

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

FINAL MINUTES

August 2, 2012

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

THE SPECIAL MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 8:05 A.M. ON AUGUST 2, 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, AND CHRIS KORELL WERE PRESENT. MEMBERS TOM LONG AND ALEX IRBY WERE NOT IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD, BOARD SECRETARY LORI THOMASON, BOARD ATTORNEY ROGER HALES, AND BOARD PROSECUTOR MIKE KANE.

Guide License Application Hearing - Jeff Wieber A Guide License 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. Wieber's guide license application due to the criminal convictions he has received. Mr. Wieber is seeking a guide license to work for Exodus Wilderness Adventures. Mr. Bingaman from Exodus appeared before the Board on Mr. Wieber's behalf. Mr. Wieber testified and certain exhibits were introduced into evidence. **MSC (MOTION: KORELL, SECOND, STARK – AYES: HUNSUCKER, NAYES: - STARK) TO DENY A GUIDE LICENSE FOR MR. WIEBER FOR THE 2012 LICENSE YEAR. MOTION FAILED)**

MSC (MOTION: KORELL, SECOND, STARK – AYES: HUNSUCKER, NAYES: - NONE) TO DENY A GUIDE LICENSE FOR MR. WIEBER FOR THE 2012 LICENSE YEAR. MR. WIEBER CAN REAPPLY FOR THE 2013 YEAR, BUT MUST APPEAR BEFORE THE BOARD IN ORDER TO BE LICENSED FOR THE 2013 LICENSE YEAR.

Guide License Application Hearing - Jessie Fisher A Guide License 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. Fisher's river guide application to be an employee for Idaho Whitewater Unlimited due to an existing felony conviction. Mr. Fisher testified and certain exhibits were introduced into evidence. **MSC (MOTION: KORELL SECOND, STARK – AYES: HUNSUCKER, NAYES: - NONE) TO APPROVE THE ISSUANCE OF A GUIDE LICENSE SUBJECT TO HIS COMPLIANCE WITH TERMS OF HIS CRIMINAL PROBATION. HIS GUIDE LICENSE WILL BE ISSUED WITH THE STANDARD TERMS OF PROBATION FOR 1 YEAR.**

Guide License Application Hearing - Zack Peterson A Guide License 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. Peterson's application to

be a river guide for High Adventure River Tours, DA Randy McBride based upon his failure to report a felony conviction on his guide license application and matters related to his convictions. Mr. Peterson testified and certain exhibits were introduced into evidence. **MSC (MOTION: STARK SECOND, KORELL – AYES: HUNSUCKER, NAYES: - NONE) TO APPROVE THE ISSUANCE OF A GUIDE LICENSE WITH THE STANDARD PROBATIONARY TERM for 1 YEAR. SHOULD HE APPLY FOR A 2013 LICENSE, MR. PETERSON MUST REAPPEAR BEFORE THE BOARD AT THE SPRING 2013 MEETING TO REPORT THE PROGRESS DURING THE 2012 YEAR. THIS MAY BE DONE BY A CONFERENCE CALL.**

Guide License Application Hearing - Ben Demarest A Guide License 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. Demarest's application to become a river guide for Hughes River Expeditions based upon his criminal convictions and his failure to report such convictions to the Board on the guide application. Mr. Demarest testified and certain exhibits were introduced into evidence. **MSC (MOTION: KORELL SECOND, STARK – AYES: HUNSUCKER, NAYES: - NONE) TO APPROVE THE ISSUANCE OF A GUIDE LICENSE FOR MR. DEMAREST ISSUED WITH THE STANDARD PROBATION FOR 1 YEAR.**

Smokey Canyon Outfitters – At the Director's request, the Board reviewed Ryan Merritt/Smokey Canyon Outfitters probationary license in response to his recent phone call to Ms. Thomason asking for clarification of a minor amendment request for a one-time controlled hunt outside the outfitters operating area for moose, and then resulting in the issuance of a special authorization for that purpose by the Executive Director. It was noted that at the June 2012 Board Meeting Ryan Merritt was put on a one year standard probation for disciplinary reasons. **MSC (MOTION: KORELL SECOND, STARK – AYES: HUNSUCKER, NAYES: - NONE) THAT STANDARD TERMS OF A PROBATIONARY LICENSE PREVENT AN AMENDED LICENSE OR SPECIAL AUTHORIZATION FROM BEING ISSUED BY THE EXECUTIVE DIRECTOR DURING THE PROBATION TERM. A SPECIAL AUTHORIZATION FOR A ONE TIME CONTROLLED HUNT IS THE RESULT OF A MINOR AMENDMENT. IN THESE INSTANCES, THE APPLICATION WOULD BE REVIEWED BY THE BOARD WHERE THE APPLICANT WOULD BE REQUIRED TO APPEAR. UNDER THE STANDARD TERMS OF PROBATION ANY OUTFITTER INCLUDING MR. MERRITT CAN SUBMIT AN APPLICATION UNDER THESE PREMISES AND WITH THESE SPECIFIC REQUIREMENTS TO THEN BE MET.**

Data System Provider - Director Howard informed the Board that the contract with the agency's data system provider has expired and that he has learned the Division of Purchasing had incorporated a new statewide contract currently with a number of vendors from which state agencies must choose. He explained that he had begun the process to select one of them. He said most of the larger agencies have in house Information Technology staff, and this new statewide contract seems to be to the benefit of the small agencies like IOGLB. He said that he had met with the current data system provider who indicated that their business had changed; that they were no longer interested in providing consulting services to state agencies and were not a vendor in the statewide contract. The Director explained that while there been a good relationship with them, there are some unresolved development/maintenance issues that had surfaced; most noticeably

those affecting the outfitter use report forms last year and development of the on-line use reporting. He said bringing on a new data service provider should enable those matters to be addressed. He said the existing agency's data system provider has been very cooperative in making the change and is currently providing maintenance. He explained that the development and maintenance of the licensing data system is critical as it is the nucleus of the agency operation. Without it, all online applications, issuance of licenses, tag allocation, maintenance of operating areas and use reports would stop. He also explained that a data system that is not working properly affects the accuracy, license history and staff efficiency, because the staff can work no faster than the licensing data base will allow them to work. He said a system that is not user friendly also has its draw backs and the current system has some issues. He said that he expects to have a new data system provider in place within the next two weeks and that the licensing staff have been and will continue to be involved with the decision. He said that he expects this change to have an impact on the budget, but felt that there is enough room in this year's budget to accommodate it and if not, a decision will be made later this year on how to address it. He said that over the longer term, once the problem areas are fixed; maintenance costs should be similar to those in the past.

Chairman Hunsucker recessed the meeting for lunch break at 11:45 p.m. and reconvened at 1:20 p.m. All listed above were present.

Guide License Application Hearing - Josh Sartin A Guide License 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. Sartin's application to be a guide for Magic Valley Flight Simulation based upon the nature of his criminal convictions and his failure to report such on his guide application. Mr. Sartin testified and certain exhibits were introduced into evidence. Jolinda Tatem, DA for Magic Valley Flight Simulation appeared on behalf of Mr. Sartin. Ms. Tatem stated that their company does random drug testing. It was explained to Ms. Tatem that any guide on probation that does not pass a drug test or commits any crime resulting in a citation would have their license revoked by the Board and that the outfitter is required to notify the Board of such citations. David Fairbanks also testified on the character of Mr. Sartin. **MSC (MOTION: STARK SECOND, - AYES: HUNSUCKER, NAYES: - NONE) TO DENY THE APPLICATION FOR A GUIDE LICENSE FOR MR. SARTIN. MOTION FAILS) DUE TO LACK OF VOTE**

MSC (MOTION: KORELL SECOND, STARK - AYES:, NAYES: - HUNSUCKER) TO APPROVE THE APPLICATION FOR A GUIDE LICENSE FOR MR. SARTIN WITH THE STANDARD PROBATIONARY TERMS FOR ONE (1) YEAR. EMPLOYER MAGIC VALLEY FLIGHT SIMULATION MUST IMMEDIATLEY REPORT TO THE BOARD SHOULD MR. SARTIN NOT PASS A DRUG TEST.

Guide License Application Hearing - Max Ostermiller A Guide License 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. Ostermiller's application as a new guide for Salmon River Challenge based upon his criminal convictions. Mr. Ostermiller testified concerning his criminal convictions and pending criminal matters and certain exhibits were introduced into evidence including Dee Fredrickson's letter of support. **MSC (MOTION: KORELL SECOND, STARK - AYES: HUNSUCKER, NAYES: - NONE) TO**

DENY THE GUIDE LICENSE APPLICATION FOR THE 2012 LICENSE YEAR BASED UPON THE INFORMATION PROVIDED. MR. OSTERMILLER CAN REAPPLY FOR THE 2013 YEAR, BUT MUST APPEAR BEFORE THE BOARD IN ORDER TO BE CONSIDERED FOR LICENSURE.

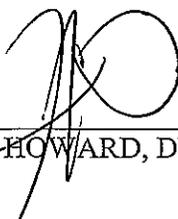
Guide License Application Hearing - Jonathon Metz A Guide License hearing was conducted before the Board by the Board's prosecutor Mike Kane. The applicant was identified and placed under oath. Mr. Kane explained that Director Howard had deferred Mr. Metz's application as a guide for Idaho Whitewater Guides based upon certain criminal convictions. Mr. Metz testified concerning his criminal convictions, his alcohol problems and the steps he had taken to resolve his alcohol issues. Certain exhibits were also admitted into the record. **MSC (MOTION: STARK SECOND, KORELL- AYES: HUNSUCKER, NAYES: - NONE) TO APPROVE THE ISSUANCE OF A GUIDE LICENSE FOR MR. METZ SUBJECT TO THE STANDARD TERMS OF PROBATIONARY FOR ONE YEAR.**

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 3:00 p.m., Thursday August 2, 2012.



WAYNE HUNSUCKER, CHAIRMAN 9/5/12
Date

ATTEST:



JAKE HOWARD, DIRECTOR 9/5/12
Date