

Proceedings of the Arizona Game and Fish  
 Commission License Revocation and Civil  
 Assessment Hearings  
 Time Certain – 2:00 p.m.  
 Friday, December 5, 2014  
 Arizona Game and Fish Department  
 5000 W. Carefree Highway  
 Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Chairman Robert E. Mansell  
 Vice Chair Kurt R. Davis  
 Commissioner Edward "Pat" Madden  
 Commissioner James R. Ammons  
 Commissioner John W. Harris

Director Larry D. Voyles  
 Deputy Director Ty E. Gray  
 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. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 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. Each of the following individuals was legally noticed for this hearing.

Name	Docket #	Count	Conviction
Daniel R. Fox	2014-0052	Count A:	Take wildlife without valid license
		Count C:	Possess unlawfully taken wildlife
Edwin T. Eubanks	2014-0060	Count A:	Waste edible game meat
		Count B:	Take wildlife by an unlawful method
		Count C:	Failure to tag immediately
William V. Jones III	2014-0061	Count A:	Litter while hunting
Richard F. Uphoff II	2014-0062	Count A:	Take wildlife during closed season
Elijah Campbell	2014-0063	Count A:	Take wildlife during closed season
Victor Medina	2014-0064	Count A:	Allow another to possess permit tag in hunt area
Raymond E. Antall	2014-0065	Count A:	Take wildlife without a valid license
		Count C:	Take wildlife in a closed season

Roll call was taken and the following were present: Daniel Fox, Edwin Eubanks, William Jones III, Richard Uphoff II, and Elijah Campbell.

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:** Ammons moved and Madden seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

**Vote:** Unanimous

\* \* \* \* \*

Daniel R. Fox  
Docket # 2014-0052

Fox was found guilty by the Flagstaff Justice Court for Count A: Take wildlife without valid license; and Count C: Possess unlawfully taken wildlife; and sentenced: Combined fine of \$1000.00.

Fox was present and addressed the Commission stating that he has paid dearly on a personal and professional level for his involvement in this situation.

The Commission discussed with Mr. Fox about his untruthfulness with the officer.

Case Officer Adams was present via video teleconference from Region II and answered questions for the Commission.

**Motion:** Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DANIEL R. FOX 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 R. FOX TO COLLECT THE SHARED AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY 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

\* \* \* \* \*

Edwin T. Eubanks  
Docket # 2014-0060

Eubanks was found guilty by the Pima Justice Court for Count A: Waste edible game meat (mule deer); Count B: Take wildlife by an unlawful method; and Count C: Failure to tag immediately; and sentenced: Combined fine of \$435.00.

Eubanks was present and addressed the Commission stating that he made a mistake and felt really bad about what he did. He owned up to it and was ready to pay the consequences.

Case Officer Skinner was present and answered questions for the Commission confirming that Mr. Eubanks was initially not truthful in the investigation.

**Motion:** Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF EDWIN T. EUBANKS 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 EDWIN T. EUBANKS TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) 5X5 MULE DEER 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

\* \* \* \* \*

William Virgil Jones III

Docket # 2014-0061

Jones was found guilty by the Flagstaff Justice Court for Count A: Litter while hunting; and sentenced: Fined \$246.00.

Jones was present and addressed the Commission stating this was a mistake. It snowed a lot and with all the trouble he had getting his trailer out, he failed to check the camp. Some of the trash was covered with snow and he didn't see it. He normally picks up trash on every hunt and volunteers on clean up projects.

Public Comment from Region V Office

Don Hedrick, representing himself, cleaned up the trash and described all the trash he picked up.

Case Officer Clay was present via video teleconference from Region II and added that there was some snow and it was very muddy, but that the ground was not frozen.

**Motion:** Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF WILLIAM VIRGIL JONES III 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 - Mansell, Madden, Ammons, Harris  
Nay - Davis  
Passed 4 to 1

\* \* \* \* \*

The cases of Uphoff III and Elijah Campbell are related.

Richard F. Uphoff III  
Docket # 2014-0062

Uphoff was found guilty by the McDowell Mountain Justice Court for Count A: Take wildlife during closed season; and sentenced: Combined fine of \$444.00.

Uphoff was present and addressed the Commission stating that he knows he made a mistake by closing the gate on the javelina, but it resulted in a dangerous situation and he thought the javelina should be shot. Things went from bad to worse and he ended up stabbing and killing the javelina.

Mr. Uphoff's father addressed the Commission apologizing for the situation and the cost to the Department. He added that this was his son's first offense and asked for leniency, especially considering that his son was leaving to join the marines in a few weeks.

Case Officer was present via video teleconference from Region VI.

**Motion:** Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RICHARD F. UPHOFF III 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; THAT THE DEPARTMENT BE

DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **RICHARD F. UPHOFF III** TO COLLECT THE **SHARED** AMOUNT OF **\$500.00** FOR THE LOSS OF **ONE (1) JAVELINA**; 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 - Mansell, Madden, Ammons  
Nay - Davis, Harris  
Passed 3 to 2

(The Commission re-opens and amends this motion during the case of Elijah Campbell.)

\* \* \* \* \*

Elijah Campbell  
Docket # 2014-0063

Campbell was found guilty by the McDowell Mountain Justice Court for Count A: Take wildlife during closed season; and sentenced: Combined fine of \$444.00.

Campbell was present and addressed the Commission stating that he has learned his lesson and the Commission will never see him for anything like this ever again.

Mr. Campbell's father addressed the Commission stating that his son has learned his lesson and asked for leniency. His son is a good kid, loves hunting, and didn't realize that what he did was poaching.

Case Officer was present via video teleconference from Region VI.

**Motion:** Davis moved and Davis seconded THAT THE COMMISSION VOTE TO REHEAR THE CASE OF RICHARD F. UPHOFF III.

**Vote:** Unanimous

Commissioner Davis stated that we have a tough learning lesson here and so he wanted to rehear the case.

**Amended Motion:** Davis moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **RICHARD F. UPHOFF III** TO **HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **ONE (1) YEAR**; 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 F.**

**UPHOFF III** TO COLLECT THE SHARED AMOUNT OF \$500.00 FOR THE LOSS OF ONE (1) JAVELINA; 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

**Motion:** Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ELIJAH CAMPBELL TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEAR; 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 ELIJAH CAMPBELL TO COLLECT THE SHARED AMOUNT OF \$500.00 FOR THE LOSS OF ONE (1) JAVELINA; 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

\* \* \* \* \*

Victor A. Medina  
Docket # 2014-0064

Medina was found guilty by the Douglas Justice Court for Count A: Allow another to possess permit tag in hunt area; and sentenced: Fine of \$205.00.

Medina was not present.

**Motion:** Davis moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF VICTOR A. MEDINA 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

\* \* \* \* \*

Raymond E. Antall  
Docket # 2014-0065

Antall was found guilty by the Mayer Justice Court for Count A: Take wildlife without a valid license; and Count C: Take wildlife in a closed season; and sentenced: Combined fine of \$706.00.

Antall was not present.

**Motion:** Madden moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RAYMOND E. ANTALL 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 RAYMOND E. ANTALL TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) BUCK MULE 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

\* \* \* \* \*

These hearings concluded at 3:12 p.m.

\* \* \* \* \*