlife without tag attached (elk). Count J: Possession of unlawfully taken wildlife (elk).
Gillette, Susan H.	Count A: Allow use of elk tag by another individual.



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 OMAR L. ESCALANTE TO COLLECT THE AMOUNT OF \$600.00 FOR HIS PART IN THE LOSS OF THIRTY-FIVE (35) DOVES; 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 failed for lack of second.**

Commissioner Golightly asked Officer Smith if he saw any evidence that there may have been multiple hunting parties at the location.

Officer Smith stated he did not and added that they were in an area posted for no hunting.

**Motion:** Golightly moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF OMAR L. ESCALANTE 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 OMAR L. ESCALANTE TO COLLECT THE AMOUNT OF \$600.00 FOR HIS PART IN THE LOSS OF THIRTY-FIVE (35) DOVES; 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, Martin  
Nay - Hernbrode  
Passed 3 to 1  
McLean absent

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Hermes Escalante

Escalante was found guilty by the Yuma Justice Court for: Count A: Possess over limit of wildlife (35 doves over); and sentenced Count A: Fined \$214.00.

Escalante was not present.

**Motion:** Golightly moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF HERMES ESCALANTE 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 **HERMES ESCALANTE** TO COLLECT THE AMOUNT OF **\$600.00** FOR **HIS PART IN THE LOSS OF THIRTY-FIVE (35) DOVES**; 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, Martin  
Nay - Hernbrode  
Passed 3 to 1  
McLean absent

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Eugenio V. Escalante

Escalante was found guilty by the Yuma Justice Court for: Count A: Possess over limit of wildlife (35 doves over); and sentenced Count A: Fined \$187.00.

Escalante was present, but did not address the Commission.

**Motion:** Martin moved and Golightly seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **EUGENIO V. ESCALANTE** 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 **EUGENIO V. ESCALANTE** TO COLLECT THE AMOUNT OF **\$600.00** FOR **HIS PART IN THE LOSS OF THIRTY-FIVE (35) DOVES**; 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, Martin  
Nay - Hernbrode  
Passed 3 to 1  
McLean absent

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The following two cases were related.

George R Gillette

Gillette was found guilty by the Flagstaff Justice Court for: Count A: Possession of wildlife without evidence of legality (elk); Count B: Take wildlife without permit-tag (elk); Count C: Possession of unlawfully taken wildlife (elk); Count D: Exceed bag limit (2 elk); Count F: Failure to tag wildlife after kill (elk); Count H: Possession of wildlife without tag attached (elk); Count J: Possession of unlawfully taken wildlife (elk); and Sentenced Counts A, B, C, D, F, H and J: Total Fine of: \$1902.00.

Gillette was present and stated that he did not know that his friend was not a licensed guide, and further stated that he used his wife's tag because she had surgery and was unable to go hunting.

**Motion:** Martin moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GEORGE R. GILLETTE 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 GEORGE R. GILLETTE TO COLLECT THE AMOUNT OF \$2,500.00 FOR THE LOSS OF ONE (1) COW 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  
4 to 0  
McLean absent

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Susan H. Gillette

Gillette was found guilty by the Flagstaff Justice Court for: Count A: Allow use of elk tag by another individual; and Sentenced Counts A: Fined: \$200.00.

Gillette was present and stated that she was wrong to give her husband her tag.

**Motion:** Hernbrode moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SUSAN H. GILLETTE 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  
4 to 0  
McLean absent

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Rudy B. Baca

Baca was found guilty by the Flagstaff Justice Court for: Count A: Take turkey without a tag (decoy); and Count B: Shoot from a maintained road; and Sentenced Count A: Fined: \$422.00; and Count B: Fined \$213.00.

Baca was present and stated that he knew it was a decoy and was wrong to shoot at it.

**Motion:** Martin moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **RUDY B. BACA** 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  
4 to 0  
McLean absent

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Shane L. Dechant

Dechant was found guilty by the Flagstaff Justice Court for: Count A: Take turkey without a tag (decoy); and Count B: Shoot from a maintained road; and Sentenced Count A: Fined: \$252.00; and Count B: Fined \$383.00.

Dechant was present and apologized for his actions.

**Motion:** Hernbrode moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SHANE L. DECHANT 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  
4 to 0  
McLean absent

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Ronald Gene Gregersen

Gregersen was found guilty by the Williams Justice Court for: Count A: Take wildlife in a closed season (deer); and Sentenced Count A: Fined: \$150.00, plus seven (7) hours of community service or make a donation to feed the hungry.

Gregersen was present and stated that he didn't read the regulations to see that the season dates had changed and he apologized for his actions in going on his hunt a week early.

Commissioner Golightly questioned Officer Lutch who stated that he believed Mr. Gregersen made an honest mistake.

**Motion:** Hernbrode moved and Golightly seconded THAT RONALD GENE GREGERSEN 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 RONALD GENE GREGERSEN TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) 2X2 MULE DEER; 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  
4 to 0  
McLean absent

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Granville L. Crow

Crow was found guilty by the Yuma Justice Court for: Count A: Take over limit of wildlife (8 doves over); Count B: Waste game meat (17 doves); and Sentenced Count A: Fined: \$166.00, suspended; Count B: Fined: \$323.00, suspended.

Crow was not present.

**Motion:** Hernbrode moved and Golightly seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GRANVILLE L. CROW 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 GRANVILLE L. CROW TO COLLECT THE AMOUNT OF \$800.00 FOR THE LOSS OF EIGHT (8) MOURNING AND WHITE WING DOVES; 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.

Mr. Odenkirk stated that he was concerned about the reason for the additional amount. The purpose of the civil assessment is to recover the actual value of the animal and the loss to the state and not intended to be based upon the severity of the crime.

The Commission further discussed the legality of the civil assessment amount in the motion with the Assistant Attorney Generals.

**Motion and second withdrawn.**

**Motion:** Hernbrode moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GRANVILLE L. CROW 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 **GRANVILLE L. CROW** TO COLLECT THE AMOUNT OF **\$400.00** FOR THE LOSS OF **EIGHT (8) MOURNING AND WHITE WING DOVES**; 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  
4 to 0  
McLean absent

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Jesse H. Parsons

Parsons was found guilty by the Yuma Justice Court for: Count A: Obtain license/permit by fraud; Count B: Obtain license/permit by fraud; Count C: Obtain license/permit by fraud; and Sentenced: Counts A, B and C: Fined: \$509.00.

Parsons was not present.

**Motion:** Martin moved THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JESSE H. PARSONS** 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.

**Motion failed for lack of second.**

**Motion Amended:** Martin moved and Golightly seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JESSE H. PARSONS** 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  
4 to 0  
McLean absent

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Jack R. Stevens

Stevens was found guilty by the Graham County Justice Court for: Count A: Take big game during closed season (bear); Count B: Possess/transport unlawfully taken big game (bear); Count C: Use big game permit of another person (bear); and Sentenced Count A: Fined: \$250.00; Count B: Fined: \$250.00; and Count C: Fined: \$250.00; Plus twelve (12) months of unsupervised probation and \$20.00 court enhancement fee.

Stevens was not present, but did send a letter to the Department. Mr. Barber received that letter on January 16, 2007 and read it into the record as follows: Dear Mr. Barber, I will not be able to be present at the Arizona Game and Fish Commissioner hearing on January 19, 2007 to give personal testimony. Please accept this letter of testimony and present it to the Commission on my behalf for their consideration of my case. I respectfully request that the Commission consider the following items prior to making a decision in my case: 1) I have not had any prior game related offenses in Arizona or any other state or country in which I have hunted. I have hunted extensively throughout my life and I have a deep appreciation for wildlife and for the sport of hunting. I understand the need for game laws and always respected them. I deeply regret my poor judgment and having been a party to this violation. 2) I cooperated fully and honestly with the investigating officers. I told the truth of the events as I remembered them to Investigator Schlapy of the Utah Division of Wildlife. The case summary which I received reports that Mr. Taylor and I were deceptive at first. I believe that Investigator Schlapy would agree that when he first approached me at my home I was not deceptive but rather reluctant to discuss the events in full detail in front of my family. Once I explained it to him we removed ourselves to a private room in my home. I then proceeded to give full and truthful details of the events. 3) One of the primary reasons I have used the services of a state licensed hunting guide is to help ensure that I am in compliance with local laws. In this case I relied heavily on the information given to me by my guide who is licensed by the State of Arizona. I am prepared to make fair restitution for my role in this violation and do not excuse my actions; however, I do not believe that imposing the maximum penalty would be a fair consequence considering my level of involvement. Doing so would hold me to the same standard as an Arizona State licensed hunting guide. 4) Finally, I read in Derek Taylor's incident report that he said he was under the impression that I had a bear tag; however, this is a false statement. He absolutely knew that I didn't have a bear tag, he would shoot it with my gun. When that time came, it was quite a distance away and at that point, he told me to shoot it because he didn't think he could take the long shot, and he would put his tag on it. In summary, I would ask the Commission to consider that this is my first offense, that I cooperated fully with the investigators, that I take full responsibility for my role in this violation, and that I am prepared to make restitution commensurate with the level of my involvement. My plea with the Commission is impose a fine of no greater than \$750 and to impose the license suspension substantially less than the maximum 5 years. I thank the Commission for their consideration in this matter and apologize

that I could not attend the hearing personally. Please feel free to contact me if you have any other questions or need further assistance in resolving this matter. Sincerely, Jack R. Stevens.

**Motion:** Martin moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JACK ROBB STEVENS 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 JACK ROBB STEVENS TO COLLECT THE AMOUNT OF \$750.00 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  
4 to 0  
McLean absent

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Arlen Francis Flax

Flax was found guilty by the Flagstaff Justice Court for: Count A: Obtain resident permit by fraud (elk); Count B: Hunt without valid tag (elk); and Sentenced Counts A and B: Fined: \$1,838.00.

Flax was not present, but sent a letter to the Department dated January 5, 2007, which Mr. Barber read into the record as follows: Dear Commissioners, I understand it is in my best interest to attend the Arizona Game and Fish Commission meeting January 19, 2007, but do to financial constraints I am unable to attend. I was previously employed with the Arizona Game and Fish Department from July 1995 to December 2000 in the Heritage Land Access Program as a Land Access Coordinator. Before I departed from the Department in Arizona I purchased my lifetime hunting license due to the fact that I would return to Arizona for big game hunting. I was informed by staff at the customer service counter that by purchasing a lifetime hunting license I be able to apply for in-state hunting opportunities. If this would not have been the case I probably wouldn't have purchased the lifetime hunting license. This is my first hunting trip back to Arizona and I did not intentionally violate Arizona Game and Fish Department laws. An unfortunate situation and I do know now that I did indeed violate hunting laws by obtaining a resident hunting permit in pursuing of Arizona wildlife. Therefore, I pleaded guilty in Coconino County Judicial Court. I'm an avid hunter and conservationist when it pertains to the outdoors. Under no circumstances would I violate the hunting laws and take a chance of losing my hunting privileges in numerous states across the country. Thank you for your time and consideration. Sincerely, Arlen F. Flax.

**Motion:** Hernbrode moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ARLEN FRANCIS FLAX 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  
4 to 0  
McLean absent

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These hearings concluded at 3:32 p.m.

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