

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

BIG GAME COMMERCIAL SERVICES BOARD

CONDENSED MINUTES OF THE MEETING HELD FEBRUARY 28, 2023

By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62, Article 6, a scheduled meeting (teleconference) of the Big Game Commercial Services Board was held on February 28, 2023, at 333 Willoughby Avenue, 9th Floor, Juneau, AK.

Date:	February 28, 2023
Time:	9:00 a.m. (9:03 a.m.)
Location:	Online teleconference ran from 333 Willoughby Avenue, 9th Floor, Juneau, AK
Board Members Present:	Jason Bunch, Aaron Bloomquist (9:09am), Jerry Burnett, Martin Boniek, Pete Buist, Larry Kunder, Mike Flores
Board Members Absent:	Clay Nordlum
Division/SOA Staff Present:	Thomas Bay (Executive Administrator), Janet Brown (Occupational Licensing Examiner), Lee Strout (Investigator) Megyn Weigand (Senior Assistant Attorney General)
Present from the Public:	Jerry Cates

1. Review Agenda		
Brief Discussion:	No discussion to amend the agenda.	
Motion:	Move to accept the agenda as written (First: Boniek; Second: Buist).	
Recorded Votes:	Buist - Yes	Burnett -Yes
	Boniek - Yes	Flores - Yes
	Bloomquist - Absent	Kunder - Yes
	Bunch - Yes	
2. Ethics Review		
Brief Discussion:	There were no ethical disclosures by any board members or staff.	
3. Investigative Matters for Review: Executive Session		
Brief Discussion: Off Record: 9:09 a.m.	The board moved into executive session for discussion of investigative matters.	

Motion:	I, Pete Buist, move that the Alaska State Big Game Commercial Services Board enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; and matters which by law, municipal charter, or ordinance are required to be confidential. Board staff Thomas Bay, Janet Brown, and Lee Strout to remain during the session (First: Pete Buist; Second: Jerry Burnett).	
Recorded Votes:	Buist - Yes	Burnett -Yes
	Boniek - Yes	Flores - Yes
	Bloomquist - Yes	Kunder - Yes
	Bunch - Yes	
Brief Discussion: On Record: 11:28 a.m.	No action was taken during executive session.	
4. Summary/Motions from Executive Session		
Case No. 2020-000051		
Brief Discussion:	The board considered the proposed consent agreement for Case No. 2020-000051: Licensee provided a false statement on a license application and guided/aided in commission of violations. There was no discussion.	
Motion:	Move to accept consent agreement for Case No. 2020-000051 (First: Pete Buist; Second: Aaron Bloomquist).	
Recorded Votes:	Buist - Yes	Burnett -Yes
	Boniek - Yes	Flores - Yes
	Bloomquist - Yes	Kunder - Yes
	Bunch - Yes	
Case No. 2021-000968		
Brief Discussion:	The board considered the proposed consent agreement for Case No. 2021-000968: Licensee directed client to harvest a sublegal Dall sheep. There was no discussion.	
Motion:	Move to accept consent agreement for Case No. 2020-000968 (First: Pete Buist; Second: Mike Flores).	
Recorded Votes:	Buist - Yes	Burnett -Yes
	Boniek - Yes	Flores - Yes
	Bloomquist - Yes	Kunder - Yes
	Bunch - Yes	
Case No. 2022-000160		

Brief Discussion:	The board considered a voluntary surrender of a master guide-outfitter license for Case No. 2022-000160: Licensee decided to surrender license in lieu of board action for not providing agreed services to a client. There was no discussion.	
Motion:	Move to accept the voluntary surrender of a license for Case No. 2022-000160 (First: Pete Buist; Second: Mike Flores).	
Recorded Votes:	Buist - Yes	Burnett -Yes
	Boniek - Yes	Flores - Yes
	Bloomquist - Yes	Kunder - Yes
	Bunch - Yes	
Case No. 2022-000830		
Brief Discussion:	The board considered the proposed consent agreement for Case No. 2022-000830: Licensee failed to disclose a violation on his renewal application. Mr. Bloomquist mentioned that this was one of the most minor violations the board has ever dealt with.	
Motion:	Move to accept consent agreement for Case No. 2022-000830 (First: Pete Buist; Second: Aaron Bloomquist).	
Recorded Votes:	Buist - Yes	Burnett -Yes
	Boniek - Yes	Flores - Yes
	Bloomquist - Yes	Kunder - Yes
	Bunch - Yes	
Case No. 2022-000998		
Brief Discussion:	The board considered the proposed consent agreement for Case No. 2022-000998: Licensee harvested a brown bear that his client was attempting to harvest, after his client's gun jammed in the field. Aaron Bloomquist explained that the board is required to act on guilty verdicts or no contest verdicts in regard to convictions. He explained that, according to everything he had ever heard from the troopers, during the Board of Game board meetings, what happened was not illegal. He strongly suggested that any licensees that get in trouble, while in the field, contact an attorney before pleading guilty or no contest to their case.	
Motion:	Move to accept consent agreement for Case No. 2022-000998 (First: Pete Buist; Second: Mike Flores).	
Recorded Votes:	Buist - Yes	Burnett -Yes
	Boniek - Yes	Flores - Yes
	Bloomquist - Yes	Kunder - Yes
	Bunch - Yes	
Case No. 2022-001062		
Brief Discussion:	The board considered the proposed consent agreement for Case No. 2022-001062: Licensee guided a non-resident youth hunter who was accompanied by his non-resident	

	<p>father, for a Dall sheep hunt. The father was not a resident and did not have an available bag limit, both of which are requirements in regulation. Aaron Bloomquist abstained from voting because the board has asked for and does not yet have access to the Fish and Wildlife Service's disciplinary matrix on penalties in federal concessions. He said that the Big Game Commercial Services Board needs to figure out what the consequences are going to be for licensees who have federal concessions and that the Fish and Wildlife Service needs to work with the board on it because a simple misunderstanding can result in a licensee not being able to renew their concessions, eliminating their livelihood. Chairman Bunch said that he thinks the recommendation from the reviewing board member was appropriate because the board needs to hold its licensees accountable for being professional, knowing the statutes/regulations, and knowing the fishing/hunting game laws.</p>	
Motion:	Move to accept consent agreement for Case No. 2022-001062 (First: Pete Buist; Second: Mike Flores).	
Recorded Votes:	Buist - Yes	Burnett -Yes
	Boniek - Yes	Flores - Yes
	Bloomquist - Abstain	Kunder - Yes
	Bunch - Yes	
Case No. 2022-001126		
Brief Discussion:	<p>The board considered the proposed consent agreement for Case No. 2022-001126: Licensee and client inadvertently shot and killed two moose. Aaron Bloomquist said that he thinks the consent agreement was appropriate and that he thinks it was an honest mistake. Chairman Bunch said that the case was an unfortunate mistake but that the board has to set a standard and hold their licensees accountable.</p>	
Motion:	Move to accept consent agreement for Case No. 2022-0001126 (First: Pete Buist; Second: Mike Flores).	
Recorded Votes:	Buist - Yes	Burnett -Yes
	Boniek - Yes	Flores - Yes
	Bloomquist - Yes	Kunder - Yes
	Bunch - Yes	
Case No.'s 2021-001302/2022-001146		
Brief Discussion: Off Record: 11:56 a.m.	<p>The board considered the proposed consent agreement for Case No.'s 2021-001302/2022-001146: Licensee aided in violation of a sublegal sheep and again aided in violation of a sublegal moose. Aaron Bloomquist said that the board's requirement in the consent agreement, to have the licensee conduct a moose judging presentation at a public board meeting, was a very good tool to ensure the licensee learned from his mistakes, while also providing important information to the board and the public. Larry Kunder said that he thought the licensee should also do a presentation on sheep judging. After board discussion, the board agreed that a sheep judging presentation could be provided if/when they review a future violation of a sublegal sheep. Mr. Kunder withdrew his request. The</p>	

	board decided to take a break before going into executive session to review license applications.	
Motion:	Move to accept consent agreement for Case No.'s 2021-001302/2022-001146 (First: Pete Buist; Second: Mike Flores).	
Recorded Votes:	Buist - Yes	Burnett -Yes
	Boniek - Yes	Flores - Yes
	Bloomquist - Yes	Kunder - Yes
	Bunch - Yes	

5. Application Review (tabled and/or "Yes" answers)

Brief Discussion: On Record: 12:17 p.m.	The board received requests from two police officers to submit assistant guide applications. Chairman Bunch reminded the board that a "law enforcement officer" is not allowed to hold a license while they are working as a "law enforcement officer." After review of the definition of a "law enforcement officer," which states that a "law enforcement officer" is a person who is engaged in fish and wildlife protection, the board decided that the two police officers could apply for assistant guide licenses. The board decided to write a position statement to that effect.	
Motion:	Move to write a position statement that any law enforcement individual that deals with wildlife issues only in incidental situations is eligible for a license. (First: Aaron Bloomquist; Second: Larry Kunder).	
Recorded Votes:	Buist - Yes	Burnett -Yes
	Boniek - Yes	Flores - Yes
	Bloomquist - Yes	Kunder - Yes
	Bunch - Yes	

Executive Session

Brief Discussion: Off Record: 12:39 p.m.	The board moved into executive session to review license applications that were required to be reviewed by the Investigations Unit.	
Motion:	I, Pete Buist, move that the Alaska State Big Game Commercial Services Board enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; and matters which by law, municipal charter, or ordinance are required to be confidential. Board staff Thomas Bay, Janet Brown, Lee Strout, and Megyn Weigand to remain during the session (First: Pete Buist; Second: Aaron Bloomquist).	
Recorded Votes:	Buist - Yes	Burnett -Yes
	Boniek - Yes	Flores - Yes
	Bloomquist - Yes	Kunder - Yes
	Bunch - Yes	

Brief Discussion: On Record: 1:59 p.m.	No action was taken during executive session.	
6. Summary/Motions from Executive Session		
License #204468 – Case No. 2023-000125		
Brief Discussion:	The board considered the application for license #204468 - Case No. 2023-000125. Chairman Bunch mentioned that this application had been reviewed for having a “Yes” answer on an application.	
Motion:	Move to approve the applicant for licensure in Case No. 2023-000125 (First: Pete Buist; Second: Aaron Bloomquist).	
Recorded Votes:	Buist - Yes	Burnett -Yes
	Boniek - Yes	Flores - Yes
	Bloomquist - Yes	Kunder - Yes
	Bunch - Yes	
License #197273 – Case No. 2022-001194		
Brief Discussion:	The board considered the application for license #197273 - Case No. 2022-001194. Chairman Bunch mentioned that this application had been reviewed for having “Yes” answers on an application.	
Motion:	Move to table the application for Case No. 2022-001194 (First: Pete Buist; Second: Mike Flores).	
Subsidiary Motion:	Move to amend the initial motion to table the application for Case No. 2022-001194, pending the applicant’s pretrial release form, until the next board meeting in March 2023.	
Recorded Votes:	Buist - Yes	Burnett -Yes
	Boniek - Yes	Flores - Yes
	Bloomquist - Yes	Kunder - Yes
	Bunch - Yes	
License #160959 – Case No. 2023-000010		
Brief Discussion:	The board considered the application for license #160959 - Case No. 2023-000010. Chairman Bunch mentioned that this application was for a registered guide-outfitter license and that the applicant had a felony history. Aaron Bloomquist explained that the applicant currently holds an assistant guide license that the board previously tried to revoke because the applicant previously failed to disclose his criminal history on his original assistant guide application. He further explained that a judge ruled in his favor of keeping his license, but that the judge did not consider that the applicant is a convicted felon and cannot possess a firearm. He explained that the board has a firearms policy and that, while the applicant says he can carry a muzzleloader, a muzzleloader is unacceptable and inadequate in the field. He said that the board does not know if the applicant has filed to have his federal firearms rights restored and that he definitely did not at this time. He stated that every time the applicant touches a client’s gun, loads a client’s gun into a plane, or is in the field with a muzzleloader, he is committing a federal crime that is punishable by	

	<p>up to 10-plus years in prison. He said that he does not feel comfortable giving a license to someone and putting them in that type of situation, and that the board cannot condone it. He said that he does not necessarily agree with the law and that he feels bad for the applicant, but that the law is the law. He explained that the board's statutes require a guide to abide by state AND federal laws and that he would be voting no on the application. Chairman Bunch explained that he would be voting yes on the application because there is contradiction in federal and State law, and that State law allows a person to be in possession of a non-concealable firearm. He said that if the applicant were to get in trouble on federal land and a federal law enforcement officer had an issue with him being in possession of a firearm and they wanted to take that up, they could, but that is out of the board's purview. Martin Boniek said he would be voting yes for the same reasons that Chairman Bunch raised. Larry Kunder said he would be voting no because the applicant has not had his gun rights restored and that it would not be in the best interest of his clients because his inability to carry a gun puts his clients in jeopardy while out in the field. He said, while the applicant currently has an assistant guide license, he does not agree with it. He said that the law is to abide by State AND federal law, not "or," so both must be upheld. Jerry Burnett said he would be voting no on the application for many of the same reasons raised by Mr. Bloomquist and Mr. Kunder. He said that, although the applicant previously appealed the board's decision to revoke his assistant guide license and won, the administrative law judge did not consider the issues that are being considered at this time. He said that he feels that if the license is denied then the applicant can again appeal the board's decision and the issues that are being considered at this time will be reviewed by an administrative law judge. Pete Buist said that he would be voting no, but that he thought of it as a path forward because, if the license was denied and the applicant appealed, the board would get an answer from the courts. He said that board members are not attorneys and that having a judge's opinion in this matter is hopefully what happens.</p>	
Motion:	Move to approve the applicant for licensure in Case No. 2023-000010 (First: Pete Buist; Second: Mike Flores).	
Recorded Votes:	Buist - No	Burnett - No
	Boniek - Yes	Flores - No
	Bloomquist - No	Kunder - No
	Bunch - Yes	
7. Exam Update		
Brief Discussion:	<p>Chairman Bunch informed the board that their GMU exams are outdated and that they need to be updated because many of the exams have bad questions and answer keys. He said that he's already reviewed many of the exams, but that, instead of changing the questions and answer keys he wanted to readdress how the exams are written. He said that he wants to create a workgroup to address the issue and that he wanted to make all of the exams the same, with the same questions, so that the exams did not need updated so frequently. The board reviewed options that Senior Assistant Attorney General Megyn Weigand provided to them for how to update the exams. The board discussed possibly</p>	

	changing the requirements to be able to sit for a GMU exam. After discussion, the board decided to create a workgroup that Jason would lead.	
Motion:	Move to create a workgroup, that Jason Bunch will lead, to update the board's exams. (First: Aaron Bloomquist; Second: Jerry Burnett).	
Recorded Votes:	Buist - Yes	Burnett -Yes
	Boniek - Yes	Flores - Yes
	Bloomquist - Yes	Kunder - Yes
	Bunch - Yes	
Brief Discussion:	Mike Flores asked where the board was on their proposed regulations. Mr. Bay informed the board that the regulation proposals were in the works but that they were very slow moving. The board asked Mr. Bay, if he could, to prioritize the GUA Registration and RGO Contract Requirements proposal because it would have an effect on licensees getting into the drawing at the end of the year.	
Brief Discussion:	Larry Kunder asked if there was anything in writing regarding a pecking order for resident hunters vs. nonresident hunters when it comes to subsistence. Jerry Burnett explained the process to Mr. Kunder and suggested he attend the Board of Game's upcoming Spring meeting if he wanted more information.	
Brief Discussion:	Chairman Bunch informed the board that there would be a public forum for the Guide Concessions Program Workgroup on Wednesday, March 29 th , and that it would be separate from the board meeting but that it would be held in the same room as their board meeting. Having nothing left to discuss, Chairman Bunch adjourned the meeting	
Adjourn:	2:48 p.m.	