

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

FINAL MINUTES

January 17, 2008

**(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. JANUARY 17, 2008, 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, BOB LUND CHIEF ENFORCEMENT OFFICER, ROGER HALES, BOARD ATTORNEY AND GRANT SIMONDS, EXECUTIVE DIRECTOR IOGA. BOARD MEMBERS WILL JUDGE AND TOM LONG WERE NOT PRESENT

Agenda – Director Howard discussed the agenda and rescheduling the hearings. He also discussed the legislative package that will be presented to the legislature this session.

MSC (MOTION, GIBBS; SECOND, HUNSUCKER – AYES FARR, NAYES -- NONE) AT 9:00 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE. TO DISCUSS THE PRIVATE LAND ISSUES. MSC (MOTION, GIBBS; SECOND, HUNSUCKER, AYES FARR; NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 10:30 A.M. WITH NO DECISION MADE.

Legal Opinion, Draft Private Lands – Board Attorney Roger Hales gave a rough draft of the legal opinion he has written on private lands. The Board instructed that he finalize the draft and present it to them at a future Board meeting.

Broadmouth Canyon Ranch, DA Rulon Jones and A&L Outfitters, DA Warren Adams

Director Howard presented two applications to the Board that he deferred to them for their review and a decision.

MSC (MOTION, GIBBS; SECOND, HUNSUCKER – AYES FARR, NAYES -- NONE) TO TABLE THE APPLICATIONS SUBMITTED BY BROADMOUTH CANYON RANCH/RULON JONES AND A&L OUTFITTERS/WARREN ADAMS UNTIL THE FEBRUARY BOARD MEETING.

Allocation Manual Review and Update – The Board discussed the process of allocated tags and the manual. Director Howard explained that a database has been created to track the history for allocated tags. The information will be date and time stamped so proper credit will be given to

January Minutes

outfitters who redeem, surrender and release their tags at the required times. A waiting list has also been established to track requests for additional allocated tags. Outfitters will be required to fax or e-mail their requests. Phone calls will no longer be accepted as a way of requesting additional tags.

Chairman Farr recessed the meeting for lunch break at 11:50 a.m. and reconvened at 1:15 p.m. at Idaho Fish and Game offices. Board members Scott Farr, Wayne Hunsucker, Marc Gibbs and Jake Howard were present.

Idaho Fish and Game Commission MOU - The Board met with IDFG for their annual report at their offices. The MOU between the Outfitter and Guides Licensing Board and Idaho Department of Fish and Game was signed by the IDFG Commission Chairman Cameron Wheeler, IDFG Director Cal Groen, IOGLB Board Chairman Scott Farr and IOGLB Executive Director Jake Howard.

Chairman Farr reconvened back at IOGLB offices at 2:30 p.m. with all board members present with the exceptions of Tom Long and Will Judge.

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

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

**MSC (MOTION, GIBBS; SECOND, HUNSUCKER – AYES, FARR; NAYES -- NONE)
TO HAVE BOARD ATTORNEY WRITE SANDY PODSAID A LETTER ADVISING
HIM THAT ANY COMMUNICATION WITH THE BOARD MUST BE IN WRITING
AND ADDRESSED TO THE EXECUTIVE DIRECTOR, JAKE HOWARD.**

Board Member Judge joined the meeting via a conference call.

Federal Employee Identification Number - Board member Judge explained that he had become aware of concerns from Clearwater Chapter of the Idaho Outfitters and Guides Association about the Board's need for Federal Employee Identification Numbers (FEIN) and that there was some confusion over the request for a tax id number. Director Howard explained that this is something new to the licensing forms this year and it had been discussed and approved by the Board in 2007. He said that it was implemented for voluntary compliance for 2008 with the intent for the information to be required next year. He said the inclusion of a request for a tax id number was in error and it should have been removed from the outfitter form before it went out. He explained that the need first came about as a result of inquiries from the Senate Resources and Conservation Committee, who apparently were questioned by their constituents regarding what the Board was doing to see that out-of-state outfitters are paying state taxes, and as the result of the growth of third party arrangements and related employer/employee issues discussed in an earlier guidance letter to the industry. He said that as pointed out in that letter, to understand "third party agreements", one must recognize the differences between an employee and an independent contractor. By state law, and as clarified in that letter, an outfitter is the business and the employer. As such and limited by state law, an outfitter business cannot contract with Designated Agents or guides. These individuals must be "employees." He explained that the Board needs the FEIN to communicate efficiently with Idaho Department of Labor, the Idaho State Industrial Commission, to determine whether such information as wage and labor reports are being made, workmen's compensation insurance is being provided or income taxes are being reported. In this

January Minutes

way, employment can be verified. He said that it is important to recognize that having this number does not give the Board the ability to get information they cannot already get. For example, tax information. Tax information is not publicly available, nor does the Board have a need for it. When the Board has tax reporting concerns, the Tax Commission is notified and they investigate the matter accordingly. If a violation occurs, the Tax Commission processes it and only in certain instances are their findings made public or available to the Board.

Stipulations – Prosecutor Steve Tobiason presented the two stipulations for Josh Osten (Guide) and Black Dog Outfitters Darren Puetz

MSC (MOTION, GIBBS; SECOND, HUNSUCKER – AYES, FARR; NAYES -- NONE) NOT TO ACCEPT THE STIPULATION AGREEMENT FOR JOSH OSTEN, AND TO PROCEED WITH A HEARING AT THE FEBRUARY BOARD MEETING.

MSC (MOTION, HUNSUCKER; SECOND, GIBBS – AYES, FARR; NAYES -- NONE) TO ACCEPT THE STIPULATION AGREEMENT FOR BLACK DOG OUTFITTERS/DARREN PUETZ.

MSC (MOTION, GIBBS; SECOND, HUNSUCKER – AYES, FARR; NAYES -- NONE) TO ACCEPT THE FOLLOWING POLICY CHANGES
POLICY NUMBER 4002-2008 COMPLAINT INVESTIGATIONS AND ENFORCEMENT PROCEEDINGS
POLICY NUMBER 4003-2008 ADMINISTRATIVE HEARING PROCESS
POLICY NUMBER 1006-2008 ELECTRONIC RECORDS ACT
POLICY NUMBER 1005-2008 IDAHO PUBLIC RECORDS LAW
POLICY NUMBER 1003-2008 NOTICE, INDEXING & MAILING BOARD MEETING MINUTES & AGENDA

With no further business to come before the Board, Chairman Farr adjourned the meeting at 5:00 p.m., Thursday January 17, 2008.

SCOTT FARR, CHAIRMAN

ATTEST:

JAKE HOWARD, DIRECTOR