

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD

APPROVED MINUTES

AUGUST 26 - 28, 1996

(Key: MSC = Motion made, seconded, carried
MSF = Motion made, seconded, failed)

A regularly scheduled meeting of the Idaho Outfitters and Guides Licensing Board was called to order at 8:30 AM, August 26, 1996, in the conference room at 1365 N. Orchard Street, Room 172, Boise, Idaho. Board members in attendance included Chairman Leo Crane, Wayne Hunsucker, and Ray Lyon. Diana Haynes had a business commitment and will be absent for the entire meeting and Bill Bernt is expected sometime on Tuesday, 8-27.

STAFF REPORTS

Executive Director: Dean Sangrey reported on the recent resignation of office secretary Bambi Thomason. She has accepted a position with the Idaho Veteran's Home in Boise and started that new job today. Dean also reported licensing activity is continuing at an average pace, with 367 outfitter, 242 designated agent, and 1,621 guide licenses issued to date. He also reported on the progress of the Outfitter Allocation Team meetings and gave an update on the status of the client controversy with outfitter Dick Norris.

Steve Scanlin: Board Counsel Steve Scanlin reported on development and submittal of the Board's five legislative ideas to the Division of Financial Management that he coordinated with

the Director. He participated in a meeting with Bob Sobba, Director of the Idaho Department of Law Enforcement, along with Director Sangrey and Supervisor Vetesy, to discuss the forfeiture legislation. Board Prosecutor Steve Tobiason presented details of a stipulated agreement proposed with Trail Creek Outfitters (TCO) and Sid Davis to resolve the disciplinary issues in this matter pending before the Board. Mr. Layne Davis, the attorney representing TCO, was also in attendance. Mr. Tobiason explained that Hearing Officer Jean Uranga has just recently received all the closing arguments in the Richard Cook disciplinary matter and should be rendering her decision in the next few weeks. The Board may chose to finish that review and take final action by teleconference rather than postpone a decision until the December Board meeting.

Executive Session: In accordance with the provisions of § 67-2345, Idaho Code, MSC (Hunsucker--Lyon) that the Board go into executive session at 10:30 AM to discuss litigation matters. They came out of executive session at 10:50 AM with no decisions made.

Trail Creek Outfitters, Inc., and Sidney Davis: Following additional discussion and review of the facts in the Trail Creek Outfitters, Inc., matter, the following findings of fact were established: 1) Trail Creek Outfitters (TCO) is a licensed outfitter; and 2) TCO has stipulated to the violations as enumerated in Count VI in the amended complaint, that is, unethical and/or unprofessional conduct by permitting and/or assisting clients to hunt in violation of Idaho Fish & Game laws by hunting big game in a controlled hunt area without said individuals having the proper controlled hunt permits. Based on these Findings of Fact, the Board draws the following conclusions of law: 1) The violation of willfully operating in an area for which the licensee is not licensed is a violation of § 36-2113(a)(5), Idaho Code, and IDAPA Section 25.01.01.002.45; and 2) Pursuant to § 36-2113, a licensee may be subject to suspension, revocation or restriction, or in lieu thereof of a fine not to exceed \$5,000 by the Board for violations of the provisions of this Chapter. Based on the above Findings of Fact and Conclusions of Law, the Board hereby orders that: 1) The stipulation of the parties in this matter is hereby adopted and Respondent's outfitting licensed shall be on probationary status

from the date of the Board's acceptance of this stipulation until March 31, 1997. Respondent's outfitting license shall be revoked by the Board effective March 31, 1997. The Board will act in good faith to renew Respondent's license after that date if a sales transaction is pending on March 31, 1997, and such sale has not been completed; 2) Respondent shall not book nor accept any additional clients for the 1996 elk and/or deer hunting season after July 26, 1996, and Respondent shall furnish the Board with names, addresses and telephone numbers of all clients for whom Respondent will provide services pursuant to its outfitting license for the 1996 elk and deer hunting seasons. Respondent shall be allowed to substitute a new client as a result of cancellation by an existing client; 3) Respondent shall not advertise nor accept nor book any clients for services pursuant to its outfitter license for the 1997 fishing, elk and deer seasons; 4) Respondent shall increase its current performance bond from \$5,000 to \$20,000 as provided in the Stipulation; 5) The Board shall in good faith consider any application by a qualified third party buyer for the transfer of Respondent's outfitter license that has agreed to purchase Respondent's outfitter business operation as provided in the Stipulation; 6) Respondent shall provide outfitter services within its licensed area of operation for its 1996 elk and deer hunting clients only as provided in the Stipulation; and 7) Pursuant to the Stipulation, Respondent agrees to waive its right of appeal. In regards to the Sidney Davis matter, the following Findings of Fact were established: 1) Sidney Davis is a licensed guide for Trail Creek Outfitters (TCO); and 2) Sidney Davis has stipulated to the violations as enumerated in Counts III and IV in the Complaint, that is, willfully guiding in an area for which Respondent's employer, TCO, was not licensed. Based on these Findings of Fact, the Board draws the following conclusions of law: 1) The violation of willfully operating in an area for which the licensee is not licensed is a violation of § 36-2113(a)(8), Idaho Code; and 2) Pursuant to § 36-2113, a licensee may be subject to suspension, revocation or restriction, or in lieu thereof, of a fine not to exceed \$5,000 by the Board for violations of the provisions of this Chapter. Based on the above Findings of Fact and Conclusions of Law, the Board hereby orders that: 1) The stipulation of the parties in this matter is hereby adopted and Respondent's guide license shall be on probationary status from the date of the Board's acceptance of this

stipulation until December 1, 1996, Respondent's guide license shall be revoked by the Board effective December 1, 1996; and 2) Pursuant to the stipulation, Respondent agrees to waive his right of appeal.

Martin Capps: The Board visited by teleconference with licensed outfitter Martin Capps to discuss concerns he has relating to the need for meat packing services within part of his licensed operating area for recreational services. The area is not licensed for commercial big game hunting activities, and receives a lot of pressure from private hunters. Mr. Capps recommended the Board consider establishing some kind of procedure that would allow for this type of service to be provided in unlicensed areas. Following discussion, MSC (Lyon--Hunsucker) THAT RESEARCH AND ANALYSIS BE PURSUED REGARDING THE LICENSING OF MEAT PACKING ACTIVITIES SO THAT SOME FORM OF DECISION MIGHT BE REACHED PRIOR TO THE START OF THE 1997 BIG GAME HUNTING SEASON.

The meeting recessed for lunch at 11:55 AM and reconvened at 1:20 PM.

Vanessa and Gary Edwards: Mrs. Edwards and her husband met with the Board to discuss the operation of their present business in St. Maries, North Idaho Companies, LLC, and their ideas for expanding their base of operations to meet the increasing demand for recreational service providers in that region of the state.

Dan Mitchell: Mr. Mitchell met with the Board to review his proposal for becoming licensed to provide upland bird hunting services with the shooting preserve permit area authorized for the Rocking M Ranch outside of Weiser. He may also consider applying for additional recreational activities within the same general area, such as scenic tours and photography trips.

Heavens Gate Outfitters, Inc., Darwin VanderEsch, DA: Mr. VanderEsch appeared to talk with the Board about his amendment request for expansion of their cougar hunting activities. His original proposal for the area boundary included an extensive area south and west of New Meadows down to Council, Idaho. This was not viewed favorably by the Idaho Department of Fish & Game, and after additional discussions with their personnel, Mr. VanderEsch modified the proposed operating boundary to a more

realistic and functional area west of Tamarack in the vicinity of Bear, Idaho. Mr. VanderEsch also talked with the Board about their denial of Jeff Bayes' guide license.

Bill Vetesy: Education/Law Enforcement Supervisor Bill Vetesy presented his report to the Board on the current status of the education program. He presented his year-end report on achievement of the goals and objectives for the education and law enforcement program as established by the Licensing Board. The primary components of this program include: 1) developing a viable education program that identifies and addresses the concerns of the general public, the outfitted public, and the licensed outfitters and guides in Idaho; 2) develop an enforcement effort focused on maintaining compliance with rules and statutes by licensed outfitters and guides; and 3) develop an effective program that establishes methods for controlling unlicensed outfitted activities. At the conclusion of his report, the Board concurred that all major components are being satisfied, and they encouraged him to continue with expansion of the successful education endeavors and monitoring of the licensed and unlicensed activities. Bill also reported that two new part-time enforcement agents had recently been hired and a third was being interviewed.

The meeting recessed at 5:05 PM and reconvened at 8:05 AM, Tuesday, August 27, 1996, with members Leo Crane, Wayne Hunsucker, and Ray Lyon, present.

Fred Dauber, District Ranger, Krassel Ranger District, Payette National Forest: Mr. Dauber met with the Board to discuss the current permit situation regarding Scott Minter and Ted Epley. He reiterated for the Board that Mr. Minter's special use permit has not been renewed for the 1996 season and that they continue to have difficulty maintaining contact of any kind with Mr. Minter. Minter has defaulted on the sales agreement he had with Mr. Epley and the court has directed the business and assets be returned to Mr. Epley's control. Based on Mr. Epley's past performance and recent disciplinary action before the Outfitters and Guides Licensing Board, the Krassel Ranger District doesn't plan to reissue him a special use permit at this time. After reviewing this issue with the Board, it was agreed that further discussion would be conducted and the matter brought back before

the Board at their December meeting. Mr. Epley will be invited to participate at that time.

Board member Bill Bernt arrived for the meeting following a flight from Salmon.

Greenfeather Adventures, Inc., Billy Hampton, DA, Non-Use Hearing: Mrs. Ellen Hampton appeared on behalf of Greenfeather Adventures in a non-use hearing. Also present for the hearing were Robin Metz and District Ranger Walt Rogers from the Lowman Ranger District. At the conclusion of testimony MSC (Lyon--Hunsucker) THAT GREENFEATHER ADVENTURES, INC., BE GIVEN UNTIL DECEMBER 1, 1996, TO RENEW THEIR US FOREST SERVICE SPECIAL USE PERMIT OR FIND AN ACCEPTABLE BUYER FOR THE BUSINESS. THE BOARD WILL FURTHER EVALUATE THIS SITUATION AT THE DECEMBER MEETING.

John Valvo: Non-Use Hearing: The scheduled hearing regarding alleged non-use of Mr. Valvo's outfitter business was called to order at approximately 11:15 AM. It was noted for the record that Mr. Valvo did not appear for the hearing. MSC (Hunsucker--Lyon) THAT MR. VALVO'S OUTFITTER LICENSE BE DECLARED VACANT.

Board recessed for lunch at 12:30 PM and reconvened at 1:35 PM.

Robert P. Stone and David Helfrich: The Board conducted a teleconference with Mr. Stone and Mr. Helfrich to discuss details surrounding the issuance of a IDF&G violation citation to Mr. Stone in 1995, and the denial of his 1996 guide license application based on that citation. Continuing investigation subsequent to the license denial in June revealed that, in fact, the charge was dismissed by the court in Custer County, and there really was no reason not to consider issuing the license. Mr. Helfrich was intending to hire Mr. Stone and spoke on his behalf during the conference call. Following discussion, MSC (Hunsucker--Lyon) TO RESCIND THE DENIAL OF MR. STONE'S 1996-97 GUIDE LICENSE APPLICATION AND PROCEED WITH PROPER ISSUANCE OF THE LICENSE.

Eric Broeder, dba: Slate Creek Outfitting: The Board reviewed a written request from Mr. Broeder asking that he be allowed to discontinue operation of his outfitter business for the 1996 hunting season. The reason for this request is based on personal

and family matters and the resultant lack of time to properly plan for the upcoming season. He stated they fully intend to make appropriate organizational plans to operate for 1997 and requested a waiver of liability insurance requirements for this year. Following discussion, MSC (Hunsucker--Lyon) THAT THIS REQUEST FOR WAIVER OF INSURANCE REQUIREMENTS FOR THE 1996-97 LICENSE YEAR BE GRANTED, WITH THE UNDERSTANDING THAT RELICENSING EFFORTS WILL BE COMPLETED IN A TIMELY MANNER FOR THE 1997-98 LICENSE YEAR.

Financial Report: Following a comprehensive review of the FY96 year-end financial report and the July, FY97 report, MSC (Lyon--Bernt) TO ACCEPT THE REPORTS AS PRESENTED.

Minutes of June Board Meeting: Following review and discussion, MSC (Bernt--Hunsucker) THE FINAL DRAFT OF THE JUNE, 1996, BOARD MEETING MINUTES WERE APPROVED.

Carol Simpson, dba: Climbing Services, Inc.: The Director informed the Board of his decision in addressing the emergency request of Ms. Carol Simpson, Climbing Services, Inc., Redmond, Oregon. She operates a climbing instruction and guide service business in Oregon, California, and Nevada. The multiple-day trip they had scheduled for Smith Rock State Park in Oregon, beginning on August 18, had to be canceled because of a major forest fire in the area. One of the last minute alternatives for this class was to bring them to the City of Rocks and she requested temporary approval to do that on a one-time basis. Following a thorough review of the circumstances and coordination with the IDPR, the Director approved their request.

Meeting recessed at 5:15 PM and reconvened at 8:15 AM, Wednesday, August 28, 1996, with Board members Leo Crane, Wayne Hunsucker, Bill Bernt, and Ray Lyon, present.

Joe King: The Board reviewed a letter of inquiry received from Mr. Joe King, Elk City, ID, in which he commented about the need for someone, or some individuals, to be licensed in the Elk City area to provide meat packing services in the vicinity of F&G Units #15 and #16. After reviewing his letter, the Board suggested that Mr. King's letter should be considered along with the analysis to be completed regarding Mr. Capps' inquiry.

Pat Prentice, Selkirk Guiding and Outfitting: The Board reviewed a letter received from Mr. Pat Prentice regarding his interest in seeing an additional portion of the Priest River, from Dickensheet Campground upstream to the outlet at Priest Lake, opened for commercial operations. After reviewing his letter of request, MSC (Hunsucker--Lyon) TO ACCEPT HIS PETITION AND BEGIN A FORMAL REVIEW.

J. Anthony Krekeler, dba: Chamberlain Basin Outfitters: Mr. Krekeler has submitted a proposal for purchase of the Chamberlain Basin Outfitters business from Ed & Peggy McCallum. Based on Mr. McCallum's earlier request to take non-use for the 1996 hunting season, and the fact that the formal sale of the business has not yet been approved, Mr. Krekeler has requested that the Board favorably consider his request to waive the requirement for liability insurance upon approval of this sale and purchase. He plans to begin marketing and booking trips soon for the 1997 season, but won't be physically in operation until later next year. Following a discussion, MSC (Hunsucker--Lyon) THAT THIS LIABILITY INSURANCE WAIVER REQUEST BE APPROVED.

FY98 Proposed Budget: The Director presented the preliminary figures for the Licensing Board's fiscal 1998 operating budget. The initial proposal reflects a continuation of modest operations on the part of the Board with no intended expansion in operating programs. Mr. Sangrey gave an overview of the present condition of the Board's financial situation detailing the status of their free fund balance at the State Treasurer's office and how this account is affected by the yearly operations of the Board. Aside from projecting costs for increases in personnel and operating expenditures, the proposal will maintain operations at their current level. Legislated and mandatory increases for inflation, etc., will amount to approximately \$12,500, an increase of 3% over the fiscal 1997 budget. IOGA Executive Director Grant Simonds indicated there may be difficulties with trying to proceed with the revenue portion of the proposed budget as outlined by Director Sangrey because it includes a proposed license fee increase that is not widely supported by those in the industry. Without the addition of increased funding provided by the proposed increase in fees, the Board's current spending

levels will continue to gradually deplete the agency's free fund balance until more desperate measures would be necessary. Wayne Hunsucker reflected that the reality of current circumstances probably supports a delay in trying to implement a fee increase at this time, but cautioned the other members that the Board's financial viability should continue to be monitored very closely and appropriate action pursued before operations are detrimentally impacted by stagnant funding. After discussing the matter thoroughly, MSC (Hunsucker--Bernt) TO INSTRUCT THE DIRECTOR TO MODIFY THE FY1998 LICENSING BOARD BUDGET PROPOSAL TO REMOVE ANY REFERENCE OR CALCULATION RELATED TO A LICENSE FEE INCREASE, AND THEN PROCEED ACCORDINGLY.

Dick Norris, dba: Moose Creek Outfitters: The Director brought the Board up-to-date regarding questions and concerns that have recently come to their attention about clients that are allegedly booked to hunt with Mr. Norris this fall. Mr. Norris has known since May of this year that he would not be issued a special use permit by the U.S. Forest Service. With this knowledge, he apparently proceeded with plans to actively promote elk and deer hunts for approximately 34 non-resident clients. The Board became aware of the seriousness of the situation just prior to the start of the meeting. In consultation with personnel from the Nez Perce National Forest, the Idaho Department of Fish & Game, and the IOGA, a decision was reached to endeavor to communicate with each of the clients to make sure they were aware of the situation and assist with making alternative arrangements, if necessary. Director Sangrey was instructed to proceed with these efforts.

December Board Meeting Date: The Board discussed the timing of the IOGA fall meeting on December 3, 4 & 5, and how that would affect the scheduling for the Licensing Board meeting. Following a lengthy discussion, a decision was made to split the Board meeting around the IOGA convention with the first day's agenda set for Monday, December 2, and then the final two days will be held on Friday and Saturday, December 6 & 7, if necessary.

With no further business to come before the Board, the meeting was adjourned at 4:30 PM.



LEO CRANE, CHAIRMAN OF THE BOARD

ATTEST:



DEAN SANGREY, EXECUTIVE DIRECTOR