

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

FINAL MINUTES

June 6-9, 2012

**(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 8:35 A.M. ON JUNE 6, 2012 IN THE MEETING ROOM, AT THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD OFFICE, 1365 N. ORCHARD STREET, ROOM 172, BOISE, IDAHO. MEMBERS WAYNE HUNSUCKER (CHAIRMAN), LOUISE STARK, CHRIS KORELL, TOM LONG AND ALEX IRBY WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD, BOARD SECRETARY LORI THOMASON, AND BOARD ATTORNEY ROGER HALES.

Agenda - Director Howard gave a brief overview of the agenda. **Shawn Martz** - Director Howard provided a letter received by Board Prosecutor Kane on June 4 from Attorney James Michaud representing Shawn Martz. It explained that Mr. Martz withdrew his request for a hearing regarding the denial of his license and that he would defer resolution of issues raised by the license denial to a future application for a guide or outfitters license. It also stated that Mr. Martz intended to send a separate letter of complaint to the Board requesting that the handling of his guide license application be investigated. The Director explained this hearing was last on the agenda and with it being vacated, it would allow the Board to adjourn earlier.

Work Session – Review of Third Party Guidance Letter and License Exemptions – Board Attorney Hales read through the Guidance Letter **used to interpret Third Party Arrangements, Booking Agents, Employment Relationships, Leasing / Use of Employee’s Equipment, and Advertising in existing statutes and rules that was prepared and first disseminated in 2008.** He and Director Howard then explained the definitions referenced in the letter. The Board discussed that an outfitter is the business entity and that Designated Agents and guides are employees of the business entity whom are licensed to provide services to the public on behalf of the business entities to which they are licensed. They recognized that employees who are advertising, arranging to provide or who are actually providing services independently of their licensed outfitter are acting inappropriately. The Board clarified that clients generated by any individual such as a Designated Agent or Guide must be booked directly with that individual’s employing outfitter and that all money must be deposited with their employing outfitter. They discussed that clients can be referred to and booked by another outfitter business but that under any and all circumstances a guide cannot make a commitment to clients for whom they’ve handled booking that they will personally provide the services to that client. This is due to the requirement that those decisions must be made by the responsible party which is the employing outfitter business entity with whom the trip is booked. The Board asked Board Attorney Hales to work with the Director to clarify the guidance letter. He was also asked to work with the Director to draft rules for the upcoming Legislative Session that will clarify this matter.

Training Session – Negotiated Rule Making – Dennis Stevenson, Administrator of Rules for the State of Idaho with Department of Administration gave a presentation on changes to the negotiated rule making process made by the Legislature in the 2012 session.

Work Session – Draft Rules- Outfitted Turkey Waterfowl Hunting - Director Howard recognized Dr. Dick Gardner who has acted as a consultant and facilitator on the Turkey and Waterfowl Rule issues. Director Howard presented a draft set of rules which he feels could best be the middle ground on matters

which came about as the result of the Working Group effort and after what was learned from the recent private land owner study. The Director advised that he is considering extending Dr. Gardner's contract as a consultant to assist the Director with this overall matter and with the proposed rules. After discussing the negotiated rule making process and the draft Outfitter Turkey and Waterfowl Hunting rules, the Board came to the following conclusion which they asked the Director to move forward:

1. The Board's intent is to conduct a negotiated rule making in cooperation with IDFG.
2. To publish a notice of intent to conduct negotiated rulemaking in order to meet August 2013 deadline of the Office of Administrative Rule but with the understanding that the promulgation process will culminate for the 2014 Legislative Session. The intent is to allow ample time for comment.
3. It was suggested that the notice might include a short history of past efforts, including the working group efforts involving stakeholders (consisting of outfitters, landowners and sportsman groups) in an attempt to find a consensus solution and including the landowner's survey conducted earlier this year. Also, to include a draft of preliminary rule IOGLB presented at this meeting on IOGLB's website with the intent of this rule being a focal point to moving forward.
4. In moving forward, conduct public meetings in Northern and Eastern Idaho plus the Treasure Valley, and perhaps an additional meeting at a session of the IOGA winter conference.
5. These meetings will be organized by the Director. At a minimum they will involve him, a Board member and Dr. Gardner. Dr. Gardner would facilitate those who comment to clarify their positions, help identify expectations and tradeoffs which he would document.
6. The intent would be to publish a written summary of the issues, the comments heard, unresolved issues, and conclusions reached. Publish a revised rule if appropriate. Provide notice of the last public meeting to be held at an IOGLB Board meeting.
7. Hold a final meeting for IOGLB Board with the public invited for comments in time for the process to culminate with the 2014 Legislative Session.

Brad Compton with IDFG stated that the agency will be providing comment during rule making.

Work Session – Draft Rules, Wolf Trapping Director Howard said that due to time constraints he would discuss Wolf Trapping in his Director's report.

MSC (MOTION: IRBY, SECOND, KORELL – AYES: STARK, LONG AND HUNSUCKER, NAYES: - NONE) AT 11:40 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS AND PERSONNEL ISSUES WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1) (b) & (f), IDAHO CODE. BOARD ATTORNEY ROGER HALES AND EXECUTIVE DIRECTOR JAKE HOWARD WERE PRESENT. MSC (MOTION: KORELL, SECOND, STARK - AYES: IRBY, HUNSUCKER AND LONG NAYES: - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 12:05 P.M. WITH NO DECISION MADE.

The Board Chairman stated for the record after reviewing Director Howard's work performance over the last two years that Board concludes that he continues to do an excellent job.

Black Dog Federal Case - Board Attorney Hales explained that the lawsuit that Black Dog Outfitters brought against the Board in federal Court has been dismissed. He stated that the Court issued its decision in the Black Dog Federal Case on May 30, 2012. The Court ruled against Black Dog and dismissed its case because the IOGLB is not subject to the Federal Administrative Procedures Act. He explained that the Court went further and found that based on the administrative records there was no evidence the IOGLB had violated Black Dog's First Amendment rights or their Equal Protection rights either as alleged. The Court simply found that because there were no available permits (on the South Fork and other rivers) Black Dog had no right to be issued a license.

Board Elections – MSC (MOTION: LONG, SECOND, KORELL – AYES: IRBY, STARK AND HUNSUCKER, NAYES: - NONE) TO NOMINATE WAYNE HUNSUCKER FOR CHAIRMAN

MSC (MOTION: LONG, SECOND, KORELL – AYES: IRBY, STARK AND HUNSUCKER, NAYES: - NONE) TO NOMINATE BOARD MEMBER KORELL AS VICE CHAIRMAN AND TO NOMINATE BOARD MEMBER STARK AS TREASURER.

Chairman Hunsucker recessed the meeting for lunch break at 12:15 p.m. and reconvened at 1:30 p.m. All listed above were present. Grant Simonds joined the meeting.

MSC (MOTION: LONG, SECOND, IRBY – AYES: HUNSUCKER, KORELL AND STARK: -- NONE) TO DIRECT STAFF TO MOVE FORWARD WITH THE NEGOTIATED RULE MAKING PROCESS FOR OUTFITTED TURKEY AND WATERFOWL RULES WITH THE GOAL TO PROVIDE BOARD AN ADOPTED RULE FOR THE 2014 LEGISLATURE AND TO MOVE FORWARD TO WORK WITH THE IDFG TO IDENTIFY THOSE AREAS WHERE OUTFITTING CAN OCCUR WITHIN THOSE HIGH IMPACT AREAS THAT WERE PREVIOUSLY IDENTIFIED BY IDFG.

Financial Report –Director Howard presented the financial reports for February 2012 through April 2012 and explained the year end projections. He also mentioned the FY 2014 budget that he will propose later this summer will again be a "maintenance budget." He said there is room in the current year's budget to update the Board members lap top computers and several office computers which he intended to do in order to take advantage of the new fiber optics network that was recently installed. He said that this should help the Board more quickly access meeting information during meetings and that it will help improve data processing speed and further expedite licensing, tag allocation and etc. He said that the licensing staff cannot work any faster than their computers will allow them. The Director also explained that even with these final year end expenditures, the agency's spending for the fiscal year is well under its appropriation. He also said although fiscal year end revenue is hard to predict, due to most of it coming during the last month or two of the fiscal year as the result of the timing of license renewals and as a result of the influx of river guide licensing, it seems to be on par with past years. He said that there will be a positive revenue flow. **MSC (MOTION: STARK, SECOND, KORELL – AYES: HUNSUCKER, IRBY AND LONG NAYES: -- NONE) TO ACCEPT THE FINANCIAL REPORT.**

Work Session Clarification of License Exceptions for Packing and Rental Equipment – The Director explained that concerns over the following law surfaced at the recent outfitter meeting he had mentioned earlier:

Idaho Code -2103 "The foregoing definitions of the terms "outfitter" and "guide" will not apply to a person who furnishes, rents or leases, whether or not for compensation or gain or promise thereof a pack or saddle horse, or other equipment, to a hunter or a fisherman. A person so furnishing, renting or leasing a pack or saddle horse or other equipment, shall not be considered an "outfitter" or "guide" if on an incidental basis, they accompany a hunter, not to include extended camping, for the purpose of maintaining the safety and well-being of the livestock used to retrieve harvested big game."

The Director explained that the outfitters at the meeting were concerned with an individual who was apparently renting horses to individuals who are then using them for a period of several weeks; at several separate camps allegedly furnished by this individual. They claim he is outfitting and are frustrated that the Board has not taken action. The Director also explained that there has also been a concern with individuals that rent ATVs and boats often with an understanding from the rental company that the equipment will be delivered to the client in the field by that company with maps, two way radios, lunch and other equipment and with the expectation that should the renter/user get into trouble, the rental company will come to their location to rescue them.

The Director explained that historically the Board has taken the following approach:

*That delivery or any other service provided beyond the rental itself requires an outfitter license.
"Incidental" means the activity is not advertised, and that it is provided no more than once a year.
"Extended Camping" in the context provided above means camping is limited to the person maintaining the safety and well-being of the livestock used to retrieve the harvested big game and is not to include the public and that in this context, camping must coincide with the immediate retrieval of the harvested animal which is typically done in less than 24 hours after an animal has been harvested. Additionally "retrieval" means the harvested game is moved from the back country setting where it was harvested to a location, where the hunter takes possession in order to have the animal processed.*

The Board discussed this matter with Board Attorney Hales and agreed with the current approach. They did not feel that Board action was necessary to further clarify the matter.

Consent Agenda – MSC (MOTION: LONG, SECOND, KORELL – AYES: IRBY, STARK AND HUNSUCKER, NAYES: - NONE) TO ACCEPT THE CONSENT AGENDA.

Director's Report – South Fork rules – Director Howard said that he had recently met with representatives of the Palisades Ranger District and the Idaho Falls BLM District and learned that they had not yet completed the analysis applicable to promulgating rules for the South Fork of the Snake River. He said that he advised the Board it would be another year before they could move forward with that rule making and he advised to hold off on the Teton River rules until then as well. **Outfitter Meeting** – He said that during the same trip he had a meeting with outfitters operating on the Palisades Ranger District and the Idaho Falls BLM District. He explained there was one matter concerning the interpretation of a statute that surfaced that he explained would be discussed later in the meeting, but one other outstanding issue surfaced. **Meeting with SNRA** – Director Howard reported on a meeting with SNRA Permit Administrator Ed Cannady, Board members Korell and Stark concerning the three outfitters providing trail rides and hunting in the Sawtooth Wilderness. He said that Mr. Cannady had agreed to review IOGLB's maps of overlapped areas and that he would advise on how those matters might be clarified. He also said that he would send a letter to the outfitters to notify the outfitters of the explanation dealing with summer spot/drop camps were for summer recreational, non hunting activities and to notify them that it does not include hunting activities. **Staff Activity** - Director Howard brought up that the Board had decided it was appropriate for the staff morale and training to have them participate in an outfitted activity each year. The Director suggested that they arrange for a jet boat trip in the Birds of Prey area below Swan Falls on the Snake River. The Board agreed that agency funds could be used to provide this type of activity. **Vacated Area / Prospectus** – The Director explained a previously licensed big game hunting area had been vacated in the area west of Palisades Reservoir near Idaho Falls, and that a prospectus was in the works in cooperation with the Palisades Ranger District. **Wolf Trapping** – Director Howard provided to the Board the USFS response to the February 28, 2012 letter signed by IDFG Director Virgil Moore and himself. Director Howard pointed out that the temporary rule put in place at that same time had expired, and that a new trapping rule needs to be put in place to allow outfitters to provide trapping in the future. He said the temporary rule was very limited in what trapping opportunities it would allow outfitters to provide to the public, and the USFS could allow an expanded opportunity. The Board indicated that they believe the initial understanding when the outfitted trapping question first surfaced in 2011 was that they would do the temporary rule while giving the USFS time to analyze the matter and make a decision regarding this issuance of outfitter federal use permits for this activity. **Korell Outfitters overlap with Allred Adventures.** Director Howard reminded the Board that any application involving a Board member must be approved by the Board at regular meeting. As such, he explained a major amendment application from Board member Chris Korell and matter considered at subsequent meetings to resolve an overlap with Allred Adventures' Darl Allred. He said that in addition to Mr. Korell and Mr. Allred, Board Chairman Hunsucker and District Ranger John Kidd had participated. He mentioned that there were unresolved matters with Mr. Allred involving a previously licensed, but unpermitted area and several outstanding boundary adjustments involving Allred Adventures that required analysis by the Lowman Ranger District remained. He said that these will

eventually require a decision by the Board. **2012 Clearwater Bear, Cougar and Wolf Reduction overlaps.** Director Howard pointed out several agreements for outfitter overlaps for the spring 2012 season had been received that he had approved were in the Board's Consent agenda. He further explained that the clarification to the policy allowing this opportunity was now in place and application for the three year cycle will be done in late July. He said they are waiting for the permit administrators to finish sending them in.

Wolf Trapping Rule Cont - MSC (MOTION: IRBY, SECOND, STARK – AYES: KORELL, LONG AND HUNSUCKER, NAYES: - NONE) THE BOARD DIRECTS DIRECTOR HOWARD TO SEND THE LETTER IN COOPERATION WITH THE IDAHO FISH AND GAME DEPARTMENT TO THE REGIONAL OFFICES 1, 4 AND 6 DEALING WITH RESPONDING TO THE REGIONAL SUPERVISORS' MAY 31, 2012 LETTER INDICATING THAT THE BOARD FINDS THE USFS RESPONSE TO NOT BE ACCEPTABLE.

MSC (MOTION: STARK, SECOND, IRBY – AYES: LONG, KORELL AND HUNSUCKER, NAYES: - NONE) THAT THE BOARD PROMULGATE THE TEMPORARY WOLF TRAPPING RULE USING THE TEMPORARY RULE PUT IN PLACE FOR THE 2011 – 2012 SEASON.

MSC (MOTION: LONG, SECOND, IRBY – AYES: STARK AND HUNSUCKER, NAYES: - NONE) TO APPROVE THE APPLICATION FROM KORELL OUTFITTERS TO AMEND HIS OUTFITTER LICENSE DEALING WITH THE OVERLAP WITH ALLRED ADVENTURES.
Board member Korell abstained from the vote.

MSC (MOTION: LONG, SECOND, IRBY – AYES: STARK AND HUNSUCKER, NAYES: - NONE) TO ORDER AN OPERATIONAL ADJUSTMENT HEARING ON ALLRED ADVENTURES DEALING WITH HIS NON PERMITTED OPERATING AREA #3.
Board member Korell abstained from the vote.

Office Supervisors Report – Renewals - Office Supervisor, Thomason reported that there are eight outfitters that have not renewed their 2012 licenses this year. Several post cards have been sent to these outfitters notifying them that as of July 1, 2012 their licenses will no longer be valid and will be relinquished. **IOGLB Website** - Office Supervisor Thomason said that at Board Member Stark's suggestion Access Idaho's phone number has been placed on the IOGLB website to help assist licensees with issues pertaining to use of the Access Idaho website. She said that Access Idaho had not wanted their phone number posted because they were getting questions about issuing licenses that they were not able to answer. She said that questions concerning licensing would continue to be referred to the Board. She said that the licensing staff has been receiving questions concerning use of the Access Idaho website which were referred to Access Idaho, and not having the number posted had become a work load issue.

MSC (MOTION: IRBY, SECOND, KORELL – AYES: STARK, LONG AND HUNSUCKER, NAYES: - NONE) AT 3:40 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS AND PERSONNEL ISSUES WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1) (b) & (f), IDAHO CODE. BOARD ATTORNEY ROGER HALES AND EXECUTIVE DIRECTOR JAKE HOWARD WERE PRESENT. MSC (MOTION: IRBY, SECOND, STARK - AYES: KORELL, HUNSUCKER AND LONG NAYES: - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 4:05 P.M. WITH NO DECISION MADE.

Chairman Hunsucker recessed the meeting at 4:15 p.m. to reconvene at 8:30 a.m. Thursday June 7, 2012.

Chairman Hunsucker reconvened the meeting at 8:40 a.m. Thursday June 7, 2012 with all Board members listed above present except for Chris Korell.

GIS Mapping - Robert Smith from Department of Administration gave a presentation on the public GIS mapping. The website will help IOGLB identify operating areas that need clarification and will identify overlaps between outfitters. At this time, Mr. Smith is still working on the application for IOGLB as he stated "this application is a work in progress". The web address is <http://gis.idaho.gov/adm/outfitters/>
Bart Butterfield, Brad Compton and Brent Thomas from Idaho Fish and Game also attended the meeting.

Use Report Work Session - Director Howard explained the direction the agency needs to take for the use reporting system and in order to address confusion from last year. Examples were provided to the Board. The hope is to have less paperwork and better clarity when it's time for the outfitters to renew. He said that he had involving Board member Stark in help identify these changes and the she had provided some good ideas that had been incorporated into the example.

Guide License Hearing - Ryan Webster -A license guide hearing was conducted before the Board by the Board's Prosecutor Mike Kane. The applicant was identified and placed under oath. Mr. Kane explained that Director Howard had deferred Mr. Webster's guide license application due to a recent DUI conviction, and due to other related criminal convictions over the past nine years. Mr. Webster testified before the Board, admitted his convictions as identified by Mr. Kane and requested the Board issue him a guide license. He is asking to work for Peter Grubb/ Row Adventures. **MSC (MOTION: LONG, SECOND, IRBY -- AYES: STARK AND HUNSUCKER, NAYES: - NONE) TO APPROVE A TWO YEAR PROBATIONARY GUIDE LICENSE AS AN EMPLOYEE OF ROW ADVENTURES. FURTHER LICENSE IS CONDITIONED UPON MR. WEBSTER'S COMPLIANCE WITH THE ALCOHOL ASSESMENT AND ANY OTHER ADDITIONAL PROBATIONARY REQUIREMENTS ORDERED OR ESTABLISHED AS PART OF HIS CRIMINAL CONVICTION. THIS IS A STANDARD PROBATIONARY LICENSE.**

Education and Enforcement Supervisor Report - Enforcement Overview - Education and Enforcement Supervisor Randy Wadley gave the enforcement report from January to June 2012. He explained that so far this year there are 12 active enforcement investigations, 14 individuals were arrested, these arrests generated 28 criminal case counts for court hearings of which 7 of those are awaiting trial disposition. There were 15 court dismissals/plea agreements for 2012 so far. 34 total completed closed cases and 46 total investigations for 2012 as of June 1, 2012. **Conservation Officer Meeting** - Chief Randal Wadley reported that he participated in a Conservation Officer meeting hosted by IDFG Enforcement in Albion on April 5th, 2012. He said the discussion included the working relationship w/IOGLB Enforcement, enforcement intelligence, illegal activities and covert investigations. **Clearwater River Outfitter Meeting** - IOGLB Enforcement Chief Wadley reported on an Outfitter meeting held on April 24th, 2012 at the Dworshak Dam Visitor Center that he had coordinated along with the Clearwater County Sheriff's Office. He said that approximately 25 outfitters and guides were present along with IOGLB Director Howard, IOGLB Board Members Alex Irby and Wayne Hunsucker, representatives of IDFG, BLM, USFS, and Clearwater County Sheriff. He said the meeting dealt with the working relationship and partnering with the area Law Enforcement and with the outfitters to address complaints and other operational matters affecting the industry which are licensed to provide services to the public on the Clearwater River. He said that complaints had increased to a point where a greater Law Enforcement presence on the river was necessary. He said coordination between state and local enforcement was making it easier to conduct inspections, investigate complaints on the river as well as developing a strategy of education for outfitters and their guides in safe operation of power boats, courtesy toward fellow fishermen using the river was discussed. Also, discussed was how to channel complaints directly to the outfitters. Complaints including allegation of "Unprofessional Conduct" by guides allegedly "waking" fishermen in drift boats or fishing along shore; moving in and over fishing holes, crowding out areas occupied by fishermen; blocking access to boat ramps or take out points, cleaning fish not discarding entrails properly and third party arrangements involving licensed outfitters and their guides and inappropriate client bookings. Issues over rude and offensive conduct

involving guides, and outfitted clients, and public fishermen were also discussed. **Staff training** May 17th, 2012 IOGLB Enforcement Chief Randal Wadley and IOGLB Enforcement Investigator Bill Lewis attended a Questioned Document Examination course at the Canyon County Sheriff's Office in Caldwell. This instruction covered various handwriting specimens and exemplars that are forged by other persons. Instruction in determining or recognizing forged handwriting signatures, money amounts, with practice and testing. Both Wadley and Lewis received certificates of instruction and attendance. **Patrick Hogan** - Chief Wadley asked that the Board accept the citation for Patrick Hogan for code 36-2113(a) 5&6 unethical and unprofessional conduct.

MSC (MOTION: LONG, SECOND, STARK – AYES: IRBY AND HUNSUCKER, NAYES: - NONE) TO ACCEPT THE TERMS OF THE DISCIPLINE TO INCLUDE THE \$200.00 ADMINISTRATIVE FINE PLUS 1 YEAR PROBATION FOR PATRICK HOGAN

Chairman Hunsucker recessed the meeting for lunch break at 12:30 p.m. and reconvened at 1:35 p.m. All listed above were present. Board Attorney Roger Hales and Prosecutor Mike Kane joined the meeting

Matthew Sherman Guide License - Mr. Kane explained that Director Howard had deferred Mr. Sherman's guide license application after Enforcement Supervisor Wadley's investigation determined that Mr. Sherman had certain criminal convictions. Mr. Sherman did not appear at the scheduled time, and to avoid any confusion, the Board contacted him by phone and Mr. Sherman participated by conference call. Mr. Sherman explained that due to the fact that he had moved to Oregon and no longer has an Idaho sponsored outfitter to hire him, he has decided to not pursue his guide license application. He said that he did not realize that he needed to contact the Board regarding this hearing. Mr. Sherman agreed to withdraw his guide application for the reasons reviewed.

License Application Hearings - Enforcement Chief Wadley explained that applicants with prior criminal history require additional review. He said that many Outfitters are submitting license applicants who have had past criminal violations which in some instances must be denied by the Executive Director or must be deferred to the Board for a hearing. He said that it is not unusual for them to request and expect and sometimes demand an immediate review and a hearing in order to move forward with their business. He said that there were three such instances in this meeting alone, with one of the applicant not received until last Friday. Board Prosecuting Attorney Kane explained that in these instances, in addition to the investigation; by law a legal notice must be provided 21 days in advance of a hearing and that he needs time to review the matter in order to be ready to present it to the Board. Director Howard reminded the Board that earlier they decided it was appropriate to review all applicants with misdemeanors and felonies in order for the Board to best protect the safety and welfare of the public being serviced by the individuals they license. He said the Board also had established protocol as direction for the staff and him to bring only those individuals who pose the greatest risk before the Board to review. He stated that policy is needed to provide guidance to the industry regarding such applications.

MSC (MOTION: LONG, SECOND, STARK – AYES: IRBY AND HUNSUCKER, NAYES: - NONE) IT IS THE BOARD'S INTENT THAT THE EXECUTIVE DIRECTOR SHALL NOT SCHEDULE A HEARING ON AN APPLICATION THAT HAS BEEN SUBMITTED BY AN OUTFITTER, DESIGNATED AGENT OR GUIDE LESS THAN 30 DAYS BEFORE THE BOARD MEETING IN ORDER TO ALLOW IOGLB STAFF ADEQUATE TIME TO REVIEW THE APPLICATION, RELATED MATTERS AND TO ALLOW TIME TO PROPERLY SEND THE LEGAL NOTICES REQUIRED TO BE PROVIDED TO THE APPLICANTS. THE DIRECTOR SHALL CONSULT WITH THE BOARD CHAIRMAN WHEN NEEDED.

James Spillett, Guide License Hearing - Mr. Spillett did not appear. He was contacted and he requested that the hearing be moved to the September Board Meeting. The Board by Motion agreed to reschedule the hearing during its September Board Meeting.

Disciplinary Hearing Smokey Canyon Outfitters, Ryan Merritt, DA- Allegations were that on December 28, 2011, Ryan Merritt was convicted of a misdemeanor for employing an unlicensed guide pursuant to Idaho Code § 36-2104. A disciplinary hearing was conducted before the Board by the Board's Prosecutor Mike Kane pursuant to a written Complaint and Notice of Hearing provided to the Respondent Ryan Merritt, DA. The Respondent was identified and placed under oath. The Respondent admitted to the criminal conviction and offered an explanation. The hearing was conducted on the record with a full opportunity for Respondent to present testimony and evidence. The hearing was closed by the Chairman.

MSC (MOTION: STARK, SECOND, LONG – AYES: STARK AND HUNSUCKER NAYES: - NONE) THE BOARD FINDS MR. MERRITT IN VIOLATION OF THE OUTFITTERS AND GUIDES LAWS AS SET FORTH IN THE COMPLAINT AND ORDERS RESPONDENT TO PAY FOR THE COST OF THE INVESTIGATION AND PROSECUTION AND FURTHER ORDERS RESPONDENT'S LICENSE BE SUBJECT TO A ONE (1) YEAR STANDARD PROBATION. \$672 COST RECOVERY TO BE PAID BY NOVEMBER 1st, 2012

MSC (MOTION: STARK, SECOND, IRBY – AYES: LONG AND HUNSUCKER NAYES: - NONE) THE BOARD DIRECTS BOARD COUNSEL TO PREPARE FINDINGS, CONCLUSIONS AND AN ORDER FOR THE CHAIRMAN TO SIGN CONSISTENT WITH THE BOARD'S PRIOR MOTION IN THIS MATTER.

Guide License Hearing Jordan Latham – Mr. Kane explained that Mr. Latham had received a felony conviction for his 3rd Offense DUI and there were other violations of concern which required his application to be denied by Director Howard. A license guide hearing was conducted before the Board by the Board's Prosecutor Mike Kane. The applicant was identified and placed under oath. Mr. Latham waived the 21 day hearing notice requirement. He further admitted to and explained his convictions to the Board. Jeff Bitton, Mystic Saddle Ranch DA also testified in support of the Applicant and stated that after several conversations with Mr. Latham, he believes that Mr. Latham could benefit from working at his outfitter business. Mr. Latham testified that he has been sober for three years and that he is addressing his anger management issues. Jeff Bitton assured the Board that he will not allow Mr. Latham to compromise the safety or welfare of the public. The hearing was conducted on the record with a full opportunity for the Applicant to present testimony and evidence. The hearing was closed by the Chairman.

MSC (MOTION: IRBY, SECOND, STARK – AYES: LONG AND HUNSUCKER NAYES: - NONE) AT 5:20 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION OR MATTERS LIKELY TO RESULT IN LITIGATION WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1) (f), IDAHO CODE. ATTORNEY ROGER HALES, AND EXECUTIVE DIRECTOR JAKE HOWARD WERE PRESENT. MSC (MOTION: STARK; SECOND, LONG - AYES: – IRBY AND HUNSUCKER, NAYES: - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 5:25 P.M. WITH NO DECISION MADE.

MSC (MOTION: LONG, SECOND, IRBY – AYES: STARK AND HUNSUCKER; NAYES: - NONE) TO APPROVE THE APPRENTICE GUIDE LICENSE FOR JORDAN LATHAM AS AN EMPLOYEE FOR MYSTIC SADDLE RANCH. THE APPRENTICE GUIDE LICENSE SHALL BE RESTRICTED IN THAT MR. LATHAM CAN ONLY GUIDE, BY HIMSELF, A TRIP THAT IS LESS THAN A FULL DAY. THE GUIDE LICENSE IS FURTHER CONDITIONED UPON MR. LATHAM MEETING ALL THE CONDITIONS OF HIS CRIMINAL PROBATION. FURTHER, THE OUTFITTER MYSTIC SADDLE RANCH MUST NOTIFY THE BOARD OF A TERMINATION OF MR. LATHAM'S EMPLOYMENT. FINALLY, A WRITTEN PROGRESS REPORT SIGNED BY JEFF BITTON REGARDING MR LATHAM'S GUIDE ACTIVITIES AND PROGRESS SHALL BE SUBMITTED TO THE BOARD PRIOR TO ITS SEPTEMBER

BOARD MEETING.

Chairman Hunsucker recessed the meeting at 5:35 p.m. to reconvene at 8:30 a.m. Friday June 8, 2012

Chairman Hunsucker reconvened the meeting at 8:30 a.m. Thursday June 8, 2012 with all Board members listed above present, except for Chris Korell.

Disciplinary Hearing Kohl's Outfitters, Robin Kohls, DA - The allegations involved two separate counts of substantial breach of contract involving two separate parties, one in 2008 and another in 2011. A disciplinary hearing was conducted before the Board by the Board's Prosecutor Mike Kane pursuant to a written Complaint and Notice of Hearing provided to the Respondent Kohls Outfitters and Robin Kohls, DA. The Respondent was identified and placed under oath. The Respondent discussed the two contracts described in the complaint. The Respondent admitted some responsibility and has agreed to repay clients associated with count 1 in the Complaint. The hearing was conducted on the record with a full opportunity for Respondent to present testimony and evidence. The hearing was closed by the Chairman. *Note: the Board took this matter under advisement and took action as provided below.*

Disciplinary Hearing Heaven's Gate Outfitters Andrew Savage DA and Wesley Tillberg guide – Allegations were that a client being guided by Mr. Tillberg for Heaven's Gate Wilderness Adventures, LLC shot a mule deer from a maintained public road outside of Heaven's Gate Wilderness Adventure's licensed outfitting area. Additionally, Andy Savage who is the Designated Agent for Heaven's Gate Wilderness Adventures had been convicted of outfitting/guiding without a license pursuant to Idaho Code § 36-2104. Consequently, this matter was a disciplinary hearing to be conducted before the Board by the Board's Prosecutor Mike Kane pursuant to the written Complaints and Notices of Hearing provided to the Respondent guide Wesley Tillberg and Respondent DA Andrew Savage, Heaven's Gate Outfitters. The Respondents were identified and placed under oath. The Respondents admitted the allegations set forth in the Complaint. The hearing was conducted on the record with a full opportunity for Respondent to present testimony and evidence. The hearing was closed by the Chairman.

MSC (MOTION: LONG, SECOND, STARK – AYES: IRBY AND HUNSUCKER NAYES: - NONE) THAT THE BOARD RECOGNIZE THAT MR. TILLBERG AND MR, SAVAGE ADMITTED TO THE ALLEGATIONS AS SET FORTH IN THE COMPLAINT.

MSC (MOTION: LONG, SECOND, STARK – AYES: IRBY AND HUNSUCKER NAYES: - NONE) BASED UPON MR. TILLBERG'S ADMISSION TO THE ALLEGATIONS IN THE COMPLAINT IT IS ORDER THAT MR. TILLBERG PAY THE INVESTIGATION AND PROSECUTION COSTS IN THE AMOUNT OF \$232.00 TO BE PAID WITHIN 30 DAYS OF SERVICE OF HEARING ORDER. FURTHER, RESPONDENT'S LICENSE SHALL BE SUBJECT TO A 1 YEAR STANDARD PROBATIONARY TERM.

MSC (MOTION: STARK, SECOND, IRBY – AYES: LONG AND HUNSUCKER NAYES: - NONE) BASED UPON MR. SAVAGE'S ADMISSION TO THE ALLEGATIONS IN THE COMPLAINT IT IS ORDER THAT MR. SAVAGE PAY THE INVESTIGATION AND PROSECUTION COSTS IN THE AMOUNT OF \$236.00 TO BE PAID WITHIN 30 DAYS OF SERVICE OF HEARING ORDER. FURTHER, RESPONDENT'S LICENSE SHALL BE SUBJECT TO A 1 YEAR STANDARD PROBATIONARY TERM.

MSC (MOTION: STARK, SECOND, IRBY – AYES: LONG AND HUNSUCKER NAYES: - NONE) THE BOARD DIRECTS BOARD COUNSEL TO PREPARE FINDINGS, CONCLUSIONS AND AN ORDER FOR THESE TWO CASES CONSISTENT WITH THE BOARD'S MOTIONS TO BE SIGNED BY THE BOARD'S CHAIRMAN.

MSC (MOTION: STARK, SECOND, IRBY – AYES: HUNSUCKER AND LONG NAYES: -

NONE) AT 11:45 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(1) (f), IDAHO CODE, BOARD ATTORNEY ROGER HALES. MSC (MOTION: STARK; SECOND, LONG - AYES: - IRBY AND HUNSUCKER; NAYES: - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 12:00P.M. WITH NO DECISION MADE.

Robin Kohles -- cont

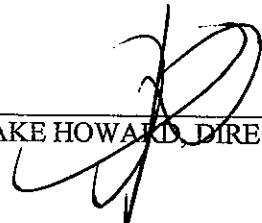
MSC (MOTION: STARK, SECOND, IRBY - AYES: LONG AND HUNSUCKER NAYES: - NONE) THE BOARD FINDS THAT THE EVIDENCE PRESENTED ESTABLISHES A VIOLATION OF THE OUTFITTERS AND GUIDES LAWS AND RULES IN EACH COUNT SET FORTH IN THE COMPLAINT. BASED UPON THESE VIOLATIONS, THE BOARD ORDERS: THAT THE RESPONDENT MUST PAY ALL COSTS AND FEES INCURRED IN THE INVESTIGATION AND PROSECUTION BY MARCH 31ST 2013 AND THAT RESPONDENT'S LICENSE BE SUBJECT TO A STANDARD 2 YEAR TERM OF PROBATION. ADDITIONALLY THAT RESPONDENT MUST PAY A \$2000 DOLLAR FINE, HOWEVER THAT FINE SHALL BE WITHHELD AND NOT BE REQUIRED SHOULD THE BOARD APPROVE AT ITS SEPTEMBER 2012 BOARD MEETING A WRITTEN CLIENT CONTRACT, CANCELLATION POLICY, CLIENT APPLICATION WHICH IDENTIFIES CLIENT MEDICAL OR OTHER CLIENT LIMITATIONS THAT THE RESPONDENT HAS BEEN ASKED TO SUBMIT FOR THE BOARD'S REVIEW PRIOR TO THAT MEETING.

MSC (MOTION: STARK, SECOND, IRBY - AYES: LONG AND HUNSUCKER NAYES: - NONE) THE BOARD DIRECTS BOARD COUNSEL TO PREPARE FINDINGS, CONCLUSIONS AND AN ORDER REGARDING THE KOHL'S OUTFITTING ADMINISTRATIVE COMPLAINT CONSISTENT WITH THE BOARD'S MOTIONS TO BE SIGNED BY THE BOARD'S CHAIRMAN.

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 1:00 p.m., Friday June 8, 2012.


WAYNE HUNSUCKER, CHAIRMAN Date SEPT 5, 2012

ATTEST:


JAKE HOWARD, DIRECTOR Date 9-5-2012