

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, December 7, 2007
Holiday Inn Casa Grande
777 N. Pinal Avenue
Casa Grande, Arizona 85222.

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>
Velez, Teodulo A.	Count A: Take big game in wrong unit (elk)
Jimenez, Cesario D.	Count A: Possess/transport unlawfully taken big game(elk)
Gutierrez, Ramon M.	Count A: Possess/transport unlawfully taken big game(elk)
Alvarez, Luis M.	Count A: Possess/transport unlawfully taken big game(elk)
Gutierrez-Cisneros, Claudio	Count A: Possess/transport unlawfully taken big game(elk)
Torres, Ruben	Count A: Possess/transport unlawfully taken big game(elk)
Kongoudom, Foy	Count A: Exceed bag limit (5 catfish) Count B: Possess wildlife unlawfully taken (catfish)
Kongoudom, Tat	Count A: Possess wildlife unlawfully taken (catfish) Count B: Exceed bag limit (8 catfish)
Souriphong, Khamsing	Count A: Possess wildlife unlawfully taken (catfish) Count B: Exceed bag limit catfish (2 catfish)
Pornmany, James S.	Count A: Possess wildlife unlawfully taken (catfish) Count B: Exceed bag limit (8 catfish)

Roll call was taken and the following were present: Teodulo Velez, Cesario Jimenez, Ramon Gutierrez, Luis Alvarez, Claudio Gutierrez-Cisneros, Tat Kongoudom.

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: McLean moved and Martin seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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The cases of Velez, Jimenez, Gutierrez, Alvarez, Gutierrez-Cisneros, and Torres were related.

Teodulo A. Velez

Velez was found guilty by the Flagstaff Justice Court for: Count A: Take big game in wrong unit (elk); and sentenced Count A: Fined \$300.00.

Velez was present and addressed the Commission with the assistance of an interpreter (Officer McGehee) stating that he thought he was in the right Unit.

Motion: Martin moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TEODULO A. VELEZ 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 TEODULO A. VELEZ TO COLLECT THE AMOUNT OF \$2500.00 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.

Commissioner Martin stated that she did not share the civil damages with the other related cases because Velez is the one who killed the elk.

Vote: Aye - Golightly, McLean, Martin, Woodhouse

Nay - Hernbrode

Passed 4 to 1

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Cesario DeAnda Jimenez

Jimenez was found guilty by the Flagstaff Justice Court for: Count A: Possess/transport unlawfully taken big game (elk); and sentenced Count A: Fined \$300.00.

Commissioner McLean questioned Officer Daniels in this case and clarified the extent of Mr. Jimenez's participation in the possession and transportation of the elk. Mr. Daniels stated that Mr. Jimenez helped butcher the elk, place it on a 4-wheeler, transport it to the truck, load it, and take it back to the cabin, untagged.

Jimenez was present and addressed the Commission stating that he helped because he was under the impression that the elk was killed in the right area and he didn't notice it wasn't tagged.

Commissioner Hernbrode stated that he didn't believe this case was malicious or damaging and that he would vote no.

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CESARIO DEANDA JIMENEZ 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.

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

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Ramon M. Gutierrez

Gutierrez was found guilty by the Flagstaff Justice Court for: Count A: Possess/transport unlawfully taken big game (elk); and sentenced Count A: Fined \$300.00.

Gutierrez was present and addressed the Commission stating that he was driving on the road when the officer stopped him. He had a license to hunt mountain lion and that's what he was doing.

The Commission questioned Mr. Gutierrez and Mr. Barber regarding a previous license revocation of Mr. Gutierrez. Somehow Mr. Gutierrez was able to get a license even though he was revoked. Mr. Barber will look into how that happened.

Motion: McLean moved and Golightly seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RAMON M. GUTIERREZ 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 - Golightly, McLean, Martin, Woodhouse
Nay - Hernbrode
Passed 4 to 1

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Luis Alvarez

Alvarez was found guilty by the Flagstaff Justice Court for: Count A: Possess/transport unlawfully taken big game (elk); and sentenced Count A: Fined \$300.00.

Alvarez was present and addressed the Commission with the assistance of an interpreter. He had a tag for Unit 23 and was in his truck looking for the signs for the area when the officer stopped him.

Commissioner McLean confirmed with Mr. Alvarez that he assisted in getting the illegally taken elk to the truck.

Motion: McLean moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF LUIS ALVAREZ 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.

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

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Claudio Gutierrez-Cisneros

Gutierrez-Cisneros was found guilty by the Flagstaff Justice Court for: Count A: Possess/transport unlawfully taken big game (elk); and sentenced Count A: Fined \$300.00.

Gutierrez-Cisneros was present and addressed the Commission stating that he got a call from the group to pick them up and the elk with his truck, but he was not there when they took the elk and he did not know it was not tagged.

Motion: McLean moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF LUIS ALVAREZ 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.

Commissioner Martin offered an amendment to reduce the term from three years to one year because Mr. Gutierrez-Cisneros was not in the field and the meat was already processed, so it was understandable that he may not have known the elk was not tagged.

The amendment was not accepted. Commissioner McLean requested a vote on the original motion.

Vote: Aye - Golightly, McLean, Woodhouse
Nay - Hernbrode, Martin
Passed 3 to 2

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Ruben Torres

Torres was found guilty by the Flagstaff Justice Court for: Count A: Possess/transport unlawfully taken big game (elk); and sentenced Count A: Fined \$300.00.

Torres was not present.

Motion: Martin moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RUBEN TORRES 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.

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

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Meeting recessed for a break at 3:09 p.m.
Meeting reconvened at 3:32 p.m.

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The cases of Tat Kongoudom, Foy Kongoudom, Souriphong, and Pornmany were related.

Tat Kongoudom

Kongoudom was found guilty by the McDowell Mountain Justice Court for: Count A: Possess wildlife unlawfully taken (catfish); Count B: Exceed bag limit (8 catfish); and sentenced Count A: Fined \$185.00; and Count B: Fined \$185.00.

Kongoudom was present and addressed the Commission stating that he did not have a regulations book and did not know the rules.

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **TAT KONGOUDOM 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 **TAT KONGOUDOM** TO COLLECT THE AMOUNT OF **\$400.00** FOR THE LOSS OF **EIGHT (8) CATFISH**; 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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Foy Kongoudom

Kongoudom was found guilty by the McDowell Mountain Justice Court for: Count A: Exceed bag limit (5 catfish); and Count B: Possess wildlife unlawfully taken (catfish); and sentenced Count A: Fined \$157.00; and Count B: Fined \$140.00.

Kongoudom was not present.

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF FOY KONGOUDOM 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 FOY KONGOUDOM TO COLLECT THE AMOUNT OF \$250.00 FOR THE LOSS OF FIVE (5) CATFISH; 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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Khamsing Souriphong

Souriphong was found guilty by the McDowell Mountain Justice Court for: Count A: Possess wildlife unlawfully taken (catfish); Count B: Exceed bag limit (2 catfish); and sentenced Count A: Fined \$150.00; and Count B: Fined \$70.00.

Souriphong was not present.

Commissioner Hernbrode questioned the officer on how he determined that Mr. Souriphong was involved since he drove a separate vehicle and left before the others. The officer stated that Souriphong was included in the report from the person who reported the incident.

Motion: McLean moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KHAMSING SOURIPHONG 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 **KHAMSING SOURIPHONG** TO COLLECT THE AMOUNT OF **\$100.00** FOR THE LOSS OF **TWO (2) CATFISH**; 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, McLean, Martin, Woodhouse
Nay - Hernbrode
Passed 4 to 1

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James S. Pornmany

Pornmany was found guilty by the McDowell Mountain Justice Court for: Count A: Possess wildlife unlawfully taken (catfish); Count B: Exceed bag limit (8 catfish); and sentenced Count A: Fined \$150.00; and Count B: Fined \$70.00.

Pornmany was not present.

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JAMES S. PORNMANY** 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 S. PORNMANY** TO COLLECT THE AMOUNT OF **\$400.00** FOR THE LOSS OF **EIGHT (8) CATFISH**; 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 3:53 p.m.

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