

Proceedings of the Arizona Game and Fish  
Commission License Revocation & Civil  
Assessment Hearings  
Friday, June 20, 2003 – 1:30 p.m.  
Pinetop Regional Office, 2878 E. White Mountain  
Blvd., Pinetop, 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

14. 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. Ronald Buckner, Cody Gene Bernier and Robert D. Liss were present at today's meeting.

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

**Vote:** Unanimous

The following individuals asked for continuances until the August Commission meeting: Steven J. Henry, William H. Herman and Ralph L. Redfoot. The Department had no problem with granting these requests.

**Motion:** Gilstrap moved and Melton seconded THAT THE CASES BE CONTINUED TO THE AUGUST MEETING.

**Vote:** Unanimous

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Ronald W. Buckner

Buckner was found guilty in Payson Justice Court of taking wildlife (elk) without a tag. He was fined \$545 (suspended). Buckner was present at today's meeting and stated some of the information was missing in the report. He provided additional information. He realized he made a bad decision but the elk had been wounded for five hours.

Commissioner Melton was recused from voting on the case as he knew Frank Griffin, a resident of Yuma and the hunter who contracted the guiding services of Buckner and Randy Herrera.

Mr. Odenkirk explained the draft motion was to revoke for hunt, fish, trap and guide. With regard to the guide licenses, the statute limits the Commission's authority to revocation of the existing license and does not give authority to extend to five years. If the Commission revokes a

hunting and fishing license, it also affects the ability to guide for the same period of time. A person cannot guide during the time period the hunting and fishing licenses are revoked.

**Motion:** Gilstrap moved THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF RONALD W. BUCKNER TO HUNT, FISH, TRAP AND GUIDE IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FOUR 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’S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANOTHER LICENSE 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 Chilton asked if the maker of the motion would accept three years. Commissioner Gilstrap AMENDED HIS MOTION TO THREE YEARS. Commissioner Chilton seconded the motion.

**Vote on amended motion:** Chilton, Gilstrap and Golightly - Aye  
Melton – Recused  
Motion passed

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Cody Gene Bernier

Bernier was found guilty of taking wildlife (turkey) without a tag in Flagstaff Justice Court. He was fined \$165. Bernier stated he thought was going to shoot at the turkey, but he did not have his bow drawn back when the officers arrived.

**Motion:** Golightly moved and Chilton seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF CODY G. BERNIER 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’S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANOTHER LICENSE 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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Robert D. Liss

Liss was found guilty in Prescott Justice Court of taking wildlife (javelina) during closed season. He was fined \$100. Liss was present at today's meeting. He thought there were inconsistencies in the report. There were five javelina on his patio. Four of the animals ran away but he shot at the one javelina that came within 17 feet of him. He pled no contest based on advice from counsel. He felt he was not given proper information to make proper testimony to the judge. Mr. Ordway noted Liss was not familiar with javelina as he was new to the state. Based on his experience, the officer felt the javelina posed no threat to Liss.

**Motion:** Golightly moved and Gilstrap seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF ROBERT D. LISS 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 \$445.30 FOR THE LOSS OF ONE (1) JAVELINA. 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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Billie K. Hill and Ralph L. Redfoot

Hill was found guilty in Clifton Justice Court of A) knowingly taking wildlife (turkey) during a closed season and B) allowing edible portions of wildlife (turkey) to go to waste. She was fined \$275 for Count A and \$185 for Count B.

Redfoot was found guilty in Clifton Justice Court of possessing unlawfully taken wildlife (turkey). He was fined \$275.

Redfoot was granted a continuance to the August meeting, Hill was not present at today's meeting. The Department had no problem with presenting the cases separately.

**Motion:** Chilton moved and Gilstrap seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF BILLIE K. HILL TO HUNT, FISH, TRAP AND GUIDE IN THE STATE OF ARIZONA BE REVOKED AND SHE BE DENIED ANOTHER FOR A PERIOD OF FIVE 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 SHE 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 \$222.65 FOR HER PART IN THE LOSS OF ONE (1) TURKEY. 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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Robert Leon Vanderlinden

Vanderlinden was found guilty in Bagdad Justice Court of taking wildlife (Gila monster) during a closed season. He was fined \$120. He was not present at today's meeting.

**Motion:** Melton moved and Golightly seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF ROBERT LEON VANDERLINDEN 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'S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANOTHER LICENSE 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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David C. Valverde, Jr.

Valverde was found guilty in Flagstaff Justice Court of A) taking wildlife (turkey) without a tag and B) open container of alcohol. He was fined a total of \$260. He was not present at today's meeting.

**Motion:** Gilstrap moved and Chilton seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF DAVID C. VALVERDE 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'S LAW ENFORCEMENT BRANCH BEFORE APPLYING FOR ANOTHER LICENSE 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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David P. Waterman

Waterman was found guilty in Payson Justice Court of taking wildlife (mountain lion) without a tag. He was fined \$545. He was not present at today's meeting.

**Motion:** Melton moved and Golightly seconded THAT THE LICENSES AND/OR LICENSE PRIVILEGES OF DAVID P. WATERMAN 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 CIVIL DAMAGES OR TO BRING CIVIL ACTION TO COLLECT THE AMOUNT OF \$1,335.89 FOR THE LOSS OF ONE (1) MOUNTAIN LION. 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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