

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, June 27, 2008
Arizona Game and Fish Department
5000 W. Carefree Hwy
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

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

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: Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. 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>
Pena, Sr., Tommy	Count A: Take big game (elk) decoy without a license. Count B: Use permit of another. Count C: Shoot from motor vehicle.
Pena, Jr., Tommy F.	Count A: Allow use of tag by another.
Wolters, Mark S.	Count A: Take wildlife in a closed area (antelope). Count B: Possess unlawfully taken wildlife (antelope).
Wipff, John A.	Citation #232412 Count A: Take bull elk in excess of the bag limit. Citation #232410 Count A: Take antlerless deer during buck only season. Citation #232411 Count A: Take bull elk during closed season.

Pena was found guilty by the Flagstaff Justice Court for: Count A: Take big game (elk) decoy without a license; Count B: Use permit of another; and Count C: Shoot from motor vehicle; and sentenced Counts A, B, and C: Fined \$1,044.00.

Officer McFarlin was present to answer any questions the Commission might have.

Pena addressed the Commission apologizing for his actions and stated that he was prepared to pay the consequences.

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

* * * * *

Tommy Pena, Jr.

Pena was found guilty by the Flagstaff Justice Court for: Count A: Allow use of tag by another; and sentenced Count A: Fined \$423.00.

The case officer was not present.

Pena was not present.

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TOMMY PENA, 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; 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, Martin, Woodhouse, Golightly
Nay - Hernbrode
Passed 4 to 1

* * * * *

John A. Wipff

Wipff was found guilty by the Flagstaff Justice Court for: Citation #232412, Count A: Take bull elk in excess of the bag limit; and sentenced Count A: Fined \$391.00; and Wipff was found guilty by the Williams Justice Court for Citation #232410, Count A: Take antlerless deer during buck only season; and sentenced Count A: Fined \$380.00.

Officer Clay was present to answer any questions the Commission might have.

Commissioner Hernbrode confirmed with Ms. Cutts that these two violations can be handled as separate offenses because they took place at different times and places.

Commissioner Martin confirmed with Ms. Cutts that because of the dismissal of the third citation by the Coconino County Attorney's Office, the Commission is considering for one elk and one deer on the revocation, but civilly assessing for two elk and one deer.

Wipff was present and addressed the Commission apologizing for his actions and asking for leniency.

Motion: Hernbrode moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOHN A. WIPFF 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 JOHN A. WIPFF TO COLLECT THE AMOUNT OF \$5,000.00 FOR THE LOSS OF TWO (2) BULL ELK; AND TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) ANTLERLESS DEER; 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

* * * * *

Cade S. Smith

Smith was found guilty by the Flagstaff Justice Court for: Count A: Locate wildlife (elk) from aircraft during hunt (Continued from the May 16, 2008 Commission Meeting); and sentenced Count A: Fined \$500.00, plus ten (10) hours of community service.

Officer Wagner was present to answer any questions the Commission might have.

Commissioner Woodhouse confirmed with Officer Wagner that in the related case of Dixon the Commission revoked his license to hunt for a period of one year.

Smith was present and addressed the Commission stating that he thought what he was doing was legal. It was 48 hours prior to the hunt. His actions were a combination of learning to fly the aircraft and scout for his brother-in-law at the same time. Paid a \$500 fine and provided \$12,000 worth of free dentistry through community service.

Steven Smith, Cade Smith's father, addressed the Commission on his son's behalf.

Motion: Martin moved THAT THE COMMISSION VOTE TO TAKE NO FURTHER ACTION IN THIS CASE.

Motion died for lack of second.

Motion: Golightly moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CADE S. SMITH TO HUNT IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO (2) 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.

Chairman McLean and Commissioner Golightly commented on issues with using aircraft to scout for a hunt and stated that it was not fair chase.

Vote: Unanimous

* * * * *

Ralph E. Anderson

Anderson was found guilty by the Williams Justice Court for: Count C: Take big game in excess of bag limit (bull elk) (Continued from the May 16, 2008 Commission Meeting); and sentenced Count A: Fined \$780.00

Mr. Elms briefed the Commission on Anderson's previous conviction in which the Commission took action on at the March 2008 Commission meeting.

Mr. Elms explained to the Commission that case Officer Dan Gaska retired from the Department but Officer Romero was present to answer any questions the Commission might have.

Chairman McLean stated for the record that in addition to the reports in this case, Mr. Storts supplied the Commission with a psychological evaluation of Mr. Anderson and with a number of character references from various individuals who have known Mr. Anderson.

Anderson and his attorney, Mr. Storts, were present and addressed the Commission. Mr. Storts advised the Commission that Mr. Anderson had a valid archery elk tag for the elk that was shot. Further, Mr. Storts requested reduced civil damages from the \$8000 and that the five year revocation period run concurrently with the five year revocation period currently in place from the March 2008 Commission meeting. Mr. Anderson apologized to the Commission and accepted responsibility for his actions.

Mr. Storts questioned whether the bull elk was a trophy elk.

Chairman McLean stated that Arizona Revised Statutes, set in place by the Legislature, defines a trophy bull elk as any bull elk having six or more points including eye guard and brow tine on any one side.

Ms. Cutts provided the Statute, A.R.S. § 17-101 definition.

The Commission discussed Mr. Anderson's case from the March 2008 Commission meeting and confirmed that Mr. Anderson had a valid turkey tag for a Unit other than the Unit in which he was hunting.

Chairman McLean clarified for the record that both violations involved using a tag in a manner in which that tag was not intended to be used, and in the case of the turkey, it was used in a Unit where that tag was not valid and during a period of time when that tag was not valid.

The Commission confirmed with Mr. Anderson that he was working with a company that filmed hunts in exchange for using hunting equipment and that at the time of both violations Mr. Anderson was also carrying a guide license.

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RALPH E. ANDERSON TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TEN (10) YEARS TO RUN CONSECUTIVELY ATER HIS CURRENT REVOCATION WHICH EXPIRES ON MARCH 7, 2013; 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 **RALPH E. ANDERSON** TO COLLECT THE AMOUNT OF **\$8,000.00** FOR THE LOSS OF **ONE (1) 4X6 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

* * * * *

Mark S. Wolters

Wolters was found guilty by the Prescott Justice Court for: Count A: Take wildlife in a closed area (antelope); Count B: Possess unlawfully taken wildlife (antelope); and sentenced Count A: Fined \$480.00; and Count B: Fined \$200.00.

Officer Tucker was present and answered questions for the Commission which included confirmation that the property was clearly marked with no hunting/no trespassing signs and that Mr. Wolters did not have permission from the property owner to hunt on his property.

Chairman McLean stated for the record that the Commission received a letter from Mr. Wolters dated June 22, 2008 and that all Commission members have read and reviewed the letter.

Wolters was not present.

Motion: Woodhouse moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **MARK S. WOLTERS** 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 **MARK S. WOLTERS** TO COLLECT THE AMOUNT OF **\$8,000.00** FOR THE LOSS OF **ONE (1) PRONGHORN ANTELOPE 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.

Chairman McLean suggested amending the motion to read "Trophy" Pronghorn Antelope Buck.

Motion Amended: Woodhouse moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARK S. WOLTERS 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 MARK S. WOLTERS TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY PRONGHORN ANTELOPE 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

* * * * *

Raul M. Salazar

Salazar was found guilty by the Flagstaff Justice Court for: Count A: Shoot deer (decoy) from a roadway; Count B: Take deer (decoy) without valid permit; and sentenced Count A: Fined \$200.00; and Count B: Fined \$600.00.

Officer Clay was present to answer any questions for the Commission.

Salazar was not present.

Motion: Martin moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RAUL M. SALAZAR 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

* * * * *

Joshua J. Robinson

Robinson was found guilty by the Round Valley Justice Court for: Count B: Take wildlife in closed season (4 antelope); and sentenced Count B: Fined \$993.40.

Robinson was not present.

Motion: Hernbrode moved and Golightly seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOSHUA J. ROBINSON 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 JOSHUA J. ROBINSON TO COLLECT THE AMOUNT OF \$6,000.00 FOR THE LOSS OF FOUR (4) ANTELOPE; 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.

* * * * *

Executive Session

The Commission voted to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for the purpose of discussion and consultation with legal counsel.

Motion: Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO GO INTO EXECUTIVE SESSION.

Vote: Unanimous

* * * * *

Executive Session convened at 3:40 p.m.

Public Meeting reconvened at 3:47 p.m.

* * * * *

The Commission continued with the motion on the floor as follows:

Motion: Hernbrode moved and Golightly seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOSHUA J. ROBINSON 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 **JOSHUA J. ROBINSON** TO COLLECT THE AMOUNT OF **\$6,000.00** FOR THE LOSS OF **FOUR (4) ANTELOPE;** 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

* * * * *

Ronnie Gilbert Martinez

Martinez was found guilty by the Round Valley Justice Court for: Count A: Take wildlife in wrong unit (elk); and Count B: Discharge firearm within ¼ mile of residence; and sentenced Count A: Fined \$212.00; and Count B: Fined \$230.80.

Officer Bodmer was present to answer questions for the Commission.

Commissioner Martin confirmed with Officer Bodmer that the residences were clearly visible from where the shot was taken.

Martinez was not present.

Motion: Martin moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **RONNIE G. MARTINEZ** 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 **RONNIE G. MARTINEZ** TO COLLECT THE AMOUNT OF **\$2,500.00** 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

* * * * *

Francis D. Kartanowicz

Motion: Hernbrode moved THAT THE COMMISSION VOTE TO TAKE NO FURTHER ACTION IN THIS CASE.

Chairman McLean noted that Mr. Elms had not yet read the case to the Commission.

Motion withdrawn.

Kartanowicz was found guilty by the Pinetop/Lakeside Justice Court for: Count A: Obtain 2007 hunting license by fraud; and sentenced Count A: Fined \$1,042.75 restitution to the Wildlife Theft Prevention Fund.

Kartanowicz was not present.

Mr. Elms stated for the record that Mr. Kartanowicz sent a letter to the Commission.

Chairman McLean confirmed that the all Commission members received and reviewed the letter.

Officer Lautzenheiser was present to answer any Commission questions.

The Commission discussed the circumstances of the case and that the Commission has always revoked licenses in these cases regarding residency whether the person understood the law or not.

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF FRANCIS D. KARTANOWICZ TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO (2) 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 Hernbrode stated that he will vote no because he doesn't believe this case warrants a revocation.

Chairman McLean stated that he will vote no because he doesn't believe this warrants what is tantamount to a three year revocation of fall hunting due to the timing and eligibility of applying for the fall big game draw.

Commissioner Martin stated that because Mr. Kartanowicz did not also apply for hunting in Florida that it was her intent to show some leniency.

Commissioner Golightly commented that Department officers are trained to deal with fraud and spend a lot of time dealing with fraud, and he believed that two years was very lenient even if it actually means three years for the fall big game hunt.

Commissioner Woodhouse stated that those who commit fraud are very good at it and he agreed with Commissioner Golightly in that two years was very lenient.

Chairman McLean passed his gavel to Commissioner Martin and made the following motion:

Motion: McLean moved and Hernbrode seconded THAT THE COMMISSION VOTE TO AMEND THE MOTION TO A ONE YEAR LICENSE REVOCATION PERIOD.

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

Vote on original motion as follows:

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF FRANCIS D. KARTANOWICZ TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO (2) 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 - Martin, Woodhouse, Golightly
Nay - McLean, Hernbrode
Passed 3 to 2

* * * * *

Scott E. Smith

Pursuant to recent notice from the State of **Wyoming**, **Scott E. Smith** has failed to appear in regards to a citation for the wildlife violation of: **take over limit big or trophy game and fail to purchase conservation stamp**. Thus **Scott E. Smith** is to be considered for immediate suspension of any licenses to take wildlife in Arizona until such time as the State of **Wyoming** 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 **Wyoming** and Arizona are participating members.

Smith was not present.

Chairman McLean clarified for the record that Mr. Smith's date of failure to appear was October 22, 2007.

Motion: Hernbrode moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SCOTT E. SMITH 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 WYOMING 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.

The Commission confirmed with Mr. Elms that since Mr. Smith failed to appear, the Commission could revoke for hunt, fish and trap. Otherwise, the Commission could only take the same action as the participating compact state involved.

Vote: Unanimous

* * * * *

Todd D. Mecke

Pursuant to recent notice from the State of **Utah**, **Todd D. Mecke** has failed to appear in regards to a citation for the wildlife violation of: **unlawful taking or possession of wildlife – over limit (fish)**. Thus **Todd D. Mecke** is to be considered for immediate suspension of any licenses to take wildlife in Arizona until such time as the State of **Utah** 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 **Utah** and Arizona are participating members.

Mecke was not present.

Motion: Woodhouse moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TODD D. MECKE 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 UTAH 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

* * * * *

These hearings concluded at 4:12 p.m.

* * * * *