

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

DRAFT MINUTES

August 24 - 25, 2016

**(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 AUGUST 24, 2016 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, TOM LONG AND BOB BAROWSKY WERE PRESENT. ALSO PRESENT WERE EXECUTIVE DIRECTOR LORI THOMASON, OFFICE SUPERVISOR AMY RYAN, OFFICE SPECIALIST II TERESA SAUCEDA, BOARD ATTORNEY ROGER HALES, ENFORCEMENT SUPERVISOR RANDY WADLEY, AND BOARD PROSECUTING ATTORNEY MIKE KANE. BOARD MEMBER GEORGE MCQUISTON WAS NOT PRESENT.

Rick Hussey – Disciplinary License Hearing - The Board’s Prosecuting Attorney Mike Kane presented a letter from the Nez Perce-Clearwater National Forest District Ranger Joe Hudson stating that Mr. Hussey’s U.S. Forest Service permit has been suspended pending termination by the U.S. Forest Service, with that information the Board would not be able to hear any motions in regards to Mr. Hussey’s license until a time in which that matter is resolved. Prosecuting Attorney Kane recommended that the Board continue the complaint at a later date upon the outcome of any further appeals to the Forest Service. **MSC (MOTION: STARK, SECOND, BAROWSKY; AYES – HUNSUCKER, LONG; NAYES – NONE) TO ACCEPT PROSECUTOR’S RECOMMENDATION TO DISCONTINUE DISCUSSION PENDING OUTCOME FROM FURTHER U. S. FOREST SERVICE APPEALS.**

Willis McAleese – Guide License Hearing – A guide license hearing was conducted by the Board’s prosecutor Mike Kane. Willis McAleese the applicant was identified and placed under oath. Mr. Kane explained that Director Thomason, by board policy, had deferred Mr. McAleese’s guide license application due to the Enforcement Division’s review and scoring of Mr. McAleese’s criminal convictions disclosed on his application. Mr. McAleese is seeking a guide license to work for Wilderness River Outfitters. Mr. McAleese testified, and certain exhibits were introduced into evidence. **MSC (MOTION: LONG, SECOND, BAROWSKY; AYES - HUNSUCKER; NAYES – NONE) TO GRANT A GUIDE LICENSE TO MR. MCALEESE WITH 1 YEAR UNRESTRICTED PROBATION.**

Board member Stark recused herself from the vote due to conflict of interest.

Bigfoot Outfitters II, LLC, Russell Gilmore Designated Agent case No. 16-13906-08– Outfitter License/Disciplinary Hearing - Russell Gilmore appeared before the Board and was represented by his attorney Lori Hood-Gilmore. Board Attorney Roger Hales placed all witnesses under oath prior to their testimonies. Prosecuting Attorney Kane called witnesses Clayton Ande, Reese Ande, Luke Ande, Enforcement Chief Randy Wadley and Enforcement Officer Bill Snow. All prosecution witnesses with the exception of Chief Wadley participated via telephone. Witnesses testified and certain exhibits were introduced into evidence.

Meeting recessed for lunch at 12:50. Meeting reconvened at 2:15 with all listed above present, including Board member George McQuiston.

Darl Allred –Discussion of Allocated Tag Non-Use - Mr. Allred was asked to appear before the Board by Director Thomason to explain in person why the allocated controlled hunt deer tag that had been issued to him had not been used since 2002. Mr. Allred explained to the Board that for several years he had not used the tag due to low deer numbers. He explained to the Board that he did have a hunter and a signed contract for this year's hunt and will use the tag. **MSC (MOTION: LONG, SECOND, BAROWSKY; AYES – HUNSUCKER; NAYES – STARK & MCQUISTON) TO ALLOW MR. ALLRED TO KEEP THE CONTROLLED HUNT DEER MUZZLELOADER TAG IN HUNT AREA 33-1.**

Reconvening case No. 16-13906-08

Bigfoot Outfitters hearing continued - Attorney Lori Hood-Gilmore called Education and Enforcement Chief Randy Wadley as a witness. Board Attorney Roger Hales placed Chief Wadley under oath prior to his testimony.

Chairman Hunsucker recessed the meeting at 3:30 p.m. until 8:00 a.m. August 25, 2016.

Meeting reconvened at 8:00 a.m. with all Board Members present, Board Attorney Roger Hales, Board Prosecutor Mike Kane, Enforcement Chief Randy Wadley, Amy Ryan Office Supervisor, Teresa Saucedo OGLB Office Staff, Executive Director Lori Thomason, Attorney Lori Hood Gilmore, Russ Gilmore.

Reconvening case No. 16-13906-08

Bigfoot Outfitters hearing continued- Attorney Lori Hood-Gilmore called witnesses Kevin Rogers, Dennis Hughes, Casey Hughes, Russell Gilmore and Enforcement Chief Randy Wadley, all but Mr. Wadley and Mr. Gilmore testified via telephone. Board Attorney Roger Hales swore in the witnesses prior to their testimony. Witnesses testified and certain exhibits were introduced into evidence.

MSC (MOTION: LONG, SECOND, STARK; AYES BAROWSKY, HUNSUCKER; NAYES – NONE) TO MOVE THE DECISION ON THE GILMORE HEARING TO A TELECONFERENCE BY THE BOARD OR IF TIME ALLOWED TO PROCEED WITH DECISION AT THE END OF THE BOARD MEETING

Meeting recessed for lunch at 12:15 p.m. Meeting reconvened with all listed Board members and staff listed above.

White Pine Gear Exchange and Fly Shop Application – Tyler Nash appeared before the Board to explain his application request on the SJ-3 section of the St. Joe River. This section of river needed Board approval prior to licensing the SJ-3 section of the St. Joe River. Board Chairman Hunsucker asked if there was a permit administrator on the SJ-3 section. Director Thomason informed him that there was no permit administrator for the SJ-3. **MSC (MOTION: LONG, SECOND, BAROWSKY; AYES – HUNSUCKER, STARK, MCQUISTON; NAYES – NONE) TO ISSUE AN OUTFITTER LICENSE TO WHITE PINE GEAR EXCHANGE AND FLY SHOP TYLER NASH DESIGNATED AGENT FOR THE SJ-3 STRETCH OF THE ST JOE RIVER FOR FLOAT BOAT FISHING AND FLOAT BOATING.**

Director's Report- Director Thomason explained to the Board that at the end of the fiscal year in June, there was \$90,922.00 unspent from the budget. This unspent money was returned to the free fund account.

Performance Measure Report and Strategic Plan - The Performance Measure report has been submitted to DFM and approved. The report had new requirements this year that needed to include goals from the Strategic Plan, this required that the Strategic Plan be revised to match the Performance Report, the Strategic Plan was rewritten and approved by DFM. **Wallowa-Whitman National Forest** – The

Wallowa-Whitman National Forest is proposing a new recreation fee for the Wild and Scenic portion of the Snake River. The \$5.00 to \$10.00 fee would be used to improve the maintenance of developed facilities and historic sites used for recreation, expanded interpretation, address health and safety concerns, and provide extra river patrols. **OG-23.1 and OG-23.3 Forms** - The OG-23.1 One Time Controlled Hunts for Sheep, Goats, Antelope and Moose have been revised along with the OG-23.3 Hot Pursuit Agreement. These forms were on one form and have now been made into two separate forms. **Facility Report** - The Division of Building Safety inspected the offices and found the IOGLB offices and storage to be in compliance with all building and safety codes. **Kelly Christenson/Rafter C Outfitters** - Mr. Christenson did not respond to the letter that was sent to appear before the Board at the August Board meeting. So this matter is considered closed. **Refrigerator for Staff** - Director Thomason asked the Board's permission to purchase a regular size refrigerator for the staff, it will cost around \$500.00 dollars. The Board approved the purchase of a refrigerator for the staff.

Office Supervisor's Report—Director Thomason introduced to the Board Amy Ryan as the new Office Supervisor. Amy started her new position on the 22nd of August. Director Thomason explained that Amy will be a great fit to the Licensing Board staff.

Federal MOU with USFS, BLM and IOGLB-Director Thomason explained to the Board that the Federal Memorandum of Understanding (MOU) is ready for signature. There are several clerical errors that need to be corrected; once those errors are correct then the MOU will be signed following the Board's direction to Director Thomason to sign the MOU. Board member Stark agreed that the clerical errors needed to be fixed prior to signature. The Board directed Director Thomason to sign the MOU after the corrections are made.

Department of Labor MOU - Board Chairman Hunsucker, Board Attorney Roger Hales, Enforcement Chief Wadley, and Executive Director Thomason attended a meeting with the Labor Department dealing with the MOU between the two agencies. Board Attorney Roger Hales is working on several proposed revisions before it is presented to the Board for signature approval.

Statutes & Rules Review – Director Thomason asked the Board for the approval to move forward with the Idaho Statutes 36-2102 (g) process to clarify and bring it consistent with Statute 36-2109. Statute 36-2102 (g) states “the license year means that period of time beginning on the date an outfitter’s or guide’s license is issued and ending on the anniversary of the date of issuance in the following year.” Statute 36-2109 states “Said license shall be in the form prescribed by the Board, shall be valid for the year issued from the date issued and shall expire on March 31 of the following year.” The Board approved the clarification of the 36-2102 (g) Statute and to move forward with the process to get it clarified to make it consistent with Idaho Statute 36-2102 (g).

Education/Enforcement Supervisor's Report – Education and Enforcement Chief Randy Wadley explained the current number of complaints and case investigations so far this year. **Complaint – Cases and Investigation** – 39 total investigations for 2016.

Financial Report –The Board reviewed the financial reports for June and July 2016.
MSC (MOTION: STARK, SECOND, MCQUISTION; AYES: HUNSUCKER, BAROWSKY, LONG; NAYES: - NONE) TO ACCEPT THE FINANCIAL REPORT.

ALLOCATION MANUAL REVIEW – Susan Knapek, IOGLB staff brought to the Board's attention that the Allocation User Manual needs clarification for the nonuse of the Controlled Hunt Tags. Board members Louise Stark and George McQuiston said they will form a subcommittee to review the Allocation Manual for the required changes. **MSC (MOTION: BAROWSKY, SECOND, LONG, AYES –**

HUNSUCKER, STARK, MCQUISTON; NAYES – NONE) TO HAVE GEORGE MCQUISTON AND LOUISE STARK WORK ON CLARIFICATION OF UNUSED CONTROLLED HUNT TAGS IN THE ALLOCATION MANUAL.

Consent Agenda – The Board reviewed the Consent Agenda. MSC (MOTION: STARK, SECOND, LONG; AYES: HUNSUCKER, MCQUISTON, BAROWSKY; NAYES: - NONE) TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

Bigfoot Outfitters hearing continued

The Board deliberated on the following counts:

Board member McQuiston abstained from deliberations due to not being present for the whole hearing.

COUNT I – In October 2014, Respondent substantially breached his contract with Clayton Ande (“Ande”), by missing the first day of the agreed upon provision of drop camp services, causing Ande to carry 70 pounds of gear to the camp on foot; guiding other clients out of Log Creek, when he had promised Ande he would not do that; attempting to persuade Ande to move five miles away from the Log Creek drop camp, outside of the agreed upon hunt area; and refusing to provide an agreed upon horse for Ande, forcing Ande to walk eight miles without water to his truck. MSC (MOTION: STARK, SECOND, BAROWSKY; AYES: HUNSUCKER, LONG; NAYES: - NONE ;) THERE WAS INSUFFICIENT EVIDENCE ON COUNT I TO FIND MR. GILMORE GUILTY

COUNT II – In October 2014, Respondent threatened to kill or otherwise harm Clayton Ande and Ande harvested a game animal in a location that Respondent had placed Ande, told Ande that he had ruined a hunt for others, and informed Ande that he would never see him coming and when he did it would be too late because he would be cutting Ande open. MSC (MOTION: STARK, SECOND, BAROWSKY; AYES: LONG; NAYES: - HUNSUCKER ;) THERE WAS INSUFFICIENT EVIDENCE ON COUNT II TO FIND MR. GILMORE GUILTY.

COUNT III – In October 2014, Respondent substantially breached his contract with Reese Ande, by failing to provide food and/or guide Ande despite an agreement to provide food and guide services; refusing to assist in the packing out of a harvested elk, then promising horses and then failing to appear with them, forcing Ande to walk three miles back to camp. MSC (MOTION: BAROWSKY, SECOND, LONG; AYES: HUNSUCKER, STARK; NAYES: - NONE ;) MR. GILMORE’S ACTIONS WERE IN VIOLATION OF IDAHO CODE 36-2113(A) (7) [SUBSTANTIAL BREACH OF CONTRACT], AND/OR 36-2113 (A)(5) AND IDAPA 25.01.01.002.45.D AND K [UNPROFESSIONAL CONDUCT AS DEFINED BY BOARD RULE AND FAILURE TO PROVIDE SERVICES AS ADVERTISED OR CONTRACTED].

COUNT IV – In October 2014, Respondent berated, assaulted and battered Reese Ande after Ande insisted that Respondent fulfill his prior agreement to pack the elk out. MSC (MOTION: STARK, SECOND, BAROWSKY; AYES: HUNSUCKER, LONG; NAYES: - NONE ;) IN OCTOBER 2014, MR. GILMORE BERATED REESE ANDE AFTER MR. ANDE HARVESTED A GAME ANIMAL. MR. GILMORE’S ACTIONS WERE IN VIOLATION OF IDAHO CODE 36-2113 (A) (5) AND IDAPA 25.01.01.00245.E [UNETHICAL OR UNPROFESSIONAL CONDUCT AND HARASSMENT OF THE PUBLIC IN THEIR USE OF IDAHO’S OUTDOOR RECREATIONAL OPPORTUNITIES.

MSC (MOTION: LONG, SECOND; STARK: HUNSUCKER; NAYES: - BAROWSKY;) BASED UPON THE FACTS PRESENTED TO THE BOARD RELATIVE TO COUNTS III AND IV THE

