

S T A T E O F I D A H O
OUTFITTERS AND GUIDES LICENSING BOARD
APPROVED MINUTES

Board Meeting - April 4, 1993
Moscow, Idaho

A regularly scheduled meeting of the Idaho Outfitters and Guides Licensing Board was convened on Sunday, April 4, 1993, at 9:00 AM, in the Empire Room at the University Inn, Moscow, Idaho. All members were present, as well as the Board's Executive Director, Attorney, and Enforcement Coordinator.

Ed Link, DA, Northwest River Expeditions, Inc.: Mr. Link appeared before the Board to discuss a criminal case in which he is involved in another state. The case is still under investigation, although he has entered a guilty plea at this time. Following this discussion, Mr. Link was advised to submit the required license renewal applications for 1993-94, along with an application for an alternate designated agent, for the Board's consideration at the regular meeting during the last week in April.

Keith Carlson, District 2 Commissioner, IDF&G: Mr. Carlson was welcomed to the meeting and expressed his interest in observing the Board proceedings. IDF&G Region 2 Regional Conservation Officer Dwight Kilgore was also in attendance.

Darl Allred, dba: Sawtooth Wilderness Outfitters: Mr. Allred appeared before the Board to discuss the renewal application for his outfitter license. He explained the circumstances regarding two Fish & Game citations he had received last fall. After review and discussion, MSC (Epley--Crane) MR. ALLRED'S LICENSE BE RENEWED AS REQUESTED, AND FOLLOWING COMPLETION OF THE RENEWAL, HE BE BROUGHT BEFORE THE BOARD FOR A SHOW CAUSE HEARING REGARDING THESE CITATIONS.

Dave Bream: Mr. McCann, counsel for Dave Bream, appeared on Mr. Bream's behalf in a show cause hearing relating to Mr. Bream's conviction for violation of Idaho Fish & Game law in September, 1992. At the beginning of the hearing, Mr. McCann stipulated to the facts outlined in the complaint. Accordingly, the Conclusions of Law are that this action does constitute a violation of §36-2113(a)(6), Idaho Code, and Licensing Board Rule 108, as set forth in the complaint. Following discussion, MSC (Crane--Epley) THAT MR. BREAM'S LICENSE BE ISSUED PROBATIONARY FOR THE 93-94 LICENSE YEAR. TERMS OF PROBATION ARE THAT RECORD OF THIS ACTION WILL REMAIN A PART OF MR. BREAM'S PERMANENT FILE, HE MUST NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS, AND NO AMENDMENTS WILL BE CONSIDERED FOR HIS LICENSES DURING THE TERM OF THE PROBATION, WHICH WILL EXPIRE ON MARCH 31, 1994.

✓ **John Patterson:** Mr. Patterson appeared before the Board in a show cause hearing relating to his recent conviction for violation of Oregon wildlife regulations in September, 1992. At the beginning of the hearing, Mr. Patterson stipulated to the following fact: He did receive a conviction for violating Oregon wildlife regulations. Accordingly, the Conclusions of Law are this action does constitute a violation of §36-2113(a)(6), Idaho Code, and Licensing Board Rule 108. Pursuant to these findings, MSC (Kovalicky--Epley) THAT MR. PATTERSON'S GUIDE LICENSE BE ISSUED PROBATIONARY FOR ONE YEAR. TERMS OF THIS PROBATION WILL BE THAT HE NOT VIOLATE AND LOCAL, STATE, OR FEDERAL LAWS, THE PROVISION FOR GUIDING FOR CHUKARS BE REMOVED FROM HIS LICENSE FOR THE TERM OF PROBATION, AND NO AMENDMENTS WILL BE CONSIDERED FOR HIS LICENSE DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON MARCH 31, 1994.

B & K Outfitters, Brian Butz, and Donald Dyer, DA's: Mr. Butz and Mr. Dyer appeared before the Board in a show cause hearing relating to the employment of an unlicensed guide. As a result of the hearing, the following Findings of Fact were established: 1) B&K Outfitters did provide a guided hunt to a Licensing Board undercover agent for which they received compensation; 2) during this hunt, Mr. Edward Mayes assisted Mr. Donald Dyer in providing services to Mr. Hansen of a guided nature; and 3) Mr. Mayes did not have a valid guide license in possession at the time of this hunt. Accordingly, the Conclusions of Law are: 1) This activity does constitute services generally provided by a guide; and 2) these actions do constitute a violation of §36-2113(a)(5)(9) and (14), and Outfitters and Guides Licensing Board Rule 102(d)(ii). Pursuant to these findings, MSC (Crane--Kovalicky) THAT IN LIEU OF REVOCATION OF B&K OUTFITTERS' LICENSE, THEY BE ORDERED TO PAY AN ADMINISTRATIVE FINE REPRESENTING RESTITUTION TO THE LICENSING BOARD IN THE AMOUNT OF \$2,700.00, AND THAT NO FURTHER ACTION BE TAKEN AGAINST THIS LICENSE IN THIS MATTER. **Administrative Note:** Issuance of the 1993-94 outfitter license for B&K Outfitters is approved. Payment of the aforementioned restitution shall be made prior to March 31, 1994. If repayment is not complete by that time, no further licenses will be issued to B&K Outfitters.

Grizzly Outfitters Inc., Richard Lindsey, DA, and Joe Roope: Mr. Lindsey and Mr. Roope appeared before the Board in a show cause hearing pertaining to a guided fishing trip which occurred outside Mr. Lindsey's licensed operating area, and which involved a third party agreement. At the beginning of the hearing, Mr. Lindsey and Mr. Roope stipulated to the following facts: 1) Mr. Lindsey did enter into a third party agreement with Mr. Roope involving the use of Grizzly Outfitters license; 2) Mr. Roope did take clients on a

guided fishing trip without informing them he was working for Grizzly Outfitters; and 3) this guided fishing trip was conducted outside the assigned operating area for Grizzly Outfitters. Accordingly, the Conclusions of Law are: 1) Mr. Lindsey did enter into a third party agreement; 2) a guided fishing trip was conducted outside the authorized operating area for Grizzly Outfitters; 3) Mr. Roope did conduct outfitted activities in an area for which he was not licensed and did enter into an illegal third party agreement; and 4) these actions do constitute a violation of §36-2113(a)(5)(8)(i) and (14), Idaho Code, and Outfitters and Guides Licensing Board Rules 002(ss), 105(a), and 121(a)(b) and (c). Pursuant to these findings, MSC (Kovalicky--Barker) THAT 1) IN LIEU OF REVOCATION OF MR. ROOPE'S GUIDE LICENSE, HE BE FINED IN THE AMOUNT OF \$1,250.00 REPRESENTING A PENALTY OF \$800.00 AND ORDERED TO PAY RESTITUTION TO THE BOARD IN THE AMOUNT OF \$450.00, AND 2) GRIZZLY OUTFITTERS, INC., BE FINED IN THE AMOUNT OF \$800.00. THESE FINES ARE ASSESSED WITH THE UNDERSTANDING THAT NO FURTHER ACTION WILL BE TAKEN AGAINST THESE LICENSES IN THIS MATTER. **Administrative Note:** The 1993-94 licenses for Grizzly Outfitters, Richard Lindsey, and Joe Roope, will not be issued until these fines and penalties have been paid in full.

Board recessed for lunch at 12:30 PM and reconvened at 1:50 PM.

Idaho Wilderness Camps, Inc., Garry Merritt, DA: Board reviewed comments received from District Ranger Rogers Thomas, North Fork Ranger District, relative to the pre-decision EA and Finding of No Significant Impact on the former Idaho Wilderness Camps, Inc., operating area. Following a review of this matter, the Executive Director was instructed to inform Ranger Thomas that the Board agrees with their analysis and recommends they move forward with a final determination so that final action can be taken with regards to issuing an outfitter license as soon as possible.

Board Enforcement Policy: Chairman Baird presented a draft of a proposed enforcement policy for Board consideration and review. The proposal suggested a three-phase program for the Board's enforcement efforts, incorporating a strong information/education format, coupled with a restructured emphasis on proper techniques for conducting inspections and patrols in the field. Following an extensive discussion in which several possible modifications were identified, the Executive Director was asked to prepare a final draft document for further consideration at the next regular meeting of the Board at the end of April.

There being no further business to come before the Board, the meeting was adjourned at 3:10 PM.

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
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Dale Baird

DALE BAIRD, CHAIRMAN OF THE BOARD

ATTEST:

Dean Sangrey

DEAN SANGREY, EXECUTIVE DIRECTOR