

Annual Report

Fiscal Year 2020

Big Game Commercial Services Board



**Department of Commerce, Community
and Economic Development**

**Division of Corporations, Business
and Professional Licensing**

This annual performance report is presented in accordance with
Alaska statute AS 08.01.070(10).

Its purpose is to report the accomplishments, activities, and the
past and present needs of the licensing program.

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Identification of the Board

Board Member	Duty Station	Date Appointed	Term Expires
Peter Buist Public Member	Fairbanks	05/21/2019	03/01/2020
Adam Trombley Public Member	Anchorage	02/02/2017	03/01/2022
Nicholas Jackson Private Landholder/Restricted	Gadona	03/01/2016	03/01/2020
Larry Van Daele Designated Board of Game Member	Kodiak	11/20/2017	03/01/2024
Michelle Heun Licensed Transporter	Palmer	01/29/2018	03/01/2021
Jason Bunch Licensed Registered Guide- outfitter	Kodiak	03/02/2018	03/01/2023
Henry Tiffany IV Licensed Master Guide-outfitter, Chair	Ester	03/22/2013	03/01/2021
Michael Flores Licensed Transporter	Soldotna	05/11/2020	03/01/2023

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Identification of Staff

Jean Bennett – Licensing Examiner

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Renee Hoffard – Executive Administrator

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Lee Strout – Investigator

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
550 W. 7th Ave; STE 1500
Anchorage, Alaska 99501-3567
(907) 269-8160

Jun Maiquis – Regulation Specialist II

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Sher Zinn – Regulation Specialist II

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

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Narrative Statement

As so aptly reported by Board Member Mr. Larry Van Daele in his January 2020 report to the State of Alaska Board of Game, which he also serves on:

“The Big Game Commercial Services Board (Board) was created by the Legislature “...for the purposes of licensing and regulating the activities of providers of commercial services to big game hunters in the interest of the state’s wildlife resources...” (AS 08.54.591(a)). The Board consists of nine members, including two active guides, two transporters, two private landowners, two members of the public, and one Board of Game member.” Currently there are two vacant seats on the board, one public member and one private landholder.

“The Board’s duties include developing and administering guide examinations, overseeing guide applications and authorizations, assuring guides and transporters have appropriate permission from landowners, establishing codes of ethics, imposing appropriate disciplinary sanctions, and adopting procedural and substantive regulations (AS 08.54.600).” The Board typically meets three times per year - twice a year in person, one telephonic meeting in July as well as periodically teleconferences primarily for executive session disciplinary considerations. All meetings are advertised and open to the public, except for the executive sessions. “Funding for Board activities, including legal costs and associated support by staff from the Division of Corporations, Businesses and Professional Licenses, is provided by license fees collected from guides and transporters. There is one investigator assigned to the Board, one occupational license examiner and one Executive Administrator who is also responsible for one other professional Board.

Primary highlights during the past year included extension of the Board’s charter for another 5 years, drafting a position statement concerning the ability of convicted felons to be guide/outfitters, increased involvement of a Department of Law in Board activities, and a new Executive Administrator position for the Board and the Marine Pilot Board.

A legislative audit of the Board in 2018 found that it “...served the public’s interest by conducting meetings in accordance with applicable laws, amending regulations to improve occupations under the board’s purview, and supporting changes by the Department of Law to improve the timeliness of the disciplinary process. Additionally, the board worked to eliminate the over \$1 million deficit reported in the prior 2015 sunset audit”. The audit also concluded that “...board licenses were not consistently supported by adequate documentation, a high number of investigations had unjustified periods of inactivity, and three board positions were vacant for an extended period”. Since the release of the audit’s findings, the Board has been actively addressing the noted deficiencies.

Based on the positive results of the audit, Senate Bill 43 extended the termination date of the Board from June 30, 2019 until June 30, 2024. That Bill also included a provision that significantly increased the requirements necessary to attain and hold Master Guide classification.

FY 2020 Narrative Statement (continued)

During the December 2019 meeting, the Board decided to develop a position statement that clarified conflicting information about the ability of convicted felons to apply for and hold guide/outfitter licenses in Alaska. Based on Department of Law advice, it states that all applicants for any class of guide-outfitter license who indicate on the application form that they have been convicted of a felony, and any applicant who investigators discover have been convicted of a felony, be denied further consideration of their application until they can provide a valid legal document proving they may possess a firearm. This includes applicants for renewal of previously issued licenses.

Administrative changes increasing Department of Law participation and the new Executive Administrator position were made possible by a continuing positive financial balance for the program. Although the 2019 year-end balance was a -\$150,523, this was not a concern because of the bi-annual nature of license receipts and a long-term positive trend and projection. The new Assistant Attorney General assigned to the Board is Megyn Weigand, and the new Executive Administrator is Renee Hoffard.

As of December 2019, there were 44 open cases being worked on by the Department's Investigators. Thirteen cases were closed since the last Board meeting, most resulting in consent agreements. At the same time, there were 32 individuals being monitored on probation."

Work has begun on reviewing the Game Management Unit (GMU) written exams, with a particular focus on the maps associated with those exams and it is the hope that review and any necessary work to update those exams and/or maps will be completed this year.

The board wrote a letter of support for SB43 and a letter of opposition to SB87.

The BGCSB has an ongoing regulatory program. We currently have four standing and active board sanctioned Sub-Committees which are comprised of current board members and members of the public. These are the Survivorship for Emergency Transfers, the Registered Guide Exam, the Transporter, the Revised Fee and Budget, and the Ethics Sub-Committees. These Sub-Committees meet both during our general public meetings and also outside of those times and, if appropriate, report back to the board during each public meeting.

FY 2020 Narrative Statement (continued)

Regulations promulgated by the Board go through a much more convoluted process than is used in the Board of Game, for example, often taking years from the time of inception to the time of implementation.

A list of regulatory changes currently in progress is provided below:

Regulation	Main Topic	Initial Review by the board	Current Status
12 AAC 920(b)	Hunting, Guiding & Practical Experience	December 2016	As of December 2019: Approved by Board; back to reg specialist
12 AAC 920(c)	Hunting, Guiding & Practical Experience	December 2016	As of December 2019: Approved by Board; back to reg specialist
12 AAC 75.920(e)	Hunting, Guiding & Practical Experience	December 2016	As of December 2019: Approved by Board; back to reg specialist
12 AAC 75.260(e)	RGO Contract Requirements	December 2016	Tabled after public comments
12 AAC 75.400(e)	Transport Activity Reports	December 2016	As of December 2019: Approved by Board; back to reg specialist
12 AAC 75.230(a)	Guide Use Are Registration	July 2018	As of December 2019: Approved by Board; back to reg specialist

With the advent of the COVID-19 coronavirus and the ensuing pandemic, the industries this board regulates are under very uncertain, and potentially financially devastating, times. The board, the Division and these industries are navigating through uncharted waters but the Division, the board and these industries are performing admirably well under these stressful conditions. The board held a special meeting on March 2020 to discuss and determine policy regarding GUA registration and the associated fees for this spring, and perhaps this year, during the current COVID-19 pandemic. I suspect another meeting may be called in the month of May to address these issues, and possible moratoriums due to conservation and over-crowding concerns in some specific areas of the state. The board did write a letter of support to the Board of Game supporting the special regulations they will be considering at their June 3, 2020 special meeting regarding the potential changes to the 2021 Bear Seasons to compensate for hunters loss of opportunity this spring.

The big game guiding industry creates about \$80 million in economic activity within the state annually. While no similar hard data or figures are available for transporters, a good estimate would be in the \$40-50 million range. About 1,600 jobs with \$13 million in wages and \$12 million spent in rural areas for goods and services can be attributed specifically to the guiding industry in Alaska. In addition to guide fees, visiting clients indirectly spend approximately \$29.5 million within Alaska.

Alaska is at the forefront as worldwide commercial wildlife service provider industry. We have no national standards to reference in our licensing standards or regulation development process so in some cases we look to other countries in some aspects of developing regulations and/or we are the pioneers in this licensing standards and regulatory process. Professional standards can be somewhat similar but national policies, politics, geography, and conservation issues are widely dissimilar and as is so often the case, Alaska is unique in many of these respects and we now often find ourselves as the leader in these industries with many other states looking to us as an example of how to administer and regulate the big game commercial industries and interests of a state.

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Budget Recommendations for FY 2021

The Budget Recommendations section anticipates the board’s fiscal priorities for the upcoming year. Please complete all parts of this section with details about anticipated meetings, conferences, memberships, supplies, equipment, to other board requests. Meeting expenses that are being funded through third-party reimbursement or direct booking must be identified separately from expenses paid through license fees (receipt-supported services or RSS). Be sure to explain any items listed as “other” so they may be tracked appropriately.

Board Meeting Date	Location	# Board	# Staff
November 30 – December 2, 2020	Anchorage	9	1
<input checked="" type="checkbox"/> Airfare:			\$1,500.00
<input checked="" type="checkbox"/> Hotel:			\$3,100.00
<input checked="" type="checkbox"/> Ground:			\$500.00
<input checked="" type="checkbox"/> Other:			\$2,500.00
Total Estimated Cost:			\$7,600.00

Board Meeting Date	Location	# Board	# Staff
March 23-25, 2021	Fairbanks	9	1
<input checked="" type="checkbox"/> Airfare:			\$2,500.00
<input checked="" type="checkbox"/> Hotel:			\$6,800.00
<input checked="" type="checkbox"/> Ground:			\$1,000.00
<input checked="" type="checkbox"/> Other:			\$2,500.00
Total Estimated Cost:			\$12,800.00

Board Meeting Date	Location	# Board	# Staff
July 2020	Video-Conference	9	1
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input checked="" type="checkbox"/> Other:			\$300.00
Total Estimated Cost:			\$300.00

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Budget Recommendations for FY 2021 (continued)

Travel Required to Perform Examinations

Not applicable

Date	Location	# Board	# Staff
December 3, 2020	Anchorage	2	1

Description of meeting and its role in supporting the mission of the Board:

Practical examinations required for Registered Guide-outfitter licenses

<input type="checkbox"/> Airfare:	\$0.00
<input type="checkbox"/> Hotel:	\$0.00
<input type="checkbox"/> Ground:	\$0.00
<input type="checkbox"/> Conference:	\$0.00
<input checked="" type="checkbox"/> Other:	\$00.00

Describe "Other" (break out all sections):

Total Estimated Cost: \$3,000.00

Out-of-State Meetings and Additional In-State Travel (Rank in order of importance)

#1 Rank in Importance or Not Applicable

Date	Location	# Board	# Staff
March 12-19, 2021	Fairbanks		1

Board of Game Statewide meeting

The board voted in the March 2020 meeting to send the Executive Administrator to the Board of Game meeting; it is a valuable training tool for learning the requirements for the guiding industry from the board that regulates the game hunted in Alaska.

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$500.00	\$0.00	\$0.00	\$500.00
<input checked="" type="checkbox"/> Hotel:	\$600.00	\$0.00	\$0.00	\$600.00
<input checked="" type="checkbox"/> Ground:	\$150.00	\$0.00	\$0.00	\$150.00
<input type="checkbox"/> Conference:	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> Other	\$450.00	\$0.00	\$0.00	\$450.00
Describe "Other" (break out all sections):		Per diem		
Net Total:	\$1,700.00	\$0.00	\$0.00	\$1,700.00

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Budget Recommendations for FY 2021 (continued)

Non-Travel Budget Requests

- Not Applicable Resources Examinations
 Membership Training Other

Product or Service	Provider	Cost Per Event
		\$0.00

Description of item and its role in supporting the mission of the Board:

Other Items with a Fiscal Impact

Cost Per Event: \$0.00

- Not Applicable

Number of Events: 0

Product or Service	Provider	Total Cost
		\$0.00

Description of item and its role in supporting the mission of the Board:

Summary of FY 2021 Fiscal Requests

Board Meetings and Teleconferences:	\$20,700.00
Travel for Exams:	\$3,000.00
Out-of-State and Additional In-State Travel:	\$1,700.00
Dues, Memberships, Resources, Training:	\$0.00
Total Potential Third-Party Offsets:	-\$0.00
Other:	\$0.00
Total Requested:	\$25,400.00

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Legislation Recommendations Proposed Legislation for FY 2021

No Recommendations

The Board has no recommendations for proposed legislation at this time.

Recommendations

The Board has the following recommendations for proposed legislation:

There may be cause, during FY21, for the BGCSB to propose to the legislature a statutory change relating to survivorship in extreme / emergency cases and other statutory changes as they may develop, including but not limited to giving the board the authority to immediately suspend a licensee's license if they are convicted of a serious criminal violation pending the conclusion of the civil investigation.

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Regulation Recommendations Proposed Legislation for FY 2021

No Recommendations

The Board has no recommendations for proposed regulations at this time.

Recommendations

The Board has the following recommendations for proposed regulations:

The following regulation topics, may, will or have been brought before the board for consideration as regulation additions, amendment and/or changes:

- Professional Development requirements
 - Proposed to the board for consideration at the July 2020 meeting.
- UVC Regulation clarification
- 3 year statewide Guide-Use Area Registration
- Assistant Guide License exams
- Transporter Exams
- Survivorship for Emergency Transfer
- Transporter Activity, Activity Reports, Contract requirements
- Testing - written Registered Guide Exam review of challenged questions and Game
- Management Unit Exam maps updates
- Guide School experience credit
- Ethics
- Annual Filing Fees

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Goals and Objectives

Part I

FY 2020's goals and objectives, and how they were met:

One of the boards continued goals is to complete the process, and put into regulation, many of the regulation projects that it has been working on for, in some cases, multiple years. It's become clear that recently the delay seems to be with the regulation specialists and it is the boards sincere hope that moving forward regulations that are passed by the board, with concurrence from the DOL, will be addressed by the regulation specialists much more quickly to help relieve the boards, and the public's, frustration.

After being reviewed and amended by the board the following regulation projects status is outlined below:

Regulation	Main Topic	Initial Review by the board	Current Status
12 AAC 920(b)	Hunting, Guiding & Practical Experience	December 2016	As of December 2019: Approved by Board; back to reg specialist
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Continue to strengthen the ethics standards of Guide:

Through passage of previous regulatory changes to 12 AAC 75.340 made by the board, we continue to incorporate ethical violations into sanction actions.

Develop a Continuing Education Requirement for renewal of Registered or Master Guide licenses to promote professional and industry awareness of current issues and to promote volunteer exam proctor participation, as at times it is severely lacking and can hinder the exam process:

This proposal is currently being worked on and addressed by the board, as it was first introduced as a proposal at the January 2020 meeting in Anchorage.

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Goals and Objectives (continued)

Part I (continued)

FY 2020's goals and objectives, and how they were met:

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Continue to have periodic board member seminars to help instruct the board members and the public to the best board practices and protocols:

The board continues to be offered board member training and seminars, both during our public meetings and via webinars and during our last meeting in January we had a helpful seminar from our Investigation division.

Continue to identify regulation violation trends and continue preparing educational materials to reduce violations:

We continue to receive reports from the AWT and try to determine if there are any consistent trends in the types of violations that are occurring and continue to work on aids to help licensees avoid these types of violations.

Develop BGCSB Position Statements regarding, but not limited to, firearm possession and how it relates to licensees who may have a felony on their record:

During the December 2019 meeting, the Board decided to develop a position statement that clarified conflicting information about the ability of convicted felons to apply for and hold guide/outfitter licenses in Alaska. Based on Department of Law advice, it states that all applicants for any class of guide-outfitter license who indicate on the application form that they have been convicted of a felony, and any applicant who investigators discover have been convicted of a felony, be denied further consideration of their application until they can provide a valid legal document proving they may possess a firearm. This includes applicants for renewal of previously issued licenses.

Consider, as the public has requested, moving the traditional March public meeting back to Fairbanks, Alaska:

The Division was able to secure free meeting space at the State of Alaska Department of Natural Resources, Northern Region Office in Fairbanks and while public attendance was extremely low due to the concern of the, then, potential of a pandemic, it proved to be a very suitable meeting space free of charge to the board.

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Goals and Objectives

Part II

FY 2021's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

- Create a Supervision Flow Chart to aid the board, licensees, public and land managers in understanding the supervision regulates and how they apply in the field in practical terms
- Clarify what materials and forms applicants for licenses must present at time of testing.
- Explore creating a simple, basic, short Assistant Guide Licensing exam, potentially online, so that basic regulations, laws and criteria for legal animals is understood to help prevent some of the more common violations that Investigations and the board sees
- Explore creating a simple, basic, short Transporter Licensing exam, potentially online, so that all Transporters are clearly aware of the basic regulations and what their requirements and privileges of holding such a license are
- Explore developing a new class of guide license to encompass all those individuals or businesses that transport hunters, in any manner and by any method.
- Continue work on the testing program, specifically to update the maps used in the Game Management Tests and portions of the Registered Guide-Outfitter written exam.
- Continue working on Survivorship for Emergency Transfers issue.
- Determine if Guide Schools are still applicable and necessary and, if so, finalize Guide School experience credit.
- Continue to monitor, and address as required, the boards financial status and adjust annual filing fees, or other applicable fees, as necessary to ensure the board remains debt free moving forward.
- Continue to conduct quarterly executive session judicial teleconference meetings.
- Continue to use free state meeting locations, when and if feasible, rather than incurring the expense of rented facilities.
- Develop Professional Development (aka Continuing Education) Requirements (proposed to the board for consideration at the July 2020 meeting)
- Try to clarify the current UVC Regulations so that they are more closely mirror the boards intent
- Consider requiring a 3-year statewide Guide-Use Area Registration to help to prevent “prospecting” by some guides who jump from area to area annual not so much to find a suitable, long term location for their operation but to take advantage of various seasons and regulations.

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Sunset Audit Recommendations

Date of Last Legislative Audit: September 14, 2018
Board Sunset Date:

Audit Recommendation: DCBPL’s director should improve management oversight procedures to ensure required documentation is obtained, reviewed, and retained to support licensure.

Action Taken: The division requested and filled an additional Records and Licensing Supervisor position to reduce turnover and increase oversight of licensing processes, and a manual to formalize internal audit procedures is currently in development. The responsibilities of licensing examiner and licensing document have been consolidated under a single position now to maximize accountability. We propose to review licensing and documentation procedures and requirements to reflect accurate and complete documentation as the highest priority and responsibility. Furthermore, the Division Director and Deputy Commissioner are reviewing all regulations pertaining to this activity to ensure the Legislative intent can be reasonably fulfilled

Next Steps: Not applicable

Date Completed: October 2017

Audit Recommendation: DCBPL’s chief investigator should increase oversight to improve the timeliness of investigations.

Action Taken: The division adopted an investigative Standard Operating Procedure on May 1, 2018, requiring each case file reflect documented progress at least every 30 days. This standard is being reinforced by in-service training with all investigators on a biannual basis, as well as improved management oversight by the senior investigator over this program. The senior investigator will conduct quarterly case reviews with the investigator along with reviewing any open matters greater than six months and determine if adequate progression is being made. The chief investigator will review any matters greater than one year to determine if adequate progression is being made and there are no untimely delays. The division constantly seeks to improve processes to resolve allegations completely and quickly.

Next Steps: Not applicable

Date Completed: January 2019

Sunset Audit Recommendations (continued)

Audit Recommendation:	The Office of the Governor, Boards and Commissions director should work with the board to identify potential applicants in a timely manner.
Action Taken:	The department will continue to assist the Office of the Governor in publicizing openings on the board and providing them with lists of licensed guides and transporters.
Next Steps:	Not applicable
Date Completed:	Ongoing