

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Friday, August 12, 2005 – 2:00 p.m.  
Museum of Northern Arizona  
3101 N. Fort Valley Road  
Flagstaff, AZ 86001

PRESENT: (Commission)

(Director's Staff)

Chairman W. Hays Gilstrap  
Commissioner Michael M. Golightly  
Commissioner William H. McLean  
Commissioner Robert Hernbrode

Director Duane L. Shroufe  
Deputy Director Steve K. Ferrell  
Assistant Attorney General Jim Odenkirk  
Assistant Attorney General Shelley Cutts

Commissioner Melton was not present

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments  
for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Ron Day, Law Enforcement Branch Chief

The Department would like the record to show that each of these cases have been reviewed and it has been determined that all cases meet 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 record should reflect that the Commission and the respondents have been 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 individual has been legally noticed for today's hearing.

The Commission was asked consider and take action on the license revocations and/or civil assessments for the individuals listed below:

<u>Name</u>	<u>Conviction</u>
Almond, Jeffrey C.	Count A: Unlawful possession of restricted wildlife (14 Gila monsters).
Scott, Gary W.	Count A: Take wildlife from a motor vehicle (antelope). Count B: Possession of unlawfully taken wildlife (antelope).
Rutter, Amos	Count A: Take wildlife in excess of bag limit (elk).
Maifield, Richard D.	Count A: Possess unlawfully taken wildlife (elk).
Corbin, Harold D.	Count E: Take wildlife without permit/tag (elk).
Koury, George D.	Count A: Harass wildlife with the aid of an aircraft (antelope).
Stubblefield, John P.	Count A: Use another's deer tag (Mule deer buck). Count B: Take wildlife without a valid tag (Mule deer buck).
Stubblefield, Wilma J.	Count A: Allow another to use big game tag (Deer). Postponed from the May 20, 2005 Commission hearing.

Smart, Misty D.

Count B: Take wildlife without valid license/permit (Mountain lion).

Count C: Take wildlife by unlawful method.

Postponed from the May 20, 2005 Commission hearing.

Smart, Joshua D.

Count A: Possess unlawfully taken wildlife (Mountain lion).

Count B: Transport unlawfully taken wildlife (Mountain lion).

Count C: Obtain lion tag by fraud.

Postponed from the May 20, 2005 Commission hearing.

Roll call was taken and the following were present: Gary Scott, Amos Rutter, and Richard Maifield.

**Motion:** McLean moved and Hernbrode seconded THAT THE COMMISSION TAKE JURISDICTION IN THESE CASES.

**Vote:** Unanimous

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Gary W. Scott

Scott was found guilty by the Prescott Justice Court for: Count A: Take Wildlife From A Motor Vehicle (antelope); and Count B: Possession Of Unlawfully Taken Wildlife (antelope); and sentenced Count A: Fined \$215.00; and Count B: Fined \$215.00.

Scott was present and addressed the Commission stating that he didn't feel that he had done anything unlawful regarding his vehicle; he was out of his vehicle, loading his gun, when he shot at the animal and got it. The pursuit was borderline depending on the opinion of the officer. He knows his license are going to be revoked and he will deal with that, but he wanted the Commission to know that he does a lot of work for the Game and Fish Department in that he works on water tanks, cleaning and fixing.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **GARY W. 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 **GARY W. SCOTT** TO COLLECT THE AMOUNT OF **\$1402.72** FOR THE LOSS OF **ONE (1) 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  
Melton absent

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Amos Rutter

Rutter was found guilty by the Flagstaff Justice Court for: Count A: Take Wildlife In Excess Of Bag Limit (elk); and sentenced Count A: Fined \$250.00.

Rutter was present and addressed the Commission. He stated that he had no premeditation to take another elk. He was hunting with his daughter when they saw some elk, and his daughter was having trouble, so she handed him her gun. It happened very fast and he should have thought, but he shot once in the air and once in the brush; however, he did not shoot at an elk. The reporting party was not correct in what they reported. Mr. Rutter stated that he had a clean record, was a member of the National Rifle Association, a member of the Rocky Mountain Elk Foundation, and supports the Fraternal Order of Police. He further stated that he is not a poacher and asked the Commission not to revoke his hunting license.

Commissioner Golightly asked if he felt any remorse for his actions, to which Mr. Rutter expressed that he did.

Commissioner McLean clarified with Mr. Rutter that he shot once into the air and once into the brush, and Mr. Rutter stated that was correct, he shot once into the brush in the vicinity of the elk.

Officer Lutch was present to answer any questions from the Commission.

Commissioner Hernbrode asked how many elk were hit, to which Officer Lutch stated there were none hit.

Chairman Gilstrap confirmed with Officer Lutch that the citation was for attempting to take an elk.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **AMOS RUTTER 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  
Melton absent

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Richard D. Maifield

Maifield was found guilty by the Flagstaff Justice Court for: Count A: Possess Unlawfully Taken Wildlife (elk); and sentenced Count A: Fined \$400.00.

Maifield was present and addressed the Commission stating that he was sorry for using his son's tag on big game elk. The circumstances were that the day before going hunting, his son was injured and wasn't able to hunt. He didn't realize that it was such a big deal to use his tag. He has three sons, one just 13 years old, and all they do is go hunting and fishing together.

Commissioner Golightly asked Mr. Maifield if his sons knew that it was illegal to use another persons tag.

Mr. Maifield stated that they did not at the time, but they do now.

**Motion:** Golightly moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **RICHARD D. MAIFIELD** TO HUNT 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 **RICHARD D. MAIFIELD** TO COLLECT THE AMOUNT OF **\$4675.74** FOR THE LOSS OF **TWO (2) 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.

Commissioner Golightly commented that he believed Mr. Maifield was remorseful and that his motion was for four years, and did not include fishing so that he could still go fishing with his sons.

**Vote:** Aye – Golightly, Hernbrode  
Nay - Gilstrap, McLean  
2 Aye, 2 Nay, Melton absent  
Motion died

Commissioner McLean explained his vote stating that this was blatant poaching.

Commissioner Golightly stated that when someone goes through the trouble to show up at the Commission meeting and shows remorse, the Commission generally revokes for only four years.

**Motion:** McLean moved and Gilstrap seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **RICHARD D. MAIFIELD 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 **RICHARD D. MAIFIELD** TO COLLECT THE AMOUNT OF **\$4675.74** FOR THE LOSS OF **TWO (2) 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:** Aye – Gilstrap, McLean  
Nay – Golightly, Hernbrode  
2 Aye, 2 Nay, Melton absent  
Motion died

Mr. Maifield addressed the Commission and stated that he would have a difficult time paying the civil assessment amount, considering his current income.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **RICHARD D. MAIFIELD 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 **RICHARD D. MAIFIELD** TO COLLECT THE AMOUNT OF **\$2571.66** 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:** Aye – Gilstrap, McLean, Hernbrode  
Nay – Golightly  
Melton absent  
Motion passed

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Jeffrey C. Almond

Almond was found guilty by the Scottsdale Justice Court for: Count A: Unlawful Possession Of Restricted Wildlife (14 Gila Monsters); and sentenced Count A: Fined \$100.00; and forfeit all snakes and cages seized.

Almond was not present.

Commissioner McLean asked Mr. Odenkirk if the Commission jurisdiction was limited to a single maximum five year revocation when there is only a single guilty plea notwithstanding the multiple offenses.

Mr. Odenkirk stated that that has been the position that the Commission has taken in the past, that if a conviction involves multiple violations then you are limited to one revocation period for that one conviction.

Commissioner McLean further asked about a person's holding permit in other states and how a revocation here might affect that under the states compact.

Mr. Day replied that Mr. Almond has held a holding permit in Arizona in the past, but it is required that he must have a hunting license in order to obtain that holding permit. He is not aware if that same situation applies to the other states. Mr. Almond had a license and was involved in a wildlife services business, to where when a complaint came in pertaining to Gila Monsters, he would respond and pick them up. At the time the search warrant was served, he had 14 Gila monsters in his bathtub, which he used for unlawful commercial ventures. There are other charges being dealt with in Federal Court. This is only the states portion of this case.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JEFFREY C. ALMOND 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  
Melton and Golightly absent

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Harold D. Corbin

Corbin was found guilty by the Payson Regional Justice Court for: Count E: Take Wildlife Without Permit/Tag (elk); and sentenced Count E: Fined \$318.00, plus \$50.00 Prosecution Fee.

Corbin was not present, but sent a letter to the Department. Since the Commission did not receive the letter before today, Mr. Day read the letter into the record.

The letter, dated 7/30/05, was received by the Department via fax on 8/10/05, and it was addressed to Mr. Day. It read: The plea bargain acceptance of a no contest was entered only because of Laura Cannon's request to me to end this now for she was upset and crying, and so I took the plea bargain and they dropped charges against her. Officer McMullen's partner picked up a quarter of the elk I was packing out and took it from me. When my brother and I got to where his truck was parked, there was no quarter in sight. We looked extensively up and down the trail that he was parked on and the entire area around same. He simply did not leave the elk, for only three or four minutes had elapsed since we heard him drive away. Therefore, I strongly believe he simply put it in the back of the truck and left for his own personal use. But, this would account for part of the 200 pounds not taken to the butcher. I put the entire back rack in my freezer without having it processed. Also, all of the meat I trimmed from the bones in the field that we carried out we ground for ground elk in my home. So the officer made a lot of assumptions about the meat as he did in the field about what took place there with a license. So as far as me ordering the Officer off my property, he was badgering me at my home, and also my work where I was building a subdivision. He ignored my request for him to stay off my property and came back several times and trespassed. This entire deal was a bad experience to Laura who I was encouraging to hunt, which she will no longer do in the future by her own statement because of this incident. This is a shame since the Game and Fish encourages females and children to hunt. I took my grandsons hunting and only one continues to show an interest. I hope to take my younger grandchildren in the future and introduce them to hunting. I am 65 years of age and I've hunted since I was a child because my father taught me. I have hunted a lifetime without such an incident. I would like to hunt in Arizona for the next few years while I still am able. I now see I should not have taken the plea bargain and fought the case, which I feel confident I could have won. With Laura Cannon's testimony along with Ronald, my brothers enclosed letter. As leaving meat in the field, there was a small portion of the front quarter left because we were too tired to take it out that day after such a long day. Ronnie returned the next day to retrieve the small portion of meat and anything else we may have left, but he told me the meat was tainted from the Arizona sun, because of the delay. We pick up trash anytime we see it and put it in a receptacle or take in home to our own trash. Ask McMullen on the condition of our two and a half acres, both here and out at my subdivision and he will state, if he is honest, they were exceptionally clean. That's the kind of people we are and the way we live. I hope you consider the above statement in your decision. Harold Corbin. Signed and dated 8/10/05.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **HAROLD D. CORBIN 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 **HAROLD D. CORBIN** TO COLLECT THE AMOUNT OF **\$2,337.87** FOR THE LOSS OF **ONE (1) 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  
Melton and Golightly absent

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George D. Koury

Koury was found guilty by the Show Low Justice Court for: Count A: Harass Wildlife With The Aid Of An Aircraft (antelope); and sentenced: Count A: Fined \$369.00.

Koury was not present.

Mr. Day noted that the required completion of a Hunter Education course does not apply in this action.

Commissioner Hernbrode asked if Koury's hunting license could be revoked as well, but Mr. Odenkirk stated that this was not an eligible violation for revoking a hunting license.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **GEORGE D. KOURY** TO **GUIDE** IN THE STATE OF ARIZONA BE REVOKED AND THE LICENSE PRIVILEGE TO **GUIDE** 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; 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.

Mr. Odenkirk informed the Commission that they did not have the ability to revoke beyond the term of the license, and in this case, Mr. Koury's license will expire at the end of this year. The five year term only applies to licenses that are revocable under ARS 17-340. The guide licenses is silent as to any period, and because of the silence, he recommended limiting their revocation authority to the existing license.

Commissioner McLean asked if the Department could deny him a new license in 2006 based on the fact that he was revoked on this occasion.

Mr. Odenkirk read to the Commission R12-4-208, subsection B. He doesn't believe that this case is under the guidelines for not issuing an applicant a new license.

**Motion Amended:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **GEORGE D. KOURY TO GUIDE** IN THE STATE OF ARIZONA BE REVOKED AND THE LICENSE PRIVILEGE TO **GUIDE** BE DENIED ANOTHER FOR **THE MAXIMUM PERIOD ALLOWED BY LAW**; 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; 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  
Melton and Golightly absent

The Commission would like to see this type of situation addressed as a future agenda item.

Commissioner McLean will review this type of situation with the judge in this case.

Mr. Day stated that in the upcoming legislative package, the Department plans to address any violation of the airborne rule, in which if someone was scouting, we would have a connection to revoke their hunting privileges.

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The following two cases are related.

Misty D. Smart

Smart was found guilty by the Snowflake Justice Court for: Count B: Take Wildlife Without Valid License/Permit (mountain lion); Count C: Take Wildlife By Unlawful Method (mountain lion); and sentenced: Counts B and C: Fined \$118.00.

Smart was not present.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **MISTY D. SMART TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND SHE 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 **MISTY D. SMART** TO COLLECT THE AMOUNT OF **\$1402.36** FOR HER PART IN 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  
Melton absent

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Joshua D. Smart

Smart was found guilty by the Snowflake Justice Court for: Count A: Possess Unlawfully Taken Wildlife (mountain lion); Count B: Transport Unlawfully Taken Wildlife (mountain lion); Count C: Obtain Lion Tag By Fraud; and sentenced: Count A, B, and C: Fined \$1,157.00; and one (1) year of unsupervised probation.

Smart was not present.

Commissioner McLean asked Mr. Odenkirk if Mr. Smart's licenses were previously revoked, has he been reinstated and if not, can any current revocation be consecutive to the actual date of his eligibility for reinstatement , for example, if he has not paid his civil assessment in the prior case and/or proof of hunter education.

Mr. Odenkirk stated that it would run from this day forward because his prior revocation date has expired, even though that individual may not be eligible to apply for a new license. The only thing that would likely prevent a person from applying for a new license is if he hasn't taken the Hunter Education course. The Commission would have had to take a separate action under the current statute to say that until you pay that civil assessment, you can't get a new license. Mr. Odenkirk advised the Commission to impose the revocation from this day forward and not from the day he actually applies for a new license.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JOSHUA D. SMART 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  
Melton absent

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The following two cases are related. Wilma Stubblefield and John Stubblefield called earlier to say they were on their way to the Commission meeting, and so their cases were held until last, but they had still not arrived by 3:35 p.m. at which time the Commission was ready to review their cases.

John P. Stubblefield

Stubblefield was found guilty by the Fredonia Justice Court for: Count A: Use Of Another's Deer Tag (mule deer buck), and Count B: Take Wildlife Without A Valid Tag (mule deer buck); and sentenced: Count A: Fined \$604.00; and Count B: Fined \$295.00, Fine was suspended.

Stubblefield was not present.

**Motion:** Golightly moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **WILMA J. STUBBLEFIELD TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND SHE 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 **WILMA J. STUBBLEFIELD** TO COLLECT THE AMOUNT OF **\$1402.72** FOR THE LOSS OF **ONE (1) MULE DEER BUCK 4X4 WITH 25 ½"**; 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 Golightly incorrectly stated the motion for Wilma J. Stubblefield, and therefore amended his motion to all the same except for the name; it should read John P. Stubblefield.

**Motion Amended:** Golightly moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JOHN P. STUBBLEFIELD TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND SHE 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 **JOHN P. STUBBLEFIELD** TO COLLECT THE AMOUNT OF **\$1402.72** FOR THE LOSS OF **ONE (1) MULE DEER BUCK 4X4 WITH 25 ½"**; 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  
Melton absent

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Wilma J. Stubblefield

Stubblefield was found guilty by the Fredonia Justice Court for: Count A: Allow Another To Use Big Game Tag (deer); and sentenced: Count A: Fined \$209.00.

Stubblefield was not present.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **WILMA J. STUBBLEFIELD TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND SHE 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 Hernbrode noted that he intentionally did not include the civil damages.

**Vote:** Unanimous  
Melton absent

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Meeting recessed for a break at 3:40 a.m.

Meeting reconvened at 3:54 a.m.

\* \* \* \* \*

Wilma Stubblefield and John Stubblefield arrived during the break. They were delayed by road construction and since they had already requested the hearing be rescheduled from the May Commission meeting to this meeting, the Commission decided to allow them to address the Commission even though they had already taken action in these cases.

Ms. Stubblefield addressed the Commission. She had been hunting with her son, John Stubblefield all day and they had not seen any buck deer. It was getting late when they did see deer and her son shot and then told her take the gun and go down by the deer. When she started down toward the deer, Officer Langley arrived. She told him that her son shot the deer. Officer Langley took her gun and she has not seen it since. Ms. Stubblefield stated that she does not do anything illegal. She misread the proclamation and she read it wrong. She would not have let that happen if she had known it was not right.

Ms. Stubblefield's husband, John S. Stubblefield, wrote a letter and Mr. Day read it to the Commission and for the record: On the evening of November 7, 2004, my wife Wilma J. Stubble and son John P. Stubblefield received a citation for the illegal taking of game. I would like to give a brief history of our family that may have led to this citation. At the time of the citation, my wife and I had been married forty-one years. We were both just kids when we married. Her family and philosophy came from native America; her mother, one quarter Sioux, and her stepfather, one half Cherokee. Both her parents hunted deer and instilled in their children the love of the outdoors and also the taste for venison. My parents were both avid hunters. My grandfather and uncle from my mothers side of the family were both game wardens for the State of Utah. For years our family reunions were during the deer hunt season. We would have 50-60 family members in camp at one time. Their ages would range from diapers to great grandmas and grandpas. If the older folks were unable to hunt, they would still purchase a license and tag and have the younger generation fill their tags if they could. This was not always the case. The venison was never wasted, it was cut, wrapped and some was bottled. The last year we were on as a family was when we could still purchase a tag over the counter. Myself, my wife and both my sons had tags. I was the only one to fill a tag. We had great time. I have had the luck to draw out a couple times since that time. In 1999 we lost our son Benjamin in a car wreck. This was devastating to our family. As a result, we have tried to do more things as a family. In 2004, the three of us, myself, Wilma and John put in for the draw. Wilma was the only one to draw out. She then started to worry about her ability to bag a deer. I told her not to, that I or John would simply help her. I had to be on a project in Price, Utah, at a coal mine, during the hunt. If I had drawn out, I would have taken the time off. I then asked John to help his mother get her deer. That statement could be taken several ways. I know that Wilma wanted to bag her own deer. I also knew John thought a child could bag a parent's deer. Neither Wilma or John set out that day to do anything illegal. I feel that if a crime was committed, it was my fault. Wilma had a hunting license and tag, John had a hunting license. They both cooperated with the warden. John helped dress and load the deer in the warden's truck, and it's my understanding that the deer was given to a needy family. Please don't take their hunting privileges away. If anyone should lose their hunting privileges, it should be me. John S. Stubblefield. Signed and dated 7/30/05.

Ms. Stubblefield stated that it was not her husband's fault, it was her own fault. The purpose of her son going with her was so he could drive and she wouldn't get lost. She has put in for the draw for over 20 years, and this was the first time she was drawn. Ms. Stubblefield stated that she regrets her actions. She should have told her son not to shoot, but everything happened really fast.

John P. Stubblefield addressed the Commission and stated that he doesn't think what they did was poaching. He thought that they had a tag and he didn't think anything was wrong. They just intended to use the tag and the meat. He had never had a game violation.

Commissioner Golightly stated that he did not hear anything new that would mitigate his previous vote or decision on this matter and the Conclusion of Law are still applicable in this case.

The Commission stayed with its current recommendation.

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