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BEFORE THE OREGON FISH AND WILDLIFE COMMISSION

IN THE MATTER OF DENNIS LEE STURGELL)
Hammond, Oregon) **REQUEST FOR HEARING**

Dennis Lee Sturgell respectfully requests a hearing in this matter and responds to the Notice of Intent to Revoke Commercial Fishing Licenses as follows:

I. FINDINGS OF FACT

Mr. Sturgell admits the Findings of Fact.

II. APPLICABLE LAW

Mr. Sturgell acknowledges that the Department has accurately recited the provisions of certain statutes and administrative rules, some or all of which may apply to the Findings of Fact.

III. CONCLUSIONS OF LAW

Mr. Sturgell admits ¶ 1, but denies ¶ 2 in that he denies the Department has the authority to revoke his commercial licenses.

DEFENSES

1. Mr. Sturgell contends that the Department is estopped from pursuing revocation of any commercial fishing licenses based upon representations it affirmatively made to Mr. Sturgell with the intent that he rely upon said representations and which he did, in fact, rely upon in entering the pleas of GUILTY to the four violations recited in the Findings of Fact above.

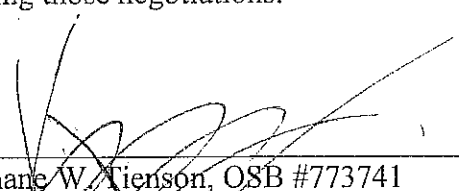
2. Mr. Sturgell contends that the Department has waived any ability to seek revocation of his fishing licenses.

3. Mr. Sturgell contends that revocation of his fishing licenses is unprecedented and not warranted by the facts of this case, and that the punishment to which he has already been subjected is more than sufficient penalty for any violations that he may have committed.

4. Mr. Sturgell contends that the revocation of his fishing licenses constitutes forfeiture of a property right without due process of law being afforded to him.

5. Mr. Sturgell contends that this Request for Hearing is timely in this matter. Mr. Sturgell and his counsel timely notified the Department's counsel, Stephen Sanders, of his intent to request a hearing and entered into negotiations with Mr. Sanders on behalf of the parties and have been awaiting certain responses from the Department. Counsel understood that in the interim, there was no need to prepare a formal Request for Hearing, and fairly and reasonably understood that the Department wished to explore a negotiated resolution of this matter, and that the time for requesting a hearing was to be tolled pending those negotiations.

DATED this 29th day of June, 2009.



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CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2009, I served the foregoing **REQUEST FOR HEARING** on the following individual(s):

Stephen Sanders
1515 SW 5th Avenue, Ste. 410
Portland, OR 97201
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stephen.sanders@state.or.us

by email, facsimile transmission and first class mail; and

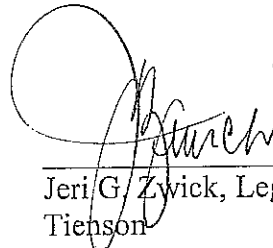
DeAnna Erickson
Oregon Dept. of Fish and Wildlife
3406 Cherry Avenue NE
Salem, OR 97303
(503) 947-6117 (facsimile)

by facsimile transmission and first class mail; and

Marla Rae, Chair
Oregon Dept. of Fish and Wildlife
3406 Cherry Avenue NE
Salem, OR 97303

by first class mail.

DATED this 29th day of June, 2009.



Jeri G. Zwick, Legal Asst. to Thane W. Tienison
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