

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

FINAL MINUTES

June 06 & 07, 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 8:34 A.M. ON JUNE 06, 2017 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 AMANDA HARPER, BOARD ATTORNEY ROGER HALES, ENFORCEMENT SUPERVISOR RANDY WADLEY, AND BOARD PROSECUTING ATTORNEY MIKE KANE. BOARD MEMBER GEORGE MCQUISTON WAS NOT PRESENT.

Matthew Handy – Guide License Hearing case No 17-10506-04 – A guide license hearing was conducted by the Board’s prosecutor Mike Kane. Matthew Eldon Handy the applicant was identified and placed under oath. Mr. Kane explained that Director Thomason, by board policy, had deferred Mr. Handy’s guide license application due to the Enforcement Division’s review and scoring of Mr. Handy’s criminal convictions disclosed on his application. Mr. Handy is seeking a guide license to work for Mile High Outfitters Of Idaho Inc. Mr. Handy testified, and certain exhibits were introduced into evidence. Travis Bullock the designated agent for Mile High Outfitters OF Idaho Inc. appeared before the board to testify on behalf of Matthew Handy. MSC (MOTION: LONG, SECOND, STARK; AYES – HUNSUCKER, BAROWSKY; NAYES – NONE) TO GRANT A GUIDE LICENSE TO MR. HANDY WITH A TWO YEAR RESTRICTED PROBATION.

John Nesbit – Guide License Denial Hearing – A guide license denial hearing was conducted by the Board’s prosecutor Mike Kane. John Nesbit the applicant was identified and placed under oath. Mr. Kane explained that Director Thomason, by board policy, had deferred Mr. Nesbit’s guide license application due to the Enforcement Division’s review and scoring of Mr. Nesbit’s criminal convictions disclosed on his application. Mr. Nesbit is seeking a guide license to work for Nesbit Dinner Cruises LLC. Mr. Nesbit testified, and certain exhibits were introduced into evidence. MSC (MOTION: LONG, SECOND, FAIL) TO GRANT A GUIDE LICENSE TO MR. NESBIT WITH A TWO YEAR RESTRICTED PROBATION.

MSC (MOTION: BAROWSKY, SECOND, STARK; AYES – HUNSUCKER, LONG; NAYES – NONE) TO GRANT A GUIDE LICENSE TO MR. NESBIT WITH TWO YEAR RESTRICTED PROBATION WITH REQUIREMENT THAT AN ANNUAL REVIEW BE DONE BY THE LICENSING BOARD STAFF DURING THE PROBATIONARY PERIOD.

Erik R. Kelly – Guide License Disciplinary Hearing case No 17-5045-03 – A guide license hearing was conducted by the Board’s prosecutor Mike Kane. Erik R. Kelly the applicant was identified and placed under oath. Mr. Kane explained that Director Thomason, by board policy, had deferred Mr. Kelly’s guide license application due to the Enforcement Division’s review and scoring of Mr. Kelly’s criminal

convictions disclosed on his application. Mr. Kelly is seeking a guide license to work for Snake River Adventures LLC. Mr. Kelly testified, and certain exhibits were introduced into evidence.

MSC (MOTION: LONG, SECOND, BAROWSKY; AYES – HUNSUCKER, STARK; NAYES – NONE) TO FIND MR KELLY GUILTY OF A IDFG VIOLATION UNLAWFUL TAKING OF A GAME ANIMAL.

MSC (MOTION: STARK, SECOND, BAROWSKY; AYES – HUNSUCKER, LONG; NAYES – NONE) TO GRANT A GUIDE LICENSE TO MR. KELLY WITH ONE YEAR UNRESTRICTED PROBATION.

MSC (MOTION: LONG, SECOND, BAROWSKY; AYES – HUNSUCKER, STARK; NAYES – NONE) TO ASSESS A \$500 ADMINISTRATION FINE TO ERIK KELLY.

Paul Echo Hawk – Guide License Disciplinary Hearing case No 17-7660-02 - The Board’s Prosecuting Attorney Mike Kane has recommended this hearing not be heard pending dismissal. MSC (MOTION: BAROWSKY, SECOND, STARK; AYES – HUNSUCKER, LONG; NAYES – NONE) TO ACCEPT PROSECUTOR’S RECOMMENDATION TO DISMISS.

Prosecuting Attorney Mike Kane excused himself at 10:17 a.m. with all hearings being complete.

MSC (MOTION: STARK, SECOND, LONG; AYES: HUNSUCKER, BAROWSKY; NAYES: - NONE) TO AMEND AGENDA TO BRING FINANCIAL REPORT DISCUSSION FORWARD.

Financial Report –The Board reviewed the financial reports for March and April 2017. Executive Director Lori Thomason explained the Fiscal Revenue Report was down slightly, which may be a result of the high water that is affecting the rivers right now. She is hoping the guide licensing picks up, as we are down 100 guides from May. There are also eleven outfitters who did not renew resulting in the combined revenue loss of about \$17,000 dollars. Director Thomason explained to the Board that CEC raises discussed at the March board meeting were conservative. The original increases approved at the March meeting allocated \$4638.40 of the total \$8100.00 CEC appropriation, DFM said more could be given to utilize more of the \$8100.00 appropriation. **MSC (MOTION: LONG, SECOND, BAROWSKY; AYES: HUNSUCKER, STARK; NAYES: - NONE) TO ACCEPT THE FINANCIAL REPORT.**

MSC (MOTION: LONG, SECOND, STARK; AYES: HUNSUCKER, LONG; NAYES: - NONE) TO ACCEPT THE ADDITIONAL INCREASE FOR THE CEC APPROPRIATION FROM \$4638.40 TO \$7259.20

MSC (MOTION: LONG, SECOND, BAROWSKY; AYES: HUNSUCKER, STARK; NAYES: - NONE) TO AMEND AGENDA TO BRING EXECUTIVE ORDER DISCUSSION FORWARD

Executive Order 2017-06 Discussion – Board attorney Roger Hales explained the executive order that was issued from Lieutenant Governor Brad Little on May 19, 2017 requesting all licensing boards send out a notification of the executive order. The Executive Order 2017-06 is a review of state licensing requirements. Under the review process the report from each Executive agency will include the timeframe in which a license is either granted or denied, prerequisites for a license, renewal requirements, requirements for accepting or denying an application and license renewal, qualifications for suspension, revocation or other disciplinary action, the cost to apply for an application or renewal of a license, the cost for administering the licensing and renewal process. Comments will be accepted until May 2, 2018. IOGLB will post on their website the process to provide comments. Mr. Hales and the Board reviewed the letter that will be submitted to the Lieutenant Governor explaining the process that the licensing board will go through to notify all licensed outfitters, designated agents and guides. The Licensing Board will send a

postcard to all licensees, post the executive order in the office, and ask the IOGA to publish in their new letter that comments are being accepted on the review of the state licensing requirement process until May 2, 2018. Mr. Hales also explained to the Board that the executive order will encompass input from all licensees and from the general public who wish to provide comments.

Board Member George McQuiston joined the discussion via phone call at 11:00 a.m.

IOGA – Allocation Presentation – Grant Simonds from the IOGA summarized the work of the subcommittee that was designated from the March board meeting in regards to the Allocation revision. The subcommittee met two separate times in Stanley for a total of eleven hours. In the April meeting the group came up with seven proposals and solutions. In the May meeting seven of the eight subcommittee members were in attendance, and they came to an agreement for redistribution of the allocated tags. There was one outfitter in the group that said they were not in agreement with the redistribution. Mr. Simonds sent out a survey to all deer and elk outfitters, about 120, which included IOGA members and non IOGA members. About thirty six outfitters responded to the survey. Mr. Simonds stated that the results of the survey shows that there is a need to provide some additional education and recommends that education be provided from IOGLB and IOGA to the outfitters, due to the changes from the past years and the current proposed changes relative to the allocation manual. Darl Allred joined the discussion. Darl has stated that the committee he was a part of, is in favor of the allocation manual revisions that board member Louise Stark and board member George McQuiston have prepared.

Meeting recessed for lunch at 12:32. Meeting reconvened at 1:47 p.m. with all listed above present.

MSC (MOTION: STARK, SECOND, BAROWSKY; AYES – HUNSUCKER, LONG; NAYES – NONE) TO GO INTO EXECUTIVE SESSION AT 1:48 TO DISCUSS POSSIBLE LITIGATION.

MSC (MOTION: STARK, SECOND, BAROWSKY; AYES – HUNSUCKER, LONG; NAYES – NONE) TO COME OUT OF EXECUTIVE SESSION AT 2:05 WITH NO DECISION MADE.

Review of Jon Barker – Barker Trophy Hunts Amendment to amend sheep in GMU 11 & 13 – Jon Barker appeared before the Board to explain that he is a licensed sheep hunter in Unit 11 and Unit 13 and would like to change his boundary description. Mr. Barker stated that the one time controlled hunt form is cumbersome to himself, the IOGLB, and the permit agencies, and would like to streamline the process. Jerome Hansen the Clearwater Regional Supervisor from IDFG participated by phone. Mr. Hansen stated that he would like to go year to year with the sheep hunts, as per his comments on the OG-25. He also said that Fish and Game did not know how long Unit 13 would be in the mix for sheep hunts. One of the concerns was that Mr. Barker would be exclusive in the area and may have conflict with any other outfitters who wished to provide sheep hunts in his area. Mr. Barker stated that he would provide to the Board a signed notarized paper stating that he would not object to any other outfitters who requested to hunt sheep in his area. Board member Louise Stark asked to recuse herself from voting on the motion. **MSC (MOTION: LONG, SECOND, BAROWSKY; AYES – HUNSUCKER, NAYES – NONE) TO ALLOW MR. BARKER TO AMEND HIS BOUNDARY DESCRIPTION IN UNIT 13 WITH THE SIGNED NOTARIZED AGREEMENT TO NOT BE EXCLUSIVE.**

Allocation Manual Revisions – Board member Louise Stark discussed that the allocation manual is in need of some organization to be more user friendly. Ms. Stark recommends that the allocation manual be revised, and proceeded to discuss in detail all the revisions she had made in blue and that she had renumbered the allocation manual. Ms. Stark stated that all the blue marked changes be accepted and approved by the board and that all the green marked changes be put on the IOGLB website for outfitter comment and then be revisited at the August 2017 board meeting. It was decided that a postcard will be

sent out to all deer and elk hunting outfitters directing them to go to the IOGLB website to review the accepted changes that were made in blue and also to review the proposed changes made in green. Comments will be accepted until August 1, 2017 relative to the proposed changes in green. The comments will be reviewed by the Board at the August 29 & 30 2017 Board meeting. **MSC (MOTION: STARK, SECOND, BAROWSKY; AYES – HUNSUCKER, LONG; NAYES – MCQUINSTON) TO ACCEPT ALL OF THE BLUE CORRECTIONS MADE IN THE ALLOCATION MANUAL, INCLUDING THE CORRECTIONS MADE TO THE BLUE SECTION DURING THE MEETING BY THE BOARD, AND THE RED CORRECTIONS SPECIFIC TO CONTROLLED HUNTS AND REORGANIZATION OF THE ALLOCATION MANUAL. POST THOSE CHANGES ON THE LICENSING BOARD WEBSITE. THE CHANGES IN GREEN WILL ALSO BE POSTED FOR OUTFITTER COMMENT TO BE SUBMITTED TO THE BOARD BY AUGUST 1, 2017.**

MSC (MOTION: LONG, SECOND, STARK; AYES – HUNSUCKER, BAROWSKY, MCQUINSTON; NAYES – NONE) THAT BOARD ATTORNEY ROGER HALES LOOK INTO THE LEGALITY OF THE DRAFT ALLOCATION MANUAL TO SEE IF THEY ARE SUPPORTED BY LAW.

Chairman Hunsucker recessed the meeting at 4:53 p.m. until 8:30 a.m. June 07, 2017.

Meeting reconvened at 8:30 a.m. with Board Chairman Wayne Hunsucker, Board Member Tom Long, Board Member Bob Barowsky, Board Attorney Roger Hales, Executive Director Lori Thomason, Enforcement Chief Randy Wadley, and Office Supervisor Amanda Harper. Board members Louise Stark Board Member George McQuiston was not present

Directors Report – Rick Hussey Vacated Area-Executive Director Lori Thomason informed the Board that Jenny Blake with the Moose Creek Ranger District called on March 20th to inform the IOGLB that they are reviewing the Rick Hussey vacated area, and they may be proposing to divide it between the three existing outfitters. The reason is that the elk numbers are low and it would not sustain a new outfitter, but would enhance the three existing outfitters who would benefit from some additional area. **Vacated Stan Potts area-** Director Thomason stated that she had spoken to Patti Schwind from the USFS relative to the vacated Stan Potts area and informed her that the Board wants that area filled. Director Thomason said she will continue to speak to Ms. Schwind about getting this vacated area filled. **Federal MOU-** Ms. Thomason informed the Board that she has spoken to Steve Schied on Monday June 5, 2017 about the Federal MOU not being signed by the BLM. Mr. Schied stated that he has spoken to the BLM and they are working on it. **Strategic Plan-** Director Thomason explained that she has rewritten the strategic plan, and it has been submitted to DFM. **Cyber Security Executive Order 2017-02-OGLB** is in the process of removing all social security numbers as an identifier in the Access Idaho database. RDI, who maintains the IOGLB database, is working to remove or encrypt all social security numbers to be in compliance with the Executive Order. She stated that we have already removed all credit card information in the IOGLB database. Credit cards are now being processed through Access Idaho's Pay Port System. Credit card information has been removed from all applications this too complies with the Executive Order 2017-02. **Legislative Audit-** The three year audit performed by the Legislative Services was completed the first week of May. They reported that there were no findings. **Board Member Reappointments –** Board Member Bob Barowsky, who represents Idaho Fish and Game, along with Board member George McQuiston have been reappointed to the Board for three more years. **IOGLB Database-**IOGLB staff had a meeting with Idaho Bureau of Occupational Licenses to review their licensing data base along with their document management system to see if it would be more cost effective to share the cost of their data base instead of having the IOGLB database rewritten. This may save a lot of money because it will be a shared fee. It is also supported by the state IT department.

Office Supervisor’s Report – Amanda Harper informed the Board that Robin Brown resigned from her position effective May 5, 2017. The licensing board will be starting to interview for that position effective in July. **Renewed Outfitter Licenses-** As of May 30, 2017, 376 Outfitters had renewed their 2017 licenses and eleven still need to be renewed, and of those eleven outfitters not renewed five of them have let the licensing board know that they did not plan on renewing their license. The 3rd renewal reminder postcard was sent out to the outfitters that had not renewed on May 25, 2017. **Applications for the SA8** – Wild River Adventures has requested an SA8 float opportunity, as has Rubicon Outfitters. **MSC (MOTION: LONG, SECOND, BAROWSKY; AYES: HUNSUCKER; NAYES: - NONE) TO ACCEPT THE APPLICATIONS SUBJECT TO APPLICANTS SUCCESSFUL COMPLETION OF APPLICATION PROCESS FOR SA8.**


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** – 22 total investigations for 2017.

Enforcement Chief asked the Board to accept the fine payment from Johnny Lanier for unprofessional conduct out of the State of Virginia by Fish and Game for the violation of transportation of a loaded firearm on to USFS National Forest Road. **MSC (MOTION: LONG, SECOND, BAROWSKY; AYES: HUNSUCKER; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM JOHNNY LANIER FOR UNPROFESSIONAL/UNETHICAL CONDUCT**

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

The next Board Meeting date has been set for August 29 & 30, 2017.

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 10:26 a.m., Wednesday, June 07, 2017.



WAYNE HUNSUCKER, BOARD CHAIRMAN

Aug 29, 2017

Date

ATTEST:



LORI THOMASON, EXECUTIVE DIRECTOR

8-29-17

Date