

Iowa Department of Natural Resources  
Natural Resource Commission

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ITEM

7

DECISION

TOPIC

Appeal of Decisions of the Administrative Law Judge.  
Suspension of the taxidermy and hunting licenses of Lorin Felderman

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This item consists of the appeal by Lorin Felderman to the Commission for review of a Decision issued by Administrative Law Judge Paul McIntyre.

On August 30, 2007, Lorin Felderman was convicted of seven counts of practicing taxidermy without a license and one count of illegal possession of a protected nongame species (owl).

Based upon these convictions, the Department's Law Enforcement Bureau issued a notice of a three (3) year suspension of Mr. Felderman's taxidermy and hunting licenses. The Notice of Suspension was issued December 13, 2007, and appealed. The matter was heard by the Administrative Law Judge on March 3, 2009. On March 4, 2009, the Administrative Law Judge issued a Decision upholding the three year suspension of Mr. Felderman's taxidermy and hunting licenses.

A timely appeal was filed on April 2, 2009.

The Commission may uphold the Decision of the Administrative Law Judge, reverse the Decision, or modify the Decision in accordance with the applicable statutes and rules.

Jon Tack, Attorney  
Legal Services Bureau

Attachments: Original Appeal, Petition, Decision, Appeal

Iowa Department of Inspections and Appeals  
Division of Administrative Hearings  
Wallace State Office Building  
Des Moines, Iowa 50319

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LORIN FELDERMAN  
21628 HWY 64  
MAQUOKETA IA 52060

Appellant

DOCKET NO. 09DNR002

v.

IOWA DEPARTMENT OF NATURAL  
RESOURCES

DECISION

Respondent

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SECTION 481A.134 - AUTHORITY TO SUSPEND AND REVOKE

STATEMENT OF THE CASE

This matter came on for hearing by way of telephone conference before Administrative Law Judge Paul McIntyre pursuant to an appeal by the appellant from a decision of the Department of Natural Resources which suspended and revoked the Appellant's hunting and taxidermy privileges and licenses for a period of three years. The Appellant represented himself at the hearing. The Respondent participated by submitting the departmental file. The Department of Natural resources was represented by Jon Tack. Official notice of the file was taken.

FINDINGS OF FACT

The Appellant was convicted of seven counts of no taxidermy license for fourteen points and one count of illegal possession of a protected nongame species for three points. The Appellant has a total of seventeen points.

REASONING AND CONCLUSIONS OF LAW

Iowa Code section 481A.134 states as follows:

**481A.134 Authority to suspend or revoke--point system.**  
The department shall establish rules pursuant to chapter 17A providing for the suspension or revocation of licenses issued by the department. For purposes of determining when to suspend or revoke a license issued

09DNR002

by the department under this section, the department shall adopt a point system pursuant to chapter 17A for the purpose of weighing the seriousness of violations of the provisions of this chapter or chapter 481B, 482, 483A, or 484B. The weighted scale may be amended from time to time as experience dictates.

Iowa Departmental Rule 571--15.6(4) (a) states as follows:

**571--15.6(4) Length of suspension or revocation.**

a. The term of license suspension or revocation shall be determined by the total points accumulated during any consecutive three-year period, according to the following: five points through eight points is one year, nine points through twelve points is two years, and thirteen points or over is three years.

The Appellant was convicted or plead guilty to the violations and should be revoked and suspended. The Appellant has a total of seventeen points within a three-year period of time.

The Appellant has failed to convince the Administrative Law Judge that his hunting privileges should not be revoked and suspended for the possession of OWL parts.

DECISION

The revocation and suspension of the Appellant's hunting and taxidermy licenses and privileges are sustained.

DATED THIS 4<sup>th</sup> DAY OF MARCH, 2009

*Paul McIntyre*

PAUL MCINTYRE  
Administrative Law Judge

PM

CC:

LORIN FELDERMAN, (CERTIFIED)  
JOH C TACK, DNR  
TERRI EMERY, DIA  
BETTY MAXWELL, DIA

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15.6(7) Dates of suspension or revocation.

The suspension or revocation shall be effective upon failure of the person to request a hearing within 30 days of the notice described in 15.6(6) or upon issuance of an order affirming the department's intent to suspend or revoke the license after the hearing. The person shall immediately surrender all licenses and shall not apply for or obtain new licenses for the full term of the suspension or revocation.

Appeal of Judge's  
Decision

TO: Jon Tack  
Department of Natural  
Resources Commission

Docket # 09DNR002

LORIN FELDERMAN

563-652-6355

**BEFORE THE IOWA DEPARTMENT OF INSPECTIONS AND APPEALS  
DIVISION OF APPEALS AND FAIR HEARINGS**

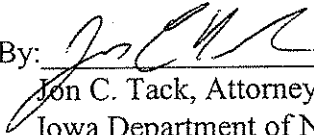
IN THE MATTER OF:  LORIN W. FELDERMAN	PETITION  DIA NO:
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COMES NOW the Iowa Department of Natural Resources, through its attorney, Jon C. Tack, and for its Petition states:

1. Pursuant to Iowa Code section 481A.134 and 571 Iowa Administrative Code (IAC) 15.6, the Department has the authority to revoke and suspend hunting, fishing, and fur harvesting licenses through the use of a point system for convictions of Iowa game and fish offenses.
2. On August 30, 2007, Lorin W. Felderman was convicted of seven counts of practicing taxidermy without a license in violation of section 481A.126 and one count of illegal possession of a protected nongame species in violation of section 481A.42 of the Code of Iowa.
3. Pursuant to 571 IAC 15.6(3)“a”(10), each conviction for the illegal possession of a protected nongame species is assigned a point value of three. Pursuant to 571 IAC 15.6(3)“b”(14), each conviction for any violation of section 481A.126 pertaining to taxidermy is assigned a point value of two. Accordingly, for the eight above-described convictions, Lorin W. Felderman has accumulated a point total of seventeen points.
4. Pursuant to 571 IAC 15.6(4)“a”, an accumulation of thirteen or more points during any consecutive three-year period warrants license revocation and suspension for a period of three years.
5. The notice of appeal filed by Lorin Felderman raises the issue of whether his hunting license should be suspended. The Department asserts that the animals possessed by Mr. Felderman had been taken by him through hunting and in that way both licenses are relevant to the violations.
6. The State of Iowa is a member state in the Wildlife Violators Compact. Pursuant to the terms of the compact, member states honor the suspensions imposed by other member states. Iowa has adopted this reciprocal recognition of suspensions at 571 IAC 15.13(6). The suspension of your license privileges in Iowa may result in the suspension of these privileges in other states which are members of the Wildlife Violators Compact.

WHEREFORE, the Department respectfully requests that the Administrative Law Judge affirm the Department’s intention to revoke the Taxidermy and Hunting licenses (including any landowner/tenant and fur hunting licenses) of Lorin Felderman and suspend his ability to acquire new licenses for a period of **three years**, and further requests that the Administrative Law Judge order said revocation and suspension.

IOWA DEPARTMENT OF NATURAL RESOURCES

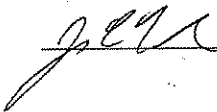
By:   
Jon C. Tack, Attorney II  
Iowa Department of Natural Resources  
900 E. Grand Avenue  
Des Moines, IA 50319-0034  
Ph: 515/281-8889

Original filed.

Copy to: Steve Dermand, IDNR  
Lorin Felderman, 21628 Hwy 64, Maquoketa, IA 52060

**PROOF OF SERVICE**

The undersigned hereby certifies that  
a true copy of the foregoing was  
sent by regular mail  
to each party of record at their last  
known address on January 22, 2009.

  
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RECEIVED BY

APR 17 2008

DNR ENFORCEMENT

Steve -

I had talked to you on the phone about an appeal I had sent to you in January which you did not receive. ~~original~~ The original letter was hand-written, but we also typed it on the computer, and sent a copy to my wife's boss to proof-read before we sent it. Here is the original copy with the date we sent it to her. To save on time I am sending the printed copy, so it will reflect the date on it. Once again, nothing like this will happen again. The taxidermy license I had forgotten to renew is only \$15.00 so I don't understand why the penalties can be so bad. The only reason why I forgot to renew it was because I started a new job in December of '06 I was working a lot of overtime and just speed it off.

Sincerely,

5627 04/14/08 PM 2:35

Lou Field

**Subject:** Lorin's appeal  
**From:** vicki felderman <vfelderman@yahoo.com>  
**Date:** Sun, 6 Jan 2008 17:46:07 -0800 (PST)  
**To:** [REDACTED]

Never miss a thing. Make Yahoo your homepage.

To whom it may concern:

I Lorin Felderman can understand you pulling my taxidermy privlages for what happened. I do not feel that I should also lose my hunting privlages due to the fact that it had nothing to do with me hunting. I have 4 children all too young to take the hunter's safety course, except one, that will be able to this year. We all eat wild game, it is a big part of our meals, partly because the cost of meat is so expensive.

I have been an avid hunter since I was about 11 years old. My sons both love hunting with me and they are both hoping to start bow hunting next year. I need to have my hunting privlages to be able to take them. I have never done anything illegal when it comes to hunting because I love the sport so much. Besides my family, hunting is my life.

When I was a young boy, my uncle, who is no longer with us, gave me the owl tallons as a gift. I thought they were so neat. I had them for at least 25 years or so. They were like a family heirloom to me so I did not think it was illegal to possess them. I feel I was honest and upfront about them from the beginning.

Even though I do not want to lose my taxidermy privlages, I can see loosing them for even up to 5 years, as opposed to losing my hunting privlages.

Myself, and other people that I have discussed this with, do not feel that it is necessary for me to lose my hunting privlages for my not renewing a license that only costs \$15. One of these people is a DNR officer from Illinios, who had said that for a first time offense like this they would have more than likely given the fine for not having a license and given 48 hours or so to purchase one.

In conclusion, I would like to say that I respect the laws of the wild and would never do anything to endanger them. I also understand the reason for a lot of the laws, but if some of the laws are unclearly written, and misinterpreted, how are we, the hunters, to know everything that is right and wrong? I would also like to say that I feel it is unjustified to lose my hunting privlages for something so minor. I am not a poacher, nor will I ever be one. I thank you for your time on this matter and look forward to hearing from you.

Sincerely,  
Lorin Felderman

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