

Proceedings of the Arizona Game and Fish
Commission License Revocation & Civil
Assessment Hearings
Friday, January 17, 2003 – 1:30 p.m.
State Fairgrounds, Wildlife Building
17th Avenue & McDowell Road
Phoenix, Arizona

PRESENT: (Commission)

(Director's Staff)

Chairman Michael M. Golightly
Commissioner Joe Carter
Commissioner Sue Chilton
Commissioner W. Hays Gilstrap
Commissioner Joe Melton

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Asst. A.G. Jay Adkins
Asst. A.G. Jim Odenkirk

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

Presenter: Leonard Ordway, Law Enforcement Branch Chief

Roll call was taken. Those present at today's meeting were Adam Ellis, Juan Martinez and Dustin Todd.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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Adam Gilbert Ellis, Juan Jose Martinez and Dustin Luther Todd

Ellis was found guilty in Safford Justice Court of A) taking wildlife with artificial light; B) possessing unlawfully taken wildlife and C) taking wildlife out of season. He was fined \$177 for Count A; \$132.75 for Count B and \$442.50 for Count C.

Martinez was found guilty in Safford Justice Court of A) taking wildlife with artificial light; B) possessing unlawfully taken wildlife and C) taking wildlife without a license. He was fined \$177 for Count A; \$132.75 for Count B and \$88.50 for Count C.

Todd was found guilty in Safford Justice Court of A) taking wildlife with artificial light and B) possessing unlawfully taken wildlife. He was fined \$177 for Count A and \$132.75 for Count B.

Ellis, Martinez and Todd were present at today's meeting. Ellis wished he had not made a mistake. Martinez was sorry for all the inconvenience this has caused. Todd stated he should have known better since he had been an assistant guide for the past three years.

Motion: Chilton moved THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF ADAM GILBERT ELLIS TO HUNT, FISH, GUIDE AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE YEARS; THAT THE LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT 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 LICENSES TO HUNT IN THIS STATE; FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Carter asked if Commissioner Chilton would consider a two-year revocation period. Commissioner Chilton concurred; Carter seconded the motion. Chairman Golightly asked if they would consider modification to allow a fishing license. Commissioners Chilton and Carter concurred.

Vote on Motion as Amended: Unanimous

Motion: Carter moved and Chilton seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF JUAN JOSE MARTINEZ TO HUNT IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO YEARS; THAT THE LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT 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 LICENSES TO HUNT IN THIS STATE; FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Gilstrap noted Commissioner Chilton's initial recommendation included revocation of a guide license. Mr. Ordway stated Mr. Martinez did not have a guide license. He noted if the Commission restricted only the hunting license, Martinez would be prevented from getting a guide license to hunt; it would not prevent him from applying to be a fishing guide.

The above motion was amended to include hunt, trap and guide.

Vote: Unanimous

Motion: Carter moved and Melton seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF DUSTIN LUTHER TODD TO HUNT, TRAP AND GUIDE IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED

ANOTHER FOR A PERIOD OF TWO YEARS; THAT THE LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT 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 LICENSES TO HUNT IN THIS STATE; FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Lyle L. Hemphill

Hemphill was charged with Counts A through F: unlawful possession of migratory bird parts and Count G) theft of wildlife habitat area signs. He was found guilty in Pinetop Justice Court of Counts A through E and not guilty for Counts F and G. He was fined \$100 each count (A through E) (\$500 total); 100 hours community service and approximately \$4,177 restitution for prosecution costs.

Hemphill was not present at today's meeting.

Motion: Chilton moved and Gilstrap seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF LYLE L. HEMPHILL TO HUNT, FISH, TRAP AND GUIDE IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT 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 TO COLLECT THE AMOUNT OF \$350.70 FOR THE LOSS OF THREE RAPTORS. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Stephen S. Sherwood

Sherwood was found guilty in Snowflake Justice Court of A) taking wildlife (antelope) during a closed season; B) taking wildlife (antelope) without a valid license; C) taking wildlife with an unlawful method and D) shooting from a vehicle. He was fined \$500.00 for Count A, with Counts B through D concurrent.

Sherwood was not present at today's meeting.

Motion: Gilstrap moved and Carter seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF STEPHEN S. SHERWOOD TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS; THAT THE CURRENT LICENSES BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT 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 TO COLLECT THE AMOUNT OF \$1,315.10 FOR THE LOSS OF ONE ANTELOPE. FURTHER, THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSION OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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