

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Friday, April 21, 2006
2:00 p.m. Time Certain
Hilton Garden Inn/Phoenix Midtown
4000 N. Central Avenue
Phoenix, Arizona 85012

PRESENT: (Commission)

(Director's Staff)

Chairman Joe Melton
Commissioner Michael M. Golightly
Commissioner William H. McLean
Commissioner Robert Hernbrode
Commissioner W. Hays Gilstrap

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Shelley Cutts

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

Presenter: Ronald L. Day, Law Enforcement Branch Chief

These proceedings began at 1:46 p.m. before the 2:00 p.m. Time Certain for those who were present.

The Department would like the record to show that each of these cases have been reviewed and it has been determined that all cases meet the criteria established in A.R.S. §15-714, §17-238, §17-314, §17-340, §17-362 and/or §17-363 for Commission action. The record should reflect that the Commission and the respondents have been 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 individual has been legally noticed for today's hearing.

The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed below:

<u>Name</u>	<u>Conviction</u>
Carter, David Allen	Count A: Knowingly take wildlife during a closed season (elk). Count B: Possess unlawfully taken wildlife (elk). Count C: Waste edible portions of wildlife (elk).
Hart, Michael J.	Count A: Use tag of another (deer).
Hart, Jr., Dennis J.	Count A: Attach tag to animal killed by someone else (deer).
Koreny, Nathan S.	Count A: Take wildlife without valid tag (bear). Count B: Possess unlawfully taken wildlife (bear). Count C: Failure to tag wildlife (bear).
Halcomb, Richard B.	Count A: Litter while hunting.
VanKirk, Nathan H.	Count A: Litter while hunting.

Tucker, Jeffrey L.
Bilyeu, Brian D.

Count A: Litter while hunting.
Count A: Possess unlawfully taken wildlife (elk taken in wrong Unit).

Roll call was taken and the following were present: David Allen Carter, Michael J. Hart, Richard B. Halcomb, and Nathan H. Van Kirk.

Motion: McLean moved and Melton seconded THAT THE COMMISSION TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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This case is related to the case of Dennis J. Hart, Jr., one of the following cases.

Michael J. Hart

Hart was found guilty by the Payson Regional Justice Court for: Count A: Use Tag Of Another (Deer); and sentenced Count A: Fined \$365.00.

Hart was present and addressed the Commission to apologize for his actions.

Motion: Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **MICHAEL J. HART 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 **MICHAEL J. HART** TO COLLECT THE AMOUNT OF **\$725.12** FOR HIS PART IN THE LOSS OF **ONE (1) 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: Aye – Melton, Golightly, McLean, Hernbrode
Nay – Gilstrap
Passed 4 to 1

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The following two cases were related and addressed simultaneously.

Richard B. Halcomb

Halcomb was found guilty by the Round Valley Justice Court for: Count A: Litter While Hunting; and sentenced Count A: Fined \$223.00.

Nathan H. Van Kirk

Van Kirk was found guilty by the Round Valley Justice Court for: Count A: Litter While Hunting; and sentenced Count A: Fined \$223.00.

Commissioner Golightly requested that in the future, photographs be included with the documentation for cases regarding litter. The officer in this case provided photographs to the Commission.

Halcomb was present and addressed the Commission apologizing for his lack of judgment. On the final day of the hunt he picked up trash before he left, but there were others in his group that were still there, so he should have gone back and made sure the camp was clean.

Officer Wagner was present and provided the Commission with a synopsis of situation stating that the others in the group were friends who were there to help with the hunt, so it was Halcomb and Van Kirk's responsibility to make sure the camp site was left clean.

Commissioner Hernbrode noted that he has recently received several letters from landowners who have decided to close their land to hunting as a result of this kind of situation.

Mr. Halcomb's father addressed the Commission stating that he didn't think his son should be held accountable for the actions of others, and that he went to the camp two weeks after the hunt to pick up the camp trailer and should have also cleaned up the camp site.

Van Kirk addressed the Commission stating that they picked up a lot of trash before they left and shouldn't be held accountable for the others.

Motion: Hernbrode moved and Gilstrap seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **RICHARD B. HALCOMB AND NATHAN H. VAN KIRK TO HUNT** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **ONE (1) 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 – Melton, Hernbrode, Gilstrap
Nay – Golightly, McLean
Passed 3 to 2

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Dennis J. Hart, Jr.

Hart was found guilty by the Payson Regional Justice Court for: Count A: Attach Tag To An Animal Killed By Another Person (deer); and sentenced Count A: Fined \$185.00.

Hart was not present.

Motion: Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **DENNIS J. HART, JR. 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 **SHARED** CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **DENNIS J. HART JR.** TO COLLECT THE AMOUNT OF **\$725.13 FOR HIS PART** IN THE LOSS OF **ONE (1) 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: Aye – Melton, Golightly, McLean, Hernbrode
Nay – Gilstrap
Passed 4 to 1

Commissioner Gilstrap stated that shooting for another person on a hunt is serious and should be more than two years revocation.

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Nathan S. Koreny

Koreny was found guilty by the Round Valley Justice Court for: Count A: Take Wildlife Without A Valid Tag (bear); Count B: Possess Unlawfully Taken Wildlife (bear); Count C: Failure To Tag Wildlife (bear); and sentenced Counts A: Fined \$445.00; Count B: Fined \$185.00; and Count C: Fined \$68.00.

Koreny was present and addressed the Commission apologizing for his actions.

Motion: McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **NATHAN S. KORENY 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 **NATHAN S. KORENY** TO COLLECT THE AMOUNT OF **\$1450.25** FOR THE LOSS OF **ONE (1) BEAR**; 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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Brian D. Bilyeu

Bilyeu was found guilty by the Payson Regional County Justice Court for: Count A: Possess Unlawfully Taken Wildlife (elk taken in wrong unit); and sentenced Counts A: Fined \$725.00.

Bilyeu was present and addressed the Commission apologizing for his actions, although he honestly thought he was in the correct unit.

Motion: Hernbrode moved and Golightly seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **BRIAN D. BILYEU TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE SUSPENDED AND THAT HE BE DENIED ANOTHER UNTIL HE COMPLETES THE HUNTER EDUCATION COURSE; THAT HIS CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND 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; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **BRIAN D. BILYEU** TO COLLECT THE AMOUNT OF **\$2,417.08** FOR THE LOSS OF **ONE (1) 6X6 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.

Commissioner McLean will vote no because he believes boundaries should be marked prior to the hunt and that Mr. Bilyeu should have at least a one year revocation.

Vote: Aye Melton, Golightly, Hernbrode
Nay McLean, Gilstrap
Passed 3 to 2

Commissioner Gilstrap stated that it is critical for a hunter to take the responsibility to know where he is hunting.

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David A. Carter

Carter was found guilty by the Flagstaff Justice Court for: Count A: Knowing Take Wildlife During Closed Season (elk); and Count B: Possess Unlawfully Taken Wildlife (elk); Count C: Waste Edible Portions Of Wildlife (elk); and sentenced Counts A: Fined \$1,814.00; Count B: Fined \$500.00; and Count C: Fined \$204.00.

Carter was not present.

Motion: Gilstrap moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **DAVID A. CARTER 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 **DAVID A. CARTER** TO COLLECT THE AMOUNT OF **\$2,417.08** FOR THE LOSS OF **ONE (1) 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

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Jeffrey L. Tucker

Tucker was found guilty by the Round Valley Justice Court for: Count A: Litter While Hunting; and sentenced Counts A: Fined \$113.00.

Tucker was not present.

The Commission reviewed photographs of the littered camp site. Commissioner Gilstrap noted the cans in the fire pit.

Motion: Gilstrap moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JEFFREY L. TUCKER 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

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These hearings concluded at 3:19 p.m.

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