

# Multiple Jurisdictions Form 'Team' to Target Suspect Illegally Selling Wildlife

Key Agents in the case would also happen to be IGW Staffers

By: Carlos Gomez, State Game Warden, Tulsa, Oklahoma

AS AN OKLAHOMA WARDEN IN A METROPOLITAN AREA, I SEE, HEAR, AND RELATE TO A GREAT MANY SPORTSMEN BY ALL KINDS OF METHODS. ONE INCREASINGLY GROWING METHOD IS SOCIAL MEDIA AND ELECTRONIC NETWORKING. NOT ONLY DO SPORTSMEN BRAG, DISCUSS, AND ASK FOR INFORMATION, THEY BUY AND SELL EQUIPMENT, SERVICES ... AND SOMETIMES WILDLIFE.

**O**NE SUCH ISSUE developed into a serious violation resulting in a Texas man (represented by his attorney) being ordered by an Oklahoma judge to pay a total of \$11,356 in fines and costs including \$8K of that amount to be paid as restitution to the ODWC including a 'condition of supervised probation' for 30 months. The sentence immediately followed the man's entering a plea of guilt for selling and offering for sale, whitetail skulls with antlers attached in Oklahoma. This all occurred following a series of bad decisions made by the "innocent sportsman" who many said was simply selling a few of HIS wildlife items on eBay! Ensuing criticisms from 'keyboard patrollers' declared prosecution was a case of government overreach because these trophy deer skulls were his private property and many online sportsmen were upset that "anyone wanting to sell wildlife (parts) that were their own property (and assuming they'd obtained them fair and square), should not be called illegal if they want-



ed to sell!" Further complicating public perceptions of this relatively simple but serious violation (in Oklahoma) is the fact that some states have varying laws that may allow the practice.

Wardens are generally pretty reasonable people, some even to a fault, and unlike many law enforcement responses, are often guilty of trying to mitigate, educate, and compromise with a sportsmen-suspect when it's perceived 'he may have just made an honest mistake'. But this willingness to resolve an issue should not be mistaken for being 'soft'. Rather, it stems from wardens realizing our suspects are frequently sportsmen, just like us. Some have in fact simply made a mistake (often in judgement), but agencies also realize that our hunting and fishing sports only have a limited supply of license-buying participants to fund our very existence, so pushing them out can be perceived as self-defeating. So, I think there's a natural reluctance to impose huge fines and issue suspensions that could be seen as running them out (of our hunting and fishing activities). That is, unless the violator in question seems determined to 'refuse any of the education offered, and chooses to keep digging his hole!

The little controversy kind of reminds me of the hot topic of the day - the divide among voters in a presidential race. Many sportsmen were viewing this issue like the 50% who voted on either side of the issues, entrenched in their views, no matter what they were told. Often it can be difficult to declare a definitive winner in these situations and often it's difficult for game wardens to "please all the people, all the time". Sportsmen frequently judge game wardens and our programs by the laws we're responsible



to enforce. And that divide among sportsmen seems to fall into two main groups. One tries very hard to learn and follow the laws, respect game wardens and what they stand for and those who seem to confuse constitutional rights with conservation privileges. One group generally holds similar views reflecting the way wildlife managers see things. The other group is typically a more critical, adversarial group, who, whether or not they have their facts straight, seem to pass judgment (on game wardens), criticizing decisions made on the scene, and the penalties occasionally imposed by the courts. They also frequently find fault with our system and how it treats “hapless suspects” charged with our outdoor privileges earned and protected through generations of.

In this case, after advertising a dozen sets of large white-tail racks (antlers) on eBay from his home in Oklahoma, my phone ‘rang off the hook!’ “How can he do this?” they asked. “Doesn’t he know this is highly illegal (in our state)?” Partly because the problem of internet wildlife sales is so rampant, partly because wardens are so busy coping with real-world activity, and partly because it is allowed in other states, many people get bad information or misunderstand what is permitted on this subject. Enforcement on overt, ongoing poaching dictates our small forces of wardens focus energies on the hunting and fishing activities of the day, but wardens do their best to wade off through the complaints and questions that pour in on internet-related crime. My metropolitan area has so many in fact, I often sort through them trying to determine which case is an ‘in-

nocent mistake of ignorance’ or an ‘intentional, defiant choice’ made by a poacher. I may even call up a suspect and tell

them who I am and why I’m calling, and politely ask them to remove the ad. But it’s like the answer I gave the lady who asked me “are you guys like real police?” My answer was, “yes ma’am but you have to really be doing something stupid to cause me to chase after you like the real police”. I educated her on how the few game wardens we have must focus on the more serious wildlife crimes and are not charged with handling traffic, drugs, and such. Drunk drivers and other such immediate threats to public safety, will certainly trigger action to step in, but otherwise, we’ll generally mind our own business”.

Wildlife sales may be permitted elsewhere, but not in Oklahoma and here’s why. Here, we remember what the major contributing cause to historic, wildlife decimation was... it was the commercialization of wildlife. We want to prevent the repeat of such devastating choices our shortsighted society made over 100 years ago and avoid even starting down that road. Our legislators here believed commercialization of wildlife could erase generations of sacrifice, conservation, and the success of our wildlife restoration programs. There are a few, sometimes confusing exceptions, based on the hunting heritage such as selling hides from trapping furbearers but for the most part, selling

of wildlife is not legal. There’s a great, 17 minute video produced by the Boone and Crockett Club explaining how market-hunting contributed heavily to our nation’s wildlife-demise. Those buyers and sellers of the past weren’t sportsmen, as few even existed in an era of what must have seemed like limitless wildlife. Without conservation, they couldn’t have visualized the impact their voracious consumption would have on wildlife populations and the future.

I later learned my suspect (we’ll call Steve), was first warned by a friend who’d told him “it’s illegal, don’t do it!” What motivates some people? The sense of adventure? Greed for easy money? The streak of ‘rebel’ that runs in some (of us) perhaps? I don’t know, but the man blew off his first warning and proceeded into his entrepreneurial adventure posting numerous photos of his kids holding numerous, large deer skulls boasting the large antlers were taken on wild hunts in numerous Midwest states.

This case was already large in scale because the mere “offer for sale” was sufficient cause to issue citations but the large number of heads needed careful review. I set up a female ‘faux-buyer’ who contacted Steve while I monitored the conversation. From a conservation-viewpoint, what I heard next was almost frightening. My covert “buyer” was given a phone number through eBay, and Steve answered her phone call. But, he did not respond to her call with a “hello” or, “this is Steve”, but rather an immediate quiz of “Is this a game warden?” followed with “how do I know you don’t work for the wildlife department?” I immediately realized this guy really

wanted to set himself apart from other (unintentional or ignorant) sellers and should be worked with a little more scrutiny and vigor.

I contacted the federal wildlife agent assigned to my state. He was far better equipped to thoroughly work such covert activities but, he was busy on other cases... "Frying up bigger fish"! But he put me in touch with a warden from another state, Washington Game Warden Todd Vandivert (now the editor of this magazine). Todd was actively operating an undercover 'chop-shop' of sorts (Operation CODY), but his focus was targeting illegal wildlife-marketers from his NW area of the country. Coincidentally, Todd and I had met a few years earlier when we would become friends. Todd had been sent to Oklahoma on an "officer exchange" program between our two state agencies who'd agreed to swap "officers of the year" as part of their award recognition.

Over the next few months, Todd would produce transcripts and information gathered from phone calls, texts, and emails from his 'sales deals' (between himself and Steve) regarding some of the deer heads in question. An initial transaction for over \$500 for three heads solidified their business relationship. But closing my simple, straight-forward, 'cut and dried' case would be put on hold even longer till the Washington Fish & Wildlife Department could finish collecting 'the goods' on their target-suspects and Todd could close down the (internet) store. Otherwise, it could have revealed undercover identities jeopardizing their case's integrity and their officer's safety. Only then could we begin prosecutions. Following conclusion of his covert operation, Todd would retire and eventually write a pretty good book about the whole covert operation called "OPERATION CODY". His book does a good job of exposing the nature and extent to which wildlife violators will 'slaughter for sale' our nation's fish and wildlife and where this case would also earn several mentions (pages 100, 114, & 122).

It had to be a bit of a surprise when finally, two years later, with my Tulsa



partner, Travis Garrett and two federal agents in tow, I knocked on the front door of Steve's posh, 4,000 square foot, suburban, Dallas home. Eventually, Steve would move from Oklahoma to the Dallas, Texas area. Steve began pouring out

pleasantries regarding our common past of hunting around Oklahoma but, 'I cut right to the chase'. I knew the closure of this case would have been made severely more difficult had it not been for Oklahoma becoming a member state of the Interstate Wildlife Violators Compact (IWVC). I explained to Steve how that worked and how a wildlife violation in Oklahoma could trigger the revocation of his hunting privileges... nationwide. I think I had his attention. The Todd's wildlife 'chop shop' had documented numerous conversations easily illustrating



how Steve just wanted to make money. While still living in Tulsa, Steve had propositioned to the covert officers, to sell them

eagle wings after he learned there was a desirable market for Native-American artifacts. Steve also offered to provide the undercover buyers the coveted, all natural, healthier alternative of meats; venison.

Specifically, for the health-minded, public who live in the big cities (and don't hunt) and pay around \$25/pound for the best cuts of whitetail and elk (backstrap) steak. In one conversation, Steve had bragged "I have a group of friends who can help and we can get you all you need!" But, (as the tv-pitchman-ad would say) "but wait, there's more". Steve would further declare to the Washington investigator "we now have a new bear season in Oklahoma...so I can get you gallbladders for your Asian market too!" I let him know that I had all that information and it would be presented to the court in our case. He crumpled onto his porch and began a feigned cry. With his face buried in his hands, he cried and audibly said "I just want this to go away!"

Even after all of that, and over four years of patiently collecting proof, standing there on that big Dallas porch, in the back of my mind, I was still think-

ing about all those field violations that needed our attention back home. So, with the county prosecutor's approval, I was authorized to make Steve 'an offer he couldn't refuse' or so I thought. This suspect had sold several racks to the covert officers and offered to sell many more, but his offers to sell eagle, deer meat, and bears were only verbal offers; crimes but more negotiating fodder than issues to push in a crowded court docket. All told, the man could have received state and federal charges costing into the tens of thousands of dollars not to mention the price of putting up his defense, but it would also take our few officers out of the field and into the courtrooms for a great deal of time. So his 'Dallas offer' was pretty reasonable to just wrap the case up in hopes of ending the whole madness. "Sign these citations, forfeit ownership of the heads and pay \$2,500". He initially agreed but balked wanting a day to contemplate his choices. That would later turn into a \$4,500 offer after a defense attorney haggled considerably with the county prosecutor.

Eventually, it all ended up in front of a judge and about to further tie up the crowded court dockets when, at the last moment, a plea agreement was struck. Some will say he was 'hit' too hard. Some will say not hard enough! Detractors of the case were never made aware of the man's heinous promises to poach other sensitive species for profit and in the plea agreement he was only charged with the deer heads. His story of-course changed to his newest version; that the skulls were found or given to him while on hunting trips to IL, NE, and one was now declared to be the head off a road kill deer in Kansas. But the taking and possessing of those heads in those states were still game violations regardless of how they were collected.

So, before you begin to 'throw your warden under the bus', ask yourself - do I have ALL the facts! Unlike the historic market hunters who decimated our nation's wildlife trying to make a living during an era of unregulated hunting and fishing, our modern day, entrepreneurial hunters are learning, game wardens and serious measures are in place to prevent modern man from repeating the mistakes of our past! 🐾