

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Friday, September 8, 2006 – 2:00 a.m.
Time Certain
Embassy Suites
2577 W. Greenway Road.
Phoenix, Arizona 85023

PRESENT: (Commission)

(Director's Staff)

Chairman Joe Melton
Commissioner Michael M. Golightly
Commissioner William H. McLean
Commissioner Robert Hernbrode
Commissioner Jennifer L. Martin

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: Larry Voyles, Acting Law Enforcement Branch Chief

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 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 this 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>
Chaidez, Jr., Roy A.	Count A: Possess/transport unlawfully taken wildlife (elk).
Erickson, Lance J.	Count A: Possess unlawfully taken wildlife (elk). (Postponed from the August 11, 2006, Commission meeting).
Joswiak, Fred R.	Count A: Take wildlife without a valid license/tag (deer). Count C: False report to a peace officer Count D: Drive with revoked license
Schoenfelder, Roger G.	Count A: Allow another individual to use tag (elk). Count B: Possess wildlife unlawfully taken (elk).

Roll call was taken and the following were present: Fred R. Joswiak and Roger G. Schoenfelder.

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

Vote: Unanimous

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Fred R. Joswiak

Joswiak was found guilty by the Prescott Justice Court for: Count A: Take wildlife without valid license/tag (deer); and Count C: False report to a Peace Officer; Count D: Drive with revoked license; and sentenced Count A: Fined \$215.00; Count C: Fined \$215.00; and Count D: Fined \$550.00.

Joswiak was present and stated that he was not present at the scene, he was out varmit calling with his daughter, and further that the casings and boot prints collected at the scene were not his. Additionally, the lawyer he hired did not contact his witnesses and sent half of his money back. Mr. Joswiak is also on disability.

Officer Buckley was present and stated that the casings and boot prints did not make or break the case. There were two witnesses in the incident.

Commissioner Mclean noted for the record that the Commission received an information packet from Mr. Joswiak's mother prior to this hearing for review and consideration.

Motion: McLean moved and Golightly seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **FRED R. JOSWIAK 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 **FRED R. JOSWIAK** TO COLLECT THE AMOUNT OF **\$1,450.25** FOR THE LOSS OF **ONE (1) 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: Aye - Melton, Golightly, McLean, Hernbrode
Nay - Martin

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Roger G. Schoenfelder

Schoenfelder was found guilty by the Flagstaff Justice Court for: Count A: Allow another individual to use tag (elk); and Count B: Possess wildlife unlawfully taken (elk); and sentenced Count A: Fined \$200.00; and Count B: Fined \$250.00.

Schoenfelder was present and stated that he thought he wounded an elk, so when he had to leave for work, he left his tag at camp in case his friends found it. His intent was not for anyone else to use his tag.

Commissioner McLean confirmed with Mr. Schoenfelder that when Mr. Schoenfelder learned that his tag had been used illegally, he did not take action to set the record straight.

Commissioner Golightly asked Officer Dinquel if Mr. Schoenfelder was initially cooperative in the investigation, to which Officer Dinquel stated that he was not; initially he was deceptive.

Motion: Golightly moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ROGER G. SCHOENFELDER 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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Roy A. Chaidez, Jr.

Chaidez was found guilty by the Snowflake Justice Court for: Count A: Possess/transport unlawfully taken wildlife (elk); and sentenced Count A: Fined \$750.00.

Chaidez was not present. A letter was received by the Department from Mr. Chaidez and was provided to the Commission prior to this hearing for review and consideration.

Motion: Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ROY A. CHAIDEZ, JR. 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 **ROY A. CHAIDEZ, JR.** TO COLLECT THE AMOUNT OF **\$4,834.16** FOR THE LOSS OF **TWO (2) 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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Lance J. Erickson

Erickson was found guilty by the Seligman Justice Court for: Count A: Possess unlawfully taken wildlife (elk); and sentenced Count A: Fined \$215.00.

The Commission took jurisdiction on this case at the August 11-12, 2006 Commission meeting. A motion was made, however, the vote was tabled until further investigation could be completed.

Motion: Hernbrode moved and McLean seconded THAT THE COMMISSION VOTE TO VACATE THE MOTION AND DISMISS THIS CASE.

Vote: Unanimous

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These hearings concluded at 2:50 p.m.

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