

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BIG GAME COMMERCIAL SERVICES BOARD**

**MINUTES OF MEETING
October 9 - 11, 2006**

The staff of the Division of Corporations, Business and Professional Licensing prepared these draft minutes. They have not been reviewed or approved by the board.

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was held on October 9 - 11, 2006 in Juneau, Alaska.

Call to Order/Roll Call – October 9, 2006

The meeting was called to order by Paul Johnson, Chair at 9:08 a.m. Those present, constituting a quorum of the board, were:

Colin Brown, Transporter
Paul Johnson, Registered Guide-Outfitter
Robert Mumford, Public Member
Richard Rohrer, Master Guide-Outfitter
B.J. Schmitz, Public Member
Raymond Stoney, Private Landholder
Leif Wilson, Transporter

Mr. Andersen and Mr. Spraker were excused from attending the meeting.

Present from the Division of Corporations, Business and Professional Licensing was:

Barbara Gabier, Program Coordinator
Cori Hondolero, Records and Licensing Supervisor
Brian Howes, Senior Investigator
Cindy Roccodero, Licensing Examiner

Present from the Department of Law was:

Roger Rom, Assistant Attorney General

Present from Department of Public Safety, Alaska Bureau of Wildlife Enforcement was:

Sargent Todd Sharp

Present from U.S. National Parks Services was:

George Helfrich, Superintendent

Visitors from the public were:

Karen Blejwas, Department of Fish and Game
Bobby Fithian, Alaska Professional Hunters Association
Gary Gray, Registered Guide-Outfitter
Wes Malcom, Assistant Guide
Mike Sofoulis, Registered Guide-Outfitter

Agenda Item 1 **Review Agenda**

Mr. Johnson asked the board if there were changes to the agenda. Cindy Roccodero, Licensing Examiner noted that there are two correspondences (Mr. Shuster and Mr. Nelson) to add to agenda item 8.

On a motion duly made by Leif Wilson, seconded by Richard Rohrer, and approved unanimously, it was

RESOLVED to approve the October 9 - 11, 2006 meeting agenda, as amended.

Agenda Item 2 **Board Ethics**

No ethics disclosures to report. Mr. Johnson stated that there was a letter under agenda item 8, tab 4 which relates to his area.

Agenda Item 3 **December 2005 Unfinished Business**

A. US Fish and Wildlife Service Proposed Client Feed Back
Reference December 2005 letter page 6. Board to take recommendation under advisement.

B. Transporter Training/Education
Recommendation from public testimony at December 2005 and March 2006 meetings.

Mr. Rohrer stated the transporter concerns mentioned during public testimony at past meetings were covered in the contract and ethics regulations.

Mr. Wilson stated that it is the responsibility of the license holder for the training of employees.

Agenda Item 4 **Investigative Unit**

Brian Howes, Senior Investigator with Division of Corporations, Business and Professional Licensing joined the meeting to review the Board Investigation Report.

Currently there are 18 open cases, six closed cases, and 16 complaints.

Mr. Johnson requested Mr. Howes to utilize all Board members concerning complaints.

Mr. Johnson stated that page 10 of the Boards' Annual Report reflects that there is something amiss, there should be more suspensions and actions based on what the Board has heard during public testimonies.

Mr. Johnson requested Mr. Howes, the Board and the Assistant Attorney General to work together on getting court orders to the Department.

Mr. Johnson requested Mr. Howes to take a little extra time in preparing the Investigative Report for the Boards' Annual Report.

Mr. Johnson requested Mr. Mumford to work with Mr. Howes to meet with public safety to streamline court orders to the Department.

9:48 a.m. Assistant Attorney General Roger Rom joined the meeting.

Mr. Rom informed the Board that it can take up to one year to process a case. In part due to the lack of investigators and since fish and wildlife law enforcement officers has moved from brown shirts to blue shirts and not working wildlife laws as much as they had in the past. Mr. Rom recommends an increase for egregious acts.

Mr. Johnson requested Mr. Mumford to work with Mr. Rom concerning proposed statute changes.

Mr. Johnson requested Mr. Brown, Mr. Mumford, Mr. Wilson, Mr. Rom to meet with public safety to streamline the court judgments to the Department.

Mr. Johnson advised the Board to forward written and verbal complaints to Mr. Howes and not to forward the complaints to other Board members for review/response.

Mr. Johnson requested the Division to mail to each licensee the most current statute and regulation booklet, ethics pamphlet and contract information for guides and transporters.

The Board would like Mr. Howes to visit Kotzebue during the fall for a few weeks to check transporter offices and make sure guides and transporters are doing what they are suppose to be doing.

Agenda Item 5 **Guide Training Course**

Alaska Statute 08.54.630(a)(4)(B) and Alaska Statute 08.54.620(a)(4)(C)(iii) provides a means for an applicant to obtain a big game guide license by passing guide training course approved by the Board.

Mr. Johnson appointed Ms. Schmidt as the chair to the Guide School Subcommittee. The subcommittee's task is to determine course curriculum that would be appropriate under each statute.

Break 10:35 a.m., back on record 10:49 a.m.

Agenda Item 6 **Review Applications**

Registered Guide-Outfitter Examination Applicants

Barbara Gabier, Program Coordinator confirmed with the Board the method staff was using to screen applications and that the applications are public record.

Mr. Johnson confirmed the following:

- Applications received prior to December 7, 2005 will be screened and processed under the old regulatory requirements.
- Applications received after December 7, 2005 and the suspension of the examinations, were processed under the new regulatory requirements that went into effect on July 30, 2006.

Ms. Gabier recommended that the Board look through the files to become familiar with its contents. Mr. Johnson agreed. However, since we are such a new Board and have not done this process before, I would rather go through the checklists and should a member have a concern to make a comment at that time.

The Board noted that there are several hunt records, which staff could not locate. Staff was instructed to contact the contracting guide-outfitter for the applicant informing the contracting guide-outfitter that the Division does not have the hunt record(s) on file and request the contracting guide-outfitter to submit the hunt record(s) to the Division.

Mr. Howes asked the Board to provide him direction as to the penalties that should be applied for a guide-outfitter who does not comply with the submission of hunt records. For example the first offense would be a written reprimand, second offense a fine and so on.

If the contracting guide-outfitter does not respond to the Divisions request for the hunt records, the letter to the contracting guide-outfitter is to be forwarded to the Investigation Section of the Division for disciplinary action. Unfortunately, a favorable recommendation received on behalf of an applicant and not confirmed by a hunt record on file with the Division will result in the applicant not receiving credit for the recommendation, in-field, or species specific experience.

On a motion duly made by Colin Brown, seconded by Richard Rohrer, and approved by unanimous consent, it was

RESLOVED that staff is to forward to the investigative unit information which reflects that a licensed guide-outfitter has not complied with the Divisions request to provide photocopies of missing hunt records.

Ms. Gabier asked the Board to provide staff with direction concerning unfavorable recommendations received on behalf of an applicant. The Board directed staff to provide it with photocopies of unfavorable recommendations.

Ms. Roccodero asked the Board to confirm if staff has been processing recommendations correctly. Ms. Roccodero referred the Board to a copy of its definitions for "guide" under AS 08.54.790(8) and noted subsections (B), (C), (D), and (F). Ms. Roccodero stated that staff has been awarding credit to applicants who receive recommendations which reflect that the applicant may have only packed or salvaged meat.

The Board confirmed that staff is processing recommendations correctly.

Break 11:37 a.m. Back on record at 11:41 a.m.

Applications received prior to December 7, 2005

The Board reviewed the following applications:

Bryan Albert, Travis Campbell, Lola Cheryl Hannon, Craig E. Hill, Cash Joyce, Cole Andrew Kramer, Tom Kriska, William David Mook, Richard Moran, Robert C. Nelson, William Charles Pohland, Jack R. Preston, Clarence K. Skaflestad, Dan Suprak, Edward Stratton, Duane George Ticknor, Jr., Darwin J. Vander Esch, Tracy L. Walling, Glen M. Wysocki,

Applications received during examination suspension

December 7 – July 30, 2006

Clay W. Baird, Jens Arvid Klaar, Jonathan K. Rossow, Jeremiah J. Simmons

Applications received after July 30, 2006

Thomas Atlin Daugherty and William Eric Yost

Ms. Roccodero informed the Board that both Mr. Pohland and Mr. Suprak made application for the registered guide-outfitter examination prior to December 7, 2005. However, at the time of application the gentlemen did not request for certification in a game management unit. Application for certification in a game management unit was from both gentlemen after the suspension of the examinations. Ms. Roccodero stated that meant, as the Board has confirmed on the record today, that staff was and is to process applications received after December 7, 2005 based on the new regulatory requirements for certification examination that went into effect on July 30, 2006.

Ms. Roccodero request the Board to read Mr. Schuster's correspondence under agenda item 8 regarding Mr. Pohland's and Mr. Suprak's application. Mr. Schuster states that both gentlemen exceed 30 days in the field each season. However, calculating client in field days the gentlemen fall short of the 60 day in-field guide experience required for certification in a game management unit. Mr. Schuster is asking the Board to allow Mr. Pohland and Mr. Suprak to sit for the game management unit examination without having to meet the 60 day in-field guide experience.

Ms. Roccodero informed the Board that there have been multiple requests to allow credit for pre-camp and after camp activities. Some individuals are in the field two or three days before a hunt setting-up camp and scouting, which is considered guiding activity. The Board is asking for proof of in-field guide experience, the only proof available to staff are the hunt records. The hunt record reflects only when the client was in the field not the length of time the applicant was in the field performing guide activities.

Ms. Roccodero informed the Board is that Mr. Schuster is asking for Mr. Pohland and Mr. Suprak to receive in-field guide credit for the pre-camp and after camp activities.

Lunch Break 12:06 p.m. Back on record at 1:30 p.m.

Request for waiver of 60 day in-field experience requirement for Mr. Pohland and Mr. Suprak was tabled until October 10, 2006 when Kevin Saxby, Assistant Attorney General will be available telephonically for consultation concerning this matter.

The Board requested staff to inform all pending registered guide-outfitter applicants that they will be scheduled for the December examinations if the missing documentation is received by the specific date. Date not set.

The Board asked Ms. Roccodero if staff provides applicants with status letters. Ms. Roccodero stated only at the time of initial application, the applicant is informed what is needed, when the information must be received and that it is the applicant's responsibility to keep their self informed as to the status of their application.

Assistant Guide License Application(s)

Daniel G. Pearman submitted falsified affidavit of hunting experience. Ms. Roccodero informed the Board that when staff comes across information that reflects an applicant has submitted false information in order to obtain a license, the application will be brought before the Board for review.

Mr. Rom stated that the Board can deny licensure, and the applicants recourse is to appeal the Board's decision.

On a motion duly made by Colin Brown, seconded by BJ Schmitz, and approved by unanimous consent, it was

RESLOVED to deny licensure as an assistant guide to applicant Daniel G. Pearman for submitting a falsified affidavit of hunting experience.

Mr. Rohrer asked Ms. Roccodero if the in-field big game hunting experience was defined in regulation. Ms. Roccodero stated that it was under 12 AAC 75.920(a) until March, when the Board repealed this section. Currently there is not a minimum number of days an applicant must spend in the field to receive credit for one year.

Agenda Item 7 **State and Federal Agency Testimony**

At 2:00 p.m. U.S. National Park Service, Superintendent, George Helfrich joined the meeting. Mr. Helfrich stated that the National Park Service had four commissioned officers patrolling the field from the beginning of August through the end of September. The officers generally found clean camps and no waste.

Mr. Helfrich stated that there were two companies that did not have authorization to provide commercial services in the Noatak Preserve. One of the companies was entering into contracts with clients then subcontracting with another provider who had authorization in the Noatak Preserve.

Mr. Helfrich asked the Board if it had anticipated subcontracting or would happen and be ok. Mr. Helfrich, we do not limit the number of transporters in the area. Mr. Johnson and Mr. Wilson stated that they did not anticipate a provider subcontracting. It was the Boards intent that the licensee signing the contract is the person providing the services.

Agenda Item 8 Correspondences

Mr. Johnson informed staff that it is not up to staff to determine if a correspondence should be responded to by the Board. The Board may or may not respond.

Mr. Johnson directed staff to send correspondences to a Board member for review to determine if a response is needed.

Review and Respond to Correspondences

1. D. Bridges concerning limit the number of guides, bring back exclusive use areas, restrict licensing of nonresidents.
2. C. Palle requesting the Board to provide a method by which one could identify a transporter or guide-outfitter who is in the field and licensing of individuals who rent equipment, gear, supplies, vehicles, etc., which are not located in the field to big game hunters so that there is a record of animals harvested.
3. D. Pinquoch would like the Board to control the increase of licensed transporters, and recommends public education, enforcement and test requirements of transporters.

Mr. Johnson turned the chair to Mr. Wilson for review of correspondence #4.

4. L. Hooton wants to know why guiding on tidelands is an issue for the Board.

Mr. Wilson relinquished the chair back to Mr. Johnson.

5. F. Danford recommends that all nonresident hunters are required to be accompanied by a guide. All resident guides should be given first priority in the areas which may have a shortage of game. Nonresident guides to apply for areas by a non-refundable lottery.
6. Alaska Professional Hunters Association requesting an amendment to 12 AAC 75.335(5) Guide Code of Ethics and a request to consider a reschedule the December meeting date 9.
7. G. Gray requesting a guide use area boundary change between guide use area 05-03 and 05-04.
8. A. Kulas would like to know why he has to provide proof of 60 days of in-field guide experience in a game management unit he has lived and hunted in all his life.

9. U.S. Forest Service correspondence is informational only about the proposed changes to the existing fee policy for outfitter/guides for the use of the National Forest System lands.
10. J. Schuster concerning registered guide-outfitter applicants Mr. Pohland and Mr. Suprak.
11. R. Nelson, letter concerning reason for missing January 2006 examination and a request for the Board to consider scheduling Mr. Nelson for the December examination.

Mr. Wilson relinquished the chair back to Mr. Johnson.

Agenda Item 9 Public Testimony (3:00 p.m.)

No public testimony.

Break 3:02 p.m. Back on record at 4:07 p.m.

Agenda Item 10 Board Business (3:54 p.m.)

- Confirm Subcommittees and Chairs
 - Transporter Subcommittee, Raymond Stoney Chair
 - State Lands Subcommittee, Bobby Fithian Chair
 - Guide Examination Subcommittee, BJ Schmitz Chair
 - Guide Use Area Subcommittee, Robert Mumford ChairMr. Johnson requested Mr. Mumford to create an application for a person to submit request of guide use area boundary changes.
- Confirm December Meeting Dates and Location
December 11 – 13, 2006 in Anchorage
- Set March 2007 Meeting Dates and Location
March 19 – 21, 2007 in Fairbanks.
- Set March 2007 Examination Date(s)
 - Registered Guide-Outfitter Qualification Examination
March 22 and 23, 2007
 - Game Management Unit Certification Examination
March 24, 2007
 - Examination Location: Fairbanks
- Hunt Record and Transporter Activity Repots, Estimated Cost of Printing Booklets: Cost is approximately \$3.78 per book. The Board approved the printing of the booklets.

Mr. Johnson asked Mr. Mumford to contact federal agencies to educate law enforcement officers the importance of keeping the Board informed of court actions.

- Budget Report – Board reviewed budget report
- Annual Report – Board reviewed FY06 Annual Report
- Approve March 29 – 31, 2006 minutes and June 2, 2006 teleconference minutes.

On a motion duly made by Richard Rohrer, seconded by BJ Schmitz, and approved by unanimous consent, it was

RESLOVED to approve the March 29 - 31, 2006 meeting minutes and the June 2, 2006 teleconference minutes.

- Watch Ethics Video – No time to watch state ethics video.

Enter executive session at 4:40 p.m.

On a motion duly made by Leif Wilson, seconded by Richard Rohrer, and approved by unanimous consent, it was

RESLOVED to enter executive session to review case number 17-06-002.

Return from executive session at 4:55 p.m.

Meeting adjourned at 4:55 p.m.

Call to Order/Roll Call – October 10, 2006

The meeting was called to order by Paul Johnson, Chair at 8:00 a.m.
Those present, constituting a quorum of the board, were:

Colin Brown, Transporter
Paul Johnson, Registered Guide-Outfitter
Robert Mumford, Public Member
Richard Rohrer, Master Guide-Outfitter
B.J. Schmitz, Public Member
Raymond Stoney, Private Landholder
Leif Wilson, Transporter

Mr. Andersen was excused from attending the meeting.

Present from the Division of Corporations, Business and Professional Licensing was:

Barbara Gabier, Program Coordinator
Cori Hondolero, Records and Licensing Supervisor
Brian Howes, Senior Investigator
Jun Maiquis, Regulation Specialist
Cindy Roccodero, Licensing Examiner

Present from the Department of Law was:

Roger Rom, Assistant Attorney General

Present from Department of Public Safety, Alaska Bureau of Wildlife Enforcement was:

Sargent Todd Sharp

Present from U.S. National Parks Services was:

George Helfrich, Superintendent

Joining the meeting telephonically at 1:00 p.m. was:

Joe Klutsch
Sue Entsminger
Brad Dennison
Dale Adams
Ted Spraker

Visitors from the public:

Chris Erickson, Registered Guide-Outfitter
Gary Gray, Registered Guide-Outfitter
Steven Hall, Alaska State Trooper
Bobby Fithian, Master Guide-Outfitter
Mike Sofoulis, Registered Guide-Outfitter

Agenda Item 11 Regulations

At 8:05 a.m. the Board reviewed amended and proposed regulations under 12 AAC 75.

Break 8:55 a.m. Back on record at 10:17 a.m.

Amend/Propose Regulations Under 12 AAC 75

On a motion duly made by Leif Wilson, seconded by Raymond Stoney, and approved by unanimously by roll call vote, it was

RESLOVED to direct staff to public notice regulations 12 AAC 75.100(a)(9), .110(c)(d)(f), .111, .112(a)(c), .115(a)(4)(C), .115(a)(8)(9)(10), .120(b)(6)(7), .130(7)(8), .145, .150, .155, .230(a)(4)(c), .260(c), .340(a)(2), .450(c), .455, .460 and .920(a)(b)(c).

Mr. Johnson stated that oral and written comments will be accepted through the December meeting.

The Board clarified the number of days that an application for the registered guide-outfitter examination must be complete. The Board agreed to 20 days before the scheduled examination date.

Joining the meeting telephonically to assist in writing questions for game management unit certification examinations were Joe Klutsch, Sue Entsminger, Brad Dennison, Dale Adams, and Ted Spraker.

Agenda Item 12 Public Testimony

1:00 p.m. to 1:16 p.m. the Board accepted public testimony from Chris Erickson.

On a motion duly made by Richard Rohrer, seconded by Leif Wilson, and approved by unanimous consent, it was

RESLOVED to enter executive session to create registered guide-outfitter and game management unit certification examination questions.

Persons permitted to stay were Cori Hondolero, Barbara Gabier, Brian Howes, Cindy Roccodero, Trooper Todd Sharp, George Helfrich, Bobby Fithian, Mike Sofoulis, and Gary Gray.

Board entered executive session at 1:16 p.m.
Board exited executive session at 4:35 p.m.

On a motion duly made by Raymond Stoney, seconded by Leif Wilson, and approved by unanimous consent, it was

RESLOVED to adjourn.

Adjourned at 4:36 p.m.

Call to Order/Roll Call – October 11, 2006

The meeting was called to order by Paul Johnson, Chair at 8:00 a.m. Those present, constituting a quorum of the board, were:

Colin Brown, Transporter
Paul Johnson, Registered Guide-Outfitter
Robert Mumford, Public Member
Richard Rohrer, Master Guide-Outfitter
B.J. Schmitz, Public Member
Raymond Stoney, Private Landholder
Leif Wilson, Transporter

Mr. Andersen and Mr. Spraker were excused from attending the meeting.

Present from the Division of Corporations, Business and Professional Licensing was:

Barbara Gabier, Program Coordinator
Cori Hondolero, Records and Licensing Supervisor
Brian Howes, Senior Investigator
Cindy Roccodero, Licensing Examiner

Present for the Department of Law was:

Roger Rom, Assistant Attorney General

Present from U.S. National Parks Services was:

George Helfrich, Superintendent

Present from the US Forest Service was:

Bill Tremblay, Recreation Special Use Authorizations
Wilderness Program Manager, Tongass National Forest

The Board requested staff to add space for a zip code on the hunt record form and verified that hunt records are to be submitted to the Department within 60 days upon conclusion of the hunt.

Mr. Johnson requested that staff send a sample hunt record booklet to Bobby Fithian for review and approval and a sample transporter activity report booklet to Leif Wilson for review and approval.

The Board confirmed that hunt records should have a signature block on the upper portion of the hunt record which requires the guide-outfitter to confirm by signature the information contained in the upper portion of the hunt record and a signature block on the bottom portion of the hunt record requiring the guide-outfitter to confirm by signature the in-field communication requirement of 12 AAC 75.240.

Mr. Johnson asked industry members to assist the Board to make clearer regulation 12 AAC 75.240 Supervision and to create regulation for supervision.

The Board approved the Department to purchase sample hunt record and transporter activity report booklets for Leif Wilson and Mr. Fithian to review.

The Board requested Department staff to mail to all currently licensed big game commercial services providers the August 2006 Board statute and regulation booklet, sample contracts for both guide-outfitters and transporters, guide and transporter ethics, dates and location of the December meeting.

Mr. Johnson stated that he will review all correspondences received by the Department.

The Board requested to staff to add to the public noticed regulations

- Requirement of license holders to report to the Board in writing immediately when convicted of a violation of AS 08.54.605 and .720.
- Allow airborne hunting in predator control areas only.

Break 9:11 a.m. Back on record at 9:40 a.m.

On a motion duly made by Leif Wilson, seconded by Richard Rohrer, and approved by unanimous consent, it was

RESLOVED to enter executive session to discuss case 17-06-002.

Enter executive session at 9:42 a.m.

Exit executive session at 10:07 a.m.

On a motion duly made by Leif Wilson, seconded by Richard Rohrer, and approved by unanimous consent, it was

RESLOVED to enter executive session to write registered guide-outfitter qualification and game management unit certification examination questions.

Enter executive session at 10:07 a.m.

Exit executive session 1:17 p.m.

The Board gave Barbara Gabier, Program Coordinator the authority to finalize examinations for December.

Mr. Johnson asked the Board if there was a member interested in being the chair. B.J. Schmitz, Raymond Stoney, Robert Mumford, Leif Wilson, Colin Brown stated that they would like to keep Mr. Johnson as the Board chair.

On a motion duly made by Leif Wilson, seconded by Richard Rohrer, and approved by unanimous consent, it was

RESLOVED to enter executive session to write registered guide-outfitter qualification and game management unit certification examination questions.

Enter executive session at 1:33 p.m.

Exit executive session at 4:00 p.m.

Meeting adjourned at 4:00 p.m.

Respectfully submitted:

Cindy Roccodero, Licensing Examiner

Approved:

Paul Johnson, Chair

Date: _____