

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

**FINAL MINUTES**

**December 13, 2007**

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

**AN EXECUTIVE SESSION MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 7:00 A.M. DECEMBER 13, 2007, AT THE RED LION HOTEL BOISE DOWNTOWNER 1800 FAIRVIEW, BOISE, IDAHO TO DISCUSS LITIGATION MATTERS WITH THE BOARD'S ATTORNEY. MEMBERS SCOTT FARR (CHAIRMAN), WAYNE HUNSUCKER, WILL JUDGE, AND MARCUS GIBBS WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD AND BOARD SECRETARY LORI THOMASON, STEVE TOBIASON PROSECUTOR, ROGER HALES BOARD ATTORNEY. MEMBER TOM LONG WAS EXCUSED.**

**MSC (MOTION, GIBBS; SECOND, HUNSUCKER – AYES JUDGE, 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. TO DISCUSS LITIGATION ISSUES; MSC (MOTION, HUNSUCKER; SECOND, GIBBS AYES JUDGE, FARR; NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 8:45 A.M. WITH NO DECISION MADE.**

**Pending Sale and Amendments involving Idaho Whitewater Unlimited Inc. and Idaho Angler – McCall** - The Director discussed an outfitter business sale and outfitter amendments involving Idaho Whitewater Unlimited Inc. and Idaho Angler - McCall which he needed the Board's guidance. He explained that the selling outfitter had not included assets in the bill of sale, and appeared to have minimal use. His question in this regard is what constituted a business, and he reminded the Board that by law an outfitter cannot sell a license, operating area or an activity. He said that typically an outfitter would at least include some "blue sky" assets such as a client list, or an agreement to provide the buyer training in the area being purchased. He said the seller had not provided this and was upset that he questioned the legitimacy of the sale when it appeared there was not a business. The Board advised that, typically, a business should have some assets included in the sale, but during a partial sale such as this, at a minimum, the outfitter may retain all equipment and other assets. Therefore, in certain instances, the business can alone be determined by the outfitter's provision of service to the public. As such, the seller must provide clear documented use and the Board could accept that as

a legitimate business. The Board indicated that in these instances, the sale must clearly be beneficial to the industry and the public. They said that in these instances they should be consulted before that sale is approved. They suggest that the Director and Board's attorney contact the seller and give him an opportunity to clarify and document the reported use. They said if the seller cannot do this, then he should be brought before the Board in a non-use hearing.

*With no further business to come before the Board, Chairman Farr adjourned the meeting at 8:45 am.*

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SCOTT FARR, CHAIRMAN

ATTEST:

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JAKE HOWARD, DIRECTOR