

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

**FINAL MINUTES**

**July 30 - 31, 2007**

**(KEY: MSC = MOTION: MADE, SECOND: CARRIED  
MSF = MOTION: MADE, SECOND: FAILED)**

**THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 8:30 A.M. JULY 30, 2007, IN THE BOARD ROOM, 1365 NORTH ORCHARD, ROOM 172; BOISE, IDAHO. MEMBERS SCOTT FARR (CHAIRMAN), WAYNE HUNSUCKER AND MARCUS GIBBS WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD AND BOARD SECRETARY LORI THOMASON, BOARD MEMBER WILL JUDGE WAS NOT PRESENT.**

**MSC (MOTION, GIBBS; SECOND, LONG – AYES HUNSUCKER, FARR, ; NAYES -- NONE) AT 8:30 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE. MSC (MOTION, HUNSUCKER; SECOND, GIBBS, AYES: LONG, FARR, NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 9:00 A.M. WITH NO DECISION MADE.**

**Disciplinary Hearing, TJ Carter** - The following parties were sworn in by Hearing Administrator Steve Scanlin; Enforcement Chief Bob Lund; Chris Wright IDFG; Matt Erickson, Senior Conservation Officer with Idaho Fish and Game; TJ Carter; Tom Carter; Dawn Carter. The Board was represented by Board Prosecutor Steve Tobiason. Hearing Administrator Scanlin explained how the hearing would proceed.

*Chairman Farr recessed the meeting for lunch break at 12:05 p.m. and reconvened at 1:30 p.m. with all Board members present except Will Judge.*

**Disciplinary Hearing - Deadwood Outfitters, Tom Carter** - The following parties were sworn in by Hearing Administrator Steve Scanlin; Enforcement Chief Bob Lund; Chris Wright, IDFG; Matt Erickson, Senior Conservation Officer with Idaho Fish and Game; TJ Carter; Tom Carter; Dawn Carter. The Board was represented by Board Prosecutor Steve Tobiason. Hearing Administrator Scanlin explained how the hearing would proceed.

**MSC (MOTION, HUNSUCKER; SECOND, GIBBS – AYES LONG, FARR, ; NAYES -- NONE) AT 5:35 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE. MSC (MOTION, GIBBS; SECOND, HUNSUCKER, AYES LONG, FARR; NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 6:10 P.M. WITH NO DECISION MADE.**

**MSC (MOTION: HUNSUCKER, SECOND, GIBBS – AYES: LONG, FARR, NAYES - NONE) THAT THE BOARD HEREBY ORDERS THAT THE CHARGES FOUND IN COUNTS II AND IV ARE DISMISSED. FOR THE VIOLATIONS FOUND IN COUNTS I AND III, THE RESPONDENT WILL BE PLACED ON PROBATION FOR A PERIOD OF TWO (2) YEARS WITH THE USUAL TERMS OF PROBATION TO APPLY, AND AS A TERM OF HIS PROBATION THAT HE PAY AN ADMINISTRATIVE FINE OF TWO HUNDRED FIFTY DOLLARS (\$250.00) PER COUNT, FOR A TOTAL OF FIVE HUNDRED DOLLARS (\$500.00). FOR THE VIOLATION FOUND IN COUNT V, NO ACTION WILL BE TAKEN BY THE BOARD, BUT A LETTER OF REPRIMAND BE SENT TO THE RESPONDENT TO BECOME MORE FAMILIAR WITH OUTFITTING AND GUIDING LAWS AND RULES SO THAT THESE VIOLATIONS DO NOT REOCCUR.**

**MSC (MOTION, GIBBS; SECOND, HUNSUCKER – AYES LONG, FARR, NAYES - NONE) THAT THE BOARD HEREBY ORDERS THAT COUNT IV BE DISMISSED, AND THAT TOM CARTER BE ASSESSED AN ADMINISTRATIVE FINE OF TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATIONS FOUND IN EACH OF COUNTS I, II, III AND VII; AN ADMINISTRATIVE FINE OF FIVE HUNDRED DOLLARS (\$500.00) FOR THE VIOLATIONS FOUND IN EACH OF COUNTS V AND VI AND THAT A LETTER OF REPRIMAND BE SENT TO THE RESPONDENT TO BECOME MORE FAMILIAR WITH OUTFITTING AND GUIDING LAWS AND RULES SO THAT THESE VIOLATIONS DO NOT REOCCUR.**

**2007 Fire Emergency Procedures** – Grant Simons asked the Board to consider the fire situation and how it will affect the Outfitters in the burn areas. Board Member Long and Executive Director Howard explained that procedures were already in place to handle situations where outfitters may be affected by fire. The Director said the information would be emailed to the river outfitters immediately, and would be posted on IOGLB's website.

*Chairman Farr recessed the Board Meeting for the day at 6:30 p.m. to reconvene tomorrow, Tuesday July 31, 2007, at 7:00 a.m.*

*Chairman Farr reconvened the meeting at 7:00 a.m. on Tuesday July 31, 2007, with the following present: Board Members Wayne Hunsucker; Tom Long; Marc Gibbs; Director*

*Howard; Enforcement Chief Lund; and Board Secretary Lori Thomason. Will Judge was not present.*

**MSC (MOTION, HUNSUCKER; SECOND, LONG – AYES GIBBS, FARR ; NAYES -- NONE) AT 7:00 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE. MSC (MOTION, LONG; SECOND, HUNSUCKER, AYES: GIBBS, FARR, NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 7:15 A.M. WITH NO DECISION MADE.**

**John Huffacker Guide License – *the following present:* Tom Demorest, John Huffacker. MSC (MOTION, GIBBS; SECOND, HUNSUCKER – AYES, LONG, FARR,; NAYES - NONE) THAT THE BOARD GRANT JOHN HUFFACKER A GUIDE LICENSE WITH THE CONDITIONS THAT HE HAVE A PROBATIONARY LICENSE FOR TWO (2) YEARS, AND THAT IF HE LEAVES MR. DEMOREST’S EMPLOYMENT, THEN MR. DEMOREST MUST NOTIFY THE BOARD OF THE CONDITIONS AS TO WHY MR. HUFFACKER LEFT. SHOULD ALCOHOL BE THE REASON, THEN MR. HUFFACKER WOULD BE REQUIRED TO APPEAR BEFORE THE BOARD FOR ANY FUTURE LICENSE.**

**Hotel Accommodations** – The Board asked Director Howard to change Board member lodging from the Double Tree Riverside to Red Lion Downtowner.

**Guidance Letter** – Director Howard and Board Prosecuting Attorney discussed draft guidance letters that had developed in response to the Board’s earlier direction. The Director said one of letters was to clarify statute and rules governing power and float boat use, and the other was to clarify statute and rules governing third party arrangements, booking agents, and employer/employee relationships. The Director said that he would be providing the final draft letter to the Board for comments in August, and that he hoped to have these letters disseminated in September.

**MSC (MOTION, HUNSUCKER; SECOND, GIBBS – AYES: FARR, LONG, NAYES – NONE) TO APPROVE FINANCIAL REPORT**

**MSC (MOTION, HUNSUCKER; SECOND, GIBBS – AYES: FARR, LONG, NAYES – NONE) TO APPROVE JUNE BOARD MEETING MINUTES.**

**MSC (MOTION, GIBBS; SECOND, HUNSUCKER – AYES LONG, FARR; NAYES -- NONE) TO APPROVE CONSENT AGENDA**

**Matters Concerning Sandy Podsaid** - The following parties were present: Hearing Administrator Steve Scanlin; Enforcement Chief, Bob Lund; Sandy Podsaid; Barry McHugh. Board Prosecutor Steve Tobiason represented the Board. A settlement was reached and a full hearing did not take place.

**MSC (MOTION, LONG; SECOND, HUNSUCKER – AYES GIBBS, FARR: NAYES - NONE) THAT THE BOARD ACCEPT THE SETTLEMENT AGREEMENT AND THE STIPULATIONS AS PRESENTED. IT IS HEREBY ORDERED:**

- (1) COUNTS I AND III OF THE ADMINISTRATIVE COMPLAINT FILED BE DISMISSED.**
- (2) MR. PODSAID HAS ADMITTED THAT IF THE MATTER WENT TO HEARING, THE BOARD MIGHT FIND A VIOLATION OF COUNTS II AND IV OF THE ADMINISTRATIVE COMPLAINT FILED IN CASE NUMBER 07-2594-04, AND BASED UPON HIS ADMISSION HE IS FOUND TO HAVE COMMITTED THOSE VIOLATIONS;**
- (3) RESPONDENT PODSAID SHALL PAY SEVEN THOUSAND DOLLARS (\$7,000) IN FEE AND COST RECOVERY IN CASE NUMBER 07-2594-04 AS FOLLOWS:**
  - a. RESPONDENT PODSAID CURRENTLY HAS ONE THOUSAND FOURTEEN DOLLARS AND NINETY CENTS (\$1,014.90) ON DEPOSIT WITH THE BOARD. THESE FUNDS SHALL BE APPLIED TO THE COST RECOVERY;**
  - b. RESPONDENT PODSAID SHALL PAY NINE HUNDRED EIGHTY-FIVE DOLLARS AND TEN CENTS (\$985.10) OF THE COST RECOVERY WITHIN THIRTY (30) DAYS OF THE DATE OF THE EXECUTION OF THIS ORDER;**
  - c. RESPONDENT PODSAID SHALL PROVIDE EXECUTIVE DIRECTOR JAKE HOWARD OR STEVEN J. TOBIASON WITH DOCUMENTATION OF HIS REASONABLE, INDIVIDUAL EXPENSES FOR TRAVEL, LODGING AND CAR RENTAL TO ATTEND THE HEARING HELD JUNE 29, 2007. SAID DOCUMENTATION MUST BE PROVIDED WITHIN FIFTEEN (15) DAYS OF THE SETTLEMENT AGREEMENT BEING SIGNED BY ALL PARTIES. UPON RECEIPT AND REVIEW THE AMOUNT OF SAID EXPENSES SHALL BE APPLIED AS A CREDIT TO THE NINE HUNDRED COLLARS AND TEN CENTS (\$985.10) IN PARAGRAPH 3(B) ABOVE;**
  - d. THE REMAINING FIVE THOUSAND DOLLARS (\$5,000) IN FEE AND COST RECOVERY AS SET FORTH IN PARAGRAPH THREE (3) SHALL BE DUE AND PAYABLE AS FOLLOWS:**
    - i. IF RESPONDENT SELLS A-W OUTFITTERS BEFORE DECEMBER 31, 2008, THE PROCEEDS OF THE SALE PAID BY THE BUYER**

**PRIOR TO OR ON THE DATE OF CLOSING SHALL BE DEPOSITED WITH AN ESCROW AGENT. THE ESCROW AGENT, AT THE CLOSING, SHALL DISTRIBUTE THE PAYMENT OF FIVE THOUSAND DOLLARS (\$5,000) TO THE BOARD AT 1365 NORTH ORCHARD STREET, ROOM 172, BOISE, IDAHO 83706. THE REMAINING FUNDS FROM THE SALE OF A-W OUTFITTERS RECEIVED BY THE ESCROW AGENT SHALL BE SUBMITTED BY THE ESCROW AGENT TO MR. BARRY MCHUGH FOR DEPOSIT IN MR. MCHUGH'S CLIENT TRUST ACCOUNT.**

- ii. IF RESPONDENT DOES NOT SELL A-W OUTFITTERS BEFORE DECEMBER 31, 2008, THE FIVE THOUSAND DOLLARS (\$5,000) SHALL BE PAID BY RESPONDENT PODSAID TO THE BOARD ON OR BEFORE DECEMBER 31, 2008.**

**(4) NO PETITION FOR RECONSIDERATION OR APPEAL SHALL BE TAKEN FROM THIS ORDER.**

**IT IS FURTHER HEREBY ORDERED:**

- 1. APPLICANT PODSAID SHALL IMMEDIATELY BE LICENSED TO GUIDE FOR BITTERROOT MOUNTAIN OUTFITTERS THROUGH A GUIDE LICENSE UNDER PROBATIONARY STATUS THROUGH A LETTER OF TEMPORARY AUTHORIZATION ISSUED BY EXECUTIVE DIRECTOR JAKE HOWARD. SAID AUTHORITY TO GUIDE FOR BITTERROOT MOUNTAIN OUTFITTERS SHALL BE EFFECTIVE UNTIL OCTOBER 1, 2007, AND SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS:
  - a. APPLICANT PODSAID SHALL COMPLY WITH LOCAL, STATE, AND FEDERAL LAWS AND RULES RELATED TO HIS GUIDE LICENSE.**
  - b. APPLICANT PODSAID SHALL COMPLY WITH ALL BOARD RULES AND ORDERS.**
  - c. APPLICANT PODSAID SHALL NOT MAKE ANY LICENSE AMENDMENT REQUEST TO THE BOARD DURING HIS PERIOD OF PROBATION.****
- 2. APPLICANT PODSAID SHALL BE ISSUED A RESTRICTED PROBATIONARY SOLE PROPRIETORSHIP OUTFITTER LICENSE (NOTE: A SOLE PROPRIETOR OUTFITTING LICENSE IS ALSO A GUIDE LICENSE).**
- 3. APPLICANT PODSAID'S SOLE PROPRIETORSHIP OUTFITTER LICENSE ISSUED UNDER PROBATION STATUS SHALL BE EFFECTIVE FROM ITS**

**DATE OF ISSUANCE THROUGH MARCH 31, 2008. THE FOUR HUNDRED DOLLARS (\$400) PREVIOUSLY PAID BY APPLICANT PODSAID FOR HIS OUTFITTER APPLICATION SHALL BE APPLIED TO THE FEE FOR LICENSURE THROUGH MARCH 31, 2008, AND NO ADDITIONAL FEE SHALL BE REQUIRED BY APPLICANT PODSAID BY THE BOARD FOR THE PRESENT LICENSING YEAR.**

- 4. APPLICANT PODSAID'S OUTFITTER LICENSE SHALL HAVE THE FOLLOWING RESTRICTIONS:**
  - a. FROM THE DATE OF ISSUANCE UNTIL OCTOBER 2, 2007, APPLICANT'S AUTHORITY UNDER THE OUTFITTER LICENSE SHALL BE LIMITED TO ADVERTISING AND BOOKING CLIENTS FOR A-W OUTFITTERS, CLEANING UP CAMPS, RETRIEVAL OF EQUIPMENT FROM CAMPS (PURSUANT TO LETTER FROM DAVE O'BRIEN, STAFF OFFICER, PANHANDLE NATIONAL FOREST, U.S.F.S., DATED JULY 18, 2007) AND CAMP SET UP FOR USE BY CLIENTS AS AUTHORIZED BY PANHANDLE NATIONAL FOREST. NO CLIENT SHALL BE ALLOWED INTO OUTFITTER'S AREA OF OPERATION UNTIL, ON, OR AFTER OCTOBER 2, 2007.**
  - b. FROM OCTOBER 2, 2007 THROUGH MARCH 31, 2008, THE LIMITATION IN (4A) ABOVE SHALL BE REMOVED.**
  - c. FROM THE DATE OF ISSUANCE THROUGH MARCH 31, 2008, THE OUTFITTER LICENSE SHALL BE SUBJECT TO THE FOLLOWING TERMS OF PROBATION:**
    - i. APPLICANT PODSAID SHALL COMPLY WITH LOCAL, STATE, AND FEDERAL LAWS AND RULES RELATED TO THE OUTFITTER LICENSE AND APPLICANT PODSAID'S GUIDE LICENSE.**
    - ii. APPLICANT PODSAID SHALL COMPLY WITH ALL BOARD RULES AND ORDERS.**
    - iii. APPLICANT PODSAID SHALL NOT MAKE ANY LICENSE AMENDMENT REQUEST TO THE BOARD DURING THE PERIOD OF PROBATION.**
    - iv. APPLICANT PODSAID SHALL NOT BOOK TRIPS, TAKE DEPOSITS, OR MAKE ANY WRITTEN OR VERBAL COMMITMENTS TO PROSPECTIVE CLIENTS OF AW-OUTFITTERS FOR OUTFITTING AND/OR GUIDING SERVICES FOR THE 2009 CALENDAR YEAR.**
- 5. APPLICANT PODSAID MAY SEEK LICENSURE AS AN OUTFITTER FROM APRIL 1, 2008 THROUGH DECEMBER 31, 2008. UPON RECEIPT**

**OF A COMPLETE AND VALID RENEWAL LICENSE APPLICATION, THE BOARD SHALL ISSUE AN OUTFITTER LICENSE UNDER PROBATIONARY STATUS EFFECTIVE FROM APRIL 1, 2008, THROUGH DECEMBER 31, 2008, SUBJECT TO THE SAME RESTRICTIONS SET FORTH IN 4(C) ABOVE.**

- 6. IT IS THE INTENT OF THE BOARD THAT IF A-W OUTFITTERS IS NOT SOLD ON OR BEFORE DECEMBER 31, 2008, THE LICENSE SHALL TERMINATE AND THE BOARD SHALL TREAT THE AREA AS A VACATED AREA AND SHALL OPEN SAID AREA FOR A PROSPECTUS IN ACCORDANCE WITH ALL APPLICABLE STATUTES, RULES, AND REGULATIONS. IF APPLICANT PODSAID SEEKS AN EXTENSION OF THE OUTFITTER LICENSE BEYOND DECEMBER 31, 2008, THE BOARD WILL ONLY GRANT SAID EXTENSION IF IT IS FOR THE SOLE PURPOSE OF THE SELLING THE OUTFITTER BUSINESS AND IF APPLICANT PODSAID HAS PROVIDED GOOD CAUSE FOR SAID EXTENSION.**

*With no further business to come before the Board, Chairman Farr adjourned the meeting at 5:00 p.m., Tuesday, July 31, 2007.*

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SCOTT FARR, CHAIRMAN

ATTEST:

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JAKE HOWARD, DIRECTOR