

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD**

AUGUST 24 - 25, 1998

APPROVED MINUTES

“MSC” (Motion made, seconded, and carried)

“MSF” (Motion made, seconded, and failed)

The regular meeting of the Idaho Outfitters and Guides Licensing Board was called to order at 8:12 AM, Monday, August 24, 1998, in the Boardroom located at 1365 North Orchard, Rm 172, Boise, Idaho. Board Chairman Leo Crane and members Bill Bernt and Ray Lyon were in attendance. Vice Chairman Diana Swift and Wayne Hunsucker were absent but planning to attend the meeting at a later time. Also present were Board Executive Director Dean Sangrey, Board Counsel Steve Scanlin, and Board Education/Law Enforcement Supervisor Bill Vetesy.

Executive Session: MSC (Lyon--Bernt) THAT THE BOARD GO INTO EXECUTIVE SESSION AT 8:15 AM TO DISCUSS PERSONNEL MATTERS. MSC (Bernt--Lyon) TO COME OUT OF EXECUTIVE SESSION AT 8:42 AM WITH NO DECISIONS MADE.

Staff Reports: Dean Sangrey - Personnel Matters The Director updated the Board on the present staffing situation and introduced Office Secretary Teresa Saucedo and the new permanent part-time clerical specialist Kathy Cote. **Licensing Status Report** To date, the office has issued 394 outfitter, 253 designated agent, and 1,696 guide licenses for the 1998-99 license year. **License Fee Increase** The revised license fees and new application fees became effective July 1, 1998. Under the new fee structure the office has issued 10 new outfitter, 10 new designated agent, and 214 new guide licenses. **Memorandum Of Understanding (MOU)** The Board approved version of the MOU with the U.S. Forest Service and Bureau of Land Management is being circulated among the other agencies for final adoption and signature and should be finalized sometime this fall. **Credit Card Payments** Procedures have been implemented at the Board office which provide for acceptance of credit cards for payment of license application fees. The process has been tested and is working well. **Licensing Review Committee** The Director reported on plans to contact members of the Licensing Review Committee this fall to continue with consideration of various ideas for improving licensing processes. **Office Lease** A report was presented showing a comparison of lease rates for various state agencies in Idaho. The Licensing Board enjoys a very reasonable rate for its current office space. **Time Tracking System** With approval of new application license processing fees during the last legislative session, the Board is now required to accurately track the amount of time spent for evaluating and processing license applications. A system has been developed to record this information and monitor the progress of file reviews. **Lolo Zone Tag Allocation Update** At the conclusion of the IOGLB coordination for the Lolo Zone tag distribution, it was determined that all 233 authorized outfitter elk allocations were accounted for by the July 31 deadline. Subsequent review with the IDFG licensing bureau established that apparently there were 11 tag allocations

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that were not claimed by the outfitters. This was attributed to the likely situation that eleven clients had probably purchased their own tags before booking with their outfitter.

Steve Scanlin: Mr. Scanlin reported on the status of several ongoing issues on which he has been working with the Director. **Expungement of Hearing Record in Rich Cook Matter** Mr. Scanlin presented a proposal that would result in expungement of the record of hearing in the Rich Cook matter in exchange for him dropping his appeal filed in this matter. If the agreement is approved, the appeal will be dropped and the group of clients who have made claims for reimbursement from Mr. Cook will be paid in full. The offer was taken under advisement by the Board. **New Revised Statute and Rule Book** Steve reviewed the content and layout of the new rule book which was completed since the June meeting and became effective July 1.

Bill Vetesy: Year-end Activity Report Mr. Vetesy presented his education/law enforcement bureau report which included submission of his year-end report for the 1997-98 operating season. During this period the Bureau: opened 105 cases; 70 pertained to unlicensed outfitters and guides; 34 dealt with licensed outfitters and guides; 5 citations were issued to unlicensed outfitters and guides and 4 to licensees; 8 letters of warning were sent to unlicensed individuals and 6 warning letters were sent to licensed outfitters and guides; and 445 inspections were conducted. **Complaint Status Report** He also presented an up-dated report on the results of complaint investigations and resolutions.

Robert Charlton Complaint: The Director reported on a copy of a letter received from Mr. Charlton that he had sent to the Idaho Attorney General. Mr. Charlton earlier had filed a complaint with both the IOGLB and the IOGA regarding a problem he had with a formerly licensed outfitter. The matter has been addressed thoroughly by Board staff, with alternative suggestions offered as to how he might resolve his concerns. There is no further IOGLB assistance that can be provided to Mr. Charlton.

Legislative Audit Review: The Board recently completed a financial audit conducted by the Legislative Services Office. These are required about every three years. The final audit report was presented by the Director with one finding having to do with timely depositing of receipts to the State Treasurer. Appropriate steps have been taken to correct this problem and no other issues were noted. Following this discussion, MSC (Lyon--Bernt) TO ACCEPT THE LEGISLATIVE AUDIT REPORT AS PRESENTED.

The meeting recessed for lunch at 11:50 AM and reconvened at 1:15 PM.

Shepp Ranch Resorts, LLC: Designated Agent Jinny Hopfenbeck and ranch manager Mike Demerse appeared before the Board to discuss their proposal for licensing consideration on a stretch of the Main Salmon River between Corn Creek and Vinegar Creek. Shepp Ranch has been conducting limited floatboat trips in the proximity of their ranch under the auspices of other licensed outfitter operations for a number of years. They feel it would be most beneficial for them if an additional authorization could be approved by both the IOGLB and the Forest Service for a limited day-use program on this relatively short stretch of the river in the vicinity of Shepp Ranch. After reviewing their proposal and discussing several related issues, the Board recommended that they consider submitting a petition for the Board to review.

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Ed Cannady, Sawtooth National Recreation Area (SNRA): Mr. Cannady appeared before the Board to discuss some issues related to the performance of licensed outfitter Mike Mulligan. Mr. Mulligan also appeared for the meeting, accompanied by his wife Stephanie and attorney Pat Furey. Mr. Mulligan has been licensed and permitted for approximately 12 years as a snowmobile and 4X4 tour guiding operation in the vicinity of the SNRA. Mr. Cannady presented several letters and other documentation related to alleged questionable performance on the part of Mr. Mulligan over the last several years with regard to his snowmobile operations. Some of the issues the Forest Service has concerns about are related to unauthorized placement of a large fuel tank for refueling snowmobiles, questionable removal of snow on a winter recreation roadway, and delinquent payment of required use fees. The Forest Service has been addressing these matters with Mr. Mulligan for the last three years but had not informed the Board of the alleged problems until just recently. They are now planning to consider recommending non-renewal of the special use permit for Mulligan's snowmobile operations based on this past performance. Disciplinary matters such as this are required to be coordinated with the IOGLB under the guidelines of the MOU with the Forest Service and this has not been accomplished in this case. The Board discussed this with the group and recommended that a meeting be organized to bring Mr. Mulligan and representatives of the SNRA together with Director Sangrey to discuss potential options to resolve this issue.

Ray Kagel, Sentinel Rock Outfitters: Mr. & Mrs. Kagel appeared before the Board to discuss their licensed outfitter operations and review a proposal they have developed for expanding into a limited hunting operation in their area. They described their current operating area and location of their ranch and talked about the feasibility of getting authorization to offer a limited deer and elk hunt program. Following this discussion, the Board recommended they prepare an appropriate amendment request for this activity and submit it to the office for evaluation and consideration.

The meeting recessed for the evening at 5:10 PM and reconvened on Tuesday, August 25, 1998 at 8:15 AM, with all members present except Diana Swift.

Financial Report: Director Sangrey presented a report on the close-out financial condition of the IOGLB as of June 30, 1998, the end of the fiscal year. He also reported on the month-end statistics for July, the first month of the 1999 fiscal year, and gave an overview of the proposed FY2000 budget. After discussing the results of the month end financial reports and detailing several of the areas in the new proposed budget, MSC (Bernt—Hunsucker) TO ACCEPT THE REPORTS AS PRESENTED AND APPROVE THE PRELIMINARY RECOMMENDATIONS AS DEVELOPED FOR THE FISCAL YEAR 2000 BUDGET. The Director explained that some final modifications will be made to the budget and then it will be submitted to the Governors Office for review.

Wayne Fairchild, Lewis & Clark Trail Adventures: Mr. Fairchild appeared before the Board in a show cause hearing regarding his citation for conducting a floatboat trip on the Lochsa River with unlicensed guides. He stipulated to the charges and agreed to pay a fine of \$500.00. He further explained that the guides involved, William Thomas and Clint Frank, are both qualified

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boatman who have worked for him for several years. Their guide applications had been completed and were just never mailed to the Board. Documentation in their files substantiated that this was the case. Mr. Frank and Mr. Thomas also appeared with Mr. Fairchild and explained they were under the mistaken impression that the licenses had been issued. Following this discussion, MSC (Hunsucker—Lyon) TO ACCEPT THE STIPULATION TO THE CHARGES FROM MR. FAIRCHILD AND DIRECT THAT HE PAY THE \$500 FINE IMMEDIATELY.

William Thomas and Clint Frank: Mr. Thomas and Mr. Frank visited with the Board regarding their guide license applications and the issue of conducting a float trip earlier in the year without their licenses in possession. After reviewing the matter and discussing the issue in detail, MSC (Lyon—Hunsucker) TO APPROVE THE IMMEDIATE ISSUANCE OF A PROBATIONARY GUIDE LICENSE FOR BOTH MR. THOMAS AND MR. FRANK. THE TERMS OF PROBATION ARE THAT THEY NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES DURING THE TERM OF PROBATION WHICH WILL EXPIRE ON MARCH 31, 1999. AMENDMENTS WILL BE CONSIDERED FOR THEIR LICENSES DURING THIS PROBATIONARY PERIOD.

Executive Session: MSC (Hunsucker—Bernt) TO GO INTO EXECUTIVE SESSION AT 9:40 AM TO DISCUSS LITIGATION MATTERS. MSC (Lyon—Bernt) TO GO OUT OF EXECUTIVE SESSION AT 10:21 AM WITH NO DECISIONS MADE.

Richard Cook: Mr. Scanlin reviewed the proposed agreement with Mr. Cook to consider expunging his record with the Board as it relates to the present case under appeal. Following this discussion, MSC (Lyon—Hunsucker) TO APPROVE THE EXPUNGEMENT OF THE RELATED RECORDS OF MR. COOK WITH THE UNDERSTANDING THAT ANY REMAINING PAYMENTS STILL DUE TO THE BOARD WILL BE MADE TO SATISFY ALL MONIES OWED TO BOTH THE CLIENTS OF MR. COOK AND THE BOARD. FURTHER, THIS EXPUNGEMENT OF THE RECORD DEALS ONLY WITH THE CASE PRESENTLY BEFORE THE BOARD AND THE DISTRICT COURT AND HAS NOTHING TO DO WITH ANY PAST ISSUES REGARDING MR. COOK.

Executive Session: MSC (Hunsucker—Lyon) TO GO INTO EXECUTIVE SESSION AT 10:35 AM TO DISCUSS LITIGATION MATTERS. MSC (Lyon--Bernt) TO GO OUT OF EXECUTIVE SESSION AT 10:55 AM WITH NO DECISIONS MADE.

John Goodman: Mr. Goodman appeared before the Board to discuss his interest in getting approved for a guide license to work for outfitter Rick Hussey. Mr. Goodman is a formerly licensed big game outfitter whose license was relinquished by the IOGLB in 1990. The Director denied Mr. Goodman's guide license application based on this past history in order for the Board to have an opportunity to review the record. Mr. Goodman discussed the matter with the Board and following this review, MSC (Bernt—Lyon) TO APPROVE THE ISSUANCE OF AN UNRESTRICTED GUIDE LICENSE FOR MR. JON GOODMAN FOR THE 1998-99

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SEASON. THE LICENSE WILL BE ISSUED UPON RECEIPT OF A COMPLETED APPLICATION AND PAYMENT OF LICENSE FEES.

The meeting recessed for lunch at 11:50 AM and reconvened at 1:30 PM.

Strategic Plan: The Director reviewed the updated Strategic Plan for the Board which must be submitted to the Governors Office. Board member Wayne Hunsucker recommended two changes to the plan relating to inadequate prosecution of unlicensed outfitter and guide activities around the state. Following this discussion, MSC (Lyon—Bernt) TO APPROVE THE REVISED STRATEGIC PLAN AS CORRECTED.

Wilderness Lodge, LTD: The Board reviewed a written request submitted by Mr. Gregory Grabacki, Designated Agent for Wilderness Lodge, LTD, to cease operations immediately and relinquish their outfitter license. After reviewing the file and record, MSC (Hunsucker—Lyon) TO ACCEPT THE VOLUNTARY RELINQUISHMENT OF THE OUTFITTER LICENSE OF WILDERNESS LODGE, LTD.

Joe Porter Complaint: The Board reviewed a written complaint they received from Mr. Joe Porter. He was expressing his concern about the messy condition of a back country outfitter camp he had encountered that apparently was maintained and used by Travis Bullock, dba Mile High Outfitters of Idaho. Mr. Porter further alleged that Mr. Bullock was utilizing a snow blower to clear a back country airstrip and that this activity was prohibited in that area. Mr. Bullock submitted a response to the allegations in Mr. Porter's letter and the Board also reviewed this information. At the conclusion of the discussion the Director was instructed to investigate all of the issues related to this matter and work with the parties to resolve the concerns.

Special Actions: Director Sangrey reviewed three files with the Board dealing with licensing decisions that were made since the last Board meeting in April. **Norwegian School of Nature Life** applied for an exemption from licensing under the provisions of Sec. 36-2103, Idaho Code. All criteria was met and satisfied. **Bruce Tidwell** and **David Doub** were both approved for probationary guide licenses following a review of their files by several members of the Board. At the conclusion of this review, MSC (Hunsucker--Bernt) TO APPROVE THESE LICENSING DECISIONS AS DETERMINED BY THE BOARD AND THE DIRECTOR.

June Board Minutes: Following review and discussion of the minutes from the June Board meeting, noting a correcting entry needed for Frank Giles, MSC (Lyon—Bernt) TO APPROVE THE JUNE BOARD MEETING MINUTES AS CORRECTED.

December Board Meeting: The next meeting of the IOGLB will be held December 2 – 4, 1998 at the Board office in Boise.

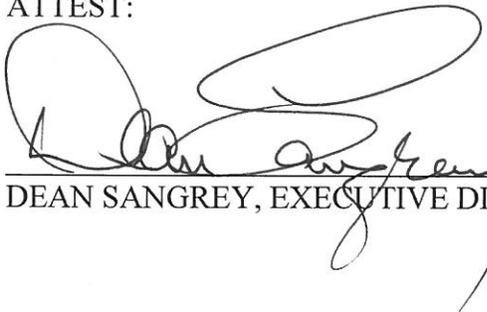
With no further business to come before the Board, the meeting was adjourned at 4:45 PM.

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LEO CRANE, CHAIRMAN

ATTEST:



DEAN SANGREY, EXECUTIVE DIRECTOR