

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Friday, August 10, 2007 – 2:00 p.m.
Time Certain
Radisson Woodlands Hotel
1175 West Route 66
Flagstaff, Arizona 86001

PRESENT: (Commission)

(Director's Staff)

Chairman Michael M. Golightly
Commissioner William H. McLean
Commissioner Robert D. Hernbrode
Commissioner Jennifer L. Martin
Commissioner Robert R. Woodhouse

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 were reviewed and it was determined that all cases met 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 were 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 were legally noticed for this hearing.

<u>Name</u>	<u>Conviction</u>
Zarzyczny, James A.	Count A: Possess/transport unlawfully taken wildlife (elk).
Tanakeyowma, Hilario	Count A: Possess/transport unlawfully taken wildlife (elk).
Camargo, Kurtis N.	Count A: Take wildlife in a closed area (elk).
Pratt, Mark W.	Count A: Take wildlife in a closed area (elk).
Meacham, Paul L.	Count D: Exceed bag limit – two (2) mule deer.
Fearno, Nathan J.	Count A: Take wildlife by an unlawful method (mule deer).
	Count B: Possess unlawfully taken wildlife (mule deer).
Holt, Troy C.	Count A: Possess unlawfully taken wildlife (mule deer).
Shaff, James R.	<u>0274</u>
	Count A: Guide without a guide license.
	Count B: Possession/transportation of elk without evidence of legality.
	Count C: Sale of elk meat
	<u>0275</u>
	Count A: Possession/transportation of unlawfully taken elk.

Count B: Possession/transportation of elk without tag attached.

Count D: Misuse of firearm.

Count E: Travel on closed road.

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 Woodhouse seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

Roll call was taken and the following were present: James Zarzyczny, Hilario Tanakeyowma, Mark Pratt, Paul Meacham, James Shaff.

Mr. Barber stated that the civil assessment process is not intended to be punitive, but 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.

Kurtis Camargo called the Department on July 30, 2007 and requested a continuation indicating he would like to appear at the Pinetop meeting in September 2007. The Commission agreed.

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The cases of Zarzyczny and Tanakeyowma cases were related.

James A. Zarzyczny

Zarzyczny was found guilty by the Flagstaff Justice Court for: Count A: Possess/transport unlawfully taken wildlife (2 bull elk); and sentenced Counts A: Fined \$500.00.

Zarzyczny was present and addressed the Commission stating that he had no excuses for his error in judgment, and asked the Commission to take into account when determining the length of his suspension that he has already been punished by the Court and was suspended with no pay for two days by his employer.

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMES A. ZARZYCZNY 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 JAMES A. ZARZYCZNY TO COLLECT THE AMOUNT OF \$3000.00 FOR THE LOSS OF TWO (2) 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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Hilario Tanakeyowma

Tanakeyowma was found guilty by the Flagstaff Justice Court for: Count A: Possess/transport unlawfully taken wildlife (2 bull elk); and sentenced Counts A: Fined \$500.00.

Tanakeyowma was present and addressed the Commission stating that he had no excuses for his error in judgment, and was present to apologize to the Commission and the State of Arizona. Was also suspended for two days with no pay by his employer.

Motion: Woodhouse moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF HILARIO TANAKEYOWMAN 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 HILARIO TANAKEYOWMAN TO COLLECT THE AMOUNT OF \$2000.00 FOR THE LOSS OF TWO (2) 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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The cases of Pratt and Camargo were related. Camargo was granted a continuation until September 2007.

Mark W. Pratt

Pratt was found guilty by the Round Valley Justice Court for: Count A: Take wildlife in a closed area (elk); and sentenced Count A: Fined \$143.00.

Pratt was present and addressed the Commission apologizing for his actions and stated that he did not see the posted signs.

Commissioner McLean confirmed with Officer Hartzell that Alpine Valley is adequately signed to let hunters know that Alpine Valley is closed to elk hunting with a rifle; it is also in the hunt regulations.

Chairman Golightly confirmed with Officer Hartzell that Pratt was cooperative in the investigation.

Motion: Hernbrode moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARK W. PRATT 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 MARK W. PRATT 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.

Chairman Golightly commented that this was not an egregious type of violation that deserves five years of revocation for hunt, fish and trap. Hunting would be appropriate and maybe three years revocation.

Commissioner Martin stated that shooting within a quarter mile of an occupied structure is a serious public safety issue and also has serious implications for public perception.

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

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Paul L. Meacham

Meacham was found guilty by the Fredonia Justice Court for: Count D: Exceed bag limit – two (2) mule deer; and sentenced Count A: Fined \$635.00.

Meacham 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 PAUL L. MEACHAM 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 **PAUL . MEACHAM** TO COLLECT THE AMOUNT OF **\$9500.00** FOR THE LOSS OF **ONE (1) 4X4 MULE DEER BUCK AND ONE (1) 3X3 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.

Vote: Unanimous

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James R. Shaff

Shaff was found guilty by the Flagstaff Justice Court for: 0274 Count A: Guide without a guide license; Count B: Possession/transportation of elk without evidence of legality; Count C: Sale of elk meat; and sentenced Counts A, B, and C: Fined a total of \$800.00 plus \$600.00 in restitution for the cost of the investigation. 0275 Count A: Possession/transportation of unlawfully taken elk; Count B: Possession/transportation of elk without tag attached; Count D: Misuse of firearm; Count E: Travel on closed road; and sentenced Counts A, B, D, E: Fined a total of \$600.00.

Shaff was present and addressed the Commission stating that this situation has been an extreme hardship on him and asked that the Commission consider that, and also not to fine him for an elk that he did not shoot.

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JAMES R. SHAFF** 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 **JAMES R. SHAFF** TO COLLECT THE AMOUNT OF **\$2500.00** FOR 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: Unanimous

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The cases of Fearnor and Holt are related.

Nathan James Fearnor

Fearnor was found guilty by the Prescott Justice Court for: Count A: Take wildlife by an unlawful method (mule deer).Count B: Possess unlawfully taken wildlife (mule deer); and sentenced Count A: Fined \$480.00; and Count B: sentence suspended.

Fearnor was not present.

Motion: McLean moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF NATHAN JAMES FEARNOR 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 SHARED CIVIL ACTION AGAINST NATHAN JAMES FEARNOR TO COLLECT THE AMOUNT OF \$750.00 FOR THE LOSS OF ONE (1) 2X3 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.

Vote: Unanimous

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Troy C. Holt

Holt was found guilty by the Prescott Justice Court for: Count A: Possess unlawfully taken wildlife (mule deer); and sentenced Count A: Fined \$230.00.

Holt was not present.

Motion: McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TROY C. HOLT 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 SHARED CIVIL ACTION AGAINST **TROY C. HOLT** TO COLLECT THE AMOUNT OF **\$750.00** FOR THE LOSS OF **ONE (1) 2X3 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.

Vote: Unanimous

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These hearings concluded at 2:58 p.m.

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