

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

FINAL MINUTES

February 20, 2009

**(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 7:00 A.M. FEBRUARY 20, 2009, AT RED LION DOWNTOWNER 1800 FAIRVIEW AVE, BOISE, IDAHO. MEMBERS WAYNE HUNSUCKER, (CHAIRMAN), WILL JUDGE, CHRIS KORELL AND ALEX IRBY WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD, OFFICE SUPERVISOR, LORI THOMASON, EDUCATION AND ENFORCEMENT SUPERVISOR PAT BEALE, AND BOARD ATTORNEY ROGER HALES. BOARD MEMBER TOM LONG WAS NOT PRESENT

MSC (MOTION, IRBY; SECOND, JUDGE – AYES - KORELL, HUNSUCKER NAYES - NONE) AT 7:30 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE. BOARD ATTORNEY, ROGER HALES AND EXECUTIVE DIRECTOR, JAKE HOWARD WERE PRESENT. MSC (MOTION, JUDGE; SECOND, KORELL -- AYES – IRBY, HUNSUCKER; NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 8:20 A.M. WITH NO DECISION MADE.

THE BOARD RECESSED AND MOVED THE MEETING TO THE IOGLB OFFICE. MEETING AT OGLB OFFICE RECONVENED AT 8:40.

Directors Report

Director Howard spoke about the down turn of the economy and as a result the governor has ordered some restrictions on the agency. There will be no raises for the staff this year. Travel has been limited, spending needs to be cut.

At the December meeting the Board asked Director Howard to conduct a non-use audit review on the rivers and lakes. The Board directed that he move forward and send letters to the outfitters that are in nonuse or nominal use.

When updating the IOGLB Federal MOU that the Board would like to see that the use reports are tied with the other permitting agencies so that there is only one record.

Hearing High County Outfitter George Peter – Board Attorney, Roger Hales; Barbara Beehner-Kane, Attorney Prosecutor; George Peter; Steve Zettel; Pat Beale, Enforcement Chief

and Director Howard were present. This hearing is on the Administrative Complaint Count I is a disciplinary matter dealing with the liability insurance. Count II Suspension of license in the event liability insurance is cancelled on February 25, 2009. Count III Conditions for renewal of Respondents licenses

The Board Ordered Count I Disciplinary Matter

1. Respondents reimburse the Board for the investigation and any other enforcement costs incurred by the Board, which shall be paid within thirty (30) days after entry of the Order of the Board on or after number are provided to the Respondents, whichever is latest:
2. Respondent's outfitter license and guide license shall be placed on probation for a period of five (5) years from the date of the Boards Order. As a condition of probation. Respondent shall pay costs set forth above. Respondent, during the term of probation, shall not commit any violations of local, state or federal laws or ordinances. Respondent shall not be allowed to submit amendment application(s) during the term of probation for consideration by the Board
3. Respondents will hereinafter secure a performance bond in the amount of fifty thousand (\$50,000.00) for the entire period of probation unless otherwise ordered or approved by the Board:
4. Respondent will pay a fine in the sum of two thousand (\$2,000.00). Such fine may be paid in installments and must be pain in full within one hundred eighty (180) days from the acceptance of this Agreement by the Board: and
5. A letter of reprimand will be entered against the Respondents and place in the official files of the Board which will be subject to disclosure pursuant of the Idaho public records request.

The Board Ordered Count II Suspension of license in the event liability is cancelled

1. The imminent cancellation of liability insurance for High Country Outfitters is deemed an immediate danger to the public health, safety of welfare requiring immediate action by the Board.
2. That Respondents licenses will be suspended as of February 25, 2009 unless Board staff receives notice that the liability insurance has been reinstated: and
3. Such suspension shall remain in effort until such time Board staff receives notice that the liability insurance has been reinstated.

The Board Ordered Count III Conditions for renewal of Respondents license

1. Prior to the issuing the Respondents renewed licenses, the Respondents must submit a realistic business plan for the Board staff review setting forth a plan which reflects the ability of the Respondents to conduct adequately the business of an outfitter which includes timely payment for goods and services.

MSC (MOTION, IRBY; SECOND, KORELL– AYES - HUNSUCKER; NAYES -- JUDGE). TO ADOPT THE RECOMMENDATIONS AS ORDERED. PRESENT A BUSINESS AND FINANCIAL PLAN TO THE BOARD BY MARCH 13, 2009.

Hearing Juniper Mountain Outfitters, Inc. Paul Meholchick – Board Attorney, Roger Hales; Barbara Beehner- Kane, Attorney Prosecutor; Matt Erickson IDFG. Paul Meholchick and Lisa Meholchick were sworn in. Matt Erickson Sr. Conversation officer was called to testify before

that board. Prosecutor Beehner-Kane asked Mr. Erickson to explain his investigation he stated that a client of Mr. Meholchick had a deer tagged and reported as being killed by the client Guss Vogler in which the client stated that he did not kill or tag the deer. The reason stated by Mr. Meholchick that this deer was shot was because it was injured. This deer was tagged and processed as a deer as shot by Guss Vogler. This deer was shot by Lance Barber and the report was filled out by Mr. Meholchick. Mr. Barber shot another deer and put his tag on this deer. Mr. Erickson stated that in an injured animal that is suffering if it is shot or put out of its misery then the outfitter needs to make every attempt to notify IDFG that same day the animal was shot. Board Member Kris Korell stated that Mr. Meholchick is responsible for the actions taken by his clients while under his care.

MSC (MOTION, KORELL; SECOND, JUDGE – AYES - , HUNSUCKER, IRBY; NAYES -- NONE) THAT THE BOARD ACCEPTS THE ORDER AS PROPOSED WITH THE EXCEPTION THAT THE FINE BE REDUCED TO ONE THOUSAND DOLLARS FROM THE ORIGINAL ORDER OF TWO THOUSAND DOLLAR

The Board Order

- 1. Respondent's reimburse the Board for the investigation and any other enforcement costs incurred by the Board, which shall be paid within thirty (30) after entry of the Order of the Board or after numbers are provided to the Respondents whichever is latest;**
- 2. Respondent's outfitter license and guide license shall be placed on probation for a period of five (5) years from date of the Board's Order. As a condition of probation, Respondent shall pay costs set forth above. Respondent, during the term of probation, shall not commit any violations of local, state or federal laws or ordinances. Respondent shall not be allowed to submit amendment application(s) during the term of probation for consideration by the Board;**
- 3. Respondents will pay a fine in the sum of \$1000 dollars. Such fine may be paid in installments and must be paid in full within one hundred eighty (180) days from the acceptance of this Agreement by the Board and;**
- 4. A letter of reprimand will be entered against the Respondent's and place in the official files of the Board which will be subject to disclosure pursuant to the Idaho Public records request.**

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 at the Senate Conservation Committee for New Board Member Confirmation

Joint Meeting - Senate Resource and Conservation Committee at State Capital

The Senator Schroeder and Committee Chairman welcomed Director Howard, and the Board members: Alex Irby, Chris Korell, Wayne Hunsucker, and Will Judge. Absent was Tom Long. Staff members attending were Roger Hales - Attorney, and Lori Thomason - Office Manager. They are attending the confirmation hearings in support of the two gubernatorial nominees, Mr. Irby and Mr. Korell, as well as making the Boards annual appearance before this Committee. The minutes of this meeting reflected in the Senate Resources and Conservation Committees' February 20, 2009 minutes.

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MSC (MOTION, KORELL; SECOND, IRBY – AYES - , HUNSUCKER, JUDGE; NAYES -- NONE) THAT THE BOARD ACCEPT THE MINUTES FROM THE DECEMBER BOARD MEETING

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 3:30 p.m., Friday February 20, 2009.

WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

JAKE HOWARD, DIRECTOR