

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Time Certain – 2:00 p.m.  
Friday, October 19, 2007  
Sheraton Crescent Hotel  
2620 W. Dunlap  
Phoenix, Arizona 85021

PRESENT: (Commission)

(Director's Staff)

Chairman Michael M. Golightly  
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>
Kading, Kirk T.	Count A: Take wildlife (turkey decoy) without a permit.
Ash, Michael B.	Count A: Obtain license/tag by fraud/misrepresentation.
Trotter, Timothy N.	Count A: Obtain license/tag by fraud/misrepresentation.
Maduri, Anthony J.	Count B: Take big game (turkey decoy) without permit.
Bucy, Dennis C.	Count A: Take wildlife in closed season (javelina).
Tarantino, Jr., James	<u>6453</u> Count A & B: Take big game during closed season (Bighorn Sheep ewe).
	<u>6454</u> Count A: Possess big game unlawfully taken (Bighorn Sheep ewe).
Poston, Jason R.	Count A: Knowingly take big game in closed season (elk).
Kloosterman, Jeffery M.	Count A: Knowingly take big game in closed season (elk).
Watson, Ryan R.	Count B: Take big game by unlawful method (bear). Count C: Possess unlawfully taken big game (bear).
Ledbetter, Grover D.	Count A: Possess unlawfully taken big game (bear). Count B: Take big game without valid tag (bear).

Ledbetter, Bryan K.

Count A: Possess unlawfully taken big game (bear).

Roll call was taken and the following were present: Dennis Bucy, James Tarantino, Jr., Jason Poston, Jeffery Kloosterman, Ryan Watson, Grover Ledbetter, Bryan Ledbetter.

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.

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

**Vote:** Unanimous  
McLean absent

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Dennis C. Bucy

Bucy was found guilty by the Globe Justice Court for: Count A: Take wildlife in closed season (javelina); and sentenced Count A: Fined \$50.00.

Bucy was present and addressed the Commission stating that he accepted full responsibility for shooting the javelina. He did not mean to poach. They harassed his dog and ate his plants, and could not be hazed off his property.

**Motion:** Martin moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DENNIS C. BUCY 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 DENNIS C. BUCY TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF ONE (1) JAVELINA; 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  
McLean absent

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This case is related to two other cases, Daniel Stapleton and Nathan DeYoung, that were just recently adjudicated; one is on appeal.

James Tarantino, Jr.

Tarantino was found guilty by the Bullhead Justice Court for: Citation 216453 Counts A and B: Take big game during closed season (Bighorn Sheep ewe); and Citation 216454 Count A: Possess big game unlawfully taken (Bighorn Sheep ewe); and sentenced: One (1) year probation, \$4520.00 Fine, and \$1,600.00 restitution to the Arizona Game and Fish Department for collar replacement and Court costs (Total of \$6,120.00).

Tarantino was present and addressed the Commission to answer any questions they might have. He did not realize the seriousness of his actions.

**Motion:** Hernbrode moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMES TARANTINO, 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; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST JAMES TARANTINO, JR. TO COLLECT THE AMOUNT OF \$5333.33 FOR THE LOSS OF TWO (2) BIGHORN SHEEP (EWES); 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  
McLean absent

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The following two cases, Jason Poston and Jeffery Kloosterman, were related.

Jason R. Poston

Poston was found guilty by the Flagstaff Justice Court for: Count A: Knowingly take big game in closed season (elk); and sentenced Count A: Fined \$1867.00.

Poston was present and addressed the Commission to take responsibility and apologize for his actions.

**Motion:** Woodhouse moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JASON R. POSTON 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 JASON R. POSTON TO COLLECT THE AMOUNT OF \$1250.00 FOR THE LOSS OF ONE (1) 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  
 McLean absent

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Jeffery M. Kloosterman

Kloosterman was found guilty by the Flagstaff Justice Court for: Count A: Knowingly take big game in closed season (elk).; and sentenced Count A: Fined \$1867.00.

Kloosterman was present, but did not address the Commission.

**Motion:** Hernbrode moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JEFFERY M. KLOOSTERMAN 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 JEFFERY M. KLOOSTERMAN TO COLLECT THE AMOUNT OF \$1250.00 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  
 McLean absent

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The following three cases, Ryan Watson, Grover Ledbetter and Bryan Ledbetter, were related. Another related case, Greg Anderson, was not yet adjudicated.

Ryan R. Watson

Watson was found guilty by the Round Valley Justice Court for: Count B: Take big game by unlawful method (bear); and Count C: Possess unlawfully taken big game (bear); and sentenced Count B: Fined \$863.00; and Count C: Fined \$863.00.

Since there were two bears killed by this group, the Commission discussed whether to assess for one bear or two.

Watson was present and addressed the Commission stating that there was no premeditated intent to shoot the bear; however, he takes responsibility for his actions and apologized. Additionally, he has gotten rid of his hunting hounds and has not put in for any new licenses.

**Motion:** Hernbrode moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RYAN R. WATSON 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 RYAN R. WATSON TO COLLECT THE AMOUNT OF \$1,500.00 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  
McLean absent

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Grover D. Ledbetter

Ledbetter was found guilty by the Round Valley Justice Court for: Count A: Possess unlawfully taken big game (bear); and Count B: Take big game without valid tag (bear); and sentenced Count A: Fined \$25.00; and Count B: Fined \$233.00.

Ledbetter was present and addressed the Commission apologizing for his actions. He further stated that he shot the bear in the excitement, but that the bear was already killed when he put an arrow in it.

**Motion:** Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GROVER D. LEDBETTER 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 GROVER D. LEDBETTER TO COLLECT THE AMOUNT OF \$1,500.00 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  
McLean absent

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Bryan K. Ledbetter

Ledbetter was found guilty by the Round Valley Justice Court for: Count A: Possess unlawfully taken big game (bear); and sentenced Count A: Fined \$25.00.

Ledbetter was present and addressed the Commission stating that he never set out to break any laws. He has learned a lot and understands that it is a privilege to hunt and fish. Also, Ledbetter was initially told by the Department that he could keep the bear so he took it to a taxidermist and paid \$1,200. Later the Department said they wanted the bear and did not reimburse him for the \$1,200.

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Meeting recessed for a break at 3:28 p.m.

Meeting reconvened at 3:46 p.m.

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**Motion:** Hernbrode moved and Woodhouse seconded THAT BRYAN K. LEDBETTER 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.

The Commission discussed with Mr. Odenkirk whether the Commission had the authority to require someone to take the Hunter Education Course without being revoked.

**Amended Motion:** Martin moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BRYAN K. LEDBETTER TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A

PERIOD OF **ONE (1)** YEAR; 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 - Hernbrode, Martin  
Nay - Golightly, Woodhouse  
Failed 2 to 2  
McLean absent

**Motion:** Golightly moved and Hernbrode seconded THAT LICENSE REVOCATIONS CASE AGAINST **BRYAN K. LEDBETTER** BE DISMISSED.

**Vote:** Unanimous

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Kirk T. Kading

Kading was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife (turkey decoy) without a permit; and sentenced Count A: Fined \$500.00.

Kading was not present.

**Motion:** Martin moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **KIRK T. KADING 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  
McLean absent

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The following two cases, Michael Ash and Timothy Trotter, were related.

Michael B. Ash

Ash was found guilty by the Moon Valley Justice Court for: Count A: Obtain license/tag by fraud/misrepresentation; and sentenced Count A: Fined \$300.00.

Ash was not present, but sent a letter to the Department.

Mr. Barber read the letter as follows: "To the Arizona Game and Fish: Please take into consideration that Tim Trotter and myself thought that we were within our right to have an in-state hunting license. Twice we had out-of-state licenses, but after we bought 48 acres to hunt on we thought we could get an Arizona in-state license. Thank you for your consideration, Michael Ash."

**Motion:** Martin moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MICHAEL B. ASH 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  
McLean absent

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Timothy N. Trotter

Trotter was found guilty by the Moon Valley Justice Court for: Count A: Obtain license/tag by fraud/misrepresentation; and sentenced Count A: Fined \$300.00.

Trotter was not present.

**Motion:** Hernbrode moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TIMOTHY N. TROTTER 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  
McLean absent

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Anthony J. Maduri

Maduri was found guilty by the Flagstaff Justice Court for: Count B: Take big game (turkey decoy) without permit; and sentenced Count A: Fined \$213.00.

Maduri was not present.

**Motion:** Woodhouse moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ANTHONY J. MADURI 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  
McLean absent

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These hearings concluded at 3:59 p.m.

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