

Proceedings of the Arizona Game and Fish
 Commission License Revocation and Civil
 Assessment Hearings
 Time Certain – 2:00 p.m.
 Friday, September 4, 2015
 Springerville Town Hall
 418 E. Main Street
 Springerville, Arizona 85938

PRESENT: (Commission)

(Director's Staff)

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

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 |
|-------------------------|-----------------|--------------|---|
| Rebecca L. Stevenson | 2015-0063 | Count A: | Take wildlife in closed area (Trout) |
| Jonathan Q. McColleston | 2015-0064 | Count B: | Take wildlife in closed area (Rainbow Trout) |
| | | Count C: | Possess wildlife that were unlawfully taken (Rainbow Trout) |
| | | Count A: | Obtain duplicate 2013 hunting license by fraud |
| Dustin J. McNeil | 2015-0065 | Count A: | Obtain duplicate 2013 hunting license by fraud |
| Kyran Demar Walker | 2015-0067 | Count A: | Shoot from/across roadway |
| Michael A. Rivera Jr. | 2015-0068 | Count A: | Take wildlife during closed season (Antelope) |
| | | Count B: | Waste game meat (Antelope) |
| | | Count C: | Take wildlife with unlawful method (Antelope) |
| | | Count D: | Take wildlife from a vehicle (Antelope) |
| Garrett A. Means Jr. | 2015-0069 | Count C: | Take wildlife with unlawful method (Antelope) |
| | | Count C: | Take wildlife with unlawful method (Antelope) |
| Aaron A. Rivera | 2015-0070 | Count A: | Transport unlawfully taken wildlife (Elk) |
| Randy M. Lupardus | 2015-0071 | Count A: | Obtain 2012 resident fishing license by |

| | | | |
|--------------------|-----------|----------|---|
| | | | misrepresentation Citation A08586 |
| Derrick Zimmerman | 2015-0072 | Count A: | Obtain 2010 resident hunt/fish license by misrepresentation |
| Joseph S. Martinez | 2015-0073 | Count A: | Obtain 2015 fishing license by misrepresentation |
| Phillip S. Mathews | 2015-0074 | Count A: | Take wrong species (Mule deer) |
| Virginio L. Baca | 2015-0075 | Count A: | Take wrong species (Mule deer) |

Roll call was taken and the following were present: Rebecca Stevenson, Dustin McNeil, Kyran Walker, Michael Rivera Jr., Garrett Means Jr., Derrick Zimmerman, and Virginio Baca.

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

Vote: Unanimous

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Rebecca L. Stevenson
Docket # 2015-0063

Stevenson was found guilty by the Show Low Justice Court for Count A: Take wildlife in closed area; and sentenced: Fined \$270.00.

Stevenson was present and addressed the Commission stating that no trespassing signs were evident where she and her grandchild crossed over the fence, and that no wildlife was taken.

Steven Ferguson, friend of Rebecca Stevenson, addressed the Commission stating that there was no malicious intent and no intended wrong doing. He asked for leniency for Ms. Stevenson and that she not lose her fishing license.

Case Officer Baker was present and answered questions for the Commission. He had followed the tracks of Ms. Stevenson and provided photos of the signs where they crossed over the fence and of Ms. Stevenson fishing.

Chairman Davis asked Officer Baker if Ms. Stevenson was truthful when initially contacted and Officer Baker stated that she was.

Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF REBECCA L. STEVENSON 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 - Madden, Ammons, Zieler, Mansell
Nay - Davis
Passed 4 to 1

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Dustin J. McNeil
Docket # 2015-0065

McNeil was found guilty by the Desert Ridge Justice Court for Count A: Obtain 2013 hunting license by fraud; and sentenced: Fined \$535.00.

McNeil was present and addressed the Commission stating that he does not have the documentation to prove his residency in Arizona, but he always buys non-resident hunting licenses in other states. He moved to California and applied for a driver's license and registered to vote, but only ended up staying there a few weeks before moving back to Arizona. He asked for leniency to not have his hunting license taken away.

Case Officer Terrill was present and answered questions for the Commission. He added that when checking Mr. McNeil's hunting licenses in Colorado, he found that all hunting license and documents from Colorado were mailed to Mr. McNeil's residence in California.

McNeil addressed the Commission again stating that Officer Terrill harassed him and his group at camp and that he feels Officer Terrill is out to get his family.

Motion: Ammons moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **DUSTIN J. MCNEIL 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: Aye - Davis, Madden, Ammons, Zieler
Nay - Mansell
Passed 4 to 1

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Kyran D. Walker
Docket # 2015-0067

Walker was found guilty by the Greenlee County Justice Court for Count A: Shoot from/across roadway; and sentenced: Fined \$375.00.

Walker was present and addressed the Commission apologizing for his actions and asking for leniency. He guides for a living and to support his family. He did not shoot across the road, but did shoot from the road.

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

Commissioner Zieler confirmed with Mr. Walker that he did not have any previous game and fish violations.

Motion: Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KYRAN D. WALKER TO HUNT, FISH, TRAP AND GUIDE 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 - Madden, Ammons, Mansell
Nay - Davis, Zieler
Passed 3 to 2

Note: The Commission further discussed this case at the end of the revocations.

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The cases of Michael Rivera Jr. and Garrett Means Jr. are related.

Michael A. Rivera Jr.
Docket # 2015-0068

Rivera was found guilty by the Show Low Justice Court for Count C: Take wildlife with unlawful method (antelope); and Count D: Take wildlife from a vehicle (antelope); and sentenced: Fined \$3,000.00.

Rivera was present and addressed the Commission stating that what he did was partly wrong. They chased the pronghorn, but did not intentionally run it into the fence, and then they shot it to put it out of its misery.

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

Motion: Madden moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MICHAEL A. RIVERA 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 MICHAEL A. RIVERA JR. TO COLLECT THE SHARED AMOUNT OF \$3,000.00 FOR THE LOSS OF ONE (1) DOE ANTELOPE AND ONE (1) ANTELOPE FAWN; 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 cases of Michael Rivera Jr. and Garrett Means Jr. are related.

Garrett A. Means Jr.
Docket # 2015-0069

Means was found guilty by the Show Low Justice Court for Count C: Take wildlife with unlawful method (antelope); and sentenced: Fined \$750.00.

Means was present and addressed the Commission apologizing for his actions. He asked for leniency regarding the civil assessment, because Garrett Means Jr. is going into the military and needs to have all fines paid off.

Mr. Means Sr. addressed the Commission on behalf of his son and requested no additional fines.

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

Motion: Ammons moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GARRETT A. MEANS JR. 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 Ammons explained that his motion reflects the cooperativeness of Garrett Means Jr. and his father Mr. Means Sr.

Vote: Aye - Ammons, Zieler
Nay - Davis, Madden, Mansell
Failed 3 to 2

Motion: Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **GARRETT A. MEANS 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 **GARRETT A. MEANS JR. TO COLLECT THE SHARED AMOUNT OF \$3,000.00** FOR THE LOSS OF **ONE (1) DOE ANTELOPE AND ONE (1) ANTELOPE FAWN**; 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 - Davis, Madden, Zieler, Mansell
Nay - Ammons
Passed 4 to 1

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Derrick M. Zimmerman
Docket # 2015-0072

Zimmerman was found guilty by the Lake Havasu Justice Court for Count A: Obtain 2010 resident hunt/fish license by misrepresentation; and sentenced: Fined \$600.00 and ordered to pay restitution of \$2,254.00.

Zimmerman was present and addressed the Commission stating that some of the information is incorrect and not valid as it relates to his vehicles and where they are registered. He lives six months in Arizona and six months in Idaho. From 2009-2012 he filed resident tax returns in Idaho, but prior to that he filed all of them in the Arizona. He considers himself a resident of Arizona. He did not do anything fraudulent. When he realized he messed up getting resident licenses in both states, he tried to correct the issue. He asked the Commission for leniency.

The Commission discussed with Mr. Zimmerman his rationalization of why he thought he could be a resident of two states.

Case Officer Nemlowill was present via video teleconference.

Motion: Madden moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DERRICK M. ZIMMERMAN 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: Aye - Davis, Madden, Zieler
Nay - Ammons, Mansell
Passed 3 to 2

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The cases of Virginio Baca and Phillip Mathews are related.

Virginio L. Baca
Docket # 2015-0075

Baca was found guilty by the Clifton Justice Court for Count A: Take wrong species (mule deer); and sentenced: Fined \$375.00.

Baca was present and addressed the Commission stating that he made a mistake shooting the wrong species. He has never had any prior violations. He didn't know it was the wrong species and he tagged it with his white-tail deer tag.

The Commission questioned Mr. Baca and confirmed that he denied getting a deer until he was shown the photo posted on Facebook.

Officer Hartzell was present and stood in for Case Officer Richins who was not present.

Motion: Ammons moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF VIRGINIO L. BACA 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; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST GARRETT A. MEANS JR. TO COLLECT THE AMOUNT OF **\$1,500.00** FOR THE LOSS OF **ONE (1) 3X3 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 - Madden, Ammons, Zieler
Nay - Davis, Mansell
Passed 3 to 2

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Phillip S. Mathews
Docket # 2015-0074

Mathews was found guilty by the Clifton Justice Court for Count A: Take wrong species (mule deer); and sentenced: Fined \$375.00.

Mathews was not present, but sent a letter, which was provided to the Commission for review. The letter stated that taking the wrong deer was a mistake and because of this whole ordeal, he never plans to hunt again.

Officer Hartzell was present and stood in for Case Officer Richins who was not present.

Motion: Madden moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF PHILLIP S. MATHEWS 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; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST PHILLIP S. MATHEWS TO COLLECT THE AMOUNT OF **\$1,500.00** FOR THE LOSS OF **ONE (1) 2X2 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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Jonathan Q. McCollester
Docket # 2015-0064

McCollester was found guilty by the Show Low Justice Court for Count B: Take wildlife in closed area (rainbow trout); and Count C: Possess wildlife that were unlawfully taken (rainbow trout); and sentenced: Fined \$520.00.

McCollester was not present.

Mr. Elms informed the Commission that the Department has documentation to justify a civil assessment above the minimum if the Commission so desires.

Motion: Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JONATHAN Q. MCCOLLESTER 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 JONATHAN Q. MCCOLLESTER TO COLLECT THE AMOUNT OF \$716.00 FOR THE LOSS OF FOUR (4) RAINBOW TROUT; 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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Aaron A. Rivera
Docket # 2015-0070

Rivera was found guilty by the Williams Justice Court for Count A: Transport unlawfully taken wildlife (elk); and sentenced: Fined \$250.00.

Rivera was not present.

Motion: Zieler moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF AARON A. RIVERA 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 to 0
Mansell not present

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Randy M. Lupardus
Docket # 2015-0071

Lupardus was found guilty by the Lake Havasu Justice Court for Count A: Obtain 2012 resident fishing license by misrepresentation; and sentenced: Fined \$250.00 ordered to pay restitution of \$39.50.

Lupardus was not present.

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

Motion: Davis moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RANDY M. LUPARDUS 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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Joseph S. Martinez
Docket # 2015-0073

Martinez was found guilty by the Yuma Justice Court for Count A: Obtain 2015 fishing license by misrepresentation; and sentenced: Fined \$382.70.

Martinez was not present.

Case Officer Nemlowill was present via video teleconference.

Motion: Ammons moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOSEPH S. MARTINEZ 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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Motion: Zieler moved and Davis seconded THAT THE COMMISSION VOTE TO RECONSIDER THE CASE OF KYRAN D. WALKER.

Vote: Unanimous

Commissioner Zieler discussed with the Commission that Mr. Walker admitted his mistake and accepted responsibility for it. Commissioner Zieler wanted the Commission to consider revoking only Mr. Walker's hunt, fish and trap license and not his guide license because Mr. Walker guides for a living.

Mr. Odenkirk advised the Commission that the best approach would be to continue this hearing to another date to allow Mr. Walker to be noticed to come back before the Commission.

Chairman Davis confirmed with Mr. Odenkirk that the Commission's action from earlier would also be continued until the rehearing.

Mr. Odenkirk stated that the Commission could vacate their action for revocation pending another hearing.

Mr. Odenkirk reminded the Commission that a valid hunting license is required in order to be a guide.

Motion: Zieler moved and Madden seconded THAT THE COMMISSION VOTE TO WITHDRAW THE PREVIOUS MOTION AND NOT RECONSIDER THE CASE OF KYRAN D. WALKER.

Vote: Unanimous

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These hearings concluded at 4:10 p.m.

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