

# DRAFT

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Friday, June 22, 2007 – 2:00 p.m.  
Time Certain  
Best Western Payson Inn  
801 N. Beeline Highway  
Payson, Arizona 85541

PRESENT: (Commission)

(Director's Staff)

Chairman Michael M. Golightly  
Commissioner William H. McLean  
Commissioner Robert D. Hernbrode  
Commissioner Jennifer L. Martin  
Commissioner Robert R. Woodhouse

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:** Pat Barber, Law Enforcement Branch Chief

Each of these cases were reviewed and it was determined that all cases met 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 were 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 of the following individuals were legally noticed for this hearing.

<u>Name</u>	<u>Conviction</u>
Mendoza, Christopher L.	Count A: Take wildlife without valid permit (javelina). Count B: Take wildlife in wrong unit (javelina). Count C: Possess unlawfully taken wildlife (javelina).
Pike, Ryan M.	Count A: Litter while deer hunting.
Childers, Chad I.	Count A: Litter while deer hunting.
Hurd, David A.	Count A: Fish while license to take wildlife is revoked.
Rhoton, Robert A.	Count A: Trap on public land (United States Forest Service). Count B: Possess unlawfully taken wildlife (gray fox).
McMillan, Alex	Count A: Knowingly take wildlife during closed season (doe antelope). Count B: Take wildlife and allow to waste (doe antelope).
Gordon, Joseph	Count A: Attempted to taking of big game (doe antelope).
Benavidez, Angel A.	Count B: Possess wildlife unlawfully taken (deer) amended to possess big game without a valid tag attached (deer).

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

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

**Vote:** Unanimous

Roll call was taken and the following were present: Christopher L. Mendoza, Ryan M. Pike, Chad I. Childers, Joseph Gordon.

Mr. Barber stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment.

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Christopher L. Mendoza

Mendoza was found guilty by the Williams Justice Court for: Count A: Take wildlife without valid permit (javelina); Count B: Take wildlife in wrong unit (javelina); and Count C: Possess unlawfully taken wildlife (javelina); and sentenced Counts A, B, and C: Fined \$300.00.

Mendoza was present and addressed the Commission stating that he messed up and it will never happen again.

**Motion:** McLean moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHRISTOPHER L. MENDOZA TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FOUR (4) 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 CHRISTOPHER L. MENDOZA TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF ONE (1) JAVELINA; 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 were related and addressed simultaneously.

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Ryan M. Pike

Pike was found guilty by the Payson Regional Justice Court for: Count A: Litter while deer hunting; and sentenced Count A: Fined \$256.00.

Pike was present and addressed the Commission stating that they picked up a lot of trash, but that it was after dark. Mr. Pike further stated that the pictures must have been taken before they picked up the trash.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RYAN M. PIKE 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:** Aye - McLean, Hernbrode, Martin, Woodhouse  
Nay - Golightly  
Passed 4 to 1

Chairman Golightly questioned revoking all three -hunt, fish and trap- in these cases.

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Chad I. Childers

Childers was found guilty by the Payson Regional Justice Court for: Count A: Litter while deer hunting; and sentenced Count A: Fined \$250.00.

Childers was present and addressed the Commission stating that he forgot the truck battery and when he realized that he forgot it he went back to get it, but it was already picked up.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHAD I. CHILDERS 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

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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 - McLean, Hernbrode, Martin, Woodhouse  
Nay - Golightly  
Passed 4 to 1

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The cases of Joseph Gordon and Alex McMillan were related and addressed simultaneously.

Joseph Gordon

Gordon was found guilty by the Snowflake Justice Court for: Count A: Attempted taking of big game (doe antelope).

Gordon was present and addressed the Commission stating that he was there, but didn't shoot the animal, and that he was sorry to have been involved.

The Commission discussed the likelihood that the lactating doe had young that would have died from the loss of their mother, resulting in the loss to the State being more than one animal. The Commission further discussed with the Assistant Attorneys General whether they could assess an amount higher than the minimum set forth in Statute.

Ms. Cutts stated that the Commission could elect a higher sum and that would authorize the State of Arizona to file a claim against Mr. Gordon in the amount that the Commission assessed. However; it would then be a matter of the Court to decide whether Mr. Gordon would be responsible for that amount.

The Commission agreed to table this case and that of Alex McMillan until after Executive Session.

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David Allen Hurd

Hurd was found guilty by the Encanto Justice Court for: Count A: Count A: Fish while license to take wildlife is revoked; and sentenced Count A: Fined \$500.00.

Hurd was not present.

**Motion:** Martin moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DAVID ALLEN HURD TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR LIFE; THAT THE 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; 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 A. Rhoton

Rhoton was found guilty by the Round Valley Justice Court for: Count A: Trap on public land (United States Forest Service); and Count B: Possess unlawfully taken wildlife (gray fox); and sentenced Count A: Fined \$190.00; and Count B: Fined \$460.00.

Rhoton was not present.

Chairman Golightly informed the Commission that he received a letter from Mr. Rhoton acknowledging that he knew better and shouldn't have done it.

**Motion:** Martin moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ROBERT A. RHOTON 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 ROBERT A. RHOTON TO COLLECT THE AMOUNT OF \$250.00 FOR THE LOSS OF ONE (1) GRAY FOX; 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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Angel A. Benavidez

Benavidez was found guilty by the Bagdad Justice Court for: Count B: Possess wildlife unlawfully taken (deer) amended to possess big game without a valid tag attached (deer); and sentenced Count B: Fined \$215.00.

Benavidez was not present.

**Motion:** Woodhouse moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ANGEL A. BENAVIDEZ 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 ANGEL A. BENAVIDEZ TO COLLECT THE AMOUNT OF \$1,500.00 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:** Unanimous

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The Commission decided to meet in Executive Session before continuing with these proceedings (see Public Session minutes for motion).

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The cases of Gordon and McMillan continued.

Mr. Barber read from ARS § 17-314 as it relates to the Commission bringing civil action for the loss of wildlife.

Joseph Gordon

**Motion:** Martin moved and Woodhouse seconded THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST JOSEPH GORDON TO COLLECT THE AMOUNT OF \$2,250 FOR THE LOSS OF ONE (1) DOE ANTELOPE;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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Alex McMillan

McMillan was found guilty by the Snowflake Justice Court for: Count A: Knowingly take wildlife during closed season (doe antelope); and Count B: Take wildlife and allow to waste (doe antelope); and sentenced Counts A and B: Fined \$928.00.

McMillan was not present.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ALEX MCMILLAN 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 ALEX MCMILLAN TO COLLECT THE AMOUNT OF \$4,500.00 FOR THE LOSS OF ONE (1) DOE ANTELOPE; 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 - Golightly, McLean, Hernbrode  
Nay - Martin, Woodhouse  
Passed 3 to 2

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These hearings concluded at 3:38 p.m.

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