

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Friday, June 23, 2006 – 2:00 p.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:** Ronald L. Day, Law Enforcement Branch Chief

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>
Fulton, Ross A.	Count A: Possess over limit of wildlife (doves).
Price, Darrell K.	Counts A & B: Possess unlawfully taken wildlife (2 Gila monsters). Count C: Possess restricted live wildlife (1 Alligator Snapping Turtle). Count D: Possess restricted live wildlife (1 Copper Head). Count E: & F: Possess restricted live wildlife (2 Gabon vipers).
Parsons, Garry C.	Count A: Take wildlife not identified by permit/tag (elk). Count B: Possess unlawfully taken wildlife (elk).
Johnson, Charles M.	Count A: Transport unlawfully taken wildlife (elk).
Ybarra, Mark J.	Count A: Take wildlife before legal hours (elk). Count B: Take wildlife from a roadway (elk). Count C: Take wildlife in wrong unit (elk). Count D: Careless misuse of a firearm while hunting.



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, Martin  
Nay - Hernbrode  
Passed 4 to 1

Commissioner Golightly explained his vote stating that he moved for the maximum penalty in order to send a message and discourage the tradition of supporting big dinners from urban fishing.

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Edward H. Wilkinson

Wilkinson was found guilty by the Round Valley Justice Court for: Count A: Take wildlife without valid license/tag (turkey); and sentenced Count A: Fined \$588.00.

Wilkinson was present and addressed the Commission stating that he was in the military and therefore lived in various states, but that his home of record was Arizona.

The Commission discussed the circumstances of this case and then moved to dismiss.

**Motion:** McLean moved and Golightly seconded THAT THE COMMISSION VOTE TO DISMISS THIS CASE.

**Vote:** Unanimous

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Ross A. Fulton

Fulton was found guilty by the Payson Regional Justice Court for: Count A: Possess over limit of wildlife (67 doves); and sentenced Count A: Fined \$185.00.

Fulton was present and addressed the Commission stating that he was hunting with 5 or 6 friends who gave him their doves to take home. Fulton stated that he only took his legal amount. Fulton had a note from one of the friends stating that he gave him his doves.

**Motion:** Martin moved THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ROSS A. FULTON 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 **ROSS A. FULTON** TO COLLECT THE AMOUNT OF **\$3,238.78** FOR THE LOSS OF **SIXTY-SEVEN (67) DOVES**; 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.

**Motion failed for lack of second.**

The Commission further discussed the details of the case and how many doves Fulton was actually over the limit.

**Motion:** Golightly moved and Hernbrode seconded THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **ROSS A. FULTON** TO COLLECT THE AMOUNT OF **\$1,005.00** FOR THE LOSS OF **SIXTY-SEVEN (67) DOVES**; 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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The following two cases, Parsons and Johnson, were related.

Garry C. Parsons

Parsons was found guilty by the Seligman Justice Court for: Count A: Take wildlife not identified by permit/tag (elk); and Count B: Possess unlawfully taken wildlife (elk); and sentenced Count A: Fined \$215.00; and Count B: Fined \$215.00.

Parsons was present and addressed the Commission stating that the spike elk was shot by accident.

The Commission discussed the circumstances of the case and asked about the disposition of the elk. Parsons stated that the elk was cleaned and placed in a location on the ranch where he was hunting and that he didn't know what happened to the elk.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **GARRY C. PARSONS** 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 **GARRY C. PARSONS** TO COLLECT THE AMOUNT OF **\$2,417.08** FOR THE LOSS OF **ONE (1) SPIKE 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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Charles M. Johnson

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

Johnson was present and addressed the Commission stating that he was not there when the spike elk was shot, but that he was asked to help clean it and he did.

The Commission discussed the circumstances of the case and again asked about the disposition of the elk. Johnson confirmed that the elk was placed in a location on the ranch where they were hunting and that he also didn't know what happened to the elk. Johnson stated that Darrin Collins, a licensed guide who was with them, called the Ranch owner who instructed him where to put the elk. Johnson also stated that he believed someone in the group or the ranch owner was going to call and report the elk to the Game and Fish Department.

**Motion:** Golightly moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **CHARLES M. JOHNSON** TO **HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **THREE (3)** 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

Commissioner Hernbrode requested clarification on the laws regarding entering private property when illegal activity is suspected to be taking place.

Mr. Odenkirk offered to provide Commissioner Hernbrode with information that has been researched in the past regarding this type of issue.

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Mark J. Ybarra

Ybarra was found guilty by the Flagstaff Justice Court for: Count A: Take wildlife before legal hours (elk); Count B: Take wildlife from a roadway (elk); Count C: Take wildlife in wrong unit (elk); Count D: Careless misuse of a firearm while hunting; and sentenced Count A: Fined \$619.00; Count B: Fined \$374.00; Count C: Fined \$204.00; Count D: Fined \$374.00.

Ybarra was present and addressed the Commission stating that he made a mistake and apologized for his actions.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **MARK J. YBARRA 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 **MARK J. YBARRA** TO COLLECT THE AMOUNT OF **\$2,417.18** 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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Meeting recessed for a break at 3:50 p.m.

Meeting reconvened at 4:03 p.m.

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Darrell K. Price

Price was found guilty by the Kingman/Cerbat Justice Court for: Counts A & B: Possess unlawfully taken wildlife (2 Gila monsters).Count C: Possess restricted live wildlife (1 Alligator Snapping Turtle); Count D: Possess restricted live wildlife (1 Copper Head); Counts E & F: Possess restricted live wildlife (2 Gabon vipers); and sentenced Counts A, B, C, D, E, and F: Fined \$620.00 (\$250.00 Suspended); Placed on one (1) year probation, and mandated eighty (80) hours of community service.

Price was not present.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **DARRELL K. PRICE TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD

OF **FIVE (5)** YEARS (TO RUN CONSECUTIVELY TO HIS CURRENT REVOCATIONS TERM); THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE APPROPRIATE DATE TO BE DETERMINED IN THE ORDER OF REVOCATION AND AS OF THE APPROPRIATE 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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Daniel Barraza

Barraza was found guilty by the Douglas Justice Court for: Count A: Possess unlawfully taken wildlife (deer).Count B: Take wildlife by unlawful method (firearm during an archery hunt); and sentenced Counts A and B: Fined \$675.00.

Barraza was not present.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **DANIEL BARRAZA 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 **DANIEL BARRAZA** TO COLLECT THE AMOUNT OF **\$1,450.25** FOR THE LOSS OF **ONE (1) WHITE-TAILED 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:** Unanimous

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The following two cases, Fansler and Armendariz, were related.

William T. Fansler

Fansler was found guilty by the Globe Justice Court for: Count A: Possess/transport unlawfully taken wildlife (mule deer buck); and sentenced Count A: Fined \$485.00.

Fansler was not present.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **WILLIAM T. FANSLER 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 **SHARED** CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **WILLIAM T. FANSLER** TO COLLECT THE AMOUNT OF **\$725.13** FOR **HIS PART** IN 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:** Unanimous

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Joseph S. Armendariz

Armendariz was found guilty by the Globe Justice Court for: Count A: Possess/transport unlawfully taken wildlife (mule deer buck); and sentenced Count A: Fined \$235.00.

Armendariz was not present.

**Motion:** McLean moved and Golightly seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JOSEPH S. ARMENDARIZ 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 **SHARED** CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **JOSEPH S. ARMENDARIZ** TO COLLECT THE AMOUNT OF **\$725.13** FOR **HIS PART** IN 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:** Unanimous

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Robert G. Maiers

Maiers was found guilty by the Round Valley Justice Court for: Count A: Obtain resident hunting license by fraud; Count B: Obtain resident elk permit by fraud; Count C: Apply for resident deer permit by fraud; and sentenced Count A: Fined \$473.00; Count B: Fined \$203.00; and Count C: Fined \$203.00.

Maiers was not present, but had contacted the Department to ask for a continuance until the August 2006 Commission meeting.

**Motion:** Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO GRANT **ROBERT G. MAIERS** A CONTINUANCE UNTIL THE AUGUST 2006 COMMISSION MEETING.

**Vote:** Unanimous

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Bradley J. Saurage

Saurage was charged with failure to comply with terms of a citation for wildlife violation (i.e. Unlawful use or possession of license; and resist, obstruct, delay of peace officer). Failure to Appear on March 6, 2003, as per the terms of the Wildlife Violator Compact with the State of California

Mr. Day withdrew this recommendation for license revocation due to receiving necessary documentation from Mr. Saurage and that he contacted the Court in California and is in compliance with their citation.

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These hearings concluded at 4:23 p.m.

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