

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, January 15, 2010
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 Linda Pollock

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. §17-245, §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.

Name	Conviction
Dustin Jerome Eardley	Possession of Unlawfully Taken Wildlife (Bobcat)
Kim Ferl Eardley	Take Wildlife Without Valid License (Bobcat) Place Leg hold Trap on Public Land
Jared Thomas Stewart	Take Wildlife During Closed Season (Calf Elk) Possess Unlawfully Taken Wildlife (Calf Elk) Take Wildlife Without Tag (Calf Elk)
James Frank Baird	Possess Unlawfully Taken Wildlife (Calf Elk)
Travis Carroll Ray	Take Wildlife During Closed Season

(Calf Elk)
Possess Unlawfully Taken Wildlife (Calf Elk)
Take Wildlife Without Tag (Calf Elk)

Robert L. Girard

Obtain Hunt Fish Combination License by Misrepresentation

William S. Norton

AZ License Suspension – Wyoming Compact FTA Charge of Take Buck Antelope With Doe Tag

Roll call was taken and the following were present: Dustin Eardley, Kim Eadley, Jared Stewart, James Baird, Travis Ray.

Mr. Elms stated that Mr. Norton had satisfactorily paid his debt in Wyoming and requested that he be removed from the agenda.

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

Vote: Unanimous

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Jared Thomas Stewart

Stewart was found guilty by the Round Valley Justice Court for: Count A: Take Wildlife During Closed Season (Calf Elk); and sentenced Count A Fined: \$784.40, Counts B: Possess Unlawfully Taken Wildlife (Calf Elk); and sentenced Count B Fined: \$580.40, Count C: Take Wildlife Without Tag (Calf Elk); and sentenced Count C Fined: \$304.40.

Case Officer Hartzell was present.

Stewart was present and addressed the Commission stating that it was never their intention to kill the elk; it was just a series of bad decisions.

Officer Hartzell stated that all the gentleman were very cooperative during the investigation.

Motion: Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JARED T. STEWART 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, 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 JARED T. STEWART TO COLLECT THE SHARED AMOUNT OF \$2,500.00 FOR THE LOSS OF ONE (1) CALF ELK; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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James Frank Baird

Baird was found guilty by the Round Valley Justice Court for: Count A: Possess Unlawfully Taken Wildlife (Calf Elk); and sentenced Counts A Fined \$580.40.

Case Officer Hartzell was present.

Baird was present and addressed the Commission stating that he has been hunting since he was ten years old and considers himself an ethical hunter. He didn't want anything to do with shooting the elk that day and it was just a series of bad decisions. He is a guide in New Mexico and would never want to jeopardize his means to hunt or his income. He requested that if there was any possibility that he could keep his license he would appreciate it.

Motion: Woodhouse moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMES F. BAIRD 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, 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 F. BAIRD TO COLLECT THE SHARED AMOUNT OF \$2,500.00 FOR THE LOSS OF ONE (1) CALF ELK; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Travis Carroll Ray

Ray was found guilty by the Round Valley Justice Court for: Count A: Take Wildlife During Closed Season (Calf Elk); and sentenced Count A Fined: \$784.40, Counts B: Possess Unlawfully Taken Wildlife (Calf Elk); and sentenced Count B Fined: \$580.40, Count C: Take Wildlife Without Tag (Calf Elk); and sentenced Count C Fined: \$304.40.

Case Officer Hartzell was present.

Ray was present and addressed the Commission stating that it was a mistake and that he would take full responsibility for his actions.

Motion: Freeman moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TRAVIS C. RAY 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, 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 TRAVIS C. RAY TO COLLECT THE SHARED AMOUNT OF \$2,500.00 FOR THE LOSS OF ONE (1) CALF ELK; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Robert L. Girard

Girard was not present but provided a written statement which Mr. Elms read for the record.

Motion: Martin moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ROBERT L. GIRARD 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, 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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Kim Ferl Eardley

Eardley was found guilty by the Moccasin Justice Court for: Count A: Take Wildlife Without Valid License (Bobcat); Count B: Place Leg hold Trap on Public Land; Eardley was found not guilty on Counts C-G; and sentenced Count A and B Fined: \$750.00 and 12 months unsupervised probation.

Case Officer Thompson was not present.

Eardley was present and addressed the Commission stating that he had not intentionally set traps in Arizona. He had a map, which he provided, that showed why he felt he was in Utah when he was setting the traps. The traps were marked with brightly colored flags which he would not have done if he knew that he was setting traps in Arizona.

The Commission asked for clarification on how a revocation ruling would affect Mr. Eardley's lifetime license in Utah. Mr. John Hummel spoke on behalf of Mr. Eardley stating that the privileges are viewed separately. Therefore if Mr. Eardley was revoked for only trapping in Arizona, Utah would honor that, but Mr. Eardley would retain his privilege to hunt and fish. Mr. Hummel also clarified that the trapping license in Utah is a separate license from the lifetime hunting license Mr. Eardley possesses.

Motion: Martin moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KIM F. EARDLEY TO 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, BEFORE APPLYING FOR ANY OTHER LICENSE TO TRAP IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST KIM F. EARDLEY TO COLLECT IN THE AMOUNT OF \$250.00 FOR THE LOSS OF ONE (1) BOBCAT; 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, Husted, Freeman
Nay - Woodhouse, Hernbrode
Passed 3 to 2

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Dustin Jerome Eardley

Eardley was found guilty by the Moccasin Justice Court for: Count A: Possession of Unlawfully Taken Wildlife (Bobcat); and sentenced Count A: Fined \$750.00 and 12 months unsupervised probation; Count B dismissed per plea agreement.

Case Officer Thompson was not present.

Eardley was present and addressed the Commission stating that they had no intention of trapping in Arizona.

Motion: Husted moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DUSTIN J. EARDLEY TO 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, BEFORE APPLYING FOR ANY OTHER LICENSE TO TRAP IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST DUSTIN J. EARDLEY TO COLLECT IN THE AMOUNT OF \$250.00 FOR THE LOSS OF ONE (1) BOBCAT; 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, Husted, Freeman
Nay - Woodhouse, Hernbrode
Passed 3 to 2

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These hearings concluded at 3:31 p.m.

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