

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

FINAL MINUTES

December 08, 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. DECEMBER 08, 2008, IN THE BOARD ROOM, 1365 NORTH ORCHARD, ROOM 172, BOISE, IDAHO. MEMBERS (CHAIRMAN), WAYNE HUNSUCKER, WILL JUDGE, CHRIS KORELL, TOM LONG, ALEX IRBY WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD AND BOARD SECRETARY LORI THOMASON, PAT BEALE CHIEF ENFORCEMENT OFFICER, ROGER HALES BOARD ATTORNEY, STEVEN GOODSON FROM THE GOVERNERS OFFICE AND BENJAMIN DAVENPORT FROM THE IOGA.

MSC (MOTION, JUDGE; SECOND, LONG – AYES IRBY, HUNSUCKER NAYES -- NONE) AT 8:40 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE. TO DISCUSS THE LITIGATION ISSUES. MSC (MOTION,; SECOND, HUNSUCKER, AYES FARR,; NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 9:30 A.M. WITH NO DECISION MADE.

MSC (MOTION, LONG; SECOND, JUDGE – AYES HUNSUCKER, IRBY, KORELL; NAYES -- NONE) THE BOARD ATTORNEY FILES A COMPLAINT WITH THE STATE BAR ASSOCIATION ON THE BOARDS BEHALF THAT JOHN CURNEY IS PRACTING LAW IN THE STATE OF IDAHO WITHOUT A LICENSE.

Directors Report – Executive Director discussed the private land issues, along with the fish and game working in conjunction with them. There is meeting with the Governor's office and IDFG December 9, 2008 as to how can the board get on the same page with the IDFG. The board is looking for better defining information as to the reasoning dealing with Fish and Games letters of concern. The board seeks validation with the decisions the board makes based upon the collective information from IDFG.

Hearing Sandy Podsaid – Board Attorney Roger Hales Mike Kane Attorney Prosecutor

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Sandy Podsaid were present Mr. Kane presented the original settlement agreement as exhibit 1 and explained the history of the case and the settlement agreements. Exhibit 2 the buy sell agreement between Darren and Teresa Thorne. Offered exhibits 3,4,5,6,7. Mr. Podsaid explained that he is requesting that his guide license stay valid until March 31, 2009. Mr. Podsaid entered his exhibits with hand written numbers. Mr. Podsaid was sworn in by Board Attorney Mr. Hales. Mr. Hales asked Mr. Kane if there were any objections to Mr. Podsaid's exhibits 1 through 16. Mr. Kane state that there were no objections except exhibit #5 was not signed by parties involved.

Chairman Hunsucker stated the Board would only grant an extension in the event AW Outfitters was not sold. AW Outfitters sold his business in June to Darren Thorne.

Mr. Kane added some additional evidence as to the reasons of clarification. Mr. Howard was sworn into to testify about the settlement agreement he explained that the Board had given Mr. Podsaid until December 31, 2008 to sell his business. Mr. Podsaid has sold his business. The Board stated that after lunch they would go into Executive Session at that time Mr. Podsaid objected to the board going into Executive Session to discuss this matter.

Chairman Hunsucker recessed the meeting for lunch break at 12:20 a.m. and reconvened at 1:25 p.m. All Board Members mentioned above present.

Bigfoot Outfitters Stipulation- Prosecutor Kane explained that Bigfoot Outfitters has paid the fines as directed by the Board and to agree the stipulation agreement.

MSC (MOTION, IRBY; SECOND, JUDGE – AYES KORELL, HUNSUCKER, LONG; NAYES -- NONE) TO ACCEPT THE STIPULATION AGREEMENT FROM BIGFOOT OUTFITTERS.

MSC (MOTION, LONG; SECOND, JUDGE – AYES IRBY, HUNSUCKER NAYES -- NONE) AT 1:30 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE. TO DISCUSS THE LITIGATION ISSUES. MSC (MOTION, LONG ; SECOND, KORELL, AYES IRBY, HNSUCKER,; NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 1:50 P.M. WITH NO DECISION MADE.

The board deliberated on the guide license for Sandy Podsaid and came to the same conclusion which was to uphold the June 2008 Board decision.

MSC (MOTION, JUDGE; SECOND, KORELL – AYES IRBY, LONG, HUNSUCKER; NAYES -- NONE) TO UPHOLD THE BOARDS DECISION TO END THE GUIDE LICENSE ON DECEMBER 31, 2008 FOR SANDY PODSAID.

MSC (MOTION, IRBY; SECOND, KORELL – AYES KORELL, HUNSUCKER, LONG; NAYES -- NONE) TO DIRECT COUNCIL TO PREPARE A DIRECT ORDER REVIEWING THE BOARDS DECISION TO TERMINATE SANDY PODSAID’S GUIDE LICENSE.

Rules – Director Howard spoke of a letter from Kathryn Christiansen dealing with the IOGLB keeping the training from the guides. The discussion was the Outfitter needs to keep the record to make sure that the proper training has occurred before a guide license is issued.

MSC (MOTION, IRBY; SECOND, JUDGE – AYES LONG, KORELL, HUNSUCKERFARR; NAYES -- NONE) TO APPROVE THE PROPOSED RULES.

Professional Ropes Course Association (PRCA) ANSI Accredited Standards – Director Howard asked that the ANSI Accredited Standards be adopted for Zip Lines and that three training trips be accepted for the training that needs to be provided to guides.

MSC (MOTION, LONG; SECOND, KORELL – AYES JUDGE, IRBY HUNSUCKER; NAYES -- NONE) TO ACCEPT THE PROFESSIONAL ROPES COURSE ASSOCIATION STANDARDS (PRCA) ANSI ACCREDITED STANDARDS FOR ZIP LINES.

River Non-use review – A discussion took place about the need for a non use audit throughout the state for non use on the rivers. Director Howard stated that the board take a look at the last three years use on the river and report where they problem areas are located.

MSC (MOTION, LONG; SECOND, JUDGE – AYES KORELL, IRBY HUNSUCKER; NAYES – NONE) THAT WE DIRECT DIRECTOR HOWARD TO GATHER NON USE INFORMATION THROUGH OUT THE STATE FOR REVIEW AT THE MARCH BOARD MEETING.

License with no permits - Director Howard asked the board to give him direction to allow another letter be sent to outfitters to get permitted before the allocated tags are removed.

Donated Outfitter Services - At the April meeting Mr. Tobiason explained that this draft policy came as the result of the IOGA legislation concerning strengthening unlicensed outfitter laws in Idaho, and some confusion during the Senate Resources Committee hearing as the result of information discovered after the initial presentation of the bill, and provided in response to several Senator’s questions. The Board asked Mr. Tobiason to redraft the policy and suggested that they make a decision at the June meeting on how to move forward.

MSC (MOTION, KORELL; SECOND, LONG – AYES KORELL, IRBY, JUDGE HUNSUCKER; NAYES – NONE) APPROVE THE POLICY NUMBER 4006 WITH THE STIPULATION THAT INFREQUENT MEANS NO MORE THAN TWICE A YEAR

MSC (MOTION, JUDGE; SECOND, KORELL – AYES , IRBY, LONG HUNSUCKER; NAYES -- NONE) TO APPROVE CONSENT AGENDA

Budget Report - Director Howard discussed the fee increase and that we are trying to encourage the renewal process on line. This will save the outfitter money and will be more effective. The Board would like to be able to effectively show the outfitters that we need the fee increase in order to operate appropriately.

MSC (MOTION, KORELL; SECOND, IRBY – AYES , JUDGE, LONG HUNSUCKER; NAYES -- NONE) TO APPROVE FINANCIAL REPORT

Enforcement Report - Pat Beale Enforcement and Education Supervisor gave a report about the enforcement staff that the Board has at its disposal. These enforcement officers come with a vast array of experience. Five of these officers are dependent upon the board for their CE hours. These five officers are dependent on us for the 120 annual training hours.

Education Plan- A book has been established as a dynamic vision for the department in the education plan.

Mr. Beale explained the data base that he is in the process of creating. This will help establish a cost effective way to manage the enforcement aspect of the Board.

Unit 45 Prospectus- A decision was made on the unit 45 prospectus the two finalists were Spring Cove Outfitters and Kris Keller Outfitters. The BLM, IDFG and IOGLB spent extensive time interviewing and determining the best fit for the area.

MSC (MOTION, JUDGE; SECOND, KORELL – AYES , IRBY, LONG HUNSUCKER; NAYES -- NONE) TO APPROVE SPRING COVE APPLICATION FOR THE UNIT 45 PROSPECTUS.

Board Meetings Schedule for 2009 – Executive Director expressed having a meeting every quarter. The 2007 Board Meeting schedule has been tentatively set as March 19 & 20 2009, June, 18 & 19, September 17 & 18, December 7 & 8 2009.

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 5:30 p.m., Monday December 8, 2008.

Tuesday December 9, 2008

IOGA Governmental Affairs Committee – The Board meet with the Governmental Affairs Committee at the IOGA annual meeting to discuss the proposed fee increase.

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WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

JAKE HOWARD, DIRECTOR