

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Friday, March 9, 2007 – 2:00 p.m.  
Time Certain  
Riverpark Inn  
350 South Freeway  
Tucson, Arizona 85745

PRESENT: (Commission)

(Director's Staff)

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

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

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>
Armstrong, Joseph C.	Count A: Knowingly take wildlife during the closed season (bighorn sheep). Count B: Take wildlife and allow portions to waste (bighorn sheep). Count C: Littering
Broadbent, Christopher Y.	Count A: Take turkey decoy during closed season Count B: Shoot from a vehicle. Count C: Shoot from a road.
MacDonald, William T.	Count A: Take wildlife without a valid license (elk). Count B: Knowingly allow edible portions to waste. Count C: Take wildlife in excess of bag limit (elk).
Petit, Ronald E.	Count A: Take wildlife without a valid tag (elk). Count D: Possess and transport unlawfully taken wildlife (elk).
Mainer, Curtis J.	Count A: Possession of unlawfully taken wildlife (elk).

Roll call was taken and the following were present: Joseph C. Armstrong, Christopher Broadbent, Ronald E. Petit, and Curtis J. Mainer. William T. MacDonald was not present. The

Department received a call from Mr. MacDonald's counsel that neither he nor Mr. MacDonald would be present and they waived their right to represent themselves at this hearing.

The civil assessment process is not intended to be punitive. It 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:** Hernbrode moved and McLean seconded THAT THE COMMISSION TAKE JURISDICTION IN THESE CASES.

**Vote:** Unanimous

\* \* \* \* \*

Joseph C. Armstrong

Armstrong was found guilty by the Clifton Justice Court for: Count A: Knowingly take wildlife during the closed season (bighorn sheep); Count B: Take wildlife and allow portions to waste (bighorn sheep); and Count C: Littering; and sentenced Count A: Fined \$950.00 (\$700.00 suspended, paid \$250.00); Count B: Fined \$250.00, Six (6) months unsupervised probation; and Count C: Fined \$268.00.

Armstrong was present and addressed the Commission stating that he has never had a hunting or trapping license in his entire life and that he doesn't hunt or trap.

**Motion:** McLean moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOSEPH C. ARMSTRONG 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 JOSEPH C. ARMSTRONG TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) BIGHORN SHEEP; 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

\* \* \* \* \*

Christopher Y. Broadbent

Broadbent was found guilty by the Moccasin Justice Court for: Count A: Take turkey decoy during closed season; Count B: Shoot from a vehicle; and Count C: Shoot from the road; and sentenced Counts A, B, and C: Fined \$170.00, Ordered to complete a hunter education course, and the Court will waive \$100.00 when provides proof of getting a proclamation (hunt regulation booklet) showing where he can hunt.

Broadbent was present and addressed the Commission stating that he had a turkey tag and the Court had a copy of it, and that he had no intention of poaching.

During questioning by the Commission, Broadbent stated that this was his first hunt and now, due to this incident and Hunter Education, he knows not to shoot from a road or vehicle. Broadbent further promised not to do this again.

**The Commission took no action in this case.**

\* \* \* \* \*

The following two cases were related.

Ronald E. Petit

Petit was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife without a valid tag (elk); Count D: Possess and transport unlawfully taken wildlife (elk); and sentenced Count A: Fined \$500.00; and Count D: Fined \$350.00.

Petit was present and addressed the Commission stating that he made a bad decision and it wouldn't happen again.

In questioning by the Commission, Mr. Petit stated that he was the one who shot the elk.

**Motion:** Martin moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RONALD E. PETIT 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 RONALD E. PETIT TO COLLECT THE AMOUNT OF \$8000.00 FOR HIS PART IN THE LOSS OF ONE (1) 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 - Golightly, Hernbrode, Martin, Melton  
Opposed, same sign – McLean  
Passed 4 to 1

Commissioner McLean explained his vote stating that he would have preferred a portion of the civil assessment be assessed to the other person involved.

\* \* \* \* \*

Curtis J. Mainer

Mainer was found guilty by the Flagstaff Justice Court for: Count A: Possession of unlawfully taken wildlife (elk); and sentenced Count A: Fined \$500.00.

Mainer was present and addressed the Commission stating that he was sorry and regretted getting involved in this situation.

**Motion:** Hernbrode moved and Melton seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CURTIS J. MAINER 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 - McLean, Hernbrode, Melton  
Opposed, same sign – Golightly, Martin  
Passed 3 to 2

Chairman Golightly explained his vote stating that he would have preferred four years instead of five, as the Commission has done in the past, due to Mr. Mainer addressing the Commission and apologizing for his actions.

\* \* \* \* \*

William T. MacDonald

MacDonald was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife without a valid license (elk); Count B: Knowingly allow edible portions to waste; and Count C: Take wildlife in excess of bag limit (elk); and sentenced Count A: Fined \$600.00; Count B: Fined \$200.00; and Count C: Fined \$200.00.

MacDonald was not present.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF WILLIAM T. MACDONALD 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 WILLIAM T. MACDONALD TO COLLECT THE AMOUNT OF \$2500.00 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:** Unanimous

\* \* \* \* \*

These hearings concluded at 2:37 p.m.

\* \* \* \* \*