

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Time Certain – 2:00 p.m.  
Friday, January 18, 2008  
Arizona Game and Fish Department  
5000 W. Carefree Highway  
Phoenix, Arizona 85086

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>
Johnson, Terry M.	Count B: Take big game without a valid license (elk).
Wray, Matthew B.	Count A: Possession of unlawfully taken wildlife (elk).
Wray, William J.	Count A: Possession of unlawfully taken wildlife (elk).
Morrill, Cyrus W.	Count A: Possession/transportation of unlawfully taken wildlife (elk).
Sears, Bradley J.	Count A: Take wildlife without tag/permit (bear).
Burton, William B.	Count A: Take big game without a valid tag (White-tailed deer buck).
	Count C: Use tag of another (White-tailed deer buck).
Burton, Kaci	Count A: Allow another person to use big game tag (White-tailed deer buck).
Fugate, Rickey G.	Failure to comply with terms of a citation for the wildlife violation(s) of (i.e Game tag-buy/possess wrong class/type license, tag permit; Game tag-buy/possess wrong class/type license, tag permit) as per the terms of the Wildlife Violator Compact with the State of Idaho.

Roll call was taken and the following were present: Terry Johnson, William Burton and Kaci Burton. Mr Barber stated that Bradley Sears had contacted a Department officer and indicated that he would provide a written statement, but nothing had been received prior to the Commission Meeting.

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

**Vote:** Unanimous

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Terry M. Johnson

Johnson was found guilty by the Flagstaff Justice Court for: Count B: Take big game without a valid license (4x4 bull elk); and sentenced Count B: Fined \$500.00.

Johnson was present and addressed the Commission stating that he considered himself an Arizona resident and only obtained a California license for a short period of time because his job at that time required it. He lived in Arizona most of his life and owns property in Arizona. Also, he purchased his California hunting licenses as a nonresident.

The Commission questioned Mr. Johnson regarding his residency and confirmed that he paid California state taxes as a resident of California.

**Motion:** Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TERRY M. JOHNSON 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 TERRY M. JOHNSON TO COLLECT THE AMOUNT OF \$2500.00 FOR THE LOSS OF ONE (1) 4X4 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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William B. Burton

Burton was found guilty by the Superior Justice Court for: Count A: Take big game without a valid tag (White-tailed deer buck); Count C: Use tag of another (White-tailed deer buck); and sentenced Counts A and C: Fined \$505.00 plus \$20.00 time payment surcharge, forty (40) hours of community service, and twelve (12) months of unsupervised probation.

Burton was present and addressed the Commission stating that he made a mistake; his wife was pregnant so he shot the deer and placed her tag on it, and further asked the Commission for leniency.

**Motion:** Woodhouse moved THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF WILLIAM B. BURTON 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 B. BURTON TO COLLECT THE AMOUNT OF \$8000.00 FOR THE LOSS OF ONE (1) 3X3 WHITE-TAILED 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.

**Motion failed for lack of second.**

**Motion:** Martin moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF WILLIAM B. BURTON 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; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST WILLIAM B. BURTON TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) 3X3 WHITE-TAILED 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:** Aye - Golightly, McLean, Hernbrode, Martin  
Nay - Woodhouse  
Passed 4 to 1

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Kaci Burton

Burton was found guilty by the Superior/Kearny Justice Court for: Count A: Allow another person to use big game tag (White-tailed deer buck); and sentenced Count A: Fined \$505.00 plus \$20.00 time payment surcharge, reduced to \$105.00 if defendfant completes twenty (20) hours of community service, and twelve (12) months of unsupervised probation.

Burton was present and addressed the Commission apologizing for her actions.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KACI BURTON 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, Hernbrode  
Nay - Martin, Woodhouse  
Passed 3 to 2

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The next three cases, Matthew Wray, William Wray and Cyrus Morrill, were related.

Matthew B. Wray

Wray was found guilty by the Round Valley Justice Court for: Count A: Possession of unlawfully taken wildlife (elk); and sentenced Count A: Fined \$858.00.

Wray was not present.

Commissioner Hernbrode confirmed with Mr. Barber that Matthew Wray is the one who actually shot the elk.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MATTHEW B. WRAY 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 MATTHEW B. WRAY 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 confirmed with Mr. Barber that the other two individuals helped to dress, load, and transport the elk. They also took possession of some of the elk meat and were in the field at the time that the elk was shot.

**Vote:** Aye – McLean, Hernbrode  
Nay - Martin, Woodhouse

Commissioner Martin explained her vote stating that the other two involved were also culpable and the damages should be shared.

Chairman Golightly offered an amendment to the motion.

**Amended Motion:** Golightly moved THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MATTHEW B. WRAY 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 MATTHEW B. WRAY TO COLLECT THE AMOUNT OF \$833.33 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.

**Motion failed for lack of second.**

Commissioner Martin offered an amendment for shared civil damages at \$1500 for Matthew Wray and \$500 for the other two involved.

**Amended Motion:** Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MATTHEW B. WRAY 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 MATTHEW B. WRAY TO COLLECT THE AMOUNT OF \$1500.00 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:** Aye - Golightly, Hernbrode, Martin, Woodhouse

Nay - McLean

Passed 4 to 1

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William J. Wray

Wray was found guilty by the Round Valley Justice Court for: Count A: Possession of unlawfully taken wildlife (elk); and sentenced Count A: Fined \$858.00.

Wray was not present.

**Motion:** Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF WILLIAM J. WRAY 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 WILLIAM J. WRAY TO COLLECT THE AMOUNT OF \$500.00 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

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Cyrus W. Morrill

Morrill was found guilty by the Round Valley Justice Court for: Count A: Possession/transportation of unlawfully taken wildlife (elk); and sentenced Count A: Fined \$858.00.

Morrill was not present.

**Motion:** Hernbrode moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CYRUS W. MORRILL 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 CYRUS W. MORRILL TO COLLECT THE AMOUNT OF \$500.00 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

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Bradley J. Sears

Sears was found guilty by the Pinetop Justice Court for: Count A: Take wildlife without tag/permit (bear); and sentenced Count A: Fined \$324.00.

Sears was not present.

**Motion:** Martin moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BRADLEY J. SEARS 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 **BRADLEY J. SEARS** TO COLLECT THE AMOUNT OF **\$1500.00** FOR THE LOSS OF **ONE (1) 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.

Commissioner Woodhouse pointed out that it was possible to revoke for ten years in this case because of a prior conviction for unlawful take of wildlife.

Commissioner McLean withdrew his second.

**Motion failed for lack of second.**

**Motion:** Woodhouse moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **BRADLEY J. SEARS** TO **HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **TEN (10)** 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 **BRADLEY J. SEARS** TO COLLECT THE AMOUNT OF **\$1500.00** FOR THE LOSS OF **ONE (1) 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

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Rickey Guy Fugate

Pursuant to recent notice from the State of Idaho, Rickey Guy Fugate has failed to appear in regards to a citation for the wildlife violation of: Game tag-buy/possess wrong class/type license, tag permit; Game tag-buy/possess wrong class/type license, tag permit. Thus, Rickey Guy Fugate is to be considered for immediate suspension of any licenses to take wildlife in Arizona until such time as the State of Idaho notifies the Department that he is in compliance with the terms of the original citation. This is in accord with the Wildlife Violator Compact for which the States of Idaho and Arizona are participating members. Sears was found guilty by the Pinetop Justice Court for: Count A: Take wildlife without tag/permit (bear); and sentenced Count A: Fined \$324.00.

Fugate was not present.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RICKEY GUY FUGATE TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE SUSPENDED AND HE BE DENIED ANOTHER UNTIL THE LICENSING AUTHORITY FROM THE STATE OF IDAHO FURNISHES THE DEPARTMENT WITH SATISFACTORY EVIDENCE OF THE SUBJECT'S COMPLIANCE WITH THE ORIGINAL CITATION; 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 3:01 p.m.

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