

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, March 6, 2009
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Chairman Robert D. Hernbrode
Vice Chair Jennifer L. Martin
Commissioner Robert R. Woodhouse
Commissioner Norman W. Freeman
Commissioner William H. McLean

Director Larry D. Voyles
Deputy Director Gary R. Hovatter
Deputy Director Bob Broscheid
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>
Scott, Dallas	Count C: Possession of unlawfully taken mountain lion
Scott, Dallas	Count A: Possession of unlawfully taken mountain lion
Scott, Dallas	Count B: Possession of unlawfully taken mountain lion
Warner, Zachary	Count C: Take wildlife during the closed season
Perez, Victor	Count B: Take wildlife after legal hours
Gressley, Forrest	Count C: Possess/transport wildlife unlawfully taken
Braggs, Charles	Count A: Obtain license by fraud
Stephens, Betten	Count A: Take bear without tag

Guin, James	Count A: Take wildlife with artificial light Count B: Take wildlife without valid license
Brown, Thomas	Count A: Take wildlife with artificial light Count B: Take wildlife without valid license
Palmer, James	Count A: Take wildlife with artificial light
Brett, Padilla	Count A: Take wildlife with artificial light
Williams, Chad	Count A: Take bear without tag/permit Count B: Knowingly take bear during the closed season Count C: Take bear with unlawful method (dogs)

Roll call was taken and the following were present: Dallas Scott, Victor Perez, James Palmer

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

Vote: Unanimous

The Department polled the regions to ascertain that there were no respondents present at the regional offices to participate via video teleconferencing.

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Dallas E. Scott (Docket no. 2009-0011)

Scott was found guilty by the Flagstaff Justice Court for: Count B: Possession of unlawfully taken mountain lion; and sentenced Count B: Consolidated sentence.

Case Officer Peebles was available by phone to answer any questions the Commission might have.

Dallas Scott was present and addressed the Commission. Scott stated that his brother Ben Scott was already assessed for the loss of this lion. The dogs were released and the lion was treed and held at bay before he got to the scene with his client. He did not have prior knowledge that the dogs were released and the lion was held at bay and he should have left the scene when he realized that, with or without his client. Further, Scott stated that he has reported things regularly

to the Department and asked to be able to keep his fishing license. Also, he has never shot or taken a mountain lion and did not believe he should be revoked for 15 years.

The Commission discussed with Mr. Elms that when multiple people in the same case come before the Commission at different times, the Department notices them for the maximum amount knowing full well that the Department can only collect the full amount one time. In this case it will be between Dallas and Ben Scott to determine who pays the assessment.

The Commission discussed the details of the case and asked questions of Officer Peebles and Dallas Scott.

Motion: McLean moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **DALLAS E. SCOTT** 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 **DALLAS E. SCOTT** TO COLLECT THE AMOUNT OF **\$1,500.00** FOR THE LOSS OF **ONE (1) MOUNTAIN LION**; 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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Dallas E. Scott (Docket no. 2009-009)

Scott was found guilty by the Flagstaff Justice Court for: Count C: Possession of unlawfully taken mountain lion; and sentenced Count C: Fined \$500 and restitution in the amount of \$4,650.00.

Case Officer Peebles was available by phone to answer any questions the Commission might have.

Dallas Scott was present but did not address the Commission.

Motion: McLean moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **DALLAS E. SCOTT** TO **HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS TO RUN CONSECUTIVE TO PREVIOUS CASE DOCKET 2009-0011**; 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 DALLAS E. SCOTT TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MOUNTAIN LION; 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 the motion to remove "fish" from this revocation.

Commissioner Woodhouse accepted as second.

Commissioner McLean withdrew his motion.

Motion withdrawn.

Motion: Freeman moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DALLAS E. SCOTT TO HUNT AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS TO RUN CONSECUTIVE TO PREVIOUS CASE DOCKET 2009-0011; 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 DALLAS E. SCOTT TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MOUNTAIN LION; 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, Freeman

Nay - Hernbrode, Woodhouse, McLean

Failed 3 to 2

Motion: McLean moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DALLAS E. SCOTT TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS TO RUN CONSECUTIVE TO PREVIOUS CASE DOCKET 2009-0011; 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 DALLAS E. SCOTT TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MOUNTAIN LION; 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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Dallas E. Scott (Docket no. 2009-0010)

Scott was found guilty by the Flagstaff Justice Court for: Count A: Possession of unlawfully taken mountain lion; and sentenced Count A: Consolidated sentence.

Case Officer Peebles was available by phone to answer any questions the Commission might have.

Dallas Scott was present but did not address the Commission.

Motion: Woodhouse moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DALLAS E. SCOTT TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS TO RUN CONSECUTIVE TO PREVIOUS CASE DOCKET 2009-009; 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 DALLAS E. SCOTT TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MOUNTAIN LION; 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 following three cases are related.

Victor L. Perez

Perez was found guilty by the Payson Regional Justice Court for: Count B: Take wildlife after legal hours; and sentenced Count B: Fined \$370.00.

Perez was present and addressed the Commission apologizing for his actions. He is not a hunter and didn't realize what they were doing was illegal. He asked to keep his fishing license.

The Commission discussed the details of the case with Perez.

Motion: Freeman moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF VICTOR L. PEREZ 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 VICTOR L. PEREZ TO COLLECT THE AMOUNT OF \$666.66 FOR THE LOSS OF ONE (1) GAMBLES QUAIL, FOUR (4) COTTONTAIL RABBITS, AND SEVEN (7) JACKRABBITS; 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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Zachary J. Warner

Warner was found guilty by the Payson Regional Justice Court for: Count C: Take wildlife during closed season; and sentenced Count C: Fined \$350.00.

Warner was not present.

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ZACHARY J. WARNER 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 ZACHARY J. WARNER TO COLLECT THE AMOUNT OF \$666.67 FOR THE LOSS OF ONE (1) GAMBLES QUAIL, FOUR (4) COTTONTAIL RABBITS, AND SEVEN (7) JACKRABBITS; 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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Forrest D. Gressley

Gressley was found guilty by the Payson Regional Justice Court for: Count C: Possess/transport wildlife unlawfully taken; and sentenced Count C: Fined \$350.00.

Gressley was not present.

Motion: Woodhouse moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF FORREST D. GRESSLEY 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 ZACHARY J. WARNER TO COLLECT THE AMOUNT OF \$666.66 FOR THE LOSS OF ONE (1) GAMBLES QUAIL, FOUR (4) COTTONTAIL RABBITS, AND SEVEN (7) JACKRABBITS; 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 following four cases are related.

James V. Palmer

Palmer was found guilty by the Round Valley Justice Court for: Count A: Take wildlife with artificial light; and sentenced Count C: Fined \$230.80.

Palmer was present and addressed the Commission. He didn't believe he should be assessed for the loss of wildlife because he didn't kill any rabbits.

The Commission discussed with Palmer the details of the case and how he might handle this kind of situation in the future, including that he would read and follow the hunting regulations.

Motion: Martin moved THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMES V. PALMER 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.

Commissioner McLean offered to second the motion if it were amended to less than 5 years.

Amended Motion: Martin moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMES V. PALMER TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE YEARS (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 - Hernbrode, Martin, Freeman, McLean
Nay - Woodhouse
Passed 4 to 1

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Brett A. Padilla

Padilla was found guilty by the Round Valley Justice Court for: Count A: Take wildlife with artificial light; and sentenced Count A: Fined \$250.00.

Padilla was not present because he had joined the military. Brett Padilla's father addressed the Commission on his son's behalf and read a statement to the Commission from his son in which Brett Padilla acknowledged his responsibilities and apologized for his actions.

Motion: Martin moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BRETT A. PADILLA 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 BRETT A. PADILLA TO COLLECT THE AMOUNT OF \$50.00 FOR THE LOSS OF ONE (1) COTTONTAIL RABBIT; 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. Guin

Guin was found guilty by the Round Valley Justice Court for: Count A: Take wildlife with artificial light; and Count B: Take wildlife without a valid license; and sentenced Count A: Fined \$250.80; and Count B: Fined \$120.40.

Guin was not present.

The Commission confirmed with Mr. Elms that the Department had not received any correspondence from Mr. Guin.

Commissioner Martin prefaced her motion by stating that it affected her views to hear from the individuals in this matter that took the time to contact the Commission and give some sense of what they learned from this experience. Now she will make a motion after not hearing from Mr. Guin.

Motion: Martin moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMES R. GUIN 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. GUIN TO COLLECT THE AMOUNT OF \$1000.00 FOR THE LOSS OF FOUR (4) JACKRABBITS, ONE (1) COTTONTAIL RABBIT, AND ONE (1) BADGER; 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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Thomas M. Brown

Brown was found guilty by the Round Valley Justice Court for: Count A: Take wildlife with artificial light; and Count B: Take wildlife without a valid license; and sentenced Count A: Fined \$250.80; and Count B: Fined \$120.40.

Brown was not present.

The Commission confirmed with Mr. Elms that the Department had not received any correspondence from Mr. Brown.

Motion: McLean moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF THOMAS M. BROWN 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 THOMAS M. BROWN TO COLLECT THE AMOUNT OF \$250.00 FOR THE LOSS OF ONE (1) JACKRABBIT; 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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Betten C. Stephens

Stephens was found guilty by the Snowflake Justice Court for: Count A: Take bear without tag; and sentenced Count A: Fined \$277.84.

Stephens was not present.

Mr. Elms advised that Stephens mother had requested these hearings to be postponed until March 2009 due to the initial January schedule conflicting with Stephens school. The Department accommodated that request.

The Commission confirmed with the attorneys that since Stephens was a juvenile the Commission could assess both Stephens and his parents.

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BETTEN C. STEPHENS 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 BETTEN C. STEPHENS AND/OR HIS PARENTS TO COLLECT THE AMOUNT OF \$1,500.00 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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Charles E. Braggs

Braggs was found guilty by the Yuma Justice Court for: Count A: Take bear without tag; and sentenced Count A: Fined \$277.84.

Braggs was not present.

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

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Chad L. Williams

Williams was found guilty by the Snowflake Justice Court for: Citation 225672: Take wildlife without a valid tag (bear); Citation 225673: Take wildlife by unlawful method – dogs (bear);

Citation 225674: Knowingly take wildlife during closed season (bear); Citation 225670, Count B: Take wildlife with unlawful method – bait (bear); and sentenced: Fined \$1050.00; and sentence by the Round Valley Justice Court: Fined \$756.00, plus \$3000.00 restitution to the wildlife theft prevention fund.

Williams was not present.

Mr. Elms advised that Williams called stating that he was not able to appear due to financial difficulties.

Case Officer Wagner addressed the Commission stating that Williams was forthcoming with information relating to this case and that he provided testimony in at least six other cases which resulted in him having to move.

The Commission weighed the seriousness of Williams' offenses against the fact that he cooperated and provided information in the investigations.

Motion: McLean moved THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHAD L. WILLIAMS TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FOUR (4) 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 CHAD L. WILLIAMS TO COLLECT THE AMOUNT OF \$1,500.00 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.

Motion died for lack of second.

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHAD L. WILLIAMS 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 CHAD L. WILLIAMS TO COLLECT THE AMOUNT OF \$500.00 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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These hearings concluded at 4:03 p.m.

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