

MINUTES

IDAHO OUTFITTERS AND GUIDES BOARD

October 10 and 11, 1984
Boardroom - Boise, Idaho

A regular meeting of the Idaho Outfitters and Guides Board was called to order by Chairman Foster at 0845 on Wednesday, October 10, 1984, with members Farr, Meiners, and Salter in attendance.

The following complaints were reviewed:

Darrell Merritt - In response to a statement received from Mr. Wallace Sterling, a letter is to be sent expressing the Board's appreciation for his concern, but since Mr. Merritt et al were a private hunting party, the incident is outside the purview of the Outfitters and Guides Act.

Mark Thorkelson - A letter was received from Mr. Dennis Derrer relative to the Board's issuance of a guide license to Mr. Thorkelson. No response to be made.

Tim Craig (Boulder Creek Outfitters, Inc.) - A December appointment is to be scheduled to allow Mr. Craig the opportunity to respond to allegations made by Mr. John R. Behrmann of York, Pennsylvania, and Mr. E. D. Yates of Wrightsville, Pennsylvania. The Administrative Secretary to check out names given in Mr. Yates' letter to ascertain if they are licensed guides.

Mountain Home Air Force Base - Letter received from Major Robert B. Brecht requesting specific information on alleged violations. A response to be sent, advising specifics and citing Idaho Code 36-2101(b). A copy of the Code and the Rules and Regulations also to be sent.

At 1000, Deputy Attorney General Clive Strong met with the Board and introduced Mark Martin, Deputy Attorney General, who will be assisting Mr. Strong with various Board matters.

RamsHorn Guest Ranch - The Petition for Declaratory Ruling received from David A. and Carole S. Rackow, Lessees, and Philip M. and Allyn M. Krueger, owners, was discussed. Mr. Strong recommended a hearing be scheduled. He also pointed out the Board has the option of issuing a Summary Judgment based solely on the contents of the Petition. At 1020 Dave Rackow appeared before the Board. Upon being advised that the Board was considering conducting a formal hearing in November, Mr. Rackow stated advertisements were scheduled to run in December issues of magazines and asked for a ruling on same. The Chairman suggested they de-emphasize the hunting aspects of their operation. Mr. Strong noted that specifics could not be given until the hearing has been held. Mr. Rackow then volunteered to put a hold on these advertisements until the matter is resolved. After Messrs. Rackow, Strong, and Martin left the Boardroom, a lengthy discussion was held on the merits of holding a hearing versus making a Summary Judgment.

The Board recessed at 1155 and reconvened at 1320. The following appointments were held:

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD
October 10 and 11, 1984 -- page two
proceedings of the 10th

Roger Lake and Jim Hellwege - At 1320 Kim Horrocks, Roger Lake, and Jim Hellwege met with the Board. Kim Horrocks stated he did not understand why Lake and Hellwege had been cited inasmuch as they were working for him. The Chairman noted the Board could not discuss this matter due to pending litigation.

Bill Davis - MSC (Meiners--Farr) THAT THE GUIDE APPLICATION OF BILL DAVIS BE APPROVED.

Dave Ford - MSC (Salter--Meiners) THAT PURSUANT TO THE NOTE RECEIVED FROM KIM HORROCKS INDICATING HE NO LONGER INTENDED TO EMPLOY DAVE FORD, THE GUIDE APPLICATION BE DENIED AND THE FEE REFUNDED TO MR. FORD.

Rusty Gore - At 1410 Mr. Gore met with the Board to discuss his purchase of the Blackadar outfitting business. It was noted the applicant did not have a current Red Cross First Aid card, but that he was scheduled to take the course on October 27, 1984. MSC (Salter--Meiners) THAT WHEN COMPLETED, THE APPLICATION OF RUSTY GORE BE APPROVED TO COVER THE SAME ACTIVITIES AS BLACKADAR WAS LICENSED FOR.

Larry Cross - At 1500 Mr. Cross appeared before the Board to discuss his purchase of the remainder of the Clair Buxton estate (part has previously been taken over by Stan Potts). The Chairman noted his application is incomplete, lacking a Red Cross card, an original bond, and a financial statement. MSC (Farr--Meiners) THAT THE APPLICATION OF LARRY CROSS BE APPROVED UPON COMPLETION, AND THAT MR. CROSS BE AUTHORIZED TO CONTACT THOSE HUNTERS PRESENTLY SCHEDULED BY THE BUXTON ESTATE FOR THIS SEASON.

Randy Brink - Mr. Brink met with the Board regarding the identifying markings on his boats which do not comply with Rule 25. The Chairman clarified the provisions of this Rule and Mr. Brink indicated he would take the necessary steps to correct the markings.

The Board recessed at 1730 and reconvened at 0845 on Thursday, October 11, 1984, commencing with the following items of business:

Bruce Scott - Ken Smith telephoned on October 1st, indicating Bruce Scott would be terminated as of October 7th. Inasmuch as Barry Hicks has advised that Mr. Scott has gone back to Montana, the Board will take no action.

David Griggs - MSC (Salter--Meiners; Farr abstained) THAT THE APPLICATION OF DAVID GRIGGS BE APPROVED, BUT NOT ISSUED UNTIL SUCH TIME AS THE BOARD RECEIVES OFFICIAL NOTIFICATION BY THE IDAHO DEPARTMENT OF FISH AND GAME THAT THE FINE MONIES DUE THEM HAVE BEEN PAID IN FULL.

Con Hourihan/Flying Resort Ranch - The Chairman suggested the Board postpone a decision on this boundary overlap, pending clarification of Rule 9(b) recently invoked by Emergency Order.

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD
October 10 and 11, 1984 -- page three
proceedings of the 11th

Ray Ralls - At 1015, the Hearing in the Matter of the Denial of a Guide License to Ray A. Ralls was held. Attorney Strong presented the case for the State and entered the following exhibits into the record:

Exhibit A - Certified copy of Case No. C-659: Order of Probation and Court Minutes (Third Judicial District)

Exhibit B - Abstract of Court Record and Docket for District Court No. 18013 (Second Judicial District)

The Defendant, having been sworn in, offered no evidence in his behalf as to why the denial should be reversed. Following a closing statement by Mr. Strong in which he cited Idaho Code 36-2113(a)(14), MSC (Salter-Meiners) THAT THE DENIAL BE RE-AFFIRMED.

Based upon the advice of Attorney Strong regarding the Board's ability to act on an application when it knows of pending litigation, the following actions were taken:

Tim Steele - MSC (Meiners-Farr) THAT THE GUIDE APPLICATION OF TIM STEELE BE DENIED PURSUANT TO IDAHO CODE 36-2113(a)(8) AND 36-2113(a)(14).

Jim Hellwege - MSC (Meiners-Farr) THAT THE GUIDE APPLICATION OF JIM HELLWEGE BE DENIED PURSUANT TO IDAHO CODE 36-2113(a)(8) AND 36-2113(a)(14).

Roger Lake - MSC (Meiners-Farr) THAT THE GUIDE APPLICATION OF ROGER LAKE BE DENIED PURSUANT TO IDAHO CODE 36-2113(a)(8) AND 36-2113(a)(14).

Dan Burris - In response to a telephone call from Dave Peterson indicating that the employer/employee relationship has been terminated, a letter is to be sent to Mr. Burris advising him that he would be in violation of the Outfitters and Guides Act if he guides without being employed by a licensed outfitter.

The Board recessed at 1200 and reconvened at 1315. General items of business were discussed and the following actions were taken:

Grand Canyon Dories - MSC (Salter-Meiners) THAT THE REQUEST TO ADD CHUKAR HUNTING ALONG THE RIVERS CURRENTLY LICENSED FOR BOATING BE APPROVED.

Minutes of the Board - MSC (Meiners-Farr) THAT THE AUGUST MINUTES BE APPROVED AS CORRECTED. MSC (Salter-Meiners) THAT THE SEPTEMBER MINUTES BE APPROVED AS AMENDED.

Reception for Edythe Blele - Mr. Meiners will be in charge of a drop-in reception to be held at the Holiday on Tuesday, December 4, 1984, from 4:30 p.m. to 6:00 p.m. in Mr. Foster's room. The Administrative Secretary to get a gift certificate and corsage for Edy.

Brian Brochette - A letter to be sent to the Idaho Department of Fish and Game asking if they have any objections to the addition of blue grouse hunting in the Ketchum/Sun Valley area.

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD
October 10 and 11, 1984 --- page four
proceedings of the 11th

Robert Hennefer - MSC (Meiners-Farr) THAT A LETTER BE SENT TO MR. HENNEFER ADVISING HIM THAT IT HAS COME TO THE BOARD'S ATTENTION THAT HE HAS NOT OBTAINED THE PROPER PERMIT TO OPERATE ON BLM LAND AND THAT THE OUTFITTERS AND GUIDES ACT REQUIRES THE LICENSED OUTFITTER COMPLY WITH ALL STATE AND FEDERAL REGULATIONS; AND THAT, THEREFORE, UNTIL SUCH TIME AS HE HAS ACQUIRED APPROPRIATE AUTHORIZATION TO USE BLM LANDS, SUCH USE OF THESE LANDS IS ILLEGAL; AND FURTHER, THAT FAILURE TO COMPLY COULD JEOPARDIZE HIS LICENSE. A carbon copy of this letter is to be sent to the Shoshone District of the BLM.

Lee Nitz - MSC (Salter--Farr) THAT BASED ON THE TELEPHONE CONVERSATION OF OCTOBER 11TH BETWEEN CHAIRMAN FOSTER AND MRS. R. J. LEWY, AS SOON AS WRITTEN NOTIFICATION IS RECEIVED STATING MR. NITZ IS NO LONGER EMPLOYED BY THE LEWY'S, THE GUIDE APPLICATION OF LEE NITZ BE DENIED PURSUANT TO IDAHO CODE 36-2113(a)(14) AND RULE 12, THE THE APPLICATION FEE BE REFUNDED TO THE REMITTER.

The Board reviewed a letter received from the Boise Chapter of the American Red Cross relation to course records and set down the following policy:

The Board will accept a statement and/or course record indicating an applicant has taken the Red Cross course and issue a license accordingly. A follow-up check is to be conducted by the office staff to ascertain the validity of such statement and/or course record. Evidence of falsification should be brought to the attention of the Board. Further, statements and/or course records will only be accepted the first year the course is taken in any given three-year period. Photocopies of Red Cross cards are necessary to obtain a license for the ensuing two years.

Wayne S. Stucker - MSC (Salter-Farr) THAT THE APPLICATION OF WAYNE S. STUCKER BE APPROVED AND THAT A LETTER BE SENT STATING THE BOARD REALIZES HE TOOK THE RED CROSS COURSE IN GOOD FAITH, BUT THAT BASED UPON INFORMATION RECEIVED FROM THE RED CROSS, WE CANNOT ACCEPT ANY FUTURE CARDS SIGNED BY RANDALL ORZALLI; THEREFORE, MR. STUCKER WILL BE REQUIRED TO OBTAIN A NEW RED CROSS CARD BEFORE OBTAINING A LICENSE NEXT YEAR.

Dannie Bell - MSC (Salter-Farr) THAT THE APPLICATION OF DANNIE BELL BE APPROVED AND THAT A LETTER BE SENT STATING THE BOARD REALIZES HE TOOK THE RED CROSS COURSE IN GOOD FAITH, BUT THAT BASED UPON INFORMATION RECEIVED FROM THE RED CROSS, WE CANNOT ACCEPT ANY FUTURE CARDS SIGNED BY RANDALL ORZALLI; THEREFORE, MR. BELL WILL BE REQUIRED TO OBTAIN A NEW RED CROSS CARD BEFORE OBTAINING A LICENSE NEXT YEAR.

The Board then reviewed proposed job descriptions for the office staff and paste-ups of the short form outfitter application. The Administrative Secretary was directed to finalize these documents as soon as possible.

In light of the upcoming Idaho Outfitter and Guide Association meetings, the Board set aside the morning of Tuesday, December 4, 1984, to hold a meeting with agency people. The Administrative Secretary to advise the appropriate parties that said meeting will be held at 8:00 am to 9:30 am.

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD
October 10 and 11, 1984 -- page five
proceedings of the 11th

Other matters discussed and acted upon by the Board are as follows:

Zeb Bell and Ron Bricker dba Steel Dust Outfitters - Letter to be sent advising the Board needs letter from them defining what specific activities they want to have added to their licenses and in what area so that the Board can take action on their request.

Unit 54 - Mr. Salter suggested that a letter be sent to the Idaho Department of Fish and Game, requesting they furnish the Board with an area description of the portion of Unit 54 which would be open to deer hunting.

Laurel Fleshman - MSC (Salter-Farr) THAT THE REQUEST OF D-DOUBLE-S OUTFITTERS FOR A REFUND OF THE APPLICATION FEE FOR LAUREL FLESHMAN BE GRANTED.

Dictaphone Equipment - MSC (Meiners-Salter) THAT THE BOARD OBTAIN THE PORTABLE DICTAPHONE EQUIPMENT THAT WOULD BE COMPATIBLE WITH OTHER DICTAPHONE EQUIPMENT PURCHASED BY THE BOARD.

Andron Corporation - Attorney Clive Strong is preparing a formal statement for the Board indicating it is his opinion that Andron Corporation is in violation of the Outfitters and Guides Act.

Brent Hill Hearing - The hearing scheduled for October 22, 1984, has been postponed until December 17, 1984. Attorney Clive Strong suggested he meet with the other attorneys in an effort to draft an intermediate resolution for use of the disputed area.

Henry's Fork and Clearwater River - MSC (Meiners-Salter) THAT CLIVE STRONG BE AUTHORIZED TO PREPARE PERTINENT RULES PERTAINING TO THE HENRY'S FORK AND CLEARWATER AND TO PROCEED TO ESTABLISH HEARINGS AS FOLLOWS:

HENRY'S FORK - ASHTON, IDAHO FALLS, AND BOISE
CLEARWATER - OROFINO, LEWISTON, AND BOISE

FURTHER, THAT THE BOISE HEARING BE HELD JUST ONCE TO COVER BOTH THE HENRY'S FORK AND CLEARWATER RIVER.

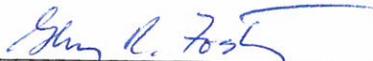
Washington Trophy Hunt Club - In response to a letter received from Attorney Roger Decker of Bellevue, Washington, Attorney Clive Strong will send a copy of the Idaho Outfitters and Guides Act, the Rules and Regulations promulgated thereunder, and the Rules of Practice and Procedure adopted by the Board.

RamsHorn Guest Ranch - MSC (Meiners-Farr) THAT THE BOARD PROCEED TO HOLD A HEARING ON THE PETITION FOR DECLARATORY RULING, SAID HEARING TO BE SCHEDULED FOR NOVEMBER.

Enforcement - MSC (Farr-Meiners) THAT ROBERT SALTER SEND A MEMORANDUM TO ALL ENFORCEMENT PERSONNEL REGARDING MATTERS OF LITIGATION, REQUESTING THAT COPIES OF ALL APPROPRIATE PAPERS BE ON FILE IN THE OFFICE; FURTHER, THAT ROBERT SALTER CONTACT DALE BAID REGARDING POSSIBLE EMPLOYMENT.

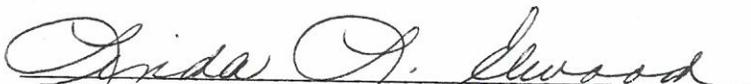
MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD
October 10 and 11, 1984 -- page six
proceedings of the 11th

There being no further business, the Board adjourned at 1910.



GLEN R. FOSTER, Chairman

ATTEST:



LINDA L. ELWOOD, Administrative Secretary