

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

DRAFT MINUTES

June 21 - 22, 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 10:00 A.M. ON JUNE 21, 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 JAKE HOWARD, OFFICE SUPERVISOR LORI THOMASON, OFFICE SPECIALIST II TERESA SAUCEDA, BOARD ATTORNEY ROGER HALES, AND ENFORCEMENT SUPERVISOR RANDY WADLEY.

Agenda Review - Director Howard reviewed the agenda.

Director's Report – Licenses Issued Report Director Howard explained changes in licensing trends from 2000 when 235 Corporate, 181 Sole Proprietors, 277 Designated Agents and 2,198 Guide license were issued compared to 2016 with 308 Corporate, 84 Sole Proprietor, 371 Designated Agent and 2,345 guide licenses. Director Howard explained that rules need to be clarified to address growing issues with third party agreements. **Department of Labor - MOU** Director Howard explained a meeting will be scheduled in the next couple of weeks to discuss matters outlined in an MOU between the Idaho Department of Labor and the Licensing Board. This MOU allows both agencies to work together to ensure that employees of outfitters are properly employed and are not contractors as statutorily required by the Outfitters and Guides Act. Director Howard went on to explain that guides, booking agents and designated agent responsibilities also need to be clarified in rule. **Rafter C Outfitters/Kelly Christensen's appearance request.** Director Howard discussed Mr. Christensen's e-mail request to appear before the Board requiring 6 to 8 hours of the Board's time. The Board directed that a letter be prepared for Chairman Hunsucker's signature and sent to Mr. Christensen explaining the Board's capabilities and expectations and that the Board will grant him 30 minutes to present his concerns. It was discussed that Mr. Christenson must clarify the specific matters he would like to discuss in a letter to the Board prior to time at the August meeting be scheduled. **MSC (MOTION: LONG, SECOND, STARK, AYES – HUNSUCKER, BAROWSKY; NAYES – NONE) THE BOARD DOES NOT GRANT 6 TO 8 HOURS OF BOARD TIME TO UNSOLICITED MATTERS BUT THE BOARD IS WILLING TO GRANT KELLY CHRISTENSEN 30 MINUTES OF BOARD'S TIME AT THE AUGUST MEETING PROVIDED THAT BY JULY 29 MR. CHRISTENSEN MORE CLEARLY EXPLAINS HIS ALLEGATIONS AND CONCERNS IN A LETTER TO BOARD CHAIRMAN HUNSUCKER, THUS ENABLING THE BOARD TO PREPARE FOR THE DISCUSSION.**

Office Supervisor’s Report – License Renewals - Office Supervisor Thomason informed the Board that six (6) outfitters that have not renewed for the 2016 license year. Several of the following outfitters are in the process of completing their applications so this number will go down. They are as follows: J & V Big Game Outfitters, Magic Valley Flight Simulation Inc., Rick Hussey, Rocky Mountain Guide Ventures, Silver Streak Zip Line, Swan Falls Snake River Excursions, Inc. **Document Management Project Discussion.** Ms. Thomason explained that research is being compiled to explore a document management system. She explained that a document management system would safeguard records along with being a time saver and provide efficiencies with the daily work flow in the office. Board Chairman Hunsucker stated that he has some background in doing research for Data Management Systems and would like to participate with the staff and offer his knowledge in the research process. Director Howard pointed out that the Board’s licensing data system needs to be updated for a number of reasons which he explained, and that doing this should be thoroughly examined by the Board as significant costs would be associated. He said that the document management system should be part of the consideration.

Review Analysis and Recommendation for Allred’s Adventures, Darl Allred unused allocated tag. Office Supervisor Thomason explained that at the March Board meeting it was brought to the Board’s attention that the outfitter allocated controlled tag that Allred Adventures had been receiving has shown no record of use since 2002 which was confirmed by Craig Wiedmeier, IDFG. On March 23, 2016 a letter was sent to Mr. Allred stating that IOGLB’s records indicate that this tag has been awarded to his outfitting business, to service his hunting clients and there has been no record of use since 2002. The letter also mentioned that a nonuse hearing may be scheduled, unless Mr. Allred chose to relinquish the tag. The letter asked for a written explanation, explaining the circumstances of this tag not being used. Mr. Allred responded with a letter on April 27, 2016. Office Supervisor Thomason said his letter lacked clear reasons for nonuse of the tag and no documentation of use. Director Howard mentioned that an outfitter’s providing false or misleading information is potentially a violation of IC-36-2113.1 & .5 and IDAPA 25.01.01.022.43. **MSC (MOTION: STARK, SECOND, BAROWSKY, AYES – HUNSUCKER, LONG; NAYES – NONE) – BOARD ATTORNEY HALES TO SEND A LETTER TO MR. ALLRED INFORMING HIM THAT A NONUSE HEARING WILL BE SCHEDULED FOR THE AUGUST BOARD MEETING AT WHICH TIME MR. ALLRED WILL HAVE THE OPPORTUNITY TO PROVIDE DOCUMENTATION OF USE OF THIS ALLOCATED CONTROLLED TAG.**

Education/Enforcement Supervisor’s Report – Complaint – Cases and Investigation - Mr. Wadley summarized cases and investigations from January 1, 2016 through June 7, 2016. **Mountain River Outfitters – Chief Wadley explained that he had received a phone call from Mountain River Outfitters regarding Jeff Wieber.** They were requesting to license for Mr. Wieber since he is now off of probation with the Board. Mr. Wadley confirmed that there were no issues with licensing this guide since Mr. Wieber has paid fines and completed probation. The Board recommends licensing Mr. Wieber. **Lincoln Kai Ngo** - Chief. Wadley informed the Board that he had hired Lincoln Kai Ngo to fill in for him while he is gone and Mr. Ngo is working out great. **Richard L. Koesel**, designated agent/guide for Silver Spur Outfitters, LLC was cited by US Forest Service for cutting green trees in camp. Mr. Koesel was issued an administrative complaint with a \$200.00 fine and 1 year general probation. Mr. Koesel has paid that fine. In a phone call with Chief Wadley, Mr. Koesel requested a hearing before the Board. During this conversation Mr.

Wadley requested a written request from Mr. Koesel to appear before the Board. As of today there has been no written request for an appearance before the Board on this matter. Chief Wadley asked the Board to approve the payment of the \$200.00 fine. **MSC (MOTION: STARK, SECOND, LONG, AYES – HUNSUCKER, BAROWSKY; NAYES – NONE) – TO ACCEPT THE \$200.00 FINE FROM RICHARD KOESEL SILVER SPUR OUTFITTERS.**

Bryce T. Henson received a Fish and Game citation. He was issued an administrative complaint with a \$200.00 fine and 1 year general probation. Mr. Henson has paid this fine. Chief Wadley is asking the Board to accept the payment. . **MSC (MOTION: LONG, SECOND, BAROWSKY, AYES – HUNSUCKER, STARK; NAYES – NONE) TO ACCEPT THE \$200.00 DOLLAR FINE AND THE 1 YEAR GENERAL PROBATION.**

Ryan V. Whitten failed to provide the litigation information required on a guide license application as well as recent criminal conviction in past licensed year. He was issued an administrative complaint with a \$200.00 fine and 1 year general probation. He has paid this fine. Chief Wadley is asking the Board to accept the payment. **MSC (MOTION: BAROWSKY, SECOND, STARK, AYES – HUNSUCKER, LONG; NAYES – NONE) ACCEPT \$200.00 FINE FOR RYAN V WHITTEN AND 1 YEAR GENERAL PROBATION.**

Patrick W. Condon failed to provide the litigation information required on guide license application as well as recent criminal conviction in past licensed year. He was issued an administrative complaint with a \$300.00 fine and 1 year probation. Mr. Condon has paid the \$300.00 fine. Chief Wadley is asking the Board to accept the payment. **MSC (MOTION: LONG, SECOND, STARK, AYES – HUNSUCKER, BAROWSKY; NAYES – NONE) TO ACCEPT \$300.00 FINE FOR PATRICK W CONDON AND 1 YEAR PROBATION.**

Review Rick Hussey Analysis and Recommendation. Decision deferred to Board regarding issuance of outfitter license. **MSC (MOTION: LONG, SECOND, STARK, AYES – HUNSUCKER, BAROWSKY; NAYES – NONE) – MR. HUSSEY APPEARS TO HAVE VIOLATED BOARD ORDER AND WILL BE SCHEDULED FOR THE AUGUST MEETING. MSC (MOTION: LONG, SECOND, BAROWSKY, AYES – HUNSUCKER, STARK; NAYES – NONE) – MR. HUSSEY’S OUTFITTER APPLICATION IS ON HOLD PENDING RESOLUTION OF THE AUGUST MEETING. EXECUTIVE DIRECTOR IS DIRECTED TO NOTIFY THE LAND MANAGERS OF THIS BOARD MOTION.**

Financial Report – The Board reviewed the financial reports for March, April, and May. Director Howard explained it projects about \$80,000 dollars of the current appropriation which ends June 30 that are unspent. He said that he expects a positive cash flow again this year building the IOGLB free fund account. He explained the differences between the appropriation and the free fund account. Board Member Stark said that she wanted to give Director Howard kudos on the savings.. **MSC (MOTION: STARK, SECOND, LONG; AYES: HUNSUCKER, BAROWSKY; NAYES: - NONE) TO ACCEPT THE FINANCIAL REPORT.**

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

IOGLB/ BLM/USFS MOU- – Director Howard explained that the MOU is nearing its completion with all the edits. He asked the Board to read it and let him know if there were any other matters that needed to be revised. Board Member Stark said she has responded to Steve Scheid with the addition to corrections. The Board asked Office Supervisor Lori Thomson to schedule a conference call in July for the 11th, 12th or 13th 2016.

Statutes and Rule Revisions- IC- 36-2102 (g), Rule 25.01.01.15 - – Director Howard presented to the Board a statute and a separate rule change that need to be submitted to the Governor’s Office for approval which once approved will begin the process where they will eventually be presented to the State Legislature after the first of the year. He said that this statute and rule change move the process, the Board will have opportunity for clarification.

Amend Agenda - MSC (MOTION: STARK, SECOND, LONG, AYES – HUNSUCKER, BAROWSKY; NAYES – NONE) TO AMEND AGENDA TO ALLOW GRANT SIMONDS, IOGA TO MAKE A PRESENTATION. Grant Simonds presented a plaque and wanted to recognize Director Howard on behalf of IOGA on the accomplishments Director Howard made during his time as the Executive Director of the Licensing Board.

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

MSC (MOTION: LONG, SECOND, BAROWSKY, AYES – HUNSUCKER, STARK; NAYES – NONE) TO MOVE INTO EXECUTIVE SESSION TO REVIEW THE PAYETTE NATIONAL FOREST SNOWMOBILING PROSPECTUS APPLICATIONS.

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

MSC (MOTION: , BAROWSKY, SECOND, LONG, AYES – HUNSUCKER, STARK; NAYES – NONE) TO AWARD PAYETTE NATIONAL FOREST SNOWMOBILING PROSPECTUS TO BRUNDAGE MOUNTAIN COMPANY FOR OPERATING AREA 1 AND CM BACKCOUNTRY RENTALS LLC FOR OPERATING AREA 1 AS EACH APPLICATION HAS REQUESTED.

Chairman Hunsucker recessed the meeting at 3:30 p.m. until 8:30 a.m. June 22, 2016. Meeting reconvened at 8:30 a.m. with all above present with the exceptions of Board Member Barowsky and Director Howard

Ross Fratzke – Stipulation and Consent Agreement For Informal Disposition – MSC (MOTION: LONG, SECOND, STARK; AYES - HUNSUCKER; NAYES – NONE) TO ACCEPT THE CONSENT AGREEMENT AS PRESENTED WITH A \$1,500.00 FINE

AND A RESTRICTED 2 YEAR PROBATION. THE FINE IS TO BE PAID WITHIN 90 DAYS. THE AMENDMENT FOR COUGAR AND SNOWMOBILING WILL BE ALLOWED UPON A COMPLETED AMENDMENT APPLICATION AND PROPER AUTHORIZATION FROM THE FOREST SERVICE AND FISH AND GAME.

Bigfoot Outfitters II, LLC, Russell Gilmore Designated Agent - MSC (MOTION: LONG, SECOND, STARK; AYES - HUNSUCKER; NAYES – NONE) TO ACCEPT THE CONTINUATION REQUEST FROM MR. GILMORE.

Corey G. Bubar – Guide License Hearing - A guide license hearing was conducted by the Board’s prosecutor Kirstin Atwood. Corey Bubar, the applicant was identified and placed under oath. Ms. Atwood explained that Director Howard, by board policy, had deferred Mr. Bubar’s guide license application due to the Enforcement Division’s review of recent criminal convictions disclosed on his application. Mr. Bubar is seeking a guide license to work for Gary Haight. Mr. Bubar testified and certain exhibits were introduced into evidence. Enforcement Chief Wadley testified regarding the case. **MSC (MOTION: LONG, SECOND, STARK; AYES - HUNSUCKER; NAYES – NONE) TO APPROVE A GUIDE LICENSE FOR MR. BUBAR WITH 2 YEAR RESTRICTED PROBATION FROM DATE OF LICENSE ISSUANCE.**

J & V Big Game Hunting Outfitters, James William “Bill” Parsons, Designated Agent – Disciplinary License Hearing - A disciplinary license hearing was conducted by the Board’s prosecutor, Kirsten Atwood. James William Parsons, the applicant was identified and placed under oath. Ms. Atwood explained that Director Howard, by board policy, had deferred Mr. Parsons’ Outfitter and Designated Agent license renewal applications due to the Enforcement Division’s review of administrative complaints. Mr. Parsons plead guilty to counts II through VIII of the Administrative Complaint. Mr. Parsons agreed to retake the outfitter’s exam. Randy Wadley, Enforcement Chief also testified to the convictions.

MSC (MOTION: STARK, SECOND, LONG; AYES, NAYES - LONG) TO ACCEPT A TOTAL OF \$1,000.00 FINE AND 2 YEAR UNRESTRICTED LICENSE WITH MR. PARSONS RETAKING THE OUTFITTER EXAM. FINE PAYABLE WITHIN 90 DAYS. (MSF - MOTION: MADE, SECOND: FAILED)

MSC (MOTION: LONG, SECOND STARK; AYES – HUNSUCKER; NAYES - NONE) APPROVE \$2,000.00 TOTAL FINE AND 2 YEARS GENERAL PROBATION, PAYABLE WITHIN 90 DAYS FROM THE DATE OF THE BOARD ORDER.

The next Board Meeting date has been tentatively set for August 24 and 25 in Boise.

