

Proceedings of the Arizona Game and Fish
 Commission License Revocation and Civil
 Assessment Hearings
 Time Certain – 10:00 a.m.
 Friday, December 2, 2016
 Arizona Game and Fish Department
 5000 W. Carefree Highway
 Phoenix, Arizona 85086

PRESENT: (Commission)

(Director’s Staff)

Chairman Edward “Pat” Madden
 Commissioner James R. Ammons
 Commissioner James S. Zieler
 Commissioner Eric S. Sparks
 Commissioner Kurt R. Davis

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

 Director Larry D. Voyles 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
Robert N. Garrett	2016-0069	Count C:	Discharge firearm within a ¼ mile of occupied structure while taking a trophy mule deer
Michael J. Savage	2016-0070	Count A:	Take black bear without permit
		Count B:	Possess/transport unlawfully taken black bear
		Count C:	Waste edible game meat
Hector A. Rubio-Lopez	2016-0076	Count B:	Take mule deer during a closed season
John S. Piontkowski	2016-0079	Count B:	Obtain 2015 turkey tag by fraud
Jaime Frias	2016-0080	Count B:	Possess unlawfully taken deer
Rogelio C. Vargas	2016-0081	Count A:	Possess unlawfully taken deer
			Citation A08769
Scott J. Corporon	2016-0082	Count A:	Trap on public land

Roll call was taken and the following were present: Robert Garrett, Michael Savage, John Piontkowski, and Scott Corporon.

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

Vote: Unanimous

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Robert N. Garrett
Docket # 2016-0069

Garrett was found guilty by the Wellton Justice Court for Count C: Take trophy mule deer within 1/4 mile of occupied structure; sentenced: Fined \$239.96.

Garrett was present and addressed the Commission with legal counsel. Garrett asserts that he has had standing permission for years from the property owner and that the structure was not occupied at the time, and further that he was not shooting in the direction of the home of the person who reported the gunfire to the Department.

Commissioner Davis discussed with Garrett's legal counsel that being granted permission to hunt on private property does not provide for shooting within 1/4 mile of an occupied structure.

Commissioner Sparks confirmed with Garrett that the structure was a living quarters.

Garrett stated that no one had been living in the structure for two months.

Case Officer Urquidez was present and answered questions for the Commission. When he asked the property owner to name those he gave permission to hunt his property, he did not name Mr. Garrett. Additionally, the structure had obvious signs that it was inhabited such as cars parked at the house.

Commissioner Ammons recused himself from this case.

Commissioner Zieler stated that he didn't believe Mr. Garrett intended to do anything unlawful, however his actions were concerning in regards to shooting multiple times near residences.

Motion: Zieler moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ROBERT N. GARRETT 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 Davis requested a friendly amendment to reduce to a three year revocation period.

Commissioner Zieler consented.

Amended Motion: Zieler moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ROBERT N. GARRETT 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 to 0
Ammons recused

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Michael J. Savage
Docket # 2016-0070

Savage was found guilty by the Prescott Justice Court for Count A: Take black bear without permit; Count B: Possess/transport unlawfully taken black bear; and Count C: Waste edible game meat; and sentenced: Fined \$1040.00.

Savage was present and addressed the Commission apologizing to the Commission. He shot the bear out of self-defense while deer hunting. The steps he took afterward were what he did wrong. He requested the Commission to not revoke his license.

Case Officer Ragan was present via video teleconference and stated that Mr. Savage was deceptive until he was presented with the evidence.

Motion: Ammons moved and Sparks seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MICHAEL J. SAVAGE 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 xx TO COLLECT THE AMOUNT OF **\$1,500.00** FOR THE LOSS OF **ONE (1) BLACK BEAR;** 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 asked for a friendly amendment to change the revocation period to five years considering the deception that initially took place.

Commissioners Ammons and Sparks consented.

Motion: Ammons moved and Sparks seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **MICHAEL J. SAVAGE 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 xx TO COLLECT THE AMOUNT OF **\$1,500.00** FOR THE LOSS OF **ONE (1) BLACK BEAR;** 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 Zieler asked about trophy designations for species other than ungulates, such as the bear in this case could be a trophy bear, and asked the Department to look whether that might be an option in the future.

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John S. Piontkowski
Docket # 2016-0079

Piontkowski was found guilty by the Desert Ridge Justice Court for Count B: Apply/obtain 2015 turkey tag by fraud; and sentenced: Fined \$218.00.

Piontkowski was present and addressed the Commission stating that he has lived in Arizona about three and a half years now. He maintained his house in Ohio because his kids were living there while going to school. Now that his daughter has finished school, is working and buying a

house of her own, he will be selling his house. He didn't understand Arizona's residency rules and he apologized for that.

Commissioner Zieler confirmed with Mr. Piontkowski that he did not have any other resident licenses in any other state, and that Mr. Piontkowski purchased Arizona non-resident licenses before he moved to Arizona.

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

Motion: Ammons moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOHN S. PIONTKOWSKI TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED UNTIL HE COMPLETES THE HUNTER EDUCATION COURSE AND PROVIDES 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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Scott J. Corporon
Docket # 2016-0082

Corporon was found guilty by the Yarnell Justice Court for Citation A08769, Count A: Trap on public land; and sentenced: Fined \$500.00 and ordered to pay restitution of \$500 to the Wildlife Theft Prevention Fund.

Corporon was present and addressed the Commission stating that he did not intentionally set traps on public land. He has trapped on this private land multiple times and was told this area was on their land. He also uses maps that don't show the land to be public. Since this issue came about, he has purchased a GPS.

DPS Trooper Antolik was present and answered questions for the Commission.

Commissioner Zieler confirmed with Trooper Antolik that the traps ranged from a few feet to 1/4 mile and that they followed a wash.

Motion: Davis moved and Sparks seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SCOTT J. CORPORON TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED UNTIL HE COMPLETES THE HUNTER EDUCATION COURSE AND PROVIDES 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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Hector A. Rubio-Lopez
Docket # 2016-0076

Lopez was found guilty by the Ironwood Justice Court for Count B: Take mule deer during a closed season; and sentenced: Fined \$129.00.

Lopez was not present.

DPS Trooper Antolik was present to answer any questions the Commission may have.

Motion: Sparks moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF HECTOR A. RUBIO-LOPEZ 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 HECTOR A. RUBIO-LOPEZ 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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Jamie Frias
Docket # 2016-0080

Frias was found guilty by the Ironwood Justice Court for Count B: Possess unlawfully taken deer; and sentenced: Fined \$520.00.

Frias was not present.

Case Officer Dennerline was present to answer any questions the Commission may have.

Motion: Madden moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMIE FRIAS 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 JAMIE FRIAS 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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Rogelio C. Vargas
Docket # 2016-0081

Vargas was found guilty by the Ironwood Justice Court for Count A: Possess unlawfully taken deer; and sentenced: Fined \$270.00.

Vargas was not present.

Case Officer Dennerline was present to answer any questions the Commission may have.

Motion: Sparks moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ROGELIO C. VARGAS 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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These hearings concluded at 11:20 p.m.

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