

# Proponent Statement for HB2341

Presented to the Senate Committee of Natural Resources

By Tim Nedeau

**Osage County resident, family member and farm manager  
where the state record whitetail deer was poached in 2011**

Ladies and Gentlemen:

I came before you during the 2014 Kansas legislative session and together we produced SB357 which changed the options available to KDWP&T in disposing of unlawfully taken wildlife items which were taken on private land. In passing SB357, the Kansas Legislature led the nation in protecting the Kansas landowners who own almost 98% of the land within Kansas. Today I return to you in the hopes that you will support HB2341 which make two amendments to SB357.

I want to share with you two reasons why the Kansas citizens deserve HB2341 passed.

First, the provisions within SB357 placed in a sequential order the options available to KDWP&T in disposing of unlawfully taken wildlife which was taken on privately owned land. However, while attending the KDWP&T commission meeting in Bonner Springs, Kansas on January 8, 2015, I asked the commission if they were following the guidelines set by SB357 by offering poached wildlife to the landowner first. KDWP&T replied that the new statute was not in sequential order, and they did not have to follow the order provided in SB357 by offering poached wildlife to the landowner first. They stated the KDWP&T simply had to give priority to the landowner, but they did not have to start with offering the poached wildlife to them. This questioning and response can be viewed on the KDWP&T webpage in the commission meetings section, and you can watch & hear their statement for yourself. Go to KDWP&T webpage, past commission meetings January 8, 2014, part 3 about 11 minutes in. It is my contention that KDWP&T is violating the statute which was passed into law during the 2014 legislative session, by not offering poached wildlife to the landowner first. The proposed amendment would leave no "spin room" in the wording of the statute for the KDWP&T to misinterpret, and should be amended.

The second change in the bill would directly affect me by making the bill retroactive. I cannot speak for others, but I would like to share with you the facts of how I have been treated by KDWP&T after the state record whitetail deer was poached on land belonging to my family. This poaching event will demonstrate the reasoning for why the bill needs to be amended. Each of the events mentioned of are documented.

On February 1, 2012 KDWP&T Law Enforcement Officer Lynn Koch called and told me "the state record setting deer had been shot on our land in November 2011, and the poacher had admitted the crime to him."

Before his call, I had never spoken with Officer Koch. Officer Koch was given my name from local citizens as the person to contact in dealing with our family farm. Officer Koch asked if my family owned the land, and if our land was posted with no hunting signs or purple paint, and I replied we did own the land and I had both methods posted. Having signs posted allowed more charges to be filed against the poacher. Officer Koch turned in his criminal report to the Osage County Court. From the time Officer Koch's report was given to the court, I was listed as the victim in the case. I was also the only victim listed. The weeks following the arrest of the poacher, many newspapers and other media sources carried the poaching story. Many of the newspapers including the Wichita Eagle reported that the poacher had admitted to the crime when arrested. The Osage County newspaper had me listed as the victim. I assume that the reason I was listed as the victim on the court documents and in the media, is from Officer Koch's report to the court. I had no contact with the Osage County Court until I attended the June 21, 2012 hearing. From our conversation, Officer Koch knew our family was the owner of the land where the deer was poached.

During our phone conversation of February 1, 2012, I told Officer Koch I would like the antlers returned to us through the use of a salvage tag. **Documents Provided**

On March 9, 2012 I went to the office of the Secretary of KDWP&T Robin Jennison and we visited for over two hours about the poaching incident, and why I felt the antlers should be returned to our family after the Osage County Court proceedings were concluded. I explained to him that a KDWP&T Law Enforcement Officer had come to our farm in August of 2009, and we had discussed crop damage and illegal hunting activities in our area. I stated to Secretary Jennison that I had asked the officer for assistance in catching road hunters and poachers in our area since our meeting in 2009. I reported to Secretary Jennison that I had called the same KDWP&T officer in 2009, 2010, & 2011, during the spring turkey, and fall deer hunting seasons asking for KDWP&T to set decoys in our fields to catch road hunters. The officer that came to our farm in 2009, and myself, had even discussed illegal hunting issues while standing in the same field that the record deer was poached. I explained to Secretary Jennison, that after my three years of asking for assistance, not only had I received no assistance, but I had never even received a return phone call from anyone representing KDWP&T offering assistance. I further explained, that the weeks just prior to the poaching, I had called the same KDWP&T Officer that came to our farm in 2009 multiple times, and reported spotlighting on our land and surrounding fields. Once again, I had no return calls to me from KDWP&T. While alive, this deer did not seem to be important to KDWP&T.

Chris Tymeson, Chief Legal Counsel for KDWP&T emailed me on August 9, 2012 explaining why the landowners cannot keep the antlers poached from our land. He also stated that “the antlers will be used for educational purposes.” The illegal hunter who killed the deer on our land was charged with 8 crimes. The punishment could have totaled \$7,000 in fines and 18 months in jail. If the deer had been an 8 point buck the punishment would have totaled \$7,000 in fines and 18 months in jail. If the deer had been a spike buck or even a doe, the punishment could have totaled \$7,000 in fines and 18 months in jail. So I have to ask. Why is a 14 point record deer a better educational purpose than a doe? The answer is, that it is not. It is however a better deer to display in an office or to take to state fairs and deer hunting expos to encourage Kansas tourism. With hunting / fishing as our states top form of tourism, this deer can be shown off and used to help create tourism, and add to the multi-million dollar revenue that hunting brings to the state treasury. While attending the 2014 Denver International Sportsman Expo, the KDWP&T had big deer mounts on display at their booth. Were these deer mounts on display for tourism dollars or for educational purposes? **Documents Provided**

On October 10, 2012 the poacher pled guilty in Osage County Court to four of the eight charges against him, including “criminal hunting” on our land. Criminal hunting, is hunting on private property without permission from the landowner. I have signs posted on our farm and purple paint in many locations which are visible from the roadways. State statute 32-1013 gives landowners the right to place these signs on their private property. This statute gives “exclusive” hunting rights of wildlife to the landowner while the wildlife is on their privately owned land. This does not “privatize” the wildlife as KDWP&T has stated, and would like you believe. Privatizing would enable a landowner to set up a fence to keep wildlife from exiting their property. Privatizing would allow the landowner to set their own hunting season, sell their own hunting licenses, or set their own bag limits and establish the legality of all hunting equipment. Only the KDWP&T can issue hunting licenses, game tags, set bag limits and the rules for legal hunting within Kansas. As landowners, we have to adhere to the rules the department sets. SB357 did not change these established rules. It should, however, put an end to the overzealous use or misuse of the authority of some wildlife officials. This is not privatization of wildlife.

The KDWP&T has also stated that this would also make wildlife hit on Kansas roadways the legal responsibility of the landowners. This statement has been presented to the House Committee of Agriculture & Natural Resources by Secretary of KDWP&T Robin Jennison, the Senate Committee on Natural Resources by KDWP&T representative Steve Adams, the National Wild Turkey Federation statement to the Senate committee, the Nature Conservancy, the Wildlife Society, and published in the Wichita Eagle newspaper. These are totally false and irresponsible statements, which are intended as scare tactics, and to mislead the Kansas landowners. If the KDWP&T wants to claim the landowner would be responsible for wildlife on the roadways, are they admitting that the KDWP&T is responsible for accidents now? **Documents Provided**

**Are they also responsible for crop damage and for other damages their wildlife does to private property?**

In 2013 I spent \$1,000 repairing our pond dam and replaced the tube because “their” beaver came into our pond uninvited. This does not include the trees they killed and the cost to cut them down and remove them. Are they going to pay me back? Is KDWP&T going to repay the countless number of farmers who lose crops each year to their wildlife? Are they going to pay for the tires that are ruined in the fields each year due to antler? The KDWP&T claims ownership only when it is convenient for them.

No one from KDWP&T can hunt our private property just because they are KDWP&T and they claim ownership of the wildlife. They must first get written permission from the landowner. That’s the law.

**State statute 32-1013** protects the Kansas landowner from trespassers. So while wildlife is on private property the landowner has “exclusive” rights to hunt it.

The Osage County District Attorney has also written a statement explaining, that during his guilty plea, the poacher and his attorney said they wanted the victim Tim Nedeau to retain the antlers since he admitted to killing the deer on our property. **Documents Provided**

Since the guilty plea in Osage County court, I have asked for a salvage tag for the deer antlers from KDWP&T Region 2 Headquarters, the Secretary of KDWP&T, and the Governor of Kansas. They have either not responded to my requests or have told me a variety of reasons why they will not return the deer mount to the landowners who are listed as the victim on the court documents. Please recall that the poacher admitted in a court of law that he shot the deer on our property. **Documents Provided**

**The reasons KDWP&T has given to me since the deer was poached of why they won’t give it to me.**

**1<sup>st</sup> Reason** **The first excuse is that the deer was involved in a crime.** I did not commit this crime nor was I involved in this criminal act. Once again, I had called KDWP&T for 3 years reporting criminal activity, but received NO assistance from them. If there is a violation, it is KDWP&T breaking statute 32-1051, which states their law enforcement officers must diligently investigate into criminal activities when notified. Not returning 3 years of phone calls reporting criminal activity, is not doing their jobs diligently.

**2<sup>nd</sup> Reason** **The deer did not die on our property.** During his guilty plea the poacher admitted in court that he shot the deer on our land. The deer ran across the road and died. He then cut the head off the deer and left the carcass lying in a neighbor’s field. The 8 crimes committed including poaching and criminal trespassing occurred on our land as is recorded in Osage County Court and Officer Koch’s report. The neighbor across the road filed no charges against the poacher. KDWP&T has also stated that to pursue and retrieve a wounded animal across a property boundary line is not trespassing and therefore not illegal as is stated in 32-1013. So no violation was committed on our neighbors land, and this is why I was the only victim listed in the court. This is in statute 32-1013 section C.

Since the guilty plea, Secretary of KDWP&T Robin Jennison has stated the deer was not shot on land belonging to our family. When arrested, the poacher was also charged with using an artificial light while hunting after established legal hunting hours. As part of the plea arrangement, the Osage County District Attorney dropped four charges in order to close the case, since it had already been delayed to eight months. One of the charges dropped was using the artificial light. The fact remains that the poacher had admitted to have been driving eastward, and had shot to his left from the driver’s seat of his truck. He had also used a spotlight to his left through his driver’s side window. By traveling East, and shooting to his left, it is only possible that he could fire his gun in a northward direction. From the location the poacher testified to have shot the deer, and where the deer carcass was found, our land is the only property due North. Therefore, the deer could only have been shot while on our land. Since Secretary of KDWP&T Robin Jennison, nor anyone representing KDWP&T was present in the Osage County Court, how can they claim to know any statements said in court that day?

**3<sup>rd</sup> Reason** **KDWP&T officials have stated that I am not the landowner.** Recall that Officer Lynn Koch of KDWP&T called to inform me that the poacher admitted he had shot the deer on our land. During the Osage County Court proceedings I told the court that my mother was the official landowner, but that she was in Atlanta, GA and that I was her son and her representation in court since I was her son and her land

manager. **No KDWP&T official can argue this fact, as no one representing KDWP&T was in court during any of the proceedings to witness any statements. Nor were the antlers ever used as evidence in court.**

On July 2, 2014 KDWP&T Law Enforcement Officer Lynn Koch was sent to my mother's house and interviewed her about the land ownership where the deer was poached. Officer Lynn Koch is the same KDWP&T officer who called me on February 1, 2012 and told me the poacher had admitted to him he had poached the deer on our land. **Lois Shuck, my mother, wrote the Secretary of KDWP&T and the State Governor a letter stating that she is the landowner where the deer was poached. She further noted that I am her son, her land manager, and that I was her representative during the Osage County Court proceedings. She also wrote that there is a recorded death deed in my name for the land ownership. We have asked for a copy of the interview taken by KDWP&T Law Enforcement Officer Lynn Koch with my mother on July 2, 2014, but we have been unable to receive one. However, his interview was secretly recorded by Officer Koch, and is in the possession of Robin Jennison, Secretary of KDWP&T.**

At the House Committee on Agriculture and Natural Resources hearing on February 23, 2015, **KDWP&T Secretary Robin Jennison** told the committee that he **"had full intention of returning the antlers to Tim Nedeau** but found that I may not be the land owner." Since Lois Shuck addressed the committee as my mother and as the "official" landowner, **is he going to offer the deer mount to her?** I had already visited with Secretary Jennison on 4-9-2012, and KDWP&T had interviewed my mother on 7-2-14 about the land ownership. This statement was also printed in the *Topeka Capitol Journal*.

**4<sup>th</sup> Reason** We have appealed to the Governor's office but were told **"it would be illegal for the governor to give the deer mount away."** I asked the Governor's office for the state statute which said the Governor cannot give away the deer mount. I also provided the Governor's office a copy of state statute 32-807, which states the Secretary of KDWP&T can give items away through salvage tags, and that the **KDWP&T gives a yearly average of 10,000 salvage tags for deer**, either found dead on private property or killed on Kansas roadways. I provided evidence that in 2013, KDWP&T allowed a landowner to keep a record setting 51 point 300 inch deer he found on private property. **This is almost 2 years after the poaching event that took place on our land.**

**5<sup>th</sup> Reason** Upon receiving my statement and my questioning of the statute that it was illegal for the state to give the deer mount away, **the Governor's office once again changed the reason for not giving us the deer mount to "SB357 was not retroactive".**

Starting December 11, 2012, I have gone to the office of the Kansas Governor seeking assistance. Although I have been unable to visit him, I was able to leave information for him to view. I have returned to the Governor's office numerous times since, but still have been unable to visit with him concerning this matter.

After the enactment of SB357, State Representative Ken Corbet gave the Governor a letter explaining the new law and how it will benefit Kansas landowner's upon future poaching events. Representative Corbet expressed in his letter, that I was the individual who pressed for SB357 due to the deer poaching event on our land, and my treatment from KDWP&T. **He also explained that although the new law would protect Kansas landowners from this behavior in the future, the bill did not benefit me. Representative Corbet asked the Governor to issue a salvage tag and pardon the deer to the landowner who pressed for the new law because the deer was admitted in court to have been killed on our land.**

I have asked this question to myself and to others many times and cannot find a satisfactory answer. **"What did the Kansas Department of Wildlife Parks & Tourism do to deserve the deer mount which was poached on our private land?"** KDWP&T has only stated that they "own the wildlife in Kansas." This statement has been put down, and replaced with, **they regulate and market the wildlife of Kansas**, but they do not own it. State statute 32-1013 gives the Kansas landowner exclusive hunting rights to wildlife while it resides on their private property. **Therefore, the first criminal act a poacher violates is trespassing. If the KDWP&T gives away 10,000 salvage tags for deer each year, why is it so wrong for them to give this deer back to the landowner where the crime was committed?** **Documents Provided**

In closing, I make this plea and statement. With the evidence presented before you, I feel this event is a perfect example detailing the misuse of the power and authority granted to the Kansas Department of Wildlife Parks and Tourism, and why this bill needs to be passed into law without delay.

**When a landowner can provide evidence that the Kansas Department of Wildlife Parks and Tourism had ignored three years of requests for assistance in catching illegal hunters, brought forth court documents of a guilty plea to a crime committed on their land, provided a written statement by a County District Attorney in good standing within the state of Kansas, and has shown evidence that KDWP&T has used questionable tactics in order to retain a set of antlers, I can come to only one conclusion. Out of greed and spite, the KDWP&T will not offer big deer antlers to the landowner. Instead, they send the antlers to out of state taxidermists to be mounted and paid for with tax payer's money, only to have those mounts placed in someone's office for them to enjoy.**

During the past three years I have traveled extensively across Kansas, and visited many KDWP&T Regional Headquarters and other state park offices, and even the State Capitol. All of these buildings and offices have one thing in common. They do NOT have small antlered deer mounts hanging on their walls. **This one deer poaching event demonstrates the lengths that the KDWP&T will go to in order to keep large antlers for their own office walls, and why this behavior needs to be stopped!**

KDWP&T Officials and Law Enforcement Officers have stated that:

- If I had hit this deer with my vehicle I would have been given a salvage tag
- If I found it dead on our property I would have been given a salvage tag (recall the 51 point deer)
- However, if a poacher violates our property rights and kills a record setting deer, the KDWP&T keeps it and mounts it for their use

I never wanted to be a precedence, but this role has been thrust upon me due to the actions of KDWP&T. **HB2341 is about more than one set of deer antlers. Rather it is centered on creating precedence and changing the behavior of the KDWP&T when dealing with the public.**

Therefore, the time has come to protect the nearly three million Kansas citizens and landowners, and stop this abuse of power by the KDWP&T. This does not violate the North American "Model" of Wildlife Conservation. What the KDWP&T is doing is rewarding themselves and punishing the innocent landowner when a poacher violate our property rights.

I ask that you vote yes for both amendments to this bill. Sequence the bill, and require the KDWP&T to offer poached wildlife taken from private property to the landowner first. If the landowner does not want the item, they can allow the KDWP&T to dispose of it through other means.

However, the choice should be that of the landowner where the crime occurred. They have already been the victim once. Don't let them be victimized a second time by the Kansas Department of Wildlife Parks and Tourism.

Thank you for your attention and consideration with this matter. I ask that you read through the court documents, and additional papers which I have provided to you.

Sincerely

Tim Nedeau  
Scranton, Kansas



**Voicemail from KDWP&T Law Enforcement Officer Lynn Koch**  
**2-1-2012**  
**10:55 AM**

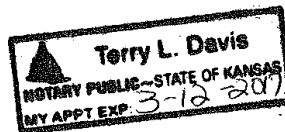
Hey Tim. Ah this is Lynn Koch the game warden for Osage County. Um I had a few questions I'd like to ask you if you had some time. You can reach me at 620-450-7264, and it's about five till 11:00 on Wednesday.

Thank you and talk to you later. Bye

State of Kansas  
Shawnee County

Transcribed in my presence from Tim  
Nedeau's phone on August 6, 2013.

Terry Davis  
Notary Public  
My appt. expires:



Witness -  
*[Signature]*  
Principal WRMS

BY MICHAEL PEARCE - The Wichita Eagle

The alleged poaching of a potential state-record buck in Kansas has re-ignited calls for stiffer poaching penalties.

"We need a system that's more fair to the value (a deer) has to the state," said Tim Donges, president of the Bluestem Branch of the Quality Deer Management Association. "We want to be sure there's proper restitution."

Donges has been working to get a bill into the Kansas legislature that would increase fines on poaching. Last week the Kansas Department of Wildlife, Parks and Tourism announced charges against David Kent of Topeka, who is accused of illegally shooting a 14-point buck on Nov. 11 in Osage County.

The eight charges also include criminal discharge of a firearm, illegally hunting with an artificial light, hunting outside legal hours, hunting from a vehicle and using an illegal caliber to shoot big game.

Law enforcement sources said Kent has admitted to illegally killing the deer.

The antlers were confiscated at the Monster Buck Classic in Topeka on Jan. 29 by game wardens. The buck was measured at 198 7/8 inches on the Boone & Crockett record system.

The state record for a typical whitetail killed by gun is a 198 2/8-inch buck shot in Nemaha County in 1974.

The charges, all misdemeanors, could total a maximum of \$7,000 and 18 months in jail.

Kent was not charged with poaching a trophy-class buck because state law says a whitetail buck must have an inside antler spread of at least 17 inches to be considered a trophy. A trophy deer charge carries a fine of \$5,000 and can be placed amid other charges. Donges would like to see another fine based on a deer's trophy score for all deer scoring more than 125 inches.

"Somebody could shoot a six point with a 17-inch spread and pay more than someone who shot a potential new state-record buck," Donges said. "That's not right. Score usually is a better indication of a buck's maturity and what it might have been worth to a legal hunter or a landowner who is leasing his land."

Donges is promoting a penalty system similar to what's been used in Ohio for several years. His formula for restitution value is a buck's gross score, minus 100. That number is squared and then multiplied by \$2.

That would place a trophy deer penalty of around \$20,000 for the buck Kent is accused of poaching.

# Kansan Accused of Poaching Heading to Court

Mike Handley posted on March 26, 2012 07:02 ★★☆☆☆

By Mike Handley

Kansas newspapers are reporting that the man facing eight charges in connection with the alleged poaching of a potential state-record whitetail will have his day in Osage County District Court on March 29.



David V. Kent of Topeka was charged Feb. 1 with criminal discharge of a firearm, criminal hunting, hunting with an artificial light, hunting outside legal hours, hunting during a closed season, using an illegal caliber, hunting from a vehicle and without a valid deer permit. His trial was originally scheduled for March 1, but the judge granted a continuance.

Kent brought a 14-point rack to Topeka's inaugural Monster Buck Classic in late January to enter it in the show's big buck contest. He said he shot the deer with a rifle on Dec. 2 in Nemaha County.

Measurers with both Boone and Crockett and Buckmasters' Wayne Cox scored the rack, which was poised to be crowned the show's typical "king." By the B&C yardstick, the antlers' green score exceeded the current state-record Typical's score of 198 2/8 inches by 5/8 inch. The official BTR tally is 191 5/8 (with a composite score of 206 4/8), high enough not only to make it a state record, but also runner-up to the world record in our perfect/rifle category.

Authorities became suspicious when another man produced a trail camera photograph of the distinctive buck via his cell phone. The photo was taken in Osage County, about 80 miles from Nemaha. The headless carcass of a large buck had also been found near the property where the image was triggered.

Prior to his arrest, when asked by a BTR measurer if he'd taken the deer by illegal means, a jittery Kent said no. But he allegedly confessed when cornered by officers with the Kansas Dept. of Wildlife and Parks, who had already seized the antlers.

The KDWP contends the animal was poached in Osage County on the night of Nov. 11.

The poaching charges connected to this buck were enough to set tongues wagging throughout Kansas. And it wasn't long before newspaper reporters connected that dot to another, far more notorious case from 2007 to which Kent was tied.

The Wichita Eagle, among other outlets, has reported that David Kent was riding in the vehicle when his brother, Thomas Kent, fired a rifle shot into a field of goose decoys and killed 18-year-old Beau Arndt in Lyon County on Dec. 15 that year. The victim had been hunting.

David testified, but he was not charged in the incident. His brother was convicted of involuntary manslaughter and other crimes and was imprisoned until November 2010.

If David Kent pleads guilty or is otherwise convicted of poaching the enormous deer, the antlers will remain in the custody of the KDWP and will be ineligible for the No. 1 spot in their B&C-based rankings.

Regardless of the trial's outcome, the rack will keep its ranking with us. The only question is who will be listed as owner, Kent (if he shot the deer legally) or the KDWP.



# Kansas man accused of poaching deer that would have broken state record

BY MICHAEL PEARCE 02/09/2012 5:00 AM 02/10/2012 5:54 PM

Charges have been filed against a Topeka man accused of poaching a deer that could have broken a state record that has stood for more than 35 years, according to the Kansas Department of Wildlife, Parks and Tourism.

David Kent was charged in Osage County Court in connection with the Nov. 11 shooting of a 14-point whitetail buck, Wildlife and Parks information officer Mike Miller said Thursday.

Charges include hunting with an artificial light, hunting during a closed season, illegal hunting from a vehicle and the use of an illegal caliber for deer hunting.

The buck has been unofficially scored at 198  $\frac{7}{8}$  inches of antler on the Boone & Crockett system. The deer was measured by an official scorer, but hadn't met the requirement for a waiting period of at least 60 days after the kill to make the score official.

The state record for a typical whitetail deer shot with a gun is 198  $\frac{2}{8}$  by Dennis Finger in Nemaha County in 1974.

Charges against Kent were filed Feb. 1, and Kent was served court documents on Monday, Miller said. Kent brought the antlers to public attention at the well-attended Monster Buck Classic last month in Topeka, where he said he had killed the deer in northeast Kansas.

Photography surfaced at the show placing the buck alive, in Osage County, earlier in the fall. Wildlife agents compared the photo to the antlers and determined it was the same deer.

Kent was taken into custody and the antlers confiscated shortly after he was recognized as having brought the largest typical antlers to the event.

He confessed to shooting the deer illegally, a law enforcement source said.

This is the third Kansas buck with antlers that could qualify as a state record that isn't officially recognized.

A typical buck that scored 199  $\frac{7}{8}$  was shot by a rifle hunter in 1999.

It was confiscated when it was learned the non-resident hunter used a relative's resident permit to tag the animal.

A typical mule deer scoring about 207 typical points is on display at Cabela's in Kansas City, Kan. It's about 5 inches larger than the state record, but Wildlife and Parks won't certify it as the state record because there's no record of the person listed as the hunter having a permit for the listed year. Miller said the department is not making any accusations of wrongdoing in the shooting of the deer.

Read more here: <http://www.kansas.com/news/article1086006.html#storylink=cpy>

Hello Mr. Nedeau,

I have found the record of your deer depredation permit. **Five antlerless tags were issued on 8/7/2009.**

All salvage records are kept by Lloyd Fox. You may contact Lloyd with any questions about the salvage tag.

Lloyd Fox  
Big Game Coordinator  
Emporia Research Office  
[620-342-0658](tel:620-342-0658)

Thank you!

--

Alicia Ross  
Sr Admin Assistant  
Fisheries & Wildlife  
[alicia.ross@ksoutdoors.com](mailto:alicia.ross@ksoutdoors.com)  
(620)672-0778

In order to receive a salvage tag from KDWP&T, a law enforcement officer representing their organization must go to the location and inspect crop damage. In August of 2009 I had a KDWP&T Law Enforcement Officer on our land inspecting crop damage. During the inspection a vehicle drove by and the officer commented how close we were to the road and did we ever have road hunting in our area. I explained that we did and I would like them to place a robo deer decoy in the field to catch them. I called the same officer again at the beginning of the 2009 deer season and again during the 2010 & 2011 deer seasons and left voicemails, but again received no return call from him. I called the same officer during each of the spring turkey seasons asking for assistance with poaching. **From 2009, through 2011 when the deer was poached, I received no return phone call from any KDWP&T officer trying to catch poacher in our area.**

I have withheld the officer's name, but it was given to the Region 2 Captain of KDWP&T, and Robin Jennison Secretary of KDWP&T.

I feel KDWP&T has violated state statute 32-1051 by not doing their job properly, since they did not return three years of phone calls reporting illegal activity.



Tim-  
8/9/2012 4:57PM

As we discussed when you first came to the Department to discuss this issue as well as when you called and I spoke with you before that visit, you are not lawfully entitled to the antlers that were allegedly unlawfully taken by Mr. Kent. I also discussed this issue with your legislator based on your request to him. Simply because a deer was unlawfully taken on your property does not mean that you are authorized to possess or can possess that animal lawfully. The law is very clear that until and unless an individual reduces a wild animal to lawful possession through methods prescribed by the Department (by hunting with a legal tag and equipment during the season), the animal is the property of the State of Kansas, managed or held in trust for the public good. By asking for those antlers to be given to you, you are in essence asking for individual gain of a publicly owned resource. You would not be allowed to take real property (public ground) and convert it to your own ground and the same scenario applies to personal property owned by the citizens of the State.

Pursuant to state statute, the seized antlers will be used by the Department for educational purposes at the conclusion of the case should Mr. Kent be convicted of the charges.

Thank you for your inquiry.  
Chris Tymeson  
Chief Legal Counsel  
Kansas Department of Wildlife and Parks

Chris Tymeson on the far left.





### **32-1013 Taking wildlife without permission on land posted "by written permission only"; penalties.**

(a) Any landowner or person in lawful possession of any land may post such land with signs stating that hunting, trapping or fishing on such land shall be by written permission only. It is unlawful for any person to take wildlife on land which is posted as provided in this subsection, without having in the person's possession the written permission of the owner or person in lawful possession thereof.

(b) Instead of posting land as provided in subsection (a), any landowner or person in lawful possession of any land may post such land by placing identifying purple paint marks on trees or posts around the area to be posted. Each paint mark shall be a vertical line of at least eight inches in length and the bottom of the mark shall be no less than three feet nor more than five feet high. Such paint marks shall be readily visible to any person approaching the land. Land posted as provided in this subsection shall be considered to be posted by written permission only as provided in subsection (a).

(c) A person licensed to hunt or furharvest who is following or pursuing a wounded animal on land as provided in this section posted without written permission of the landowner or person in lawful possession thereof shall not be in violation of this section while in such pursuit, except that the provisions of this subsection shall not authorize a person to remain on such land if instructed to leave by the owner or person in lawful possession of the land. Any person who fails to leave such land when instructed is subject to the provisions of subsection (b) of K.S.A. 2012 Supp. 21-5810, and amendments thereto.

State statute 32-1013 supports everything I have stated. Our land is posted with purple paint and with “No hunting without written permission” signs. Due to this I was listed as the victim of the crime, as I am the land manager for my mother, Lois Shuck.

Part C also proves that even though wounded wildlife crosses property lines and then dies, the Kansas Department of Wildlife Parks & Tourism allows a person to pursue and collect the wildlife, and it is not considered to be trespassing, nor is it a violation of law.

Since the poacher pled guilty in Osage County Court to killing the deer on our land I was listed as the only victim of this crime. No one representing KDWP&T was ever in court to dispute this, nor was any other landowner.



## OSAGE COUNTY ATTORNEY'S OFFICE

Brandon L. Jones, County Attorney

717 Topeka Avenue • P.O. Box 254 • Lyndon, Kansas 66451  
Phone (785) 828-4931 • Fax (785) 828-3150 • www.osageca.org

June 22, 2012

Timothy L. Nedeau  
416 S Carbon  
Scranton, KS 66537

Cell # 785-806-0322

Ken Corbett my state Rep.

RE: STATE OF KANSAS VS. DAVID V. KENT  
CASE NO: 2012-CR-000021

Dear Mr. Nedeau:

The Osage County Attorney's Office filed a criminal case against **David V. Kent**. David V. Kent has been charged with **Criminal Discharge of a Firearm, Criminal Hunting, Illegally Hunting with Artificial Light, Hunting Outside of Legal Hours, Illegal Hunting during Closed Season, Illegal Caliber for Taking Big Game, Illegal Hunting from Vehicle, and Hunting without a Valid Deer Tag**. As the victim of a crime, your participation as a witness is absolutely critical to the successful operation of our criminal justice system.

Please be advised that the above captioned case has been scheduled for **Thursday, August 09, 2012**, in Osage County District Court, 717 Topeka Ave., Lyndon, Kansas, at **10:00 AM** for **Plea/Sentencing and/or Appear with Attorney**.

This letter **does not require** that you attend this hearing, but as a victim you have the right to be present if you wish.

In the event your testimony is necessary in a court proceeding, you will receive a subpoena giving the date and time of the court appearance. If your phone number or address changes before the completion of this case, please notify this office at the above number. It is important that we be able to reach you.

In order for this office to request restitution applicable to this case it will be necessary for you to provide invoices, receipts, or other documentation to prove reasonable damages within **15 days** from this date. If we have not received such proof, this office will be unable to consider your request.

A Victim Statement is enclosed, please complete and return it to this office as soon as possible. This information is very important in determining how to resolve the case and for sentencing recommendations. As a victim to us, you do have certain rights under the Kansas Constitution. Thank you for your cooperation and assistance in this case.

If you have any questions or concerns about this case, please call me at the Osage County Attorney's Office, **785 828-4931**, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m.

Sincerely,

A handwritten signature in cursive script that reads "Debbie".

Debbie  
Victim Witness Coordinator  
Osage County Attorney's Office  
717 Topeka Avenue – P.O. Box 254  
Lyndon, Kansas 66451

cc: file



**Robin Jennison, Secretary**

**Sam Brownback, Governor**

**Testimony on HB 2538 relating to Antlers of Illegally Taken Deer  
To The Senate Committee on Natural Resources**

**By Steve Adams**

Natural Resource Coordinator

Kansas Department of Wildlife, Parks, and Tourism

March 13, 2014

HB 2538, as amended, seeks to give illegally taken wildlife to the landowner where it is illegally taken. The Department is opposed on the provisions contained in the bill. The provisions of the bill would be effective upon publication in the statute book.

The foundation of fish and wildlife management in North America is based on 7 guiding principles. The first and foundational principle is the public trust of wildlife, **which means wildlife is managed in trust by wildlife agencies for the good of all**, a principle that has stood the test of time since the 1800's. **Wildlife is only reduced to personal possession through the lawful take of that wildlife through a system of hunting and fishing laws that are developed through a public process.** Unlawfully taken wildlife remains public property. Wildlife is not privately owned, **although it may reside on private property.** The European model of wildlife management is that wildlife is owned by the landowner, a model that our forefathers specifically sought to change when coming to North America.

The Department has many concerns about HB 2538. **First and foremost, it is contrary to the long standing history of wildlife management in Kansas** and across North America. **Second**, it has the **potential** to increase alleged unlawful take of wildlife in order **to benefit unscrupulous individuals.** Individuals **may** shoot deer with large antlers and claim they were unlawfully taken in order to obtain the antlers and later sell. **It may** also pit **neighbors against each other because** wildlife rarely resides on any single property and one may "benefit" simply because of an unlawful act. **And finally, it decreases the liability protections that private landowners enjoy.** Because wildlife is managed for the public good, landowners do not have responsibility or liability because they don't allow hunting and therefore "protect" game that causes damage to a neighbor's crops or passing automobiles. **Every step towards privatization of wildlife places landowners in jeopardy of those consequences.**

The Department appreciates the opportunity to address the Committee on the bill and the support of the Committee in opposing the bill.

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**Please note the underlined statement above.** If this is true why does the KDWP&T give 10,000 salvage tags per year? Are they going to stop this practice?

**Kansas state statute 32-1013** says for someone to hunt on our property they must have written permission. So when wildlife resides on our property we have the only hunting rights to it. I cannot hold it on our land, sell our own hunting tags, nor hunt it out of a legal season, but name one other person in the world who can legally hunt on our land without our permission. No one! **This does not privatize wildlife.**

**The liability statement is 100% incorrect and meant to scare and mislead the public.**

There are a lot of **"mays and potentials"** being used. Where are the facts!



Date: March 12<sup>th</sup>, 2014

To: Kansas State Legislature, Standing Committee on Natural Resources, Senator Larry Powell-Chairman

From: Jared McJunkin, NWTF Conservation Field Supervisor – Great Plains District

Re: House Bill 2538

Senator Powell and members of the Standing Committee on Natural Resources,

I am writing you today to document the opposition of the Kansas Chapter of the National Wild Turkey Federation (NWTF) to House Bill 2538, related to the ownership of deer antlers of illegally taken wildlife (now amended to include all wildlife). The NWTF is a 240,000+ member conservation organization whose mission is *"Conservation of the wild turkey and the preservation of our hunting heritage."* On behalf of the more than 36 local chapters and nearly 3,700 members in Kansas communities, we appreciate the opportunity to provide our comments in opposition to HB2538. We understand the background and genesis of this bill and, while we are supportive of private landowner rights, believe this bill is a direct assault on the North American Model (NA Model) of Wildlife Conservation. The NWTF believes strongly in the utility and importance of the NA Model for wildlife conservation in the United States and hope you will do your part to uphold its principles by stopping this bill.

HB2538 brings about a fundamental question of "Who owns wildlife in the state of Kansas; the people of Kansas or private landowners?" We understand that the people of Kansas own the wildlife that call our state home and current law (K.S.A. 32-703) supports this. The North American Model of Wildlife Conservation is based on a fundamental principle that fish and wildlife resources are held in the public trust to be managed scientifically by government wildlife and natural resource agencies for the benefit of all Americans. In other words, wildlife belongs to everyone and land ownership does not determine the ownership of wildlife. Each of our United States adheres to the public trust doctrine of the NA Model. The NWTF actively supports wildlife and habitat management across this country, working with our state and federal agency partners and private land managers to provide technical and financial assistance to ensure wildlife are here for future generations to enjoy. Our efforts, and the efforts of our partners, benefit not just sportsmen, but also the local economies that sportsmen, bird watchers, wildlife photographers, hikers, bikers, and anyone that enjoys seeing wildlife in Kansas support with their purchases.

We hope that you will consider the following fundamental problems and potential unintended consequences associated with HB2538:

- 1) This bill would conflict with existing and long-standing law in the state of Kansas that says Kansas wildlife belongs to all citizens of the state. This is our biggest concern, as this bill conflicts with the NA Model of Wildlife Conservation and its foundation in public trust doctrine.
- 2) Who would determine where illegally wildlife taken rightfully came from since most wildlife species range long distances and will cross over various private and public property boundaries on a daily basis?
- 3) How would ownership of illegally taken wildlife be determined and who would be responsible for the costs associated with such efforts?
- 4) Would this bill create an environment promoting additional illegal activities (e.g. someone would profit from the illegal take of wildlife on their land, even if the landowner was not involved in the illegal activity)?
- 5) If this bill passes and private landowners are determined to have ownership of wildlife in the state of Kansas, do they also assume liability for damages by wildlife (e.g. vehicular collisions, crop damage, etc.)?

Kansas is a state rich in hunting tradition, and hunters provide significant support of wildlife management in this country through the Pittman-Robertson (PR) Act (excise taxes paid on firearms, ammunition, and archery equipment that hunters purchase). Sportsmen willfully pay these taxes with an understanding these funds will be used for the scientific management of wildlife that are held in the public trust. Should hunters continue to shoulder the burden of the costs for managing wildlife species if private landowners are allowed to “own” the wildlife that utilize the habitat on their properties and that of their neighbors? Would this not undermine this wonderful and uniquely North American success story? Will this not pit private landowners against their neighbors?

We ask the members of the Standing Committee on Natural Resources to stop House Bill 2538 to ensure the NA Model of Wildlife Conservation remains intact in Kansas and this country. We, as the Kansas members of NWTF, appreciate the opportunity to be a part of wildlife management in the United States and appreciate the opportunity to speak for the sportsmen of Kansas. Thank you again for the opportunity to provide testimony in opposition to HB2538 and for your time and consideration of our comments.

Yours in Conservation,

Jared W. McJunkin  
Conservation Field Supervisor – Great Plains District  
National Wild Turkey Federation  
19475 HWY 99, Blaine, KS 66549  
(785) 396.4552 – Office  
(620) 794.3886 – Mobile  
[jmcjunkin@nwtf.net](mailto:jmcjunkin@nwtf.net)

## Pending Legislative Bills Will Jeopardize Conservation Efforts in Kansas

**Four bills are moving through the Kansas Legislature that will undermine conservation efforts in Kansas.**

**Topeka, Kansas | March 24, 2014**

Four proposed new laws are moving through the Kansas Legislature, each of which threatens the precious wild and scenic treasures of our state.

**Senate Bill 323** would prevent conservation organizations, particularly land trusts like the Conservancy, from receiving voluntarily granted perpetual conservation easements from private landowners who want to see the natural, aesthetic and productive values of their lands forever protected. This bill would essentially end the use of conservation easements by organizations like the Conservancy, Ducks Unlimited, the Ranchland Trust of Kansas, the Kansas Land Trust, the U.S. Department of Agriculture, and the U.S. Fish & Wildlife Service.

**House Bill 2118** would repeal the 1975 Kansas Nongame and Endangered Species Conservation Act, undermining funding, conservation authority and other protections for all of the state's non-hunted and rarest wild species and their habitats.

**Senate Bill 276** would make it illegal for the U.S. Fish & Wildlife Service to work on behalf of threatened or endangered non-migratory wildlife in Kansas. The bill specifically mentions prairie chickens, but could also affect conservation of numerous other non-migratory and rare animals.

**House Bill 2538** would seriously erode the fundamental principle that all wildlife is owned and managed in trust for all Kansans. By granting landowners possession of any illegally taken wildlife, it makes those animals private assets and begins to remove citizen ownership of, and access to, our state's wild resources.

**Weigh in on these issues with your legislator.** You can identify and contact your local senator and representative by pasting this web link into your browser bar: <http://openkansas.org/>.

**I called the Nature Conservancy and told them this was not a true statement. They said the Secretary of KDWP&T office told them what to print. I visited with them the following week at their office and showed them the facts and they agreed the privatization of the wildlife was not true. They however did not remove the article from their webpage.**



60°F

64°/39°

[Complete Forecast](#)

Last updated: 9:19 a.m.

Tuesday, April 8, 2014

## A look at outdoors-related bills in Legislature

- By **Michael Pearce**
- The Wichita Eagle
- Published Saturday, Feb. 15, 2014, at 10:09 p.m.
- Updated Monday, March 31, 2014, at 6:09 a.m.
- [Wildlife, conservation bills stir strong feelings in Kansas](#)

Several bills in the Kansas Legislature could have an impact on the Kansas outdoors and sportsmen.

**Chris Tymeson, Kansas Department of Wildlife, Parks and Tourism attorney,** said these are some of the most important bills:

- Senate Bill 226 would allow Kansas to over-rule when the federal government puts non-migratory species, like lesser prairie chickens, on their national threatened or endangered species lists. The bill could lead to long, expensive legal battles with the U.S. Fish and Wildlife Service. It also could allow the legislature to trump years of scientific research.
- S. B. 366 and 370 would grant permission to Wildlife and Parks to purchase two tracts of land for public areas. One, 397 acres in Cherokee County, would be paid for with money from mediation from strip mining companies that damaged the environment. The other, 484 acres near Tuttle Creek Reservoir, would be paid for with 75-percent money from federal excise taxes and the remainder from department hunting fee funds.
- **House Bill 2538** would give landowners the right of first refusal on the antlers from deer illegally killed on their property. **Law enforcement officials fear the bill would change the ownership of wildlife from the citizens of Kansas to private landowners. In turn, that could mean landowners would be liable for damages deer on their property may cause to others, like when involved in nearby deer/vehicle accidents.** It also could encourage landowners to poach deer on their lands, and collect them later and could pit landowner against landowner over who has the legal right to a poached deer.

# Giving property owner poached animals a bad idea

• Published Sunday, March 16, 2014, at 6:45 a.m.



Michael Pearce/The Wichita Eagle

A bill in the Kansas Senate could give illegally-hunted game to landowners, then back to the poachers.

For 147 years, my family has owned farm land in Leavenworth County. We own the fields of rich, black soil and the grain they produce. We own the tall, Ozark-like timbered ridges and the 12-acre lake.

But we have never owned the wildlife that roams our property. Like the water that flows through in the stream, the deer, turkeys and assorted wildlife are free-roaming. They are not ours, nor should they ever be.

That America's wildlife belongs to the public is a cornerstone for sound, widespread wildlife management. But now in the Kansas senate, House Bill 2538 could be the first step toward making wild animals the possessions of landowners by making illegally-hunted animals the property of the owner of the land where they were poached.

It sounds harmless enough at first, but I see a complicated can of copperheads Kansas shouldn't open. It could be the first step toward the "it's on my property, it's my deer, my rules," philosophy some selfish landowners have been trying get into law for years. It could also create a system that's unfair to Kansas hunters, game wardens and others.

I promise it would also be a huge benefit to poachers in some cases.

(Though the bill, passed by the House and currently in the senate's Natural Resources Committee, says "illegally-hunted wildlife," it is basically talking about deer, particularly antlered bucks. Currently, by legislative regulation, the Kansas Department of Wildlife, Parks and Tourism is given the antlers from poached animals for educational purposes or to sell at auction. The proceeds go to support wildlife law enforcement programs. Some states destroy confiscated antlers. Others cut them into small pieces and then sell them.)

- Passage of a bill that states a poached animal belongs to the landowner where it was killed could be the first step toward more controlled privatization of wildlife. Next steps could include landowners setting their own seasons and legal means of kills on their lands, issuing special permits for big-game hunting on their lands and/or selling wild game meat and live-trapped animals caught on their lands. All of which are currently illegal and against proven wildlife management.

- As if they aren't already overworked, passage of the bill would put more strain on game wardens. A big problem can be simply locating owners of a property. And since the bill technically says "illegal wildlife," what is the game warden to do with the illegal pheasants, doves, geese, deer or other carcasses until the landowner is found? Do they field-dress it and take it to a locker, or store the smaller game in their freezer at home? Are they to transport the illegal animal to the landowner, who may be several states away?



Also, who gets the poached animal if there are several names on a deed? Some proponents push the bill as a way to “repay” landowners for feeding the wildlife, but what about when the landowner rents the farming to someone else? Or maybe the antlers should go to a person leasing the ground for hunting, and maybe has also invested heavily in the food plots and sanctuaries that kept the buck on that farm, and helped it grow to trophy sizes.

And it seems that anytime antlers are involved, especially those large enough to be worth several thousand dollars, things can get complicated and competitive. For instance, what might happen if a huge buck is shot on one property but dies on another? There could also be some hard feelings if a buck is shot on one property, though it's spent far more time on another, where the landowners were working to provide food and habitat so it could grow huge.

- While not the intent, passage of the bill could benefit poaching several ways. For one, a landowner could shoot a buck out of season, or at night, let it lay, call a game warden after a few days and be free when awarded the antlers. And what's to keep a landowner from giving or selling a trophy rack back to the poacher? Through the years, I've had several landowners encourage me to kill a buck out of season, use a centerfire rifle during muzzleloader season or shoot from a vehicle. I have no doubt they would've given me any rack I had confiscated for the illegal hunting methods on their lands.

And I can think of one important time when it probably would have happened.

About 15 years ago, a man from Colorado accepted an invitation to hunt a relative's ranch in southwest Kansas. He didn't have a permit, and his relative knew he didn't but encouraged him to hunt anyway.

The Coloradan shot a whitetail that netted 199 2/8 typical inches. According to Boone & Crockett, it's the largest typical buck killed in Kansas and one of the top 20 in the world. He got caught, paid a fine and had the antlers confiscated. That's the way the system is supposed to work.

Had HB 2538 been in effect, I have no doubt the landowner/relative would have given the antlers right back to the poacher. Today, they could have been hanging in his house or he could have sold the antlers for about \$10,000.

There's no justice putting illegal goods back into the hands of the criminal who has broken a law. I promise, HB 2538 will do that for some in the future.

# Tim Nedeau: Offer wildlife to landowners

- By Tim Nedeau

- 

- Published Tuesday, April 8, 2014, at 12 a.m.

Regarding a column by Michael Pearce ("Poached property problems," March 16 Outdoors): I would like to respond to what I feel are scare tactics being pushed by the Kansas Department of Wildlife, Parks and Tourism.

Pearce stated that House Bill 2538 could be the first step in privatizing the wildlife in Kansas. He suggested that landowners could set their own seasons and legal means of hunting, and that landowners could issue special permits for big game. This was totally false and irresponsible journalism.

Only Wildlife and Parks can issue hunting licenses, game tags, set bag limits and the rules for legal hunting within Kansas. As landowners, we have to adhere to the rules the department sets. HB 2538 would not change these established rules. It would, however, put an end to the overzealous use or misuse of the authority of some wildlife officials.

The bill would not overwork Wildlife and Parks, but it would require the officers to become more landowner-friendly by having them meet the public and form a rapport with them. We all want to help lessen the illegal hunting activities in our areas.

As for what to do if the landowner cannot be found: What do they do with the poached animals now? I don't know anyone who would be against the department giving the meat to a food bank or a needy family. It does this now. It could, however, keep the antlers from deer and ask landowners if they want them when the department does contact them. Wildlife and Parks would have to contact the landowner in order to see if hunters/poachers had permission to hunt. If they did not have permission, more criminal charges would be added against the poachers.

Wildlife and Parks has told me that if I had hit the deer with a vehicle, I could have kept it. If someone finds a record-setting deer dead on his land, that landowner gets to keep it. And, of course, if a legal hunter kills the deer, he gets to keep it. However, if someone you do not know illegally encroaches on your land and kills an animal and admits to the crime in court, Wildlife and Parks keeps it. Well, at least it keeps the big antlered deer.

The bill simply states that Wildlife and Parks has to offer any illegally hunted wildlife to the landowner, as long as the person was not involved in the criminal hunting. The landowner can always refuse the game.

Read more here: <http://www.kansas.com/2014/04/08/3391439/tim-nedeau-offer-wildlife-to-landowners.html#storylink=cpy>

Lloyd

Trying to do a little research. Can you give me as accurate of a count as possible for the number of deer salvage / possession tags the KDWP&T gives out on a yearly basis?

Really need 2010, 2011, and 2012.

Thank you for your assistance.

Tim

Tim,

**The number of salvage / possession tags has been:**

2008 1,196

2009 1,222

2010 1,075

2011 871

2012 399

This is what is in our data base. We receive the bottom portion of the tags.

There may be many of those tags from 2011 and 2012 that have not been turned in.

**The number of official vehicle accident reports with deer has been:**

2008 9,371

2009 9,767

2010 9,018

2011 9,153

--

Lloyd Fox, Ph.D.

Big Game Program Coordinator, KDWPT

PO Box 1525

Emporia, KS 66801

[Lloyd.Fox@ksoutdoors.com](mailto:Lloyd.Fox@ksoutdoors.com)

620-342-0658 ext 207

**32-1051 Law enforcement officers' duties.** (a) It shall be the duty of all conservation officers and deputy conservation officers of the wildlife, parks and tourism conservation service and all law enforcement officers authorized to enforce the laws of this state to diligently inquire into and prosecute all violations of the wildlife, parks and tourism laws of this state and rules and regulations of the secretary. Any such officers having knowledge or notice of any such violation shall forthwith make complaint before a court of competent jurisdiction and venue. No such officer making complaint shall be liable for costs unless it is found by the court or jury that the complaint was filed for malicious purposes and without probable cause.



## OSAGE COUNTY ATTORNEY'S OFFICE

**Brandon L. Jones, County Attorney**

717 Topeka Avenue • P.O. Box 254 • Lyndon, Kansas 66451

Phone (785) 828-4931 • Fax (785) 828-3150

January 23, 2013

Rep. Ken Corbet

**Re: State of Kansas vs. David V. Kent – Osage County Case 2012-CR-21**

Dear Rep. Corbet:

I am writing to you at the request of one of your constituents, Timothy Nedeau, to provide you with some information in the above referenced case that I prosecuted in Osage County District Court. On August 30, 2012, David Kent was convicted of Criminal Hunting, Hunting Outside Legal Hours, and Illegal Hunting During a Closed Season and was sentenced for those crimes. During the investigation of these crimes, Mr. Kent provided a hand written statement to law enforcement in which he stated that he was driving east on 133<sup>rd</sup> Street just east of Wanamaker Road when four to five deer ran out in front of him. He stated he shot twice at one and it then ran 50-60 feet before dropping in a field. During the sentencing portion of the hearing, William Rork, David Kent's defense attorney, stated that he and his client would like for the Kansas Department of Wildlife and Parks to release the antlers from the poached deer to go to the victim, Timothy Nedeau.

I hope this information is helpful to you. If you have any questions, or need any further assistance, please do not hesitate to contact me.

Sincerely,

/s/

Brandon L. Jones  
Osage County Attorney

September 15, 2014

Subject: Harassment, Deer antlers, landowner/tenant deer permit, Officer Lynn Koch's report from July 2, 2014

Mr. Robin Jennison

My name is Lois Shuck and I am the owner of the property at 133<sup>rd</sup> and Wanamaker in Osage County, KS where the state record deer was unlawfully taken by Mr. David Kent back in 2011. My son, Tim Nedeau, has been representing me throughout all of the legal matters in regard to my property, and this has been so stated in court papers provided to the Osage County Attorney who represented the State of Kansas in the actions against David Kent. This court case was closed in 2012 and Mr. Kent pled guilty, was sentenced, fined, and made to pay Mr. Timothy Nedeau, my son also my farm agent, a certain amount of money for illegally hunting etc. on MY property. The deer was shot, (according to Mr. Kent's own statement to law enforcement officers as well as his confession on court records) on MY property.

We have asked numerous times for the deer antlers, which have now been mounted, to be returned to the land owner and the requests seem to be blocked by either you or someone in your department. Some of the reasons for not issuing a salvage tag have been that Tim is not the land owner, or that you didn't know where the deer was shot, and now you are claiming Tim is not a legal tenant / manager of my land.

- I would like to make a formal request per this document: I would like to request the deer mount be returned to me or to my agent / son Timothy Nedeau in the state of condition they are in as of today September 15, 2014.

We have hidden nothing from you or your department and yet it seems to me that you have a personal vendetta against Tim and you with others continue to keep trying to cause him undue grief.

On July 2, 2014 I was paid a visit at my home in Overbrook, KS by a KDWP&T Law Enforcement Officer Lynn Koch, and was asked many questions regarding my farming operation, farmer, land manager, etc. as well as hunting rights and lease agreements. I was very cooperative with Officer Koch and answered his questions, as well as asking if his visit was about the poached deer on my land, and to please note that I would like to have the antlers returned to us.

After reading the letter you sent to Tim Nedeau dated September 10, 2014, I now wonder if Officer Koch's report was truthful as to my answers to his questions and also if some of the more recent harassment toward my son, Tim Nedeau, is due to Officer Koch's report, or if the KDWP&T under your leadership just wishes to continue to harass Tim. I am sure he has caused you much grief in getting the new poaching bill passed through the legislature, as well as some drinking and driving issues while you were on duty and while driving a state issued vehicle. My oldest daughter, Tim's sister, was killed by a drunk driver at the age of 23 in 1986 and we take drinking and driving very serious. I would ask that you do also.

- Under the Kansas Open Records Act, I would like to request a copy of Officer Lynn Koch's written report and statement taken from me at 114 Walnut St., Overbrook, KS. on July 2, 2014. For the purpose to challenge any of his statements about me and/or Tim.

Mr. Jennison, I told Officer Koch that Tim was my overall farm manager and that he made most decisions in regard to maintaining the CRP acreage, timber, grass land, hay crop, as well as all hunting, fishing, and other outdoor activities. Tim also talks with my farmer/tenant on the field crops at many times through the year. Tim always has and always will have these rights from me. I do not know what Officer Koch put in his report as it seems Tim is now referred to as "Hunting Leaser". That is FAR from the truth! There is, and never has been any LEASE agreement in regard to hunting this property. Tim has full control over whom he allows to hunt on the property. (Which is just about NOONE). I/We have allowed one local neighbor to hunt deer for many years however; he did not hunt the 2013/2014 deer season, but there was NEVER a lease agreement or fee charged to him or anyone else.

Tim, and his younger sister, do all of the burning, mowing, spraying of noxious weeds, cleaning, and maintaining or repairing of the property, with his own equipment at his own expense. He is given some small monetary items as a wee bit of Thank You from me each year and these are so stated on My Federal and State income tax forms each and every year.

I also have a recorded "Death Deed" on the 180 acre farm in-which Tim is the sole recipient thereof.

In regard to your letter on September 10, 2014 to Timothy Nedeau stating that it has come to your attention that he may not be qualified for the landowner/tenant deer permit he recently purchased in 2014. I don't know what you or your department is wanting from him or from me. As I would think Tim certainly would fall under the category of a tenant due to his active engagement of more than 80 acres, and "(B) a bona fide manager having an overall responsibility to direct supervise and conduct such agricultural operation and have the potential to realize substantial benefit from such production in the form of salary, shares of such production or some other economic incentive based upon such production". (As taken from question 11, what is the definition of a landowner or tenant KDWP&T form) He will OWN the farm some day and the more clearing, soil conservation, etc that he does now and has done for 25 years will certainly be to his benefit.

As this is getting lengthy.

- I request you take a look again at Tim having the right to a landowner/tenant deer permit to hunt my property.
- Stop what I feel is harassment of my son Tim Nedeau by the KDWP&T under your leadership.
- Mail me an official copy of Officer Koch's 7/2/14 report that should be on file at either the Region 2 Headquarters in Topeka, or the Region 5 Headquarters in Chanute.
- Antlers be returned to me or my son Tim Nedeau (Please let me know where I can pick them up)

I had full intentions, but did not have the time to come to Topeka today and visit with you and the KDWP&T attorney Chris Tymeson so I am emailing this letter to my son, Timothy Nedeau and he will be bringing it by your office and Mr. Tymeson's office, shortly after 4:00 pm today, 9/15/14, in order to get this situation rectified.

Respectfully,  
Lois Shuck  
114 Walnut St  
Overbrook, KS 66524  
785-665-7893

CC: Governor Sam Brownback

Attorney Chris Tymeson

Ken Corbet



February 20, 2015

House Committee of Agriculture & Natural Resources

To whom it may concern:

Ladies & Gentlemen

I thank you for the opportunity to speak to you today and to state that I am in full support of HB2341.

I am Lois Shuck, the owner of the land in Osage County, Kansas on which the record deer was poached in the fall of 2011.

Timothy Nedeau is my son and has represented me throughout the past 19 years and will continue to represent me in regard to hunting rights as well as illegal poaching.

Tim has spent countless hours maintaining this property for the protection of wildlife habitat as well as many years prior to my ownership which was then owned by my parents. I received this property as a part of my inheritance upon the death of my mother in 1995. Tim **WILL** inherit this land upon my death or before.

The poacher admitted poaching the deer on my property. It was shot several feet north of the property line well into my property, the fatal bullet/wound happened on MY property. It (as deer do) lived to cross the road between me and the land owner to the south in which it died a few feet south of the road and was beheaded with a chain saw. The land owner to the south is not interested and never has been interested in anything regarding this deer or its carcass.

The poacher, David Kent, was caught and convicted of the crime and criminal actions were assessed to him, one of which was to pay to my son, Timothy Nedeau a monetary amount as Tim was acting on my behalf as my agent/farm manager. This is all recorded in Osage County court records. The Court in Osage County Kansas was well aware of the relationship between Tim and myself.

Mr. Kent and his attorney also requested, in court, that the antlers be returned / given to us. Us being myself and my only son, Timothy (Tim) Nedeau who is my farm manager on all grass land and timber on the above property and has represented me throughout all matters concerning hunting, mowing, weeding etc. for which he receives a small token of appreciation from me. This is also reported on my Federal and State income tax forms each and every year.

There is a Transfer-on-death deed recorded in State of Kansas, Osage County, to Timothy L. Nedeau as grantee beneficiary of the described real estate in Osage County from me. This was filed and recorded on May 29<sup>th</sup>, 2003.

Both Tim and myself had talked with KDWP on several occasions over the past several years asking for help with poachers on our posted property. KDWP&T, **WERE** and **ARE** very much aware of our relationship both as Mother and Son and Farm Manager on grass land and hunting rights and have been for many years.

KDWP&T sent Officer Lynn Koch to my home on July 2, 2014 to interview me and ask me questions in regard to my relationship with Tim and his involvement with my farming operation. I complied and requested he make note of and **report** my request for the antlers from the 2011 poached deer.

Very little assistance was ever shown and for the past 5 or more years, to my knowledge was zero assistance with concern to illegal hunting and poaching being done on our property.

I have tried to remain silent of the deer/hunting issues as much as possible. Time came for me to step up and defend Tim when he was issued a land owner deer hunting licenses for 2014/15 season and was then requested by KDWP to return it as he did not qualify. There are copies of all of this attached as well my letter written to KDWP as to why he should qualify, my request for a copy of Mr. Lynn Koch (KDWP agent) report after coming to my home on July 2, 2014 and also requesting the antlers as well as other issues. Copy attached. We/he were denied and Tim complied and returned the licenses. This was not a big issue. However; when you look at everything KDWP has said and done in the past 2 years, it adds up to a HUGH issue.... I truly feel and believe, Tim is being harassment by KDWP because of the legislation he pushed for in 2014 which passed by an overwhelming majority.

On closing; I so support HB2341 and pray it is accepted, filed, and enforced by KDWP and we, as well as other, soon have all requested antlers returned to the land owners.

Lois Shuck



## OSAGE COUNTY ATTORNEY'S OFFICE

Brandon L. Jones, County Attorney

717 Topeka Avenue • P.O. Box 254 • Lyndon, Kansas 66451  
Phone (785) 828-4931 • Fax (785) 828-3150 • [www.osageca.org](http://www.osageca.org)

August 9, 2012

Timothy L. Nedeau  
416 S Carbon  
Scranton, KS 66537

### VICTIM NOTIFICATION LETTER

RE: **State of Kansas v. DAVID V. KENT**  
**Case No. 2012-CR-000021**

Dear Mr. Nedeau:

Please be advised that the above captioned case has been scheduled for **Thursday, August 30, 2012**, in Osage County District Court, 717 Topeka Ave., Lyndon, Kansas, at **10:00 AM** for **Plea/Sentencing**.

This letter does not require that you attend this hearing, but as a victim you have the right to be present if you wish.

Please contact the Osage County Attorney's office at (785) 828-4931, if you should have any questions in regards to this matter.

Sincerely,

*Debbie*

Debbie

Victim Witness Coordinator

Shot NOV. 11, 2011  
Arrested Jan 28th Confessed Jan, 29, 2012

Papers Served Feb 6

February 29

May 3

June 21

August 29

August 30



## OSAGE COUNTY ATTORNEY'S OFFICE

Brandon L. Jones, County Attorney

717 Topeka Avenue • P.O. Box 254 • Lyndon, Kansas 66451  
Phone (785) 828-4931 • Fax (785) 828-3150 • [www.osageca.org](http://www.osageca.org)

October 17, 2012

Timothy L. Nedeau  
416 S Carbon  
Scranton, KS 66537

### VICTIM NOTIFICATION LETTER

RE: **State of Kansas v. DAVID V. KENT**  
**Case No. 2012-CR-000021**

Dear Mr. Nedeau:

Please be advised that the above captioned case has been scheduled for **Wednesday, October 31, 2012**, in Osage County District Court, 717 Topeka Ave., Lyndon, Kansas, at **01:30 PM** for **Motion Hearing on Restitution**.

This letter **does require** that you attend this hearing. **YOU WILL RECEIVE A SUBPOENA – YOU MUST APPEAR FOR COURT UNLESS EXCUSED. UPON RECEIVING THIS LETTER, PLEASE CONTACT THE PROCESS SERVER, AT THE OSAGE COUNTY SHERIFF'S OFFICE, AT 785-828-3121 TO SET UP A SERVICE DATE.**

PLEASE CALL 785-828-4931 BETWEEN 08:00 A.M. AND 05:00 P.M. THE DAY PRIOR TO THE SUBPOENA DATE TO CHECK IF YOUR CASE IS STILL SCHEDULED FOR TESTIMONY.

Please contact the Osage County Attorney's office at (785) 828-4931, if you should have any questions in regards to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Debbie".

Debbie  
Victim Witness Coordinator

 COPY

IN THE DISTRICT COURT OF OSAGE COUNTY KANSAS  
FOURTH JUDICIAL DISTRICT

CLERK OF COURT USE ONLY

STATE OF KANSAS,

Plaintiff,

vs.

Case No. 2012-CR-000021

DAVID V. KENT,

Defendant.

**SUBPOENA FOR MOTION HEARING**

TO: Timothy L. Nedeau  
416 S Carbon  
Scranton, KS. 66537  
785-806-0322

**YOU ARE HEREBY COMMANDED** to be and appear in your proper person before the District Court of said County of Osage, Kansas, in the City of Lyndon, on **Wednesday, October 31, 2012 at 01:30 PM**, then and there to testify on behalf of the Plaintiff, State of Kansas, in the above-captioned case.

**AND HEREOF FAIL NOT**, Under the penalty of the law.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Court at my office, in Lyndon, Kansas, this 17 day of October, 2012.

  
Clerk of the District Court

**RETURN OF SERVICE**

**PERSONAL SERVICE**

I hereby certify that I have served this subpoena:

- \_\_\_\_\_ by delivering a copy to the witness personally.
- \_\_\_\_\_ by leaving a copy at the witness's address above with \_\_\_\_\_ a person of suitable age and discretion residing therein.
- \_\_\_\_\_ by serving \_\_\_\_\_ a copy of this subpoena, by mailing the same to the witness at the address listed above by certified mail, return receipt requested, showing to whom delivered, date of delivery, and address where delivered (but without restrictions requiring delivery to addressee only).
- \_\_\_\_\_ I was unable to serve this subpoena because \_\_\_\_\_

DATE \_\_\_\_\_

DEPUTY \_\_\_\_\_

**COPY**

IN THE DISTRICT COURT OF OSAGE COUNTY, KANSAS  
FOURTH JUDICIAL DISTRICT

THIS AREA FOR COURT USE

**FILED**

2012 OCT 10 AM 10:57

CLERK OF THE DIST. COURT  
OSAGE COUNTY KANSAS

**MISDEMEANOR JOURNAL ENTRY OF JUDGMENT**

Case Name <b>STATE v. DAVID V. KENT</b>		Court O.R.I. Number <b>KS070015J</b>	Transaction Number <b>300011026393</b>
County <b>OSAGE</b>	Court Case Number <b>2012-CR-000021</b>	Sentencing Judge <b>HON. TAYLOR J WINE</b>	Sentencing Date <b>8/30/2012</b>
Type of Counsel <input type="checkbox"/> Appointed <input checked="" type="checkbox"/> Retained <input type="checkbox"/> Waived <input type="checkbox"/> Pro Se	Type of Hearing <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Plead Guilty <input checked="" type="checkbox"/> Plead No Contest	Date of Conviction <b>8/30/2012</b>	Pre-Trial Status of Offender <input type="checkbox"/> In Custody <input type="checkbox"/> Released on Bond <input type="checkbox"/> Other Release
Name of PRIMARY Offense <b>CRIMINAL HUNTING</b> Count No. <b>2</b> Date of Offense <b>11/11/2011</b>	K.S.A. Section, Subsection(s) <b>21-5810(a)(2)</b> <input type="checkbox"/> Attempt (K.S.A. 21-5301)	MISDEMEANOR Class <b>C</b> <input type="checkbox"/> Person <input checked="" type="checkbox"/> Nonperson <input type="checkbox"/> Infraction <input type="checkbox"/> Unclassified	<input checked="" type="checkbox"/> Convicted on this Count <input type="checkbox"/> This Count Concurrent to Count <input type="checkbox"/> DV Tag Pursuant to Law <input checked="" type="checkbox"/> This Count Consecutive to Count 4, 5 & 6 <input type="checkbox"/> Acquitted on this Count <input type="checkbox"/> This Count Dismissed by State <input type="checkbox"/> This Count Amended from a charge of: _____ K.S.A. _____ a class _____ Misdemeanor a severity level _____ Felony
Sentence Imposed on Count 2: Presumptive Sentencing Range <input checked="" type="checkbox"/> County Jail <u>30</u> Days _____ Mos. <input type="checkbox"/> _____ Days / Months Suspended <input checked="" type="checkbox"/> Probation for: <input type="checkbox"/> 6 Mos. <input checked="" type="checkbox"/> 12 Mos. <input type="checkbox"/> Other _____ <input type="checkbox"/> Fine Imposed \$ _____ <input type="checkbox"/> House Arrest _____ <input type="checkbox"/> Supervised ( <input type="checkbox"/> CS <input type="checkbox"/> CC) <input checked="" type="checkbox"/> Unsupervised			
Name of SECOND Offense <b>HUNTING OUTSIDE OF LEGAL HOURS</b> Count No. <b>4</b> Date of Offense <b>11/11/2011</b>	K.S.A. Section, Subsection(s) <b>32-1002(a)(1) and K.A.R. 115-4-4(f)</b> <input type="checkbox"/> Attempt (K.S.A. 21-5301)	MISDEMEANOR Class <b>C</b> <input type="checkbox"/> Person <input checked="" type="checkbox"/> Nonperson <input type="checkbox"/> Infraction <input type="checkbox"/> Unclassified	<input checked="" type="checkbox"/> Convicted on this Count <input checked="" type="checkbox"/> This Count Concurrent to Count 5 & 6 <input type="checkbox"/> DV Tag Pursuant to Law <input type="checkbox"/> This Count Consecutive to Count <input type="checkbox"/> Acquitted on this Count <input type="checkbox"/> This Count Dismissed by State <input type="checkbox"/> This Count Amended from a charge of: _____ K.S.A. _____ a class _____ Misdemeanor a severity level _____ Felony
Sentence Imposed on Count 4: Presumptive Sentencing Range <input checked="" type="checkbox"/> County Jail _____ Days <u>6</u> Mos. <input checked="" type="checkbox"/> <u>6</u> Months Suspended <input type="checkbox"/> Probation for: <input type="checkbox"/> 6 Mos. <input checked="" type="checkbox"/> 12 Mos. <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Fine Imposed \$ <u>500.00</u> <input type="checkbox"/> House Arrest _____ <input type="checkbox"/> Supervised ( <input type="checkbox"/> CS <input type="checkbox"/> CC) <input checked="" type="checkbox"/> Unsupervised			
Name of THIRD Offense <b>ILLEGAL HUNTING DURING CLOSED SEASON</b> Count No. <b>5</b> Date of Offense <b>11/11/2011</b>	K.S.A. Section, Subsection(s) <b>32-1002(a)(1) and K.A.R. 115-25-9(2)(A)</b> <input type="checkbox"/> Attempt (K.S.A. 21-5301)	MISDEMEANOR Class <b>C</b> <input type="checkbox"/> Person <input checked="" type="checkbox"/> Nonperson <input type="checkbox"/> Infraction <input type="checkbox"/> Unclassified	<input checked="" type="checkbox"/> Convicted on this Count <input checked="" type="checkbox"/> This Count Concurrent to Count 4 & 6 <input type="checkbox"/> DV Tag Pursuant to Law <input type="checkbox"/> This Count Consecutive to Count <input type="checkbox"/> Acquitted on this Count <input type="checkbox"/> This Count Dismissed by State <input type="checkbox"/> This Count Amended from a charge of: _____ K.S.A. _____ a class _____ Misdemeanor a severity level _____ Felony
Sentence Imposed on Count 5: Presumptive Sentencing Range <input checked="" type="checkbox"/> County Jail _____ Days <u>6</u> Mos. <input checked="" type="checkbox"/> <u>6</u> Months Suspended <input type="checkbox"/> Probation for: <input type="checkbox"/> 6 Mos. <input checked="" type="checkbox"/> 12 Mos. <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Fine Imposed \$ <u>500.00</u> <input type="checkbox"/> House Arrest _____ <input type="checkbox"/> Supervised ( <input type="checkbox"/> CS <input type="checkbox"/> CC) <input checked="" type="checkbox"/> Unsupervised			

*Criminal discharge of firearm*

CONTINUED ON NEXT PAGE

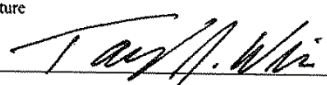
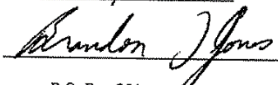
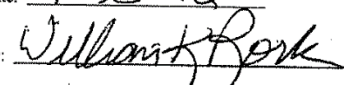


**COUNTY MISDEMEANOR JOURNAL ENTRY OF JUDGMENT**  
**vs. DAVID V. KENT**

PAGE 2 of 3  
Osage County Case No. 2012-CR-000021

<b>Name of FOURTH Offense</b> <b>ILLEGAL CALIBER FOR TAKING BIG GAME</b> Count No. <u>6</u> Date of Offense <u>11/11/2011</u>	<b>K.S.A. Section, Subsection(s)</b> 32-1002(a)(1) and K.A.R. 115-4-4(b)(2)(A) <input type="checkbox"/> Attempt (K.S.A. 21-5301)	<b>MISDEMEANOR Class</b> <u>C</u> <input type="checkbox"/> Person <input checked="" type="checkbox"/> Nonperson <input type="checkbox"/> Infraction <input type="checkbox"/> Unclassified	<input checked="" type="checkbox"/> Convicted on this Count <input checked="" type="checkbox"/> This Count Concurrent to Count 4 & 5 <input type="checkbox"/> DV Tag Pursuant to Law <input type="checkbox"/> This Count Consecutive to Count _____ <input type="checkbox"/> Acquitted on this Count <input type="checkbox"/> This Count Dismissed by State <input type="checkbox"/> This Count Amended from a charge of: _____ K.S.A. _____ a class _____ Misdemeanor a severity level _____ Felony
<b>Sentence Imposed on Count 6: Presumptive Sentencing Range</b> <input checked="" type="checkbox"/> County Jail _____ Days <u>6</u> Mos. <input checked="" type="checkbox"/> <u>6</u> Months Suspended <input type="checkbox"/> Probation for: <input type="checkbox"/> 6 Mos. <input checked="" type="checkbox"/> 12 Mos. <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Fine Imposed \$ <u>500.00</u> <input type="checkbox"/> House Arrest _____ <input type="checkbox"/> Supervised ( <input type="checkbox"/> CS <input type="checkbox"/> CC) <input checked="" type="checkbox"/> Unsupervised			
<b>RECAP OF SENTENCE</b>			
<b>Total Period of Confinement in County Jail (All Counts)</b> <u>6</u> Mos. / _____ Days		<b>Jail Time Credit</b> <u>0</u> days from:	<b>Jail Time to Serve</b> Defendant to serve <u>30</u> days in the Osage County Jail, beginning on: 11/2/12 at 7:00 p.m. to 11/4/12 at 7:00 p.m. 11/9/12 at 7:00 p.m. to 11/11/12 at 7:00 p.m. 11/23/12 at 7:00 p.m. to 11/25/12 at 7:00 p.m. 11/30/12 at 7:00 p.m. to 12/2/12 at 7:00 p.m. 12/7/12 at 7:00 p.m. to 12/9/12 at 7:00 p.m. 12/14/12 at 7:00 p.m. to 12/16/12 at 7:00 p.m. 12/21/12 at 7:00 p.m. to 12/23/12 at 7:00 p.m. 12/28/12 at 7:00 p.m. to 12/30/12 at 7:00 p.m. 1/5/13 at 7:00 p.m. to 1/6/13 at 7:00 p.m. 1/12/13 at 7:00 p.m. to 1/13/13 at 7:00 p.m. 1/19/13 at 7:00 p.m. to 1/20/13 at 7:00 p.m.
<b>Of the above total sentence, _____ Days / <u>6</u> Months are Suspended.</b>		<b>Probation Period</b> <input type="checkbox"/> 6 Mos. <input checked="" type="checkbox"/> 12 Mos. <input type="checkbox"/> Other _____ <input type="checkbox"/> Supervised ( <input type="checkbox"/> CS <input type="checkbox"/> CC) <input checked="" type="checkbox"/> Unsupervised <input type="checkbox"/> House Arrest _____ days	
Prior Case(s) to Which the Current Sentence is to Run Concurrent or Consecutive (include Case No., County of Conviction, and Sentence Length, etc):			
<b>General/Special Conditions of Sentence / Probation (SEE PROBATION ORDER FOR MORE DETAIL)</b>			
<b>Costs Ordered (All Counts):</b> Total Restitution \$ <u>8,000.00</u> Total Costs / Fees (see right) \$ <u>195.00</u> Total Fines \$ <u>1,500.00</u> Grand Total \$ <u>9,695.00</u>		<input checked="" type="checkbox"/> Misdemeanor Court Costs <u>\$160.00</u> <input type="checkbox"/> Attorney's Fees (A.I.D.) _____ <input type="checkbox"/> Traffic Court Costs <u>\$ 98.00</u> <input checked="" type="checkbox"/> Fingerprint Fee <u>\$ 35.00</u> <input type="checkbox"/> Probation Supervision Fee <u>\$ 60.00</u> <input type="checkbox"/> ASAP Evaluation <u>\$150.00</u> <input type="checkbox"/> KBI Lab Fee <u>\$400.00</u> <input type="checkbox"/> County Attorney Check Fee _____ <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Restitution to victims <u>\$8000.00</u> (see Restitution Order)	
<input checked="" type="checkbox"/> Defendant shall pay \$500.00 per month towards all costs imposed herein beginning October 12, 2012, and each month thereafter until all costs are paid in full or else he shall personally appear and show cause why he should not be found in contempt. <input checked="" type="checkbox"/> Show Cause set for <u>October 12, 2012 @ 9:00 a.m.</u> <input checked="" type="checkbox"/> Remaining Counts Dismissed by the State		<b>Special Conditions:</b> <input type="checkbox"/> Mental Health Evaluation / Treatment <input type="checkbox"/> No Alcohol Consumption <input type="checkbox"/> Not to operate a vehicle _____ <input type="checkbox"/> Not to have a checking account <input type="checkbox"/> Anger Management <input type="checkbox"/> Community Service for _____ <input type="checkbox"/> Substance Abuse Evaluation / Treatment <input checked="" type="checkbox"/> No further violations of law while on unsupervised probation <input type="checkbox"/> Alcohol Counseling (AA, Mental Health, etc.) <input type="checkbox"/> No Contact With Victim(s) <input checked="" type="checkbox"/> Defendant shall forfeit gun & antler to the Kansas Department of Wild Life & Parks. <input checked="" type="checkbox"/> Defendant's hunting license revoked for 5 years.	
<b>Additional Comments:</b>			

CONTINUED ON NEXT PAGE

SIGNATURES			
Judge's Signature 		Date 10/10/2012	
Name of Prosecuting Attorney: BRANDON L. JONES, No. 19858		Name of Defense Attorney: WILLIAM K. RORK, No. 10109	
Date: 9/25/12		Date: 9-25-12	
By: 		By: 	
Address: P.O. Box 254 Lyndon, KS. 66451		Address: 1321 SW Topeka Blvd Topeka, KS, 66612-1816	
Phone No.: (785) 828-4931		Phone No.: (785) 235-1650	
Fax No. (785) 828-3150		Fax No. (785) 235-2421	

IN THE DISTRICT COURT OF OSAGE COUNTY, KANSAS  
FOURTH JUDICIAL DISTRICT

MISDEMEANOR RESTITUTION ORDER

THIS AREA FOR COURT USE

FILED

2012 OCT 10 AM 10:57

CLERK OF THE DIST. COURT  
OSAGE COUNTY KANSAS

Case Name <b>STATE v. DAVID V. KENT</b>	Court O.R.I. Number <b>KS070015J</b>	Transaction Number <b>300011026393</b>
County <b>OSAGE</b>	Court Case Number <b>2012-CR-000021</b>	Sentencing Judge <b>HON. TAYLOR J WINE</b>
		Sentencing Date <b>8/30/2012</b>

Defendant is ordered to pay restitution through the Clerk of the District Court to the following person(s) and in the following amounts:

☒ Name Timothy L. Nedeau  
Address 416 S Carbon  
Scranton, KS 66537

\$ 8,000.00

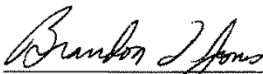
**COPY**

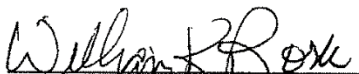
TOTAL \$ 8,000.00

IT IS SO ORDERED.

  
Judge

APPROVED:

  
Brandon L. Jones, No. 19858  
Osage County Attorney

  
William K. Rork, No. 10109  
Attorney for the Defendant

## Deer Antler Visit

1 message

**TIMOTHY NEDEAU** <nedeatim@usd437.net> Mon, Oct 13, 2014 at 7:34 AM

To: landon.fulmer@ks.gov

Dear Mr. Fulmer

I would like to have the opportunity to meet with you and discuss the deer that was poached on our families land in 2011. I know that you and your office are pressed for time with the upcoming election, but this event and current situations are very important to me and my family. That is why I took the event and procedure of how KDWP&T handles poached wildlife to the state legislature and got the new amendment added to the bill. I know that your office has been discussing this issue for the past few weeks, however I have been dealing with this event since KDWP&T called me to tell me the deer was killed on our land in February of 2012. It is now approaching three years that I have worked on correcting this situation. I am confident that the issue is being given your attention and has been discussed by many people involved, however I have not been able to express my facts in dealing with the case. As the party most directly involved I would hope to be able to visit with you. I thank you for your assistance with this and I look forward to visiting with you soon.

Thank you  
Tim Nedeau

**Knapp, Chuck**

Nov 18

to KEN, me

Dear Tim,

It's my understanding the Governor has been advised it would be illegal for him to give the antlers away as they are considered State property.

I'm sorry I cannot be of assistance, but I greatly admire and respect Rep. Corbet's strong advocacy on your behalf.

Chuck

Chuck Knapp  
Special Assistant  
Kansas Governor Sam Brownback

**TIMOTHY NEDEAU** <nedeatim@usd437.net>

Nov 18

to Chuck

Chuck

Can you advise me of the statute that says the governor cannot give it away. What statute number is it? KDWP&T has salvage tags for this type case and issues on average 10,000 salvage tags per year. Will it be illegal for the state to give them away now that the law is passed?

I am sorry to bother you but this story does not add up.

Thank you

Tim Nedeau

to Chuck

Chuck

There is a clause in the powers and duties of the secretary of KDWP&T and it says he has the power to give away the states items. So this sounds to me like Robin Jennison wants to harass me with a bogus hunting tag issue and he wants to hang the record antlers on his wall out of spite. Is this the type of government that we just elected? I hope not.

I have been to the state capitol well over a dozen times asking to see the governor. What people are failing to remember is that each person that holds a government or law enforcement position had to take an oath to uphold the constitution and the laws of Kansas.

I hate to be a burden but this is not right and I feel strongly that there are people that know it.

Thank you again

Tim Nedeau

Statute 32-807

**32-807: Powers of secretary.** The secretary shall have the power to:

(f) purchase, lease, accept gifts or grants of or otherwise acquire in the name of the state such water, water rights, easements, facilities, equipment, moneys and other real and personal property, and interests therein, including any property abandoned on department lands and waters, and maintain, improve, extend, consolidate, exchange and dispose of such property, as the secretary deems appropriate to carry out the intent and purposes of the wildlife and parks laws of this state;



**Kansas Department of  
Wildlife, Parks and Tourism**

## Salvage Tag

Any dead big game or wild turkey found may be possessed only after it has been tagged with an official KDWP salvage tag. Antlers may not be cut off roadkills or found skulls taken without this tag. Other dead wildlife may be possessed during season with proper licenses and within legal limits.

Knapp, Chuck

Nov 18

to Brant, me

It is my understanding the law was not retroactive and applies only to those situations that occur upon enactment of the law. I don't know if that was July 1 or publication in the Kansas Register.

I'm really unable to assist in this matter as it has been turned over to the legal team as a legal issue. I'm sure they would appreciate if I didn't respond at all since this is a legal issue. Thus, I have copied Brant Laue on my response.

Chuck

Chuck Knapp  
Special Assistant  
Kansas Governor Sam Brownback

## This information from KDWP&T was given to me in the spring of 2012

Lloyd

Trying to do a little research. Can you give me as accurate of a count as possible for the number of deer salvage / possession tags the KDWP&T gives out on a yearly basis?

Really need 2010, 2011, and 2012.

Thank you for your assistance.

Tim

Tim,

**The number of salvage / possession tags has been:**

2008 1,196  
2009 1,222  
2010 1,075  
2011 871  
2012 399

This is what is in our data base. We receive the bottom portion of the tags.  
There may be many of those tags from 2011 and 2012 that have not been turned in.

**The number of official vehicle accident reports with deer has been:**

2008 9,371  
2009 9,767  
2010 9,018  
2011 9,153

--

Lloyd Fox, Ph.D.  
Big Game Program Coordinator, KDWP  
PO Box 1525  
Emporia, KS 66801  
[Lloyd.Fox@ksoutdoors.com](mailto:Lloyd.Fox@ksoutdoors.com)  
620-342-0658 ext 207



# New Kansas State Record Whitetail Tops 300 Inches

October 21, 2013 by Gordon Whittington & Mike Charowhas |

While every [Boone & Crockett buck](#) is a special trophy, the loftiest benchmark—300 net inches—is so rare as to seem unreal. Only a handful of wild non-typicals have been certified at that score.

As featured with exclusive coverage in our October issue, Indiana just joined B&C's unofficial "300 Club," thanks to the [305 7/8-inch giant Tim Beck](#) shot there last gun season. That brings the number of states with a legitimate 300-incher to their credit to five. In addition to Indiana, Ohio, Illinois, Missouri and Iowa have hit that mark, each with a single deer.

Conspicuously absent from this list is Kansas. The Sunflower State is legendary for its non-typicals, and rightly so. But officially, the state record is the 280 4/8-incher rifleman Joseph Waters shot back in 1987.

As huge as that buck is, the giant shown here is even bigger. Much bigger. In fact, based on the **net entry score of 312 1/8**, as calculated in early September by veteran measurer Dave Boland, this palmated beast finally pushes Kansas into B&C's unofficial "300 Club." At that score, this is potentially the **No. 3 non-typical in whitetail history**. What's more, **Dave came up with 51 points of an inch or more in length, making this the world's first-ever true "50-pointer."**



**A Kansas Department of Wildlife & Parks law enforcement officer provided Jim with what's referred to as a "salvage" tag. This tag allowed him to legally obtain and keep the incredible rack.**

OCTOBER 3, 2014

# A Kansas cold case is solved: Deer hunter finds trophy buck he shot two years ago

Two years ago Dust Smart, hunting near Emporia, Kan., stuck a huge buck but never located the carcass. But this summer the skull and antlers were found and reunited with the hunter.



Dusty Smart displayed the giant buck he shot two years ago but didn't find until a week ago.  
Submitted photo

BY BRENT FRAZEE  
*The Kansas City Star*

Just about the time that Dusty Smart had given up hope that he would ever locate a trophy buck he shot, he located the brute.

Two years later.

Smart's story started in 2012 when he was bow hunting on a friend's farm near Emporia, Kan. He had seen trail-cam photos of the huge whitetail every day for two weeks during the rut, and he knew the buck was following nine does that were using a trail.

Smart set up a tree stand not far from the trail, and he was ready to use his bow to take the big boy.

"It was the day before the gun season was going to open, so I knew this was last chance," said Smart, 37, who lives in Emporia. "I knew gun hunters were going to be on that land, and there was a chance they were going to shoot him."

The does showed up on schedule that evening, and so did the buck. Everything was going as planned until the buck suddenly sensed something out of place.

"I know he couldn't see me," Smart said. "And the wind was in the right condition, so he probably couldn't have smelled me either."

"But he knew something was wrong."

Smart waited for the perfect shot, but finally settled for one when the buck was 45 yards away. The buck jumped when Smart released the arrow, but it still hit the target.

The deer ran off across a cut corn field, and Smart waited before he followed the blood trail. He and others searched for the big buck until midnight, then Smart took off work the next day so that could search.

He finally gave up hope.

"I would tell my friends about how big this buck was and that he had gotten away, and I could tell they thought I was making up stories" Smart said. "They were getting tired of hearing me talk about it."

But a week ago, he got a call from a friend who had gone to a Scouting event on a farm near where Smart had been hunting. There in the shed was the skull with the antlers of a giant deer that the landowner's boy had found while out exploring late this summer.

Smart's friend knew immediately that it was Smart's deer. The landowner agreed to give Smart the rack, but it wasn't that easy.

Smart had to go through an investigation by the Kansas Department of Wildlife, Parks and Tourism to make sure the deer hadn't been taken illegally. Then he had to get a salvage permit from the agency to take the deer.

**Bottom line: Smart had his trophy deer.** He took it to his friend Dan Thurston, an avid deer hunter and member of the cast for the national television show "Bow Madness," and they scored the deer. They estimated the **28-point buck scored in the 235 range.**

If the score is in that range when it is officially measured, it will rank in the top 20 for all-time non-typical whitetail bucks taken by bow in Kansas. But however it turns out, Smart is just thrilled that he has the giant buck that he never thought he'd see again.

"I went through a roller coaster of emotions," Smart said. "I thought about losing that buck for weeks. But everything turned out great."

*To reach outdoors editor Brent Frazee, call 816-234-4319 or send email to [bfrazee@kcstar.com](mailto:bfrazee@kcstar.com).*

Read more here: <http://www.kansascity.com/sports/outdoors/article2504300.html#storylink=cpy>

## **Similarities between the 51 point deer, the deer found two years later, and the deer poached on our land:**

- All three are record class deer
- None of us committed a crime in the death of these deer
- Two of the deer were shot on one property, but once shot ran to another property
- All three deer are free range animals which crossed multiple property boundaries

**Even though others may have seen these deer or even had photos of them, the KDWP&T issued salvage tags for two of them, but not for the third deer.**

# Deer in the headlights: Lawmakers grapple over resolution to disputed antlers

Legislation in response to fight between family and state agency passes the House

Posted: [March 28, 2015 - 4:07pm](#)



CHRIS NEAL/THE CAPITAL-JOURNAL

Lt. Jason Sawyers with the Kansas Department of Wildlife, Parks and Tourism points out [the nearly flawless antlers of a deer that was poached in 2011 in Osage County.](#)

By [Jonathan Shorman](#)

[jonathan.shorman@cjonline.com](mailto:jonathan.shorman@cjonline.com)

It's a big rack with a big story.

When the House passed a bill this past week that would require state government to give landowners the animal parts of wildlife illegally poached on their land, lawmakers spoke of ending an ongoing saga.

The saga in question: Tim Nedeau's quest to take ownership of antlers from a 14-point deer that he says was illegally shot on his land in Osage County in 2011. The Department of Wildlife, Parks and Tourism possesses the rack, potentially worth thousands, and has declined to turn it over.

An ongoing battle between Nedeau's family and the state agency drives the legislative push. Nedeau insists his disagreement with the department isn't personal.

The fight centers on whether Nedeau would even qualify to take possession of the antlers — [and whether the Legislature will pass a law based on what the state believes are false assumptions about one incident.](#)

Despite Nedeau's claim to the antlers, the agency contends he doesn't own the land the deer was poached from.

["It is only speculation that that deer was shot on Mr. Nedeau's ground," department secretary Robin Jennison said in an interview.](#)

## The hunt for the deer

On Nov. 11, 2011, David Kent shot a deer.

The Topekan left his home that day to get firewood. Driving into the country, he stopped near the intersection of 133rd Street and Wanamaker Road, south of Topeka. As he was [driving east](#) on 133rd past the intersection, he saw four or five deer.

One of the deer was within headlight distance [to Kent's left](#). He stopped, grabbed his 9mm Glock, and fired two shots.

The deer ran, eventually falling about 50 or 60 feet from his vehicle, he said. Kent ran up to it and decapitated it with a knife.

He covered the head with a blanket in the back of his truck and drove off.



That narrative came from Kent himself in a statement to the wildlife department. His account of what happened would eventually become key to the tussle between Nedeau and the agency over the deer.

Lynn Koch, a natural resources officer with the department, responded later that day to a call about the deer. At the scene, Koch found the headless deer in a cornfield about 75 yards south of 133rd, according to an agency report.

In late January 2012, the department seized the antlers during an event at the Kansas Expocentre. Kent was caught a day later.

A wildlife department officer called Nedeau on Feb. 1, 2012, Nedeau said. A poacher had admitted to killing the new state record deer on his property, the officer told him. That is when Nedeau says he began trying to get the state to issue him a salvage tag for the deer.

Nedeau provided written testimony in February this year to the House Agriculture and Natural Resources Committee in support of the legislation that would apparently give him the rack. Along with the statement, he provided a number of related emails and letters.

In the statement to lawmakers, Nedeau said he spoke to the wildlife department secretary in March 2012 about the situation. The visit ultimately proved fruitless, however.

That summer, the Osage County Attorney's Office prosecuted Kent for poaching the deer. A letter to Nedeau informing him of a sentencing hearing in the case listed him as a victim of the crime.

A restitution order from Osage District Court also ordered Kent to pay \$8,000 to Nedeau. And, according to Osage County Attorney Brandon Jones, during Kent's sentencing, Kent requested through his counsel that the state release the antlers to Nedeau.

"I saw the deer alive when it was on our farm. The deer was admitted in court to be killed on our land," Nedeau said in an interview.

Emails provided by Nedeau to lawmakers show him emailing the office of Gov. Sam Brownback in November 2013. In an email to Shawn Cowing, Brownback's constituent services and operations manager, Nedeau asked about the location of the antlers.

Cowing responded that he would get in touch with a response, but a week later Nedeau had grown frustrated.

"Disappointment is not a strong enough word to describe how I feel towards my state government at this moment. It has been 8 days since you would have received my request/demand for the location of the deer mount that was poached off our land in November 2011," Nedeau wrote. "I am sure that you forwarded my request as soon as you received it. However, with the technology of email and cell phones of today's world, my conspiracy theorist thoughts have begun to ask why it is taking so long and makes me wonder what the state agency has to hide."

According to a subsequent email, the antlers were in an evidence locker in Topeka, but had been with a taxidermist earlier in the year, who had performed the work pro bono.

### **'This is not Russia'**

Nedeau's hunt for the antlers reached lawmakers a few months later.

The Legislature passed Senate Bill 357 during the 2014 session. The bill required the state to give landowners the first chance to claim animal parts when the animal had been taken from their land illegally. But the legislation wasn't retroactive and would apply only to future situations.

Nedeau, who supported the 2014 bill, told lawmakers this year that at the time he believed the state would do the right thing and give him the antlers. He also said he didn't seek retroactivity in 2014 out of respect for the wildlife department.

"I was afraid there would be hundreds of people who would approach (the wildlife department) asking for the return of antlers and other items, or the monetary value of items confiscated from their land since November 2011," Nedeau said in testimony.

Both the House and Senate approved the bill with overwhelming majorities and Brownback signed it in May. Soon after, Nedeau's state representative — Rep. Ken Corbet, R-Topeka — wrote to Brownback.



“It is my belief that when a trespasser illegally poaches a deer, the landowner should have a right to that deer. The landowner has already been harmed by having a trespass committed against him and losing the ability to later legally hunt for the deer. They should not be further punished by having the antlers taken away. Going forward, SB 357 ensures this will not happen. Unfortunately this does not help Mr. Nedeau,” Corbet wrote.

Not only did the plea to Brownback to release the deer not work, the situation also escalated.

In an interview, Jennison said that after the Legislature passed the 2014 bill in the spring, he began investigating the Nedeau situation. **He said he had the intention of giving Nedeau the antlers after doing his due diligence.**

Instead, Jennison discovered Nedeau didn’t actually own the land.

On Sept. 10, Jennison wrote Nedeau. According to Jennison, Nedeau may not be qualified for the landowner/tenant deer permit he purchased earlier in the year. Since hunting season hadn’t started, Jennison offered to refund the cost of the permit if Nedeau agreed he wasn’t qualified.

Five days later, a reply was sent to Jennison. It was from Nedeau’s mother.

Lois Shuck said she was the owner of the property at the corner of 133rd and Wanamaker where Kent shot the deer. Her son, Nedeau, had been representing her in all legal matters pertaining to her property. Nedeau also managed the land, she said, and the property would become his upon her death.

Lynn Koch, the officer who had first responded to the report of the headless deer in 2011, visited Shuck in early July, she wrote. He questioned Shuck about her farming operation, land manager and hunting rights and lease agreements.

“After reading the letter you sent to Tim Nedeau dated September 10, 2014, I now wonder if Officer Koch’s report was truthful as to my answers to his questions and also if some of the more recent harassment toward my son, Tim Nedeau, is due to Officer Koch’s report, or if the (wildlife department) under your leadership just wishes to continue to harass Tim,” Shuck wrote.

The next day, Nedeau met Christopher Tymeson, the department’s chief legal counsel, and shared his mother’s letter. On Sept. 19, Tymeson wrote to Nedeau to tell him the department stood by its original stance that he wasn’t qualified for the permit.

But Jennison hadn’t only found that Nedeau didn’t own the land, but also that the property owned by Shuck is north of 133rd Street, not south where the deer died and was decapitated by Kent.

Shuck’s position in the letter is that the deer was on her property when it was shot, based on Kent’s statement that the deer he shot after driving east was on his left. Nedeau said on Friday hunters who shoot an animal on one property that moves to another are typically able to cross property lines to retrieve it.

He also said that for years before the 2011 incident, he had been trying to get the wildlife department to combat the problem of poaching in the area, but they hadn’t offered help.

“Oh my God, now they want to be involved. Now, that’s not treating the citizens, the taxpayers fairly,” Nedeau said.

**The wildlife department doesn’t deserve to benefit from the antlers, he said, and it shouldn’t be able to eventually sell the rack and use the money.**

After the September exchange of letters, Nedeau tried anew to present his case to the governor’s office. He emailed Landon Fulmer, then-chief of staff for Brownback, and special assistant Chuck Knapp.

**“It’s my understanding the Governor has been advised it would be illegal for him to give the antlers away as they are considered State property,”** Knapp wrote in reply to one inquiry.

On Nov. 18, Corbet sent an exasperated email to Knapp.

“the LAST person to hold or control those antlers is the ‘STATE OF KANSAS’.....this is not RUSSIA and remember the (wildlife department) had every right to make there (sic) case in the Osage Co. court system...and said nothing....this is my final plea to correct a mistake and ask the Governor to pardon the antlers to Mr. Tim Nedeau,” Corbet wrote.

## Legislation advances

A new bill was introduced in the House in February. This time, the department would be required to turn over animal parts and the requirement would also be retroactive.

Jennison believes even this year's bill may not actually require the department to turn over the antlers to Nedeau.

"All the facts indicate that the deer would go to the property south but there is speculation based in part on Mr. Kent's statement that the deer was on the north side of the road when he was shot," Jennison said.

Nedeau said that should he get antlers, he has no intention of selling them. The legislation could potentially apply to other situations as well, he said.

"I don't want this to seem like it's a personal bill. This bill is meant to protect the 98 percent of private landowners," Nedeau said, referencing a statistic that 98 percent of Kansas land is owned privately.

Although the House Agricultural and Natural Resource Committee held a hearing on the bill, it was taken away from the committee and sent to the House Appropriations Committee before being shuffled to the House Judiciary Committee, where it was approved and sent to the floor.

The House debated the bill Tuesday and passed it Wednesday, 82-43. It now heads to the Senate.

"So I ask you today, help me side with the farmer, landowner," Corbet said on the floor. "Let's do something right."

*Jonathan Shorman can be reached at (785) 295-5619 or [jonathan.shorman@cjonline.com](mailto:jonathan.shorman@cjonline.com).*

Operations Office  
512 SE 25th Ave.  
Pratt, KS 67124-8174  
Robin Jennison, Secretary



Phone: 620-672-5911  
Fax: 620-672-6020  
www.kdwpf.state.ks.us

Sam Brownback, Governor

November 10, 2014

Timothy Nedeau  
418 South Carbon  
Scranton, Kansas 66537

Re: Phone request on November 7, 2014, by Tim Nedeau for Officer Lynn Koch's report

Dear Mr. Nedeau:

Per your phone request for a copy of Officer Lynn Koch's report, any reports cannot be provided at this time. Pursuant to K.S.A. 45-221 (a)(10)(B), those records, if they exist, are discretionarily closed because their disclosure would interfere with a prospective law enforcement action, criminal investigation and prosecution.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cindy Livingston".

Cindy Livingston  
Director of Administrative Services Division

cc: Secretary Robin Jennison  
Colonel Kevin Jones

On November 7, 2014 I asked Cindy Livingston to send this information to my mother, Lois Shuck, but that I wanted a written statement from the Pratt Operations Headquarters explaining the reasons why I was not given my refund by their office, as the Secretary of KDWP&T said I would. I was also told by the Secretary of KDWP&T that my returned landowner \ tenant tag had been mailed to the Pratt Headquarters on 10/6/14, but the Secretaries office had it in their possession 34 day later and made a photo copy of it for me. We are concerned that Officer Koch secretly video recorded the interview, but KDWP&T now claims records of the interview may not exist.

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

STATE CAPITOL  
300 S.W. TENTH AVENUE  
TOPEKA, KS 66612  
1-800-432-3924  
ken.corbet@house.ks.gov



DISTRICT OFFICE  
10351 SW 61ST ST.  
TOPEKA, KANSAS 66610  
(785) 256-6444

May 19, 2014

The Honorable Sam Brownback  
Governor of Kansas  
State Capitol Building, 2<sup>nd</sup> Floor  
Topeka, Kansas 66612

**KEN CORBET**  
54TH DISTRICT

Dear Governor Brownback:

I am writing to ask that you take under consideration a matter of importance to one of my constituents, Tim Nedeau. You recently signed SB 357 a bill that includes a provision allowing landowners to have the right of first refusal on deer antlers taken illegally from their property. This is legislation that I introduced after hearing the story of Mr. Nedeau and finding out there are others with similar stories. Mr. Nedeau lives near Scranton and works as a school teacher at Washburn Rural. Before the legislative session he contacted me and explained that in 2009 a deer possessing antlers breaking the Kansas record was shot illegally on his farm. The individual who illegally poached the deer was later convicted in Osage County.

Under previous law, the antlers from the deer poached on Mr. Nedeau's property became the possession of the Kansas Department of Wildlife, Parks, and Tourism. Mr. Nedeau and I both made unsuccessful requests to the KDWP asking that the antlers be given to him. It is my belief that when a trespasser illegally poaches a deer, the landowner should have a right to that deer. The landowner has already been harmed by having a trespass committed against him and losing the ability to later legally hunt for the deer. They should not be further punished by having the antlers taken away. Going forward, SB 357 ensures this will not happen. Unfortunately this does not help Mr. Nedeau.

In closing, I ask you to pardon Mr. Nedeau's deer antlers and allow them to return home, where they belong. SB 357 overwhelmingly passed both chambers of the legislature with bipartisan support. I think this shows a desire to protect private landowners like Mr. Nedeau. As you know, Kansas is 97% privately owned and when the KDWP works with private landowners it helps to ensure that millions of acres of privately owned land remain open for use by both Kansans and out of state hunters and outdoor enthusiasts. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Ken Corbet".

Representative Ken Corbet  
District 54



If the KDWP&T is concerned about their fiscal budget, perhaps they should remove every deer mount that is on display in every KDWP&T office, along with every deer mount hanging throughout the state in other state offices and place them on the auction block. Why do they use their budget to pay for this deer to be mounted and then place them in their offices and in offices of the state capitol building?

There are no small deer mounts on display in these offices. Those are the ones they sell or give back to the landowners.



Rick Lowry

417 326 6556

p. 1

785-238-1445

C/O Tony  
Reitz

### Rick's Taxidermy

4035 S. 136th Rd  
Bolivar, MO 65613  
(417) 326-6556

Permit #

TAXIDERMIST/GENERAL REPORTING FORM		
NAME CONSIGNOR: <i>KS Dept of Wildlife Resources</i>	SPECIES: <i>ALBINO</i>	NUMBER:
ADDRESS: <i>3612 State Park Rd.</i>	RECEIVED FROM: <i>Tony Reitz #258</i>	DATE: <i>Feb. 6/13</i>
CITY: <i>Millard</i>	DATE:	DATE:
STATE, ZIP: <i>KS 64514</i>	INFROM:	DATE:
TELEPHONE: <i>785-238-3017</i>	RETURNED TO:	DATE:
The wildlife listed on this form has been taken in accordance with a state and federal application. I understand this wildlife is subject to inspection by state and federal authorities.		
SIGNED X: <i>[Signature]</i>		DATE:
SPECIAL INSTRUCTIONS: <i>3A Shoulder MT</i> <i>Right TURN</i>		COST: <i>600<sup>00</sup></i> <i>25<sup>00</sup></i> <i>125<sup>00</sup></i>
NAME PLATE:		SUBTOTAL:
		DEPOSIT:
		TOTAL: <i>750<sup>00</sup></i>

*DONATED*

Wildlife Tag #   
Bobcat, Otter, Salvage, etc.

# ATTENTION!

**ALL HUNTING, FISHING, & TRESSPASSING  
RIGHTS ON THIS PROPERTY ARE LEASED  
FOR \$4,000 PER PERSON PER DAY  
CONTACT LANDOWNER FOR DETAILS & PASS.**

**Violators will be fined and prosecuted to the  
full extent of the law!**

Secretary of Kansas Department of Wildlife Parks & Tourism Robin Jennison has asked, or has been in the presence while the comment was raised “that I have already been paid for the deer.” In the presence of Secretary Jennison, Michael Pearce of the *Wichita Eagle* has asked that question twice during KDWP&T Commission meetings, and I have stated the facts in my reply. **The poacher had to pay me \$8,000 in hunting lease violations.** I have placed the above sign around our property. The judge made the poacher pay two days of illegal hunting. The court paid me because my mother Lois Shuck stated that I was her land manager and I was the individual who pressed the poaching event in the court system. **I was not paid for the deer as KDWP&T would like everyone to believe.** That would be illegal. I was paid for a lease violation. We do not lease our land, but I put signs up to keep others from road hunting or crossing our property line to illegally hunt our property. The signs are meant to discourage anyone from trespassing on our land.



# Law Enforcement Oath of Honor

[Oath required for Certification pursuant to K.A.R. 106-3-6]

*On my honor, I will never betray my badge, my integrity, my character or the public trust.*

*I will always have the courage to hold myself and others accountable for our actions.*

*I will always uphold the constitution of the United States and of the state of Kansas, my community, and the agency I serve.*

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I, \_\_\_\_\_, as a member of the law enforcement profession, have read this Oath of Honor. I fully understand it. I do solemnly swear or affirm, with no mental reservation, to uphold and abide by it in both my official and private life.

\_\_\_\_\_  
Officer's Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Officer's Printed/Typed Name – File Number

\_\_\_\_\_  
Witness Printed/Typed Name

February 22, 2013

Secretary Robin Jennison  
Kansas Department of Wildlife, Parks and Tourism  
1020 S. Kansas, Room 200  
Topeka, Kansas 66612-1327

Dear Secretary Jennison:

It has been years since we have worked together, but a situation was described to me last weekend about which I wanted to give my thoughts. I was in Independence, Kansas, and a number of people told me about an issue your agency has with a Tim Nedeau. I do not know Mr. Nedeau. According to the accounts I heard, a record whitetail buck was poached on his land, and he has attempted to take possession of the antlers from KDWPT but has been unable to do so.

I have three thoughts. First, I was really surprised this was raised with me at all, and that it has been discussed for almost a year and a half. Second, there is a great deal of ill will being generated toward your agency by people who are aware of this; and frankly, resentment over an issue like this is never worth it. Finally, when I displayed items in the Lieutenant Governor's office, their backgrounds were as important as the items themselves. This is not a good story to share. For what it's worth, I would give the man the antlers but take a picture of yourself with them to hang in your office.

I forward this while remembering Gary Sherrer's wise statement, "there's no one quite so former as a former lieutenant governor."

I wish you the best of everything as the director of Wildlife, Parks and Tourism. It was a perfectly logical appointment that provides you and the agency under your leadership a real opportunity to contribute to Kansas.

Very truly yours,

John E Moore

Landon State Office Building  
900 SW Jackson Street, Room 504  
Topeka, KS 66612



Phone: (785) 296-2436  
Fax: (785) 296-0231  
shawn.sullivan@budget.ks.gov

Shawn Sullivan, Director of the Budget

Sam Brownback, Governor

February 20, 2015

The Honorable Sharon Schwartz, Chairperson  
House Committee on Agriculture and Natural Resources  
Statehouse, Room 149-S  
Topeka, Kansas 66612

Dear Representative Schwartz:

SUBJECT: Fiscal Note for HB 2341 by House Committee on Agriculture and Natural Resources

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2341 is respectfully submitted to your committee.

Current law gives the Kansas Department of Wildlife, Parks and Tourism the option to offer seized wildlife that has been taken illegally to the landowner or tenant on whose property the wildlife was taken. The wildlife must be transferred within two years of adjudication of the violation. HB 2341 would amend the law to require the Department to offer the seized wildlife to the landowner or tenant and would remove the time limit. Antlers, antler sheds, and horns seized by the Department after January 1, 2005, and still in the Department's control as of January 1, 2015, must be returned if the landowner or tenant requests them.

Currently, the Kansas Department of Wildlife, Parks and Tourism returns some wildlife items to landowners and tenants. The Department expects passage of HB 2341 to cause additional time to be spent by officers to make contact with landowners and tenants to determine if they would like the seized items returned and to make arrangements for any returns. In the past, the agency has sold antlers at public auction. The annual revenue over the past four years has varied from a low of \$335 in 2011 to a high of \$6,295 in 2014. The average annual revenue is \$2,681. If the number of seized items returned to landowners and tenants increases, the agency expects the annual revenue from antlers to decrease. The agency is not able, however, to estimate what changes to expenditures or revenues may be associated with passage of HB 2341. Any fiscal effect associated with HB 2341 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan".

Shawn Sullivan,  
Director of the Budget

cc: Chris Tymeson, Wildlife, Parks & Tourism

## **In response to the KDWP&T fiscal report:**

The KDWP&T states that they return some of the antlers to the landowners, but which ones do they return? Were there any large antlers sold during the last sale held August 2014 in Salina? According to the auctioneer they were all small. Why doesn't KDWP&T return all of them to the landowners? Did the landowner violate a law, or were these antlers poached and the location of the poaching was not known? If that's the case sell them.

However, how many big antlers has KDWP&T sent to a taxidermist to be mounted? Were any of these large mounts offered for sale, or are they located in KDWP&T offices as decoration? Is the objective of KDWP&T to make money from antler sales, or is it to serve the public?

In the fiscal statement KDWP&T claims they have the "option" of returning seized wildlife. After reading the guidelines of SB357, I was under the impression they are "required" to offer the seized wildlife to the landowner first. Is the statute sequenced?

During the 2014 deer season the KDWP&T wardens posted on their facebook page that they wanted the public's assistance in catching poachers. Their plea for help was stated many times. However, on two of their posts the officers reported that they had caught the poachers. My sister Jodi Perry asked if the KDWP&T offered the poached deer to the landowner as the new law stipulates. The KDWP&T removed both of those articles from the KDWP&T Wardens facebook page. Why? Is there something the KDWP&T doesn't want the public to know? Is KDWP&T offering poached wildlife to the landowner as long as the landowner was not involved in the crime?

KDWP&T also states that extra time would be involved in locating the landowner to return the poached wildlife. They already have to contact the landowner to check if the poacher had permission to hunt, or if additional charges will be added to the poacher. KDWP&T Law Enforcement Officer Lynn Koch called me on the phone to check land ownership and to ask if we had "NO HUNTING" signs posted. Was this extra time spent, or him doing his duty as a law enforcement officer. While on the phone I told him I wanted the antlers after the court case was over by way of a salvage tag. The KDWP&T could give any usable meat to a food bank or needy family if the landowner could not be located in a short amount of time. However, they could keep the antlers and ask the landowner if they want them when they are located. The antlers from the deer poached on our land were kept in an evidence locker for years. The antlers were never present in a court of law. I fail to see the extra work KDWP&T is speaking about.

KDWP&T reported that the 2014 sale raised \$6295. During the sale there were 93 deer antler lots, some were sold as individual antlers while others were multiple antlers sold as a group. Only 20 of the 93 antler lots sold brought \$100 or more. The low selling antler brought \$12.50 while the highest set of antlers brought \$850, making the average sale \$67.69. To my understanding the purchaser of the \$850 antlers was the individual who had shot the deer, and someone was running him up in price. The next highest set of antlers brought \$425. So if we take out the inflated set of antlers the average selling price for antlers becomes \$58.91. Are the Kansas landowners and the security of their property rights only worth \$59.00 to KDWP&T? Furthermore, KDWP&T claims the annual revenue of \$2,681 from the sale of horns and antlers from the past few sales. Is this money included in their annual operating budget, or is it extra revenue given to them? Does KDWP&T report the amount of money they spend yearly on having animal hides tanned and antlers mounted? This would include all the cost for deer they keep which are then mounted by taxidermist to be used in their offices as decoration. The deer poached on our property was sent to an out of state taxidermist. Although the work was donated, the two trips to Missouri to deliver the antlers and to pick the finished mount up were not donated. Each trip to Missouri and the return home would cost a day's wages for a KDWP&T official, the fuel consumed in a vehicle, and other expenses involved in the trip. These trips were paid for by the tax payers of Kansas, and took an officer off their regular duties for two days. If the KDWP&T is truly concerned about their budget, perhaps they should remove every deer mount from all the state office and place them on the auction block. Again, is the job of KDWP&T to protect the citizens of Kansas who own almost 98% of our states land, or is to confiscate and then sell antlers which are found on private property so the money can be placed into their funding, or keep the large antlers for their own enjoyment?

Ladies and gentlemen of the committee please take into consideration all the facts and expenses of KDWP&T before you render your decision.

Respectfully,  
Tim Nedeau



## **Kansas Wildlife, Parks & Tourism - Game Wardens**

November 13

Case made in Mitchell County this morning. The alleged crimes include; two counts of take deer without a valid permit, and two counts of possess untagged deer.

**Jodi Nedeau Perry** Are these individuals going to be charged under the new Whitetail Restitution Law? Looks like fines in the 10's of \$1000's. Also, were these poached on private property and therefore was the landowner offered the deer as current law stipulates?



**These articles were removed from the KDWP&T Wardens Facebook page, after being questioned about offering them to the landowner.**



## **Kansas Wildlife, Parks & Tourism - Game Wardens**

December 4, 2014

Road hunting during deer season has always been one of the top complaints Kansas Game Warden's respond to this time of year. This case is from Osborne County today. Tickets issued for hunting deer with the aid of a vehicle and hunting without written permission on posted property.

**Jodi Nedeau Perry** Was this deer or any parts of it offered to the land owner as SB 357 from 2014 legislation now requires?



## **Kansas Wildlife, Parks & Tourism - Game Wardens**

Yes it was offered.



**These deer mounts are located at the KDWP&T Headquarters in Pratt, KS.**  
**How are these mounts used for educational purposes? How were they paid for?**  
**Wouldn't KDWP&T be better off if they sold these mounts for their budget?**  
**Would these deer mounts violate the North American Model of Conservation as they are used to market what Kansas has to offer if you purchase a hunting license and big game tag?**