

Proceedings of the Arizona Game and Fish
 Commission License Revocation and Civil
 Assessment Hearings
 Time Certain – 2:00 p.m.
 Friday, April 8, 2016
 Arizona Game and Fish Department
 5000 W. Carefree Highway
 Phoenix, Arizona 85086

PRESENT: (Commission)

(Director’s Staff)

Chairman Kurt R. Davis
 Commissioner James R. Ammons
 Commissioner James S. Zieler
 Commissioner Eric S. Sparks

Director Larry D. Voyles
 Deputy Director Ty E. Gray
 Assistant Attorney General Jim Odenkirk
 Assistant Attorney General John LeSueur

Commissioner Edward “Pat” Madden was
 not present

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

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 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. Each of the following individuals was legally noticed for this hearing.

Name	Docket #	Count	Conviction
William J. Campbell	2016-0006	Count A:	Citation A08557 Possess unlawfully taken wildlife (6x6 Bull Elk)
		Count A:	Citation A08934 Take big game without a valid tag (Bull Elk)
		Count A:	Citation A09082 Facilitation to commit license fraud on behalf of Charles Fooe
Dennis G. Scarla	2016-0017	Count A:	Citation A16262 Obtain 2014/15 resident hunting/fishing license by fraud
Thomas L. Henson	2016-0030	Count A:	Take wildlife with an artificial light (Elk)
Cory J. Lubin	2016-0031	Count A:	Take wildlife during closed season (Mule Deer Doe)
		Count B:	Possess unlawfully taken wildlife (Mule Deer Doe)
		Count C:	Take wildlife without a permit/tag (Mule Deer Doe)

			Doe)
		Count D:	Litter while hunting
Pu Pu	2016-0032	Count B:	Take wildlife in closed season (Mule Deer Doe)
Tanner J. Lindley	2016-0033	Count A:	Take big game without valid permit (Turkey)
Martin Z. Sandoval	2016-0035	Count A:	Take wrong sex (White-tailed Deer Doe)
			Citation A06761
John Decesare Jr.	2016-0036	Count A:	Obtain license by fraud
			Citation A06762
		Count A:	Fish without a valid license
			Citation A06749
Charlene Jones	2016-0037	Count A:	Obtain license by fraud
			Citation A06750
		Count A:	Fish without a valid license
			Citation A06903
Lawrence Ashcroft	2016-0038	Count A:	Obtain 2015/16 resident hunting/fishing license by misrepresentation

Roll call was taken and the following were present: William Campbell, Dennis Scarla, and Lawrence Ashcroft.

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

Motion: Ammons moved and Zieler seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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William J. Campbell
Docket # 2016-0006

Campbell was found guilty by the North Mesa Justice Court for Citation A08557, Count A: Possess unlawfully taken wildlife (elk); Citation A08934, Count A: Take big game without a valid tag; Citation A09082, Count A: Facilitation to commit license fraud on behalf of Charles Fooe; and sentenced: Combined fine of \$1,148.00.

Campbell was present along with his legal counsel, Gregory Larson and addressed the Commission. Mr. Larson requested leniency for Mr. Campbell and explained that Mr. Campbell has expressed remorse, pled guilty, and has already paid an immense amount of money regarding this case.

Mr. Campbell expressed his remorse to the Commission. He has made a mistake and this will be a life lesson. This incident may also negatively impact his business.

Case Officer Nemlowill was present and answered questions for the Commission.

Commissioner Zieler confirmed with Officer Nemlowill that Mr. Campbell was not cooperative in the investigation, and that Mr. Campbell had obtained resident licenses in two states for over a period of 10 years.

Motion: Ammons moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF WILLIAM J. CAMPBELL 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 WILLIAM J. CAMPBELL TO COLLECT THE AMOUNT OF \$8,000.00 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.

Vote: Unanimous
4-0
Madden not present

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Dennis G. Scarla
Docket # 2016-0017

Scarla was found guilty by the Desert Ridge Justice Court for Citation A16262, Count A: Obtain 2014/2015 resident hunt/fish license by fraud; and sentenced: Fined \$493.00 and ordered to pay restitution of \$445.25.

Scarla was present and addressed the Commission confirming that they received his letter to them (on file). He admitted being grossly negligent and ignorant of knowing when his residency changed and he had just kept doing what he was doing. He has been a responsible hunter/angler and has turned others in for violations.

Chairman Davis confirmed with Mr. Scarla that he had resident licenses in both Arizona and California at the same time.

Case Officer Nemlowill was present and answered questions for the Commission.

Motion: Ammons moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DENNIS G. SCARLA 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
4-0
Madden not present

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Lawrence R. Ashcroft
Docket # 2016-0038

Ashcroft was found guilty by the Desert Ridge Justice Court for Citation A06903, Count A: Obtain 2015/2016 resident hunt/fish license by misrepresentation; and sentenced: Ordered to pay restitution of \$983.00.

Ashcroft was present and addressed the Commission.

Donnie Plueard, friend of Mr. Ashcroft, addressed the Commission stating that he filled out the application for the group, as he did every year, and he felt responsible for the circumstances. He knew that Mr. Plueard spent more time in Arizona than in Oregon and he didn't thoroughly read the boxes as he checked them. As soon as they learned about the issue, they worked with the Department to try to amend it and were very forthcoming.

Case Officer Nemlowill was present and answered questions for the Commission. She stated that Mr. Ashcroft must have known when he received his resident license in the mail and he did not contact the Department at that time.

Motion: Zieler moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF LAWRENCE R. ASHCROFT 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; 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
4-0
Madden not present

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Thomas L. Henson
Docket # 2016-0030

Henson was found guilty by the Flagstaff Justice Court for Count A: Take wildlife with an artificial light (elk); and sentenced: Fined: \$745.00.

Henson was not present.

Case Officer Wagner was present and answered questions for the Commission. Another individual involved in this case has already come before the Commission and the Commission suspended his hunting/fishing privileges for four years.

Motion: Sparks moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF THOMAS L. HENSON 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 THOMAS L. HENSON TO COLLECT THE AMOUNT OF \$2,500.00 FOR THE LOSS OF ONE (1) 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
4-0
Madden not present

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Cory J. Lubin
Docket # 2016-0031

Lubin was found guilty by the Clifton Justice Court for Count A: Take wildlife during closed season (mule deer); Count B: Possess unlawfully taken wildlife; Count C: Take wildlife without

a valid permit/tag; and Count D: Litter while hunting; and sentenced: Combined fine of \$740.00.

Lubin was not present.

Case Officer Hartzel was present via video teleconference and answered questions for the Commission.

The Commission commended Officer Hartzel for going above and beyond the call of duty in this disturbing case.

Motion: Sparks moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CORY J. LUBIN 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 CORY J. LUBIN TO COLLECT THE AMOUNT OF \$4,500.00 FOR THE LOSS OF ONE (1) MULE DEER DOE AND \$1000.00 FOR THE LOSS OF TWO (2) UNBORN FAWN 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: Unanimous

4-0

Madden not present

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PU PU

Docket # 2016-0032

PU was found guilty by the Flagstaff Justice Court for Count B: Take wildlife in close season (mule deer); and sentenced: Fined \$1,200.00.

PU was not present.

Case Officer Brown was present via video teleconference.

Motion: Zieler moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF PU PU 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 PU PU TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MULE DEER DOE; 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
4-0
Madden not present

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Tanner J. Lindley
Docket # 2016-0033

Lindley was found guilty by the Flagstaff Justice Court for Count A: Take big game without valid permit (turkey); and sentenced: Fined \$483.00.

Lindley was not present.

Case Officer Apfel was present via video teleconference.

The Commission discussed with Mr. Elms that there were three individuals involved in this case and Mr. Lindley was the only one without a tag, which was conveniently available as an over-the-counter tag for this area.

Motion: Ammons moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TANNER J. LINDLEY 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
4-0
Madden not present

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Martin Z. Sandoval
Docket # 2016-0035

Sandoval was found guilty by the Verde Valley Justice Court for Count A: Take wrong sex (deer); and sentenced: Fined \$200.00.

Sandoval was not present.

The Case Officer was not present.

The Commission discussed and confirmed that Mr. Sandoval was cooperative and that he had a permit/tag.

Motion: Sparks moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARTIN Z. SANDOVAL 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 MARTIN Z. SANDOVAL TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) WHITE-TAILED DEER DOE; 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 Ammons asked for a friendly amendment to change the revocation period to five years.

Commissioners Sparks and Zieler accepted the amendment.

Amended Motion: Sparks moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARTIN Z. SANDOVAL 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 MARTIN Z. SANDOVAL TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) WHITE-TAILED DEER DOE; 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 - Ammons, Zieler, Sparks
Nay - Davis
Passed 3 to 1
Madden not present

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The cases of John Decesare Jr. and Charlene Jones are related.

John Decesare Jr.
Docket # 2016-0036

Decesare Jr. was found guilty by the Lake Havasu Justice Court for Citation A06761: Count A: Obtain license by fraud; and Citation A06762, Count A: Fish without valid license; and sentenced: Combined fine of \$500.00.

Decesare Jr. was not present.

Case Officer Dennerline was present and answered questions for the Commission. He stated that Mr. Decesare Jr. and Charlene Jones (related case) were uncooperative in the investigation until the last stages where they came forward with truthful information.

Motion: Zieler moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOHN DECESARE JR. 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; 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
4-0
Madden not present

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The cases of John Decesare Jr. and Charlene Jones are related.

Charlene Jones
Docket # 2016-0037

Jones was found guilty by the Lake Havasu Justice Court for Citation A06749, Count A: Obtain license by fraud; and Citation A06750, Count A: Fish without valid license; and sentenced: Combined fine of \$500.00.

Jones was not present.

Case Officer Dennerline was present and answered questions for the Commission. He stated that Ms. Jones was also initially uncooperative.

Motion: Ammons moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHARLENE JONES 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; 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
4-0
Madden not present

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These hearings concluded at 3:20 p.m.

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