

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

DRAFT MINUTES

November 24 & 25, 2014

**(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. ON NOVEMBER 24, 2014 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), TOM LONG, GEORGE MCQUISTON, LOUISE STARK, AND BOB BAROWSKY WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD; OFFICE SUPERVISOR LORI THOMASON; BOARD ATTORNEY ROGER HALES; BOARD PROSECUTOR KRISTEN ATWOOD; AND EDUCATION/ENFORCEMENT SUPERVISOR RANDY WADLEY.

Agenda - Director Howard reviewed the agenda.

Thomas Lanham – Guide License Hearing - A Guide License hearing was conducted before the Board by the Board’s prosecutor, Kristen Atwood. The applicant was identified and placed under oath. Ms. Atwood explained that Director Howard by board policy had deferred Mr. Lanham’s guide license renewal application due to the Enforcement Division’s review of recent 2013 criminal convictions not disclosed on his application, totaling 60 points. Mr. Lanham is seeking a guide license to work for Rick Koesel, Silver Spur Outfitters. Mr. Lanham testified and certain exhibits were introduced into evidence. Mr. Turcke appeared as Mr. Lanham’s attorney and presented his case. Randy Wadley, Idaho Outfitters and Guides Licensing Board’s Education and Enforcement Chief also testified to the convictions. **MSC (MOTION: LONG, SECOND, STARK; AYES - HUNSUCKER, MCQUISTON AND BAROWSKY; NAYES – NONE) TO GRANT A PROBATIONARY NON RESTRICTIVE GUIDE LICENSE FOR ONE YEAR WITH THE PROBATIONARY PERIOD ENDING ON NOVEMBER 24, 2015.**

Lance Cole – Guide License Hearing - A Guide License hearing was conducted before the Board by the Board’s prosecutor, Kristen Atwood. The applicant was identified and placed under oath. Ms. Atwood explained that Director Howard by board policy had deferred Mr. Cole’s guide license renewal application due to the Enforcement Division’s review of recent 2014 criminal convictions not disclosed fully on his application, totaling 165 points. Mr. Cole is seeking a guide license to work for Silver Creek Outfitters and Rapid River Outfitters. Mr. Cole testified and certain exhibits were introduced into evidence. Randy Wadley, Idaho Outfitters and Guides Licensing Board’s Education and Enforcement Chief also testified to the convictions. **MSC MOTION: LONG, SECOND, MCQUISTON; AYES - HUNSUCKER, STARK, AND BAROWSKY; NAYES – NONE) TO TAKE THE DECISION UNDER ADVISEMENT**

AND REVISIT DURING THE MEETING.

Jared Workman – Guide License Hearing - A Guide License hearing was conducted before the Board by the Board’s prosecutor, Kristen Atwood. The applicant did not appear before the Board. A notice of hearing was sent to Mr. Workman, the staff has had no contact with Mr. Workman. Ms. Atwood explained that Director Howard had deferred Mr. Workman’s guide license application due to the Enforcement Division’s review of criminal convictions for unlicensed outfitting in 2013 and for two (2) flagrant Fish and Game violations. Mr. Workman was seeking a guide license to work for Boulder Creek Outfitters. Certain exhibits were introduced into evidence. **MSC (MOTION: BAROWSKY, SECOND, STARK; AYES - HUNSUCKER, MCQUISTON AND LONG; NAYES – NONE) TO DENY THE GUIDE LICENSE APPLICATION.**

John Ostberg – Guide Disciplinary License Hearing - A Guide Disciplinary License hearing was conducted before the Board by the Board’s prosecutor, Kristen Atwood. The applicant did not appear before the Board. The office and hall were both checked. The hearing took place in his absence. Ms. Atwood explained that Director Howard by board policy had deferred Mr. Workman’s guide license application due to the Enforcement Division’s review of recent criminal convictions not disclosed fully on his application totaling 65 points,. Mr. Ostberg was seeking a guide license to work for Idaho River Rescue. Randy Wadley, Idaho Outfitters and Guides Licensing Board’s Education and Enforcement Chief also testified to the convictions. Certain exhibits were introduced into evidence. **MSC (MOTION: LONG, SECOND, STARK; AYES - HUNSUCKER, MCQUISTON AND BAROWSKY; NAYES – NONE) TO DENY THE GUIDE LICENSE APPLICATION.**

Lance Cole Hearing Con’t - MSC (MOTION: LONG, SECOND STARK; AYES: - MCQUISTON AND HUNSUCKER; NAYES: -- BAROWSKY) TO GRANT A RESTRICTIVE TWO YEAR GUIDE LICENSE WITH THE PROBATIONARY PERIOD ENDING ON NOVEMBER 24, 2016. MR COLE WILL BE LICENSED TO GUIDE FOR SILVER CREEK OUTFITTERS, CLEARWATER RIVER COMPANY LLC AND RAPID RIVER OUTFITTERS. ADDITIONAL TERMS ARE TO COMPLY WITH ALL COURT APPOINTED PROBATION REQUIREMENTS.

License Hearings - Temporary Authorization Letters - Director Howard discussed special authorization letters with the Board and contacts being made by applicants in these situations with staff and Board members asking for exceptions. The Board stated that they should hear those cases that are of concern when a guide or outfitter scores higher than a fifty (50) points on the conviction point system. The Board suggested that Director Howard not issue temporary authorization letters to anyone who scores over fifty (50) points.

Legislative Audit Update - Director Howard explained that the Legislative Audits Division as part of their bi-annual audit process had a audit finding earlier this year that payments received through the Board’s Access Idaho system could not be fully reconciled to the State’s STARS Accounting and Reporting system. He said to be clear, all revenues have been and continue to be deposited into the STARS system and it’s been the reconciliation of those deposits between the Access Idaho system, the Board’s data base system and the STARS system has resulted in a growing balance of unidentified revenue in the STARS suspense account that is the problem. He

said that he mentioned this at the August Board meeting but was not clear on the details at that time. He showed the Board a flow chart outlining the flow of revenue and explained how it was tied to reconciliation procedures that Office Supervisor Lori Thomason would explain. Ms. Thomason then provided a Reconciliation Procedures Book and more specifically explained procedures and several new reports that had been developed. The Director said several meetings had taken place with the Controller's Office and the Legislative Audits Division with positive feedback from both agencies. The Director provided a preliminary letter from Legislative Audits Division. The Director said a follow up will be done by the Legislative Audits Division at some point soon. He said adjustments will be made to address any remaining concerns and that it is likely some may be made to simplify the procedures as it evolves. Ms. Thomason said the Board will be provided the more detailed revenue reconciliation reports along with the existing expenditures report as part of the financial report at future meetings. The Director also pointed out that both Ms. Thomason and Office Specialist Teresa Saucedo had been instrumental in developing the reconciliation procedures.

Recessed for lunch at 12:00 p.m. Meeting reconvened at 1:30 p.m. with all listed above present.

Financial Report – The Board reviewed the financial report. **MSC (MOTION: STARK, SECOND BAROWSKY; AYES: - LONG, MCQUISTON AND HUNSUCKER; NAYES: -- NONE) TO ACCEPT THE FINANCIAL REPORT.**

Consent Agenda – The Board reviewed the consent agenda. **MSC (MOTION: LONG, SECOND – BAROWSKY, AYES: STARK, MCQUISTON, AND HUNSUCKER; NAYES: -- NONE) TO APPROVE THE CONSENT AGENDA.**

Office Supervisor's Report – Renewal Packets - Office Supervisor Lori Thomason explained to the Board that the renewal packets have been sent out for the 2015 license renewal year. Five outfitters have renewed so far. **Access Idaho renewal process-** Ms. Thomason stated that the concerns the Board had last year with outfitters who were on probation being unable to renew on line has been fixed. The probationary statuses on line have been changed to two categories restrictive probation and general probation. **RDI - Resource Data Inc.** the software contractor has been working to finish the fixes with the licensing data base. She said the Board had been billed \$22,651 last month for these fixes of which \$7,000.00 of that bill was spent to create an additional report needed for the aforementioned reconciliation procedures.

Education/Enforcement Report – Boat Lettering - Chief Wadley explained that the enforcement staff would like to see boat lettering, identifying who the guide is working for on the rivers, made larger. The three inch lettering is too small for the enforcement staff to see at times. Director Howard stated that Rule 54 was put into effect in 2004 and the three inch lettering is what is required, to change that would require a rule change. The Director told them that there was an implementation policy that also needed to be reviewed. **Unlicensed Guiding Case in Bonner County**, Director Howard told the Board that the Bonner County Prosecutor handled an unlicensed guiding case brought forward as the result of a covert case handled by IOGLB Enforcement in cooperation with IDFG Enforcement. He said that he had agreed to a stipulation handled by the Bonner County Prosecutor for a fine and cost recovery for \$1500.00 with the understanding that matter not be brought before the Board for administrative action. He said Outfitter Steven Laut, Blue Ribbon Charters paid \$1000 and Guide Delbert Jepson paid \$500.

Director's Report – Allocation Manual – Director Howard explained that the allocation manual had been revised to address matters with outfitters not accepting an allocated controlled tag. The Board was fine with the change, but would like to see the word licensed added to the change when talking about seniority being considered when giving the tag to an outfitter who has been licensed the longest. **Letter of Appreciation** – Director Howard brought to the Board's attention a letter from another agency expressing their appreciation for Enforcement Chief Wadley and agent, Bill Lewis' assistance on a case. **PERSI Retirees vs. State of Idaho Part-time workers** - Director Howard explained that the PERSI Retirement Rules and the State of Division of Human Resources rules have two different requirements. Anyone who is retired with PERSI benefits can work 4 month 28 days with one month off and then start a new 4 month 28 day schedule. The State of Idaho Division of Human Resources states that a part-time employee can only work 1385 hours in a year. At the end of that time the part-time employees must be terminated with no commitment to be rehired. He explained how this will impact Enforcement Chief Randy Wadley, who is a retired Idaho Sheriff who must follow both requirements. **Oregon Marine Board** – Director Howard explained that he and Board Chairman Hunsucker had visited with Randy Henry, who is the Oregon Boating Law Administrator/Boating Safety Manager about improving cooperative efforts for licensing outfitters and guides on the Snake River between the two states. He provided a follow up letter from Mr. Henry. **Twin Peaks BLM Prospectus** - The Director said that the invitation to fill the BLM portion of the Twin Peaks prospectus will be prepared after the first of the year and reviewed at the March meeting. **Saddle Springs Outfitters/Richie Outfitters** – The Director discussed a phone call with the Salmon/Challis National Forest Supervisor and the North Fork District Ranger involving these outfitters and related correspondence provided as part of the Board's meeting packet. He said Saddle Springs has until the end of the license year (3/31/15) to sell their business. **Office of Performance Evaluations, Idaho Legislature** - Director Howard discussed a letter and his response responding to the Office of Performance Evaluations - Idaho Legislature regarding information about the Board's contracted attorneys. He said he understood that other agencies were contacted and that generally the nature of the request was over legislators interested in the role the Attorney General Office played in servicing some self governing agencies. **Clearwater, Nez Perce, Bitterroot NF – Bear/ Cougar/Wolf Policy** – Director Howard explained that he had contacted the lead representatives with IDFG and the North Idaho Forests concerning the Bear and Cougar Overlap Policy which was set to terminate in the spring of 2015. He said they felt it was necessary to continue the overlap policy and agreed to the next three year cycle starting in spring of 2016. He said eligible outfitters in IDFG units 10, 12, 16A, 17, 19, 20 and the northern part of 16 will be invited to submit updated agreements at that time.

Prospectus, paying NEPA Cost – Board Member Stark, Director, Board Attorney - Board member Stark had asked to schedule a discussion regarding a reimbursement amount in Board Policy so costs of federal agency NEPA Analysis can be included in scoring a prospectus and reimbursable to the outfitter who initiates an application leading to a prospectus should they not win the prospectus. Director Howard explained that the Board requiring in policy that an outfitter must reimburse another outfitter as part of an application process raises a red flag. Board Attorney Hales said he agreed. The Director said that any costs associated with any federal action and not previously addressed in a Board statute or rule could be made part of any a prospectus or other application only when done cooperatively with the federal agency assessing those costs, and when the costs are payable to that agency. This could be facilitated by the Board but

