

Proceedings of the Arizona Game and Fish
Commission License Revocation & Civil
Assessment Hearings
Friday, April 11, 2003 – 1:30 p.m.
Fraternal Order of Police Lodge #2
12851 N. 19 Ave., Phoenix, Arizona

PRESENT: (Commission)

(Director's Staff)

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

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

13. 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. Present at today's meeting were Perry Hastings, Kenneth Mullen, Daniel Kuczyk, and William Matthew Seeley.

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

Vote: Unanimous

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Perry E. Hastings and Kenneth A. Mullen

Hastings was charged with A) taking wildlife (antelope) without a tag; B) using another's license or permit (junior only) and C) possessing/transporting unlawfully taken wildlife (antelope). Counts A and B were dismissed per plea agreement. He pled no contest per plea agreement and was found guilty of Count C in Prescott Justice Court. He was fined \$215.

Mullen was found guilty in Prescott Justice Court of A) possessing/transporting unlawfully taken wildlife (antelope). He was fined \$215.

Hastings and Mullen were present at today's meeting.

Hastings stated his son was in the field and not in the vehicle with Mullen. His son took the first two shots at the animal and wounded it in the hindquarters. Hastings stated his shot killed the animal.

Motion: Gilstrap moved and Golightly seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF PERRY E. HASTINGS 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 ANOTHER LICENSE TO HUNT IN THIS STATE; THAT THE

DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES OR TO BRING CIVIL ACTION TO COLLECT THE AMOUNT OF \$667.95 FOR HIS PART IN THE LOSS OF ONE (1) ANTELOPE BUCK. 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

Mullen asserted the boy was not in the pickup but he could not tell who actually shot the animal.

Motion: Golightly moved and Gilstrap seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF KENNETH A. MULLEN 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 ANOTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT SHARED CIVIL DAMAGES OR TO BRING CIVIL ACTION TO COLLECT THE AMOUNT OF \$667.95 FOR HIS PART IN THE LOSS OF ONE (1) ANTELOPE BUCK. 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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Daniel Neil Kuczyk

Kuczyk was found guilty in Payson Justice Court of A) shooting from a road; B) exceeding bag limit (elk) and C) possessing unlawfully taken wildlife (elk). Fines were suspended for Counts A and B; he was fined \$725 for Count C.

Kuczyk was present at today's meeting. He noted he was a conscientious hunter and admitted to a momentary lapse of judgment.

Motion: Golightly moved and Chilton seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF DANIEL NEIL KUCZYK TO HUNT IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO YEARS; THAT THE CURRENT LICENSE BE SUSPENDED AS OF THE DATE OF THIS HEARING AND THAT IT 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 \$2,226.49 FOR THE LOSS OF ONE (1) ELK. 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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William Matthew Seeley and William Michael Seeley

Matthew was found guilty in Payson Justice Court of A) taking wildlife (doves) while revoked and B) taking wildlife (doves) from a motor vehicle. He was fined \$185 for Count A and the fine was suspended for Count B.

Michael was found guilty in Payson Justice Court of taking wildlife (doves) from a motor vehicle. He was fined \$95.

Matthew was present at today's meeting. Michael sent a letter stating why he was unable to attend today's meeting. Matthew stated he used stupid judgment and made a mistake. He was looking forward to getting his license back next year.

Motion: Gilstrap moved and Melton seconded THAT THE LICENSES AND LICENSE PRIVILEGES OF WILLIAM MATTHEW SEELEY TO HUNT, FISH, TRAP AND GUIDE IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS FOLLOWING THE CURRENT REVOCATION OF AUGUST 6, 1999, THROUGH AUGUST 6, 2004; 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

Motion: Chilton moved and Gilstrap seconded THAT THE LICENSES AND LICENSE PRIVILEGES OF WILLIAM MICHAEL SEELEY 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 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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Wayne Emmett Howell

Howell was found guilty in Cochise County Justice Court, Precinct 1, of A) taking wildlife (reptiles) without a license; B) possessing restricted live wildlife (reptiles) and C) possessing unlawfully taken wildlife (reptiles). He was fined \$350 for each Count.

Maxwell was not present at today's hearing.

Motion: Gilstrap moved and Melton seconded THAT THE LICENSES AND LICENSE PRIVILEGES OF WAYNE EMMETT HOWELL 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 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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Marco Antonio Torres

Torres was found guilty in Prescott Justice Court of taking wildlife while on revocation. He was fined \$215. Torres was revoked from February 27, 1998, through February 27, 2003, for "possessing unlawfully taken deer (mule deer buck)." Also, Torres has not paid his civil assessment of \$714.15, nor has he completed the Hunter Safety Course as required by the Commission.

Torres was not present at today's meeting.

Motion: Chilton moved and Gilstrap seconded THAT THE LICENSES AND LICENSE PRIVILEGES OF MARCO ANTONIO TORRES TO HUNT, FISH, TRAP AND GUIDE IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE YEARS FOLLOWING THE CURRENT REVOCATION OF FEBRUARY 27, 1998, THROUGH FEBRUARY 27, 2003 (MR. TORRES HAS NOT COMPLETED A HUNTER EDUCATION CLASS); 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: Chilton, Gilstrap and Melton – Aye
Golightly not present for vote
Motion passed

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David P. Waterman

Waterman was found guilty in Payson Justice Court of taking wildlife (mountain lion) without a tag. He was fined \$545.

Waterman was not present at today's meeting but asked for at least a 30-day extension. Mr. Ordway recommended THAT A CONTINUANCE BE GRANTED TO THE JUNE COMMISSION MEETING IN PINETOP FOR DAVID P. WATERMAN.

Motion: Chilton moved and Gilstrap seconded THE DEPARTMENT RECOMMENDATION.

Vote: Chilton, Gilstrap and Melton – Aye
Golightly not present for vote
Motion passed

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