

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, September 11, 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 Jack F. Husted

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 was legally noticed for this hearing.

<u>Name</u>	<u>Conviction</u>
Martin, David R.	Count A: License fraud
Balganon, Cesar A.	Count A: Take deer unlawfully without permit or tag Count B: Take deer by unlawful method Count C: Possess unlawfully taken white tail deer doe
Aguirre, Guillermo M.	Count B: Shoot from motorized vehicle Count C: Take big game without license Count D: Knowingly permit edible portions to waste
Aguirre, Daniel S.	Count A: Take with artificial light
Rodriguez-Carera, Osvaldo	Count A: Possess/transport unlawfully taken deer Count B: Criminal littering

Youngs was found guilty by the Wilcox Justice Court for Count A: Take mule deer (doe) without valid tag; Count B: Knowingly take deer during closed season; Count C: Waste of game meat (deer); and sentenced Counts A, B, and C: Fined \$1556.00 - \$773.00 suspended.

Youngs was found guilty by the Wilcox Justice Court for Count A: Take mule deer (3X3) without license/tag; Count B: Take mule deer (2X2) without license/tag; and sentenced Counts A and B: Fined \$904.00 – \$452.00 suspended.

Youngs was present via telephone and apologized to the Commission for his actions. He stated that although he realized that his hunting privileges could possibly be permanently revoked he asked the Commission to consider letting him keep his fishing privileges.

Case Officer Bacorn was present.

Motion: Woodhouse moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JARED A. YOUNGS TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER PERMANENTLY; 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 THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST JARED A. YOUNGS TO COLLECT IN THE AMOUNT OF \$6000.00 FOR THE LOSS OF TWO (2) 3 X 3 MULE DEER BUCK (\$3000.00); ONE (1) MULE DEER DOE (\$1500.00); AND ONE (1) 2X2 MULE DEER BUCK (\$1500.00) 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 – Woodhouse, Husted, Freeman, Hernbrode
Nay – Martin
Passed 4 to 1

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The cases of Guillermo M. Aguirre and Daniel S. Aguirre were related.

Guillermo M. Aguirre

Aguirre was found guilty by the Verde Valley Justice Court for Count B: Shoot from motorized vehicle; Count C: Take big game without license; Count D: Knowingly permit edible portions to waste; and sentenced Counts B, C, and D: Fined \$1005.00.

Mr. Aguirre spoke through a translator and told the Commission he was aware of his charges and was present to find out the amount of his fines. He also requested to be allowed to make payments towards his total fine.

Motion: Freeman moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GUILLERMO M. AGUIRRE 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 **GUILLERMO M. AGUIRRE** TO COLLECT IN THE **SHARED** AMOUNT OF **\$1500.00** FOR THE LOSS OF **ONE (1) SPIKE WHITETAIL BUCK 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

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Daniel S. Aguirre

Aguirre was found guilty by the Verde Valley Justice Court for Count A: Take with artificial light; and sentenced to Count A: Fined \$460.00.

Mr. Aguirre stated that he understood if his license were revoked but he wanted the Commission to know that this was the first time he had ever done anything like this and that he will pay his fine.

Motion: Martin moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **DANIEL S. AGUIRRE 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 **DANIEL S. AGUIRRE** TO COLLECT IN THE **SHARED** AMOUNT OF **\$1500.00** FOR THE LOSS OF **ONE (1) SPIKE WHITETAIL BUCK 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

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David R. Martin

Martin was found guilty by the Yuma Justice Court for: Count A: License fraud; and sentenced Count A: Fined \$74.40 – Fine was waived.

Case Officer Fisher was present.

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **DAVID R. MARTIN** 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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Cesar A. Balganon

Balganon was found guilty by the Green Valley Justice Court for Count A: Take deer unlawfully without permit or tag; Count B: Take deer by unlawful method; Count C: Possess unlawfully taken white tail deer doe; and sentenced to Count A, B, and C: Fined \$681.00 with \$353.79 paid to the Wildlife Theft Prevention Fund.

Case Officer Frieberg was not present.

Motion: Husted moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **CESAR A. BALGANON** 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 **CESAR A. BALGANON** TO COLLECT IN THE AMOUNT OF **\$1500.00** FOR THE LOSS OF **ONE (1) WHITE TAIL DOE 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

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The following three cases were related.

Oswaldo Rodriquez-Carera

Rodriquez-Carera was found guilty by the North Mesa Justice Court for Count A: Possess/transport unlawfully taken deer; Count B: Criminal littering; and sentenced Count A and B: Fined \$760.00.

Case Officer Chandler was present.

Motion: Woodhouse moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF OSVALDO RODRIQUEZ-CARERA 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 OSVALDO RODRIQUEZ-CARERA TO COLLECT CIVIL DAMAGES IN THE SHARED AMOUNT OF \$1500.00 FOR THE LOSS OF ONE (1) WHITE TAIL 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

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Manuel Jimenez-Manuelas

Jimenez-Manuelas was found guilty by the North Mesa Justice Court for Count A: Possess/transport unlawfully taken deer; Count B: Criminal littering; and sentenced Count A and B: Fined \$760.00.

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MANUEL JIMENEZ-MANUELAS 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 **MANUEL JIMENEZ-MANUELAS** TO COLLECT CIVIL DAMAGES IN THE **SHARED** AMOUNT OF **\$1500.00** FOR THE LOSS OF **ONE (1) WHITE TAIL 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

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Roberto M. Solis

Solis was found guilty by the North Mesa Justice Court for Count A: Take deer during closed season; Count B: Possess/transport unlawfully taken deer; Count C: Take deer by unlawful method; Count D: Criminal littering; and sentenced Count A, B, C, and D: Fined \$960.00.

Motion: Woodhouse moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ROBERTO M. SOLIS** 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 **ROBERTO M. SOLIS** TO COLLECT CIVIL DAMAGES IN THE **SHARED** AMOUNT OF **\$1500.00** FOR THE LOSS OF **ONE (1) WHITE TAIL 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

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These hearings concluded at 2:53 p.m.

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