

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

**FINAL MINUTES**

**December 19, 2017**

**(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 DECEMBER 19, 2017 IN THE MEETING ROOM AT THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD OFFICE, 1365 N. ORCHARD STREET, ROOM 172, BOISE, IDAHO. MEMBERS BOB BAROWSKY (CHAIRMAN), LOUISE STARK, GEORGE MCQUISTON, AND WAYNE HUNSUCKER WERE PRESENT. ALSO PRESENT WERE EXECUTIVE DIRECTOR LORI THOMASON, OFFICE SUPERVISOR AMANDA HARPER, BOARD ATTORNEY ROGER HALES, PROSECUTING ATTORNEY KRISTEN ATWOOD AND ENFORCEMENT SUPERVISOR RANDY WADLEY. BOARD MEMBER TOM LONG WAS NOT PRESENT.**

**Meeting Overview** – Executive Director Lori Thomason and Board Chairman Bob Barowsky provided an overview of the agenda. Director Thomason explained to the Board that the presentation by Rich Friend with River Adventures about safety concerns on the Salmon River scheduled for 2:15 p.m. had been canceled by the presenter.

**MSC (MOTION: HUNSUCKER, SECOND: MCQUISTON; AYES: BAROWSKY, STARK; NAYES: - NONE) TO AMEND AGENDA TO BRING ACTION ITEM – DISCUSSION OF NON-USE ON THE RIVER SECTIONS FORWARD TO THE 2:15 TIME DUE TO A CANCELATION OF THE 2:15 PRESENTATION BY RICH FRIEND**

**Joseph Estrada – Guide License Hearing Case No 17-20387-09** – A guide license hearing was conducted by the Board’s prosecutor Kristen Atwood. Joseph Estrada, the applicant, was identified and placed under oath. Ms. Atwood explained that Director Thomason, by board policy, had deferred Mr. Estrada’s guide license application due to the Enforcement Division’s review and scoring of Mr. Estrada’s criminal convictions not disclosed on his application. Mr. Estrada is seeking a guide license to work for ACE Outfitters Inc. Mr. Estrada testified, and certain exhibits were introduced into evidence.

**MSC (MOTION: MCQUISTON, SECOND: HUNSUCKER; AYES – BAROWSKY, STARK; NAYES – NONE) TO GRANT A GUIDE LICENSE TO MR. ESTRADA WITH NO RESTRICTIONS OR PROBATION.**

**Barker Outfitting LLC – Outfitter Disciplinary Hearing Case No 17-1029-05** – An Outfitter Disciplinary hearing was conducted by the Board’s prosecutor Kristen Atwood. Jon Barker, the designated agent, was identified and placed under oath. Mrs. Atwood explained that Director Thomason, by board policy, has brought Mr. Barker before the board due a citation and flagrant Idaho Fish and Game violation cited in March 2017. Mr. Barker testified, and certain exhibits were introduced into evidence.

**MSC (MOTION: MCQUISTON, SECOND: HUNSUCKER; AYES BAROWSKY, STARK; NAYES – NONE) TO FIND A VIOLATION AND ASSESS A \$300 FINE AND ONE YEAR GENERAL PROBATION TO MR. BARKER.**

*Prosecuting Attorney Kristen Atwood excused herself at 9:43 a.m. with all hearings completed.*

**Petition for Reconsideration of Order of Dismissal to Attorney Costs and Fees Dennis Brookshire –** Board Attorney Roger Hales summarized to the Board the initial administrative complaint of Dennis Brookshire, case number 17-16964-01. He also explained that Mike Kane, the prosecuting attorney, reconsidered moving forward with the complaint to Mr. Brookshire and filed a motion to dismiss the complaint. He also explained to the Board that the Order of Dismissal should be void since it was not formerly brought before the Board for discussion prior to the Board Chairman signing it. Attorney Hales explained that the position of Mr. Brookshire's lawyer is that Mr. Brookshire was deprived of the ability to prevail or win in the complaint due to simply dismissing it and Mr. Brookshire's perspective is that he had to engage a lawyer to answer the complaint and spend money. The prosecuting attorney's position is that he has the ability to file a complaint or ask the Board to dismiss it. Mr. Hales explained to the Board members that it was ultimately up to them whether or not the order is valid and if Mr. Brookshire should have had the opportunity to present his case before them and if Mr. Brookshire should be entitled to recovery of some costs and fees.

**MSC (MOTION: MCQUISTON, SECOND: STARK; AYES – HUNSUCKER, BAROWSKY; NAYES – NONE) VACATE THE PRIOR ORDER OF DISMISSAL SIGNED AUGUST 30, 2017 BUT ENTER AN ORDER OF DISMISSAL EFFECTIVE DECEMBER 19, 2017.**

**MSC (MOTION: STARK, SECOND: MCQUISTON; AYES – BAROWSKY, HUNSUCKER; NAYES – NONE) DENNIS BROOKSHIRE IS NOT THE PREVAILING PARTY IN THE ACTION.**

**MSC (MOTION: MCQUISTON, SECOND: STARK; AYES – HUNSUCKER, BAROWSKY; NAYES – NONE) THERE WAS ENOUGH FACTUAL INFORMATION TO BRING DENNIS BROOKSHIRE BEFORE THE BOARD.**

**MSC (MOTION: STARK, SECOND: HUNSUCKER; AYES – MCQUISTON, BAROWSKY; NAYES – NONE) TO DIRECT COUNSEL TO PREPARE AN ORDER AND TO ALLOW THE CHAIRMAN TO SIGN THE ORDER.**

**Review Discussion on Darl Allred, Allred's Adventures – Findings of Fact, Conclusion of Law, and Final Order –** Board Attorney Roger Hales reviewed with the Board, Mr. Allred's petition to return to him his originally allocated tags, the presentation made by his lawyer, and the Board decision that his request was untimely and the Board's allocation process was consistent with State laws and rules. Based upon that information Mr. Hales' firm prepared Finding of Facts, Conclusion of Law, and Final Order. Mr. Hales explained that Victor Villegas, Mr. Allred's attorney, has filed a Petition for Judicial Review with the state district court for review of the decision that was made by the Board to determine if it was in violation of the Constitution or State law. If it is not, then the Board's decision will be upheld but if the judge determines there was a violation of law the district court judge will send it back down to the Board for further action. Attorney Hales talked with the Board about adopting a temporary rule regarding the allocation manual and concurrently doing a negotiated rule.

**Discussion on New Idaho Fish and Game Web Site Relative to Tag Allocation –** Office Staff Susan Knapek informed the board of the new Idaho Wildlife Information and License Data (IWILD) system that Idaho Fish and Game is developing. She explained that it is a paperless reporting system that will help with the process of allocated outfitted tags and will track harvested game and hunter totals. Fish and Game has stated that the new system is almost complete and will soon be ready for testing.

**Directors Report – Signed Federal MOU** - Executive Director Lori Thomason informed the Board that IOGLB has received the signed MOU, it was signed by the BLM in September completing all the required signatures. **IOGLB Website Compliance** – Director Thomas explained to the Board that the Governors office is requesting that all State agencies use the same state template for their agencies website. Both the IOGLB public facing and secure Board websites need to be converted. A bid was received for \$15,000 to convert both websites. This is higher than expected. She let the Board know that she will research this further to see if she can get the costs down to convert those websites utilizing the state template. **OGLB Database System** – The OGLB database is unstable as reported by RDI the contractor that maintains the current licensing database. With one year left on the current contract for the existing database, IOGLB is researching different possibilities for a new database system. IOGLB had a meeting with BES technologies, they are the vender who supplies the Department of Occupational Licenses and other state agencies with their licensing databases. BES is on a sole source contract currently with the State of Idaho. Director Thomason stated that BES has asked for a Confidential Agreement to be signed to transfer database information to them, so they can better understand how our licensing system needs can be met.

**MSC (MOTION: HUNSUCKER, SECOND: STARK; AYES – BARWOSKY, MCQUISTON; NAYES – NONE) TO AUTHORIZE THE CONFIDENTIAL AGREEMENT WITH BES TECHNOLOGIES BE SIGNED BY DIRECTOR THOMASON.**

**Administrative Hearing Officer Committee Meeting Discussion** – Director Thomason attended the legislative hearing on Monday October 2, 2017 to discuss the proposed legislation related to modifications to the Administrative Procedures Act. The proposed legislation is a major change on how board related hearing are to be conducted. Director Thomason explained that the changes will undoubtedly have a major impact both financially and procedurally with this board from contested cases such as issuing licenses, renewing licenses and disciplinary hearing. She explained that during her testimony she asked the hearing committee to keep the law as is relative to the IOGLB Licensing Board's ability to utilize a hearing officer when the Board feels it necessary. **Executive Order Update** – Director Thomason attended a meeting with the Lieutenant Governor regarding the Executive Order – Licensing Freedom Act. IOGLB has the executive order available on their website explaining the order and the multiple ways to send in comments. So far, the agency has only received three public comments. **New Technical Advisory Committee (TAC) Member** – There are currently two openings for the (TAC). Multiple letters were sent out to qualified Level II and Technical Mountaineering guides asking them if they were interested in serving on the TAC committee. IOGLB received letters back from Santiago Rodriguez and Doug Colwell accepting the two positions on the TAC. Director Thomason asked the Board to accept those two applicants who are interested in serving on the Technical Advisory Committee.

**MSC (MOTION: HUNSUCKER, SECOND: STARK; AYES – BARWOSKY, MCQUISTON; NAYES – NONE) TO APPROVE DOUG COLWELL AND SANTIAGO RODRIGUEZ AS THE NEWEST TAC COMMITTEE MEMBERS.**

**BEAR AND COUGAR OVERLAP POLICY** – The overlap agreement policy between IOGLB, Forest Service and Fish and Game is expiring in March 2018. This policy allows Outfitters in units 10, 12, 16A, 17, 19, 20 and part of Northern 16 for an overlap between outfitters. This policy was created due to predators were getting out of control in those specific units. Director Thomason has spoken with Carol Hennessey with Nez Perce/Clearwater National Forest, she stated that she believes the forest service and Idaho Fish and Game intends to approve the renewal of the overlap policy for the next three years.

**MSC (MOTION: STARK, SECOND: HUNSUCKER; AYES – BARWOSKY, MCQUISTON; NAYES – NONE) THE BOARD WILL CONTINUE WITH THE OVERLAP POLICY UPON APPROVAL WITH IDAHO FISH AND GAME AND THE NEZ PERCE/CLEARWATER NATIONAL FOREST SERVICE.**

**Office Supervisor’s Report – Compliance Letters** - Office Supervisor Amanda Harper explained to the Board that the office staff prepared 41 compliance letters to bring the insured name on the bond, certificate of liability, Secretary of State and the licensed name compliant with each other. This is a public protection issue. Of those 41 sent compliance letters 22 Outfitters have not complied with the request. She asked for guidance of the Board on to how they want the office staff to proceed with those Outfitters that have not yet complied. The Board directed the staff to send out a certified letter to the Outfitters that are not compliant signed by the enforcement chief with a 10-day deadline. Board Attorney Roger Hales stated that this is a public safety protection issue and it is important these outfitters comply. **Allocation Manual Comments** - Ms. Harper updated the Board that the office staff has received a total of five comments to the allocation manual review, which is one additional since the August 2017 Board meeting. **2018 Renewals** – Ms. Harper informed the Board that the 2018 renewal season has started and as of December 19, 2017, 24 Outfitters have fully completed their renewal applications and have been sent their 2018 license.

**AMEND AGENDA TO GO TO LUNCH AT 12:15 AND RECONVENE AT 1:15 (MOTION: HUNSUCKER, SECOND: STARK; AYES – BARWOSKY, MCQUISTON; NAYES – NONE).**

*Meeting recessed for lunch at 12:15 p.m. Meeting reconvened at 1:25 p.m. with all listed above present.*

**Brian Thomas Quality Diversified Services LLC – Amendment Request for drop camps on the SN12-SN14** – Director Thomason informed the Board that Brian Thomas, a licensed water based Outfitter with Quality Diversified Services LLC, has requested the Board give him a special authorization to provide drop camps due to the land along the Snake River on the SN12 and SN14 being purchased by a private land owner, who has restricted public access to the river. She stated that the Fish and Game response that came from the senior conservation officer, Rick Cooper, was positive to Mr. Thomas’s request. Mr. Cooper for IDFG stated that it would be an added service to the public in areas that are not so easily accessible such as the river corridor. She explained that a letter was sent to all boating outfitters in April 2017 which stated that boating outfitters are not allowed to provide drop camps unless they were licensed for hunting. Mr. Thomas’s outfitting business does not have hunting activities and is not able to provide drop camps. The Board directed Ms. Thomason to inform Mr. Thomas to send in a completed application along with the comment from Fish and Game and the land managers and they will review his application at that time.

**Financial Report** –The Board reviewed the financial reports for August, September, October and November 2017.

**MSC (MOTION: HUNSUCKER, SECOND: MCQUISTON; AYES: HUNSUCKER, STARK; NAYES: - NONE) TO ACCEPT THE FINANCIAL REPORT AS PRESENTED.**

**Consent Agenda** – The Board reviewed the Consent Agenda. The Board directed Mrs. Thomason to contact the permitting agencies about the vacated areas that are waiting on a review from them to find out when and if they are planning on moving forward with filling the vacated areas with an Outfitter.

**MSC (MOTION: HUNSUCKER, SECOND: MCQUISTON; AYES: BAROWSKY AND STARK; NAYES: - NONE) TO ACCEPT THE CONSENT AGENDA AS PRESENTED.**

**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** – 67 total investigations for 2017. Enforcement Chief asked the Board to accept the fine payment from Colton D. Montgomery for two undisclosed Fish and Game violations.

**MSC (MOTION: STARK, SECOND: HUNSUCKER; AYES: MCQUISTON, BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM COLTON D. MONTGOMERY.**

Enforcement Chief asked the Board to accept the fine payment from Christopher K. Heib for two undisclosed battery cases.

**MSC (MOTION: STARK, SECOND: MCQUISTON; AYES: HUNSUCKER, BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$400 FINE FROM CHRISTOPHER K. HEIB.**

Enforcement Chief asked the Board to accept the fine payment from Mark Troy for a disclosed Forrest Service Camp violation.

**MSC (MOTION: HUNSUCKER, SECOND: MCQUISTON; AYES: STARK, BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$100 FINE FROM MARK TROY.**

Enforcement Chief asked the Board to accept the fine payment from Reed Spencer Stokes for an undisclosed misdemeanor conviction for a DUI.

**MSC (MOTION: MCQUISTON, SECOND: HUNSUCKER; AYES: STARK, BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM REED SPENCER STOKES.**

Enforcement Chief asked the Board to accept the fine payment from Jason N. Sparks for an undisclosed Fish and Game violation.

**MSC (MOTION: STARK, SECOND: MCQUISTON; AYES: HUNSUCKER, BAROWSKY; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM JASON N. SPARKS.**

**Discussion of Non-Use on the River Sections** – Director Thomason informed the Board that the IOGLB office has received multiple calls about river outfitters and non-use. She has asked the Board to give direction on how to proceed with doing a non-use review. The Board directed Mrs. Thomason that once the 2018 renewal season is over, do a use review on all the river sections and if no substantial use has been reported, a letter will be sent to the Outfitter to provide an explanation to the Board and a determination will be made at that time if the Outfitter needs to come before the Board for a non-use hearing.

**MSC (MOTION: STARK, SECOND: HUNSUCKER; AYES – BAROWSKY, MCQUISTON; NAYES – NONE) MOVE THAT THE BOARD ENTER EXECUTIVE SESSION, UNDER CODE § 74-206(1)(b), TO DISCUSS PERSONNEL MATTERS AT 3:07 P.M.**

**MSC (MOTION: HUNSUCKER, SECOND: STARK; AYES – MCQUISTON, BAROWSKY; NAYES – NONE) TO COME OUT OF EXECUTIVE SESSION AT 3:15 WITH NO DECISION MADE.**

The next Board Meeting date has been set for March 27 and 28, 2018.

