

Proceedings of the Arizona Game and Fish
 Commission License Revocation and Civil
 Assessment Hearings
 Time Certain – 2:00 p.m.
 Friday, March 6, 2015
 Graham County General Services Building
 Assembly Room, 921 Thatcher Blvd.
 Safford, Arizona 85546

PRESENT: (Commission)

(Director's Staff)

Chairman Robert E. Mansell
 Vice Chair Kurt R. Davis
 Commissioner Edward "Pat" Madden
 Commissioner James R. Ammons
 Commissioner James S. Zieler

Director Larry D. Voyles
 Deputy Director Ty E. Gray
 Assistant Attorney General Jim Odenkirk
 Assistant Attorney General Linda Pollock

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
Charles B. Fooe	2015-0014		Citation A08491
		Count A:	Obtain 2013 resident hunting license by fraud
		Count B:	Apply for 2013 resident deer tag by fraud
Charles B. Fooe	2015-0015		Citation A08551
		Count A:	Obtain 2007 resident hunting license by fraud
		Count B:	Take wildlife without a valid tag (Bull Elk)
Harold Bliss	2015-0021	Count D:	Facilitation to commit unlawful taking of wildlife
		Count A:	Obtain 2013 resident hunting license by fraud (on behalf of Santoro)
Scott M. Brainard	2015-0022	Count A:	Obtain 2013 combination license by fraud
Daniel K. Kollinger	2015-0023	Count A:	Take wildlife without a valid tag (Turkey)
Idelfonso A.J. Jimenez	2015-0024	Count A:	Take wildlife during a closed season (Deer)
Chad T. Nardi	2015-0026	Count A:	Possess/sell/offer for sale restricted live wildlife (Gila Monsters)
Tu Van Le	2015-0027	Count A:	Possession of wildlife in excess of the possession limit (Catfish)

Count B: Possess/Transport unlawfully taken wildlife
(Catfish)

Roll call was taken and the following were present: Charles Fooe, Scott Brainard and Daniel Kollinger.

Mr. Elms informed the Commission that Idelfonso A. Jimenez requested a continuance to the next regular Commission meeting and the Department granted his request.

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: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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Two cases regarding Charles B. Fooe were addressed by the Commission at the same time.

Charles B. Fooe

Docket # 2015-0014

Fooe was found guilty by the Desert Ridge Justice Court for Citation A08491: Count A: Obtain 2013 resident hunting license by fraud; and Count B: Apply for 2013 resident deer tag by fraud; and Citation A08551: Count A: Obtain 2007 resident hunting license by fraud; and sentenced: Ordered to pay restitution of \$1892.50.

Charles B. Fooe

Docket # 2015-0015

Fooe was found guilty by the Payson Justice Court for: Count B: Take wildlife without a valid license/tag (bull elk); Count D: Facilitation to commit unlawful taking (per Plea agreement); and sentenced: Fined \$325.00 and ordered to pay restitution of \$425.00.

Case Officer Nemlowill was present via video teleconference.

Fooe was present and addressed the Commission. He apologized for his actions and requested leniency. He has never been in trouble before and as a doctor, this situation could have a negative impact on his work. He asked to at least be able to keep his fishing license so he could take his son fishing, and offered to volunteer to atone for his mistakes.

Motion: Madden moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHARLES B. FOOE 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.

Commissioner Ammons offered a friendly amendment to change the motion to require hunter education only.

Commissioners Madden and Davis did not accept the amendment.

Vote: Aye – Mansell, Davis, Madden, Zieler
Nay – Ammons
Passed 4 to 1

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Scott M. Brainard
Docket # 2015-0022

Brainard was found guilty by the Desert Ridge Justice Court for Count A: Obtain 2013 Combination License by Fraud; and sentenced: Fined \$307.50.

Case Officer Nemlowill was present via video teleconference.
Case Officer McFarlin was present in person.

Brainard was present and addressed the Commission. He is truly sorry and has learned his lesson for buying his license early.

Motion: Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SCOTT M. BRAINARD 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.

Commissioner Davis confirmed that Mr. Brainard bought his license two months after moving to Arizona, which is four months too soon.

Vote: Aye – Mansell, Madden, Ammons, Zieler
Nay – Davis
Passed 4 to 1

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Daniel K. Kollinger
Docket # 2015-0023

Kollinger was found guilty by the Flagstaff Justice Court for Count A: Take wildlife without a valid tag (turkey); and sentenced: Fined \$300.00.

Case Officer Lemmon was present via video teleconference.

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

Motion: Ammons moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DANIEL K. KOLLINGER 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

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Harold Bliss
Docket # 2015-0021

Bliss was found guilty by the Desert Ridge Justice Court for Count A: Obtain 2013 resident hunting license by fraud; and sentenced: Fined \$250.00.

Bliss was not present.

Motion: Davis moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF HAROLD BLISS 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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Chad T. Nardi
Docket # 2015-0026

Nardi was found guilty by the Pima County Consolidated Justice Court for Count A: Possess/sell/offer for sale restricted live wildlife (Gila monsters); and sentenced: Fined \$250.00

Nardi was not present.

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

Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **CHAD T. NARDI** 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 **CHAD T. NARDI** TO COLLECT THE AMOUNT OF **\$500.00** FOR THE LOSS OF **TWO (2) GILA MONSTERS**; 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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Tu Van Le
Docket # 2015-0027

Tu Van Le was found guilty by the Pima County Animal Welfare Court for Count A: Possession of wildlife in excess of the possession limit (catfish); and Count B: Possess/transport wildlife or parts of wildlife which was unlawfully taken (catfish); and sentenced: Fined \$750.00.

Tu Van Le was not present.

Motion: Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TU VAN LE 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 TU VAN LE TO COLLECT THE AMOUNT OF \$1,000.00 FOR THE LOSS OF TWENTY (20) CATFISH; 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 2:48 p.m.

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