

# PUBLIC BOARD PACKET

## Alaska Big Game Commercial Services Board Meeting

Dec 2, 2019 9:00 AM - Dec 4, 2019 5:00 PM AKST

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State of Alaska  
DEPARTMENT OF LAW

# ETHICS ACT PROCEDURES FOR BOARDS & COMMISSIONS

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

## Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act<sup>1</sup> has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.<sup>2</sup>

## What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.

- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *“Ethics Information for Members of Boards and Commissions.”* The executive director and staff should refer to the guide, *Ethics Information for Public Employees.* Both guides and disclosure forms may be found on the [Department of Law’s ethics website](#).

## How Do I Avoid Violations of the Ethics Act?

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- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!<sup>3</sup>
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

## What Are The Disclosure Procedures for Board and Commission Members?

---

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

### Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair**.

*Disclosure on the public record.* Members must identify actual and potential conflicts orally at the board or commission's public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.<sup>4</sup>
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

*Disclosure in writing at a public meeting.* In addition to an oral disclosure at a board or commission meeting, members’ disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

*Confidential disclosure in advance of public meeting.* Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter.<sup>5</sup>
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.<sup>6</sup>

*Determinations at the public meeting.* When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.<sup>7</sup>

*If the chair identifies a potential conflict,* the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first

made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

## Procedures for Other Member Disclosures

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A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the [Department of Law's ethics website](#).

## What Are The Disclosure Procedures for Executive Directors and Staff?

---

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

*Notices of Potential Violations.* Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

*Other Disclosures.* The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

## How Are Third Party Reports of Potential Violations or Complaints Handled?

---

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted in **writing** and **under oath**.
- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.<sup>8</sup>
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

## What Are The Procedures for Quarterly Reports?

---

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at [ethicsreporting@alaska.gov](mailto:ethicsreporting@alaska.gov) and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

## How Does A DES or Board or Commission Get Ethics Advice?

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A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

<sup>1</sup> The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

<sup>2</sup> The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

<sup>3</sup> You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

<sup>4</sup> In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

<sup>5</sup> The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

<sup>6</sup> In this manner, a member's detailed personal and financial information may be protected from public disclosure.

<sup>7</sup> When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

<sup>8</sup> The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible,



the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

6/14

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The Attorney General and Department of Law staff may not provide legal advice to private citizens or organizations. Please contact an attorney if you need legal advice. The [Alaska Lawyer Referral Service](#) or your local bar association may be able to assist you in locating a lawyer.

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## Ethics Disclosure Form

<p style="text-align: center;"><b>CONFIDENTIAL</b> <b>REQUEST FOR ETHICS DETERMINATION</b></p>
--

TO: \_\_\_\_\_, Designated Ethics Supervisor

\_\_\_\_\_  
*(Identify Your Department, Agency, Public Corporation, Board, Commission)*

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

**I understand that I should refrain from taking any official action relating to this matter until I receive your advice.** If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Printed Name)*

\_\_\_\_\_  
*(Division, Board, Commission)*

\_\_\_\_\_  
*(Position Title)*

\_\_\_\_\_  
*(Location)*

*Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your confidentially report.*

**Ethics Disclosure Form**

**Receipt of Gift**

TO: \_\_\_\_\_, Designated Ethics Supervisor, \_\_\_\_\_  
*(Agency, Public Corporation, Board, Commission or Council)*

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

- 1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?  
 Yes    No
- 2. Can I take or withhold official action that may affect the person or entity that gave me the gift?  
 Yes    No

*(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)*

The gift is \_\_\_\_\_

Identify gift giver by full name, title, and organization or relationship, if any:

\_\_\_\_\_

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

\_\_\_\_\_

My estimate of its value is \$ \_\_\_\_\_ The date of receipt was \_\_\_\_\_

The gift was received by a member of my family. Who? \_\_\_\_\_

*If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):*

\_\_\_\_\_

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Printed Name)*

\_\_\_\_\_  
*(Division)*

\_\_\_\_\_  
*(Position Title)*

\_\_\_\_\_  
*(Location)*

Ethics Supervisor Determination:    Approve    Disapproved

\_\_\_\_\_  
Designated Ethics Supervisor\*

\_\_\_\_\_  
*(Date)*

*\*Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

1 State of Alaska  
2 DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
3 DIVISION OF CORPORATION, BUSINESS AND PROFESSIONAL LICENSING  
4

5 BIG GAME COMMERCIAL SERVICES BOARD  
6 Minutes of the meetings from Tuesday, April 2, 2019 – Thursday, April 4, 2019  
7

8 By the authority of AA 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS  
9 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was held at the Ted  
10 Stevens Anchorage International Airport, Tuesday, April 2, 2019 – Thursday, April 4, 2019.

11 **These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and**  
12 **Professional Licensing. These minutes have not been reviewed or approved by the Board.**

13 **Written meeting minutes reflect a brief overview of the business conducted by the board during their**  
14 **meeting. For a more detailed account, please request a copy of the meeting recording.**

15  
16  
17  
18 **The Chair brought the meeting to order at 8:35 am on Tuesday, April 2, 2019**

19  
20 **Agenda Item - Roll Call**

21  
22 **Board Members Present Constituting a Quorum:**

23  
24 Henry Tiffany-Licensed Registered Guide-Board Chair  
25 Larry Van Daele-Board of Game Representative  
26 Michelle Heun-Licensed Transporter  
27 Tom Harris-Private Land Owner @8:37 am  
28 Jason Bunch-Registered Guide Outfitter  
29 Cash Joyce – Licensed Transporter  
30

31 **Board Members Absent:**

32 Nicholas Jackson- Private Land Owner-UNEXCUSED  
33 Adam Trombley-Public Member-Vice Chair - UNEXCUSED  
34

35 **Staff Members present:**

36 Dawn K Hannasch-Records and Licensing Supervisor  
37 Lee Strout-Investigator  
38 Rebecca Powers- Occupational Licensing Examine via teleconference  
39 Robert Auth-Board Counsel @9:45 via teleconference  
40

41 **Members of the Public Present:**

42 Jeff Burwell  
43 Dan Montgomery  
44 Loren Karro  
45 Wayne Kubat  
46

47 **Agenda Item - Review the Agenda:**

48  
49 The board reviewed the approved agenda. The board was pleased with the four separate opportunities  
50 that the public will have to address the board with their comments. Board Chair, Henry Tiffany informed  
51 the board that they have a full three days of meetings.

52  
53 **Agenda Item – Ethics:**

54  
55 Board Chair, Henry Tiffany, shared that he has been participating in testifying on behalf of the board,  
56 during the legislative session. Board Member Jason Bunch stated that he, too, has been working with  
57 Mr. Tiffany to inform the legislators of the board position to the different house and Senate bills. The  
58 board did not see either of these as ethics violations as everyone was appointed by the board to testify.

59  
60 Board member Tom Harris – Private landowner, resigned immediately. Mr. Harris states that he believes  
61 a conflict of interest exists between his objectives and the purpose of the Big Game Commercial Services  
62 Board. Mr. Harris plans to continue to foster his relationship with the BGCS board and the industry.

63 Board member Jason Bunch stated that he would like to see Mr. Harris stay as he brings a unique  
64 perspective to the board. Mr. Tiffany agreed that Mr. Harris' input had been appreciated.

65  
66 Board member Larry Van Deale stated that while working for fish and game, he was a part of one of the  
67 investigations that the board will be reviewing later that day.

68  
69 Board Chair Tiffany did not see any of the above statements as ethical issues.

70  
71 **Agenda Item – Review/Approve Meeting Minutes:**

72  
73 Hearing nothing further, Mr. Tiffany moved the board's attention to the drafted meeting minutes from  
74 the January 2019 meeting.

75  
76 **In a motion duly made by Larry Van Daele, seconded by Cash Joyce, with unanimous consent,**  
77 **it was resolved to approve the drafted meeting minutes from the January 2019 meeting.**

78  
79 **Agenda Item – Division/Fiscal Update:**

80  
81 Division Administrative Officer Melissa Dumas joined the meeting via telephone at 8:50 am to review  
82 the board's 2<sup>nd</sup> quarter financial report. Ms. Dumas went through all aspects of the report and  
83 commended the board again on their fiscal conservancy. The division believes that the board may end  
84 the fiscal year with a small positive balance. Ms. Dumas provided the board with a fee analysis that  
85 shows the projections for the next four years. At this time, the division is not recommending a change in  
86 fees. After a vigorous discussion, the board agreed with the division.

87  
88 **In a motion duly made by Larry Van Daele, seconded by Cash Joyce, with a roll call vote, it was**  
89 **resolved to recommend no fee changes to the division at this time.**

90  
91 **Jason Bunch – YES**  
92 **Cash Joyce – YES**

93 **Michelle Huen – YES**  
94 **Henry Tiffany – YES**  
95 **Larry Van Daele – YES**

96  
97 Records and Licensing Supervisor Dawn Hannasch provided the board with an update on behalf of the  
98 division. Ms. Hannasch introduced the board to their new staff member, Rebecca Powers, who joined  
99 the meeting via teleconference. Ms. Hannasch shared with the board that Ms. Powers has already  
100 created some helpful avenues for RGO/MGO & Transporters to upload their hunt/transport records into  
101 their MYLICENSE. She has also worked with RLS Chelsea Childress to provide a way for licensees to pay  
102 their annual filing fee on their MYLICENSE account. Ms. Powers has the program caught up, and most  
103 hunt records processed. Ms. Hannasch stated that Ms. Powers is already an asset to the board and this  
104 industry. The board encouraged the division to continue exploring ways to integrate technology.

105  
106 **Agenda Item – Senate Bill 43:**

107  
108 Board chair, Henry Tiffany, explained that SB 43 was introduced by Senator Wilson and is a  
109 reauthorization of the board. The Sunset Audit recommended the board be renewed for 6 years, which  
110 Senator Wilson has carried. Amendments have been added to SB 43.

111  
112 Public comment regarding renewing the board for six years: Loren Karro, GUIR941 – In favor of  
113 extending the board. Wayne Kubat, GUIM147 – Supports reauthorization for six years. Dan  
114 Montgomery, GUIM173 – Supports reauthorization for six years. Lyle Becker, GUIR1276 – Supports  
115 reauthorization for six years.

116  
117 **In a motion duly made by Larry Van Daele, seconded by Jason Bunch, with a roll call vote, it**  
118 **was resolved to support extending the Big Game Commercial Services Board another six**  
119 **years.**

120  
121 **Jason Bunch – YES**  
122 **Cash Joyce – YES**  
123 **Michelle Huen – YES**  
124 **Henry Tiffany – YES**  
125 **Larry Van Daele – YES**

126  
127 Amendment 4: An amendment to insert the word “hold” - If a person is convicted of a state or federal  
128 hunting, guiding, or transportation violation with a certain prison sentence or fine, currently, they  
129 cannot receive or renew their license. By adding the word “hold” in, if a person is convicted of such  
130 criminally, the board is authorized to immediately suspend license and activities until the civil  
131 investigation has been completed.

132  
133 **In a motion duly made by Larry Van Daele, seconded by Jason Bunch, with a roll call vote, it**  
134 **was resolved to support including the word “hold” under AS08.54.605.a.**

135  
136 **Jason Bunch – YES**  
137 **Cash Joyce – YES**  
138 **Michelle Huen – YES**

139           **Henry Tiffany – YES**  
140           **Larry Van Daele – YES**

141  
142 Amendment 5: Regarding eligibility for Master Guides – Recommends applicants hold licenses for 15  
143 years rather than 12 of the last 20, must submit 45 names and a higher percentage must come back  
144 positive, and no violations or been under any disciplinary action within the last 15 years of the date of  
145 application.

146  
147           **In a motion duly made by Larry Van Daele, seconded by Jason Bunch, with a roll call vote, it**  
148           **was resolved to support the concept of Amendment 5 and articulate the board’s discomfort**  
149           **with #4 and what the board’s original intent and the suggestion was and continue to be.**

150  
151           **Jason Bunch – YES**  
152           **Cash Joyce – YES**  
153           **Michelle Huen – YES**  
154           **Henry Tiffany – YES**  
155           **Larry Van Daele – YES**

156  
157 Board Chair Tiffany will write a letter to Senator von Imhof on the board’s behalf stating they  
158 unanimously support reauthorization of the board for six years, unanimously support the inclusion of  
159 the word “hold”, and that they unanimously support the concept of the changes in A5, but #4 is not  
160 worded the way the board intended so other board members will offer to help develop language that  
161 does not include the “paperwork violations” stipulation.

162  
163 **Break: 10:09 – 10:19**

164  
165 **Agenda Item – Public Comment:**

166  
167 Board Chair Tiffany stated the board is making an effort to open public comment more regularly, with  
168 three additional opportunities available.

- 169
- 170 • Wayne Kubat – Master Guide GUIM147  
171 Mr. Kubat thanked the board for their service and the opportunity to speak. He provided  
172 handouts of his testimony and statues from 1994 and 1997. His opinion is that the current  
173 Statutes & Regulations as a whole are more dysfunctional, confusing, and contradictive of each  
174 other than anything he’s ever seen. He believes part of that is because the board was sunset in  
175 1995 through 2005. Many things changed from 94-97 without board oversight. He strongly  
176 disagrees with the conclusions reached in the flow chart on page 58 of the board packet. A lot of  
177 different people can get a lot of different viewpoints. The flowchart concerns Statute and Regs  
178 08.54.610(e) – regarding Registered Guides, and 12 AC 75.240(f) – supervision regulations  
179 requiring a supervising contracting or Class-A Guide in the same GUA if using an Assistant Guide.  
180 75.240 (f) went into effect in 1997. The “one size fits all approach” might work for marine  
181 operations, but not for interior operations that require bushcraft access. Mr. Kubat feels 12 AC  
182 75.240(f) contradicts, conflicts, and confuses the statue 08.54.610(e), 08.54.630(b)(3),  
183 08.54.790(7), and 12 AAC 75.240(i) and all of its subsections. 08.54.610(e), references a  
184 contracted hunt and doesn’t exclude contracted hunts when an Assistant Guide is in charge.

185 08.54.630(b)(3) says that an Assistant Guide can take charge of a camp if the contracting guide is  
186 in the field and participating in the hunt. 08.54.790 defines “in the field” as off a road system –  
187 pretty much anywhere in the state as long as you are not in conflict with a city, town, or village.  
188 12 AAC 75.240(i) is a new regulation added in 2014 that specifically refers to 08.54.610(e)  
189 talking about the supervision of a contracted hunt. Bunch states that F section references the  
190 Assistant Guide, but if you look in statute 08.54.610(e), it says a Registered-Guide Outfitter  
191 contract hunts as a contracting guide for a guided hunt shall be primarily in the field, and in the  
192 field means off the road system, supervising and participating in the contracting hunt – it  
193 doesn’t say contracted hunt run by Class-A or Registered – it doesn’t rule out an Assistant – it’s  
194 talking about a contract hunt. Mr. Kubat basically feels (f) contradicts two statutes. In the real  
195 world, communication quality and capability are much more important for supervision than is  
196 proximity. Mr. Kubat believes 12 AAC 75.240(f) is an attempt to control guides in the absence of  
197 Guide Use Areas more so than something that improves supervision. Mr. Kubat displayed a map  
198 of Guide Use Areas and pointed out that distances within the same or neighboring GUAs can  
199 vary between 15 and over 200 miles. No consideration is made for the mode of transportation.  
200 Mr. Kubat would appreciate more participation by stakeholders at board meetings and suggests  
201 that any policy changes should include a well-attended subcommittee process. Suggested Policy:  
202 The Board finds that an assistant guide can take charge of a camp and provide guide services if  
203 the contracting guide is in the field in the same or neighboring GMU + up to 50 miles. See  
204 08.54.610(e), 08.54.630(b)(3), and 12 AAC 75.240(i). Proposed changes to 12 AAC 75.240  
205 Supervision – No changes to (a), (b), (c), (d), (e), and (h). Changes to (f) should state the  
206 contracting registered-guide outfitter or a noncontracting registered guide-outfitter or class-A  
207 assistant guide supervising an assistant guide shall be in the field and participating in the  
208 contracted hunt to direct and monitor the big game hunting services provided to the client...  
209 Changes to (i) should state: For the purposes of the requirement in AS 08.54.610(e) for the  
210 supervision of a contracted hunt, the contracting registered guide-outfitter may plan, direct, and  
211 monitor a contracted hunt... In conclusion, Mr. Kubat does not believe his policy or regulation  
212 recommendations “dumb down” the supervision requirements in any way but instead allowed  
213 the contracting guide to provide a better service.

214  
215 Board Member Responses: Mr. Bunch thanked Mr. Kubat for his testimony. He spent at least  
216 10-12 hours on this in one day. He has a presentation on supervision and would like for it to be  
217 viewed in a sub-committee setting. Mr. Kubat brings up valid points, but repercussions to  
218 changes have a ripple effect. Supervision is a topic that is one of the higher-level topics of  
219 discussion recently by troopers and the forest service. The top priority of the board once we get  
220 past Sunset.

221  
222 Board Chair Tiffany: The whole industry and all the different agencies have to get on the same  
223 page to make it clear what can and can’t be done. He understands the intent behind Mr.  
224 Kubat’s testimony. The system should be cohesive that everyone understands, and it should be  
225 a priority moving forward.

226  
227 **Agenda Item – Regulation Review:**

228  
229 Mrs. Hannasch pointed out that pages 68-71 are the drafts from the regulation specialists from the work  
230 the board did at the January meeting, most significantly regarding the change pertaining to Sworn



231 Statements and Permits in relation to Guide Use Area Registrations. The regulations process was briefly  
232 explained to the board. This draft is not in the board packet due to the recent date the document was  
233 received. The draft will be sent to licensees via mail, email, and website posting. An explanation of the  
234 public comment process for regulation changes is posted on the Big Game Commercial Services Board  
235 website.

236

237 **In a motion duly made by Larry Van Daele, seconded by Jason Bunch, with a roll call vote, it**  
238 **was approved to send drafted regulations 12 AAC 75.230(a)&(f)(g), 12 AAC 75.260(e), 12 AAC**  
239 **75.400(e), 12 AAC 75.450(d), 12 AAC 920(b)(c)(d) & (e) out for public comment.**

240

241 **Jason Bunch – YES**

242 **Cash Joyce – YES**

243 **Michelle Huen – YES**

244 **Henry Tiffany – YES**

245 **Larry Van Daele – YES**

246

247 **Agenda Item - Proposed Regulations:**

- 248 1. To add language to 75.460(b)(2) says an affidavit signed by the Registered-Guide Outfitters or  
249 another person certifying that the Registered-Guide Outfitters has been involved in a minimum of 3  
250 harvests or hunts on guided or non-guided hunts for that species.

251

252 **In a motion duly made by Larry Van Daele, seconded by Michelle Huen, with a roll call vote,**  
253 **the proposed regulation will not move forward.**

254

255 **Jason Bunch – No**

256 **Cash Joyce – No**

257 **Michelle Huen – No**

258 **Henry Tiffany – No**

259 **Larry Van Daele – No**

260

261 Board's Action: None

262

- 263 2. 75.240(i) Supervision - For purposes of the requirements in AS 08.54.610(e) for supervision of a  
264 contracted hunt and in addition to the requirements of this section, the contracting Registered-  
265 Guide may plan, direct, and monitor a contracted hunt 1(a) while primarily in the field and in daily  
266 communication with a Class-A or noncontracting registered guide supervising the hunt.

267

268 **In a motion duly made by Larry Van Daele, seconded by Jason Bunch, with a roll call vote, the**  
269 **proposed regulation will not move forward.**

270

271 **Jason Bunch – No**

272 **Cash Joyce – No**

273 **Michelle Huen – No**

274 **Henry Tiffany – No**

275 **Larry Van Daele – No**

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Board’s Action: Pass proposal to subcommittee

3. Statute 08.54.720 – Allow appropriate buffer areas between hunters and camps in order to avoid disrupting hunts and hunting experiences. In game management Unit 9, a person holding any class of guide or transporter license may not place a camp within five miles of a legally permitted year-round structure built before 2010 being used for big game guiding purposes, unless agreed upon a written agreement between the involved parties.

**In a motion duly made by Larry Van Daele, seconded by Jason Bunch, with a roll call vote, the proposed regulation will not move forward.**

- Jason Bunch – No**
- Cash Joyce – No**
- Michelle Huen – No**
- Henry Tiffany – No**
- Larry Van Daele – No**

Board’s Action: Pass proposal to the subcommittee. Board Chair Tiffany proposed to establish an Ethics subcommittee to explore 75.440(13). Cash Joyce volunteered to chair the subcommittee. The first subcommittee meeting will be held at the December board meeting.

4. Add a new regulation, perhaps in our regulations under the stipulations to renew any class of guide license, that if a licensee has been convicted of a criminal violation and received a fine of XX amount and/or received a sentence of XX amount, then their license is immediately suspended until which time the Big Game Commercial Services Board can formally review and consider their case.

After much discussion with Mr. Robert Auth via teleconference:

**In a motion duly made by Larry Van Daele, seconded by Cash Joyce, with a roll call vote, the proposed adoption of a regulation mirroring the proposed amendment in A4 of SB43 will move forward.**

- Jason Bunch – Yes**
- Cash Joyce – Yes**
- Michelle Huen – Yes**
- Henry Tiffany – Yes**
- Larry Van Daele – Yes**

Board’s Action: Hold off until HB43 outcome.

**Lunch Break: 12:00 – 1:15**

**Agenda Item: Master Guide Requirements:**

320 Returning from the lunch recess, Mr. Tiffany brought the group’s attention back to the task of reviewing  
321 the suggested regulation changes concerning Senate Bill 43. The board will send a letter to Senator von  
322 Imhof supporting the 6-year renewal, with concerns regarding renewal, specifically with #4.

323  
324 Public Comments Related to SB 43:

- 325 • Clarification – Guides must have a clean record for 15 years to get their Master Guide License.
- 326 • Lorren Karro - Guides should not be penalized for paperwork errors.
- 327 • Concerns from GUI Supervisor Hannasch – Define knowingly. How do you prove knowingly, in  
328 regard to paperwork violations?

329  
330 **In a motion duly made by Larry Van Daele, seconded by Cash Joyce, with a roll call vote, the**  
331 **board approves a letter to senator von Imhof as written and expressed to the board by**  
332 **Chairman Tiffany. Regarding SB 43 with an amendment letter, the Big Game Commercial**  
333 **Services board unanimously supports the reauthorization of the board for six years. The**  
334 **board unanimously supports the A4 amendment, which will add the word “hold” to AS**  
335 **08.54.605 (a). The board unanimously accepted the concept of the A5 amendment and was in**  
336 **support of all aspects of it except the proposed change to (b)(4). As it is currently written, the**  
337 **board believes A5 (b)(4) was misinterpreted by legal services which drafted the proposed A5**  
338 **(b)(4) language and was not written as the board originally intended, and as such the board**  
339 **cannot support (b)(4) as currently written. The board intent behind this proposed statutory**  
340 **change is to raise the standards and requirements for the licensee to obtain a Master Guide**  
341 **license to ensure they have not had any substantial violations or convictions under AS**  
342 **08.54.720 and to provide authority to the board to deny a licensee who does not qualify. The**  
343 **board would like to respectively suggest the following language to (b)(4), which the board**  
344 **could unanimously support as written “(b)(4). Has not been the subject to disciplinary action**  
345 **under this chapter or been convicted of a violation of any state or federal law or regulation**  
346 **related to hunting or to the provision of big game hunting or transportation services under AS**  
347 **08.54.720 within the 15 years preceding the date of application and.” To be consistent, the**  
348 **board recommends the following language be struck from (f)(2) and added in the A5**  
349 **amendment to Section 3 AS 08.54.610 (f)(3), “Who is convicted of a violation under AS**  
350 **08.54.720 of any state law or federal or regulation related to hunting or the provision of big**  
351 **game hunting or transportation services.”**

- 352
- 353 **Jason Bunch – Yes**
- 354 **Cash Joyce – Yes**
- 355 **Michelle Huen – Yes**
- 356 **Henry Tiffany – Yes**
- 357 **Larry Van Daele – Yes**

358  
359 **Agenda Item: Survivorship:**  
360

361 The board appreciates all of the work Former Board Member Sullivan put into his survivorship  
362 presentation, it was not productive to send multiple through, but just one. Survivorship is a top priority.  
363 Mr. Joyce commented that position statements are a “may” rather than a “shall.” Ms. Hannasch  
364 reminded the board that position statements cannot be written about Statutes and Regulations that do  
365 not exist. They are provided, so the public, law enforcement, and the division have a clear

366 understanding of the board’s stance and interpretation of issues. Mr. Bunch proposes the board tackles  
367 survivorship with legislatures in an exception under one of the current Statutes, then clarify the  
368 exception under Regulation for that Statute. The subject of survivorship will be tabled until the board  
369 can look at and discuss other routes of implementation that aren’t as complicated. Board Chair Tiffany is  
370 very proud of the guide industry for helping out one another in tragic situations.

371

372 **Agenda Item: Subcommittee Meetings:**

373

374 Board Chair Tiffany commended Mr. Bunch for his efforts on the supervision flow chart.

375

376 After Mr. Sullivan’s resignation, the Statutes & Regulations subcommittee is now without a chair. Board  
377 Member Jason Bunch offered to chair the Statutes & Regulations subcommittee but would have to give  
378 up the education/exam subcommittee. Board Chair Tiffany will chair the education/exam  
379 subcommittee.

380

381 **Agenda Item: Exam Rewrite**

382

383 Mr. Bunch informed the board that GMU exams 1-5 have been reviewed by Master Guides in those  
384 units and provided excellent feedback. He has a map recommendation but is a time-consuming project.  
385 Board Chair Tiffany has rewritten 12 of the GMU exams but still needs to work on the maps. During the  
386 January exam, Ms. Hannasch reported that no questions were challenged on the new RGO exam.

387

388 **Break: 2:45 – 2:54**

389

390 **Agenda Item: Tongass National Forest Collaborative Review MOU**

391

392 Mr. Bunch presented the board with the details of the Collaborative Review MOU between the Tongass  
393 National Forest and the guiding community in Southeast Alaska. Inadequacies following policy in the  
394 transfer of permits/land use authorizations prompted testimony and discussion in order to get on the  
395 same page with CBPL.

396

397 **In a motion duly made by Larry Van Daele, seconded by Jason Bunch, with a roll call vote, the**  
398 **board agreed to send their recommendations and support of the MOU to the director of CBPL.**

399

400 **Jason Bunch – Yes**

401 **Cash Joyce – Yes**

402 **Michelle Huen – Yes**

403 **Henry Tiffany – Yes**

404 **Larry Van Daele – Yes**

405

406 **Agenda Item: Public Comments**

407

408 Board Chair Tiffany opened the floor to public comments, giving ten minutes to speak.

409

- 410
- Loren Karro – Registered Guide GUIR941

411 Ms. Karro thanked the board for their work, time, and effort. She will miss Dawn at the board  
412 meetings. Ms. Karro would like to address fieldcraft standards that Mel proposed. Many years  
413 ago, Mel suggested after some tents were tied to his cabins, and the board passed a two-mile  
414 buffer just for unit 9. However, what happened after that was – a cabin was built that could  
415 have conceivably been within two miles of someone’s long-standing land-use agreement with  
416 the state, meaning they were permanent by DNR and would have to be vacated. That was  
417 changed and taken out, with Mel’s agreement that would not work because people could build a  
418 cabin, and not only could no one else put a camp there, but existing long-standing LAS’s would  
419 be defunct. If someone wants to build a cabin, DNR will send out a notice of the request for  
420 permission to build to anyone that has a nearby LAS, to the village, and to the native  
421 corporations – but they have never denied one unless it’s something that’s already been  
422 identified by board of game as critical habitat. DNR could say it doesn’t matter who has a 20-  
423 year LAS and has been operating for 20 years there – they would have to go on. Before 2010  
424 they were told it was illegal. When they were discussing these, they talked about putting it  
425 everywhere, but different areas required different separations – for instance, a 2 or 5-mile  
426 separation on a mountain may not only not be necessary; it’s not even conceivable. Each area is  
427 quite a bit different. The restriction only applies to put in camps – they can still come up and  
428 hunt next to the cabin, but they couldn’t put a camp there. She understands Mel’s problem and  
429 is willing to work on that sort of thing. She just wanted to put the history out there and why it  
430 wasn’t applied across the board. She also wanted to bring up testing – every year, the written  
431 RGO exam has to be reviewed very slightly. She will ask the Board of Game if they have any easy  
432 ways around those changes. We have to look for any changes to the Board of Game Regulations  
433 and Big Game Commercial Services Board Regulation. If there’s anything on the test regarding  
434 the change of regulation, they have to change the question or add questions. Her original idea  
435 with the committee with the test was to change the questions a little every year. There was  
436 only supposed to be 124 questions, with questions rotated in and out. With Regulations, this is  
437 necessary, and she does not mind doing it because it wouldn’t take her very long.

438  
439 Board Chair Tiffany thanked Ms. Karro for all her work on the exam, the background clarification on the  
440 2-mile and 5-mile perimeter, and for all the time she’s put in being a participant at the board meetings.

441  
442 Ms. Hannasch informed the board that the Regulations Specialist sent a FAQ Worksheet that the board  
443 will need to fill out for every regulation just put forward to him.

444  
445 **In accordance with the provisions of Alaska Statute 44.62.310(c), I, Larry Van Daele, seconded by Cash**  
446 **Joyce, with unanimous consent, move to go into executive session for the purpose of discussing the**  
447 **decision of the judicatory proceeding, in the matter of Stephen Hicks, agency number 2017001107 and**  
448 **201800018. The Office of Administrative Hearings case # 18-0539-GUI. The parties, their attorneys,**  
449 **and all members of the public will be excluded from this deliberative session. The Administrative Law**  
450 **Judge will be invited to remain with the board during the deliberative session.**

451  
452 **Executive Session 3:35 – 4:08**

453  
454 **In a motion duly made by Larry Van Daele, seconded by Cash Joyce, with unanimous consent, the**  
455 **board moves to adopt the decision of the ALJ as modified under 44.64.060(e)(3). The modification to**  
456 **make this a permanent revocation per statue and regulations 08.54.710(c)(1).**

457           **Jason Bunch – Yes**  
458           **Cash Joyce – Yes**  
459           **Michelle Huen – Yes**  
460           **Henry Tiffany – Yes**  
461           **Larry Van Daele – Yes**

462  
463 Board Chair Tiffany expressed his concerns that this particular case is egregious. There were many  
464 violations, and the State and ALJ have made a strong case, and he will certainly support the  
465 recommendation of the ALJ with the amended language that this is to include a permanent revocation.  
466

467 There was a lot of thought put into this particular record and decision and looked at by many different  
468 angles. It's been investigated by the State Troopers as well. This issue needs to be addressed to keep  
469 the industry professional and safe.

470  
471 Mr. Bunch stated that he would vote in favor. When registered guides fail to exercise the standard of  
472 care, it reflects poorly on and can negatively impact the profession as a whole. Additionally, because  
473 the work of guides is necessarily carried out in remote areas where oversight is minimal, licensee  
474 integrity and honesty are paramount to the efficient regulation of the industry. When licensed guides  
475 act in a manner that causes their honesty into question, violating hunting laws and engaging in a way to  
476 disguise their illegal activities, they impair the trust that is necessary to the regulation of the industry.

477  
478 **In a motion duly made by Larry Van Daele, seconded by Cash Joyce, with unanimous consent, moves**  
479 **to The Big Game Commercial Board moves into deliberative session under AS 44.62.31(d), seconded**  
480 **by Jason Bunch, with unanimous consent, solely to make the decision in the following judicatory**  
481 **proceeding in the matter of Thomas Shankster, agency number 2018000561, Office of Administrative**  
482 **Hearings case number 180734GUI. The parties, their attorneys, and all members of the public will be**  
483 **excluded from this deliberative session. The Administrative Law Judge will be invited to remain with**  
484 **the board during the deliberative session.**

485  
486 **Executive Session: 4:13 – 5:22**

487  
488 **In a motion duly made by Larry Van Daele, seconded by Cash Joyce, with a roll call vote, in regard to**  
489 **the case of Mr. Shankster, with regard to the recommendation of the Administrative Law Judge,**  
490 **Alaska Statutes 08.605(a)(a)(1), Alaska Statute 08.710(c)(1), Alaska Statute 08.710(a)(1), he**  
491 **recommends that a fine of \$20,000 is imposed with \$10,000 stayed. The stayed portion will be paid if**  
492 **the first \$10,000 is not paid by January 2025. He also recommends that there be immediate**  
493 **revocation of the license, and the individual cannot reapply until January 2025. He also recommends**  
494 **a public reprimand.**

495  
496           **Jason Bunch – Yes**  
497           **Cash Joyce – Yes**  
498           **Michelle Huen – Yes**  
499           **Henry Tiffany – Yes**  
500           **Larry Van Daele – Yes**

501

502 Board Chair Tiffany appreciates and supports Judge Lebo’s assistance with this case. There is a lot to  
503 this case. Fortunately, in this industry, we don’t have a lot of cases that are as big or egregious as this,  
504 so there is not a lot of precedences to fall back on to compare to a similar case. Mr. Shankster clearly  
505 has a pattern over 14 years, 2002-2016, of violations that definitely justify this immediate revocation of  
506 his license. It is within the board’s authority under 08.54.710, as mentioned in the motion. Under the  
507 circumstance, this is an appropriate action by the board. It should be noted that this is higher, or a  
508 more severe action than the division or Administrative Law Judge recommended, but when violations of  
509 this nature occur against the resources, which are a public resource, and against many clients and public  
510 trust over many years, it justifies this level of action.

511  
512 Mr. Bunch stated that he would vote in favor of this motion. When registered guides fail to exercise the  
513 standard of care, it reflects poorly on and can negatively impact the profession as a whole. Additionally,  
514 because the work of guides is necessarily carried out in remote areas where oversight is minimal,  
515 licensee honesty and integrity are paramount to the efficient regulation of the industry. When licensed  
516 guides act in a manner that causes their honesty into question, violating hunting laws and engaging in a  
517 way to disguise their illegal activities, they impair the trust that is necessary to the regulation of the  
518 industry.

519  
520 Mr. Joyce will vote to approve. Obviously, there is a failure. He exhibited a failure to uphold the statutes  
521 and regulations set forth.

522  
523 Ms. Huen will vote in favor of board actions. Clearly, this board needs to continue to uphold the  
524 integrity of the industry. The actions committed by this individual, the violations, circumstances clearly  
525 support the disciplinary action the board has agreed upon.

526  
527 Mr. Van Daele agrees that this is a serious violation, and they are raising the penalty above what the  
528 Administrative Law Judge suggested because there is no precedent. When he wrote his  
529 recommendation, he went with the matrix, which is based on precedent. This case will set a precedent  
530 and can be used in the future. It’s not a total revocation for a lifetime for this individual. It allows him  
531 to reapply in January 2025, but it is still a fair assessment of the seriousness of this situation and a  
532 balanced approach to it.

533  
534 **Recess: 5:30**

535  
536 **State of Alaska**  
537 **DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT**  
538 **DIVISION OF CORPORATION, BUSINESS AND PROFESSIONAL LICENSING**

539  
540 **BIG GAME COMMERCIAL SERVICES BOARD**  
541 **Minutes of the meetings from Tuesday, April 2, 2019 – Thursday, April 4, 2019**

542  
543 By the authority of AA 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS  
544 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was held at the Ted  
545 Stevens Anchorage International Airport, Tuesday, April 2, 2019 – Thursday, April 4, 2019.

546

547 **These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and**  
548 **Professional Licensing. These minutes have not been reviewed or approved by the Board.**

549  
550 **Written meeting minutes reflect a brief overview of the business conducted by the board during their**  
551 **meeting. For a more detailed account, please request a copy of the meeting recording.**  
552

553 **The Chair brought the meeting to order at 8:40 am on Wednesday, April 3, 2019**

554

555 **Agenda Item - Roll Call**

556

557 **Board Members Present Constituting a Quorum:**

558

559 Henry Tiffany-Licensed Registered Guide-Board Chair

560 Larry Van Daele-Board of Game Representative

561 Michelle Heun-Licensed Transporter

562 Jason Bunch-Registered Guide Outfitter

563 Cash Joyce – Licensed Transporter

564

565 **Board Members Absent:**

566 Nicholas Jackson- Private Land Owner-UNEXCUSED

567 Adam Trombley-Public Member-Vice Chair - UNEXCUSED

568

569 **Staff Members present:**

570 Dawn K Hannasch-Records and Licensing Supervisor (RLS)

571 Lee Strout-Investigator

572 Rebecca Powers- Occupational Licensing Examine via teleconference

573

574 **Members of the Public Present:**

575 Wayne Kubat

576 Gary Wall

577 Jeff Burwell

578 Dan Montgomery

579 Coke Wallace

580 Tom Atkins

581 Tim Nelson

582 Joe Frantz

583 Mel Gillis

584 Kathy Frederue

585

586 **Agenda Item: Review Agenda:**

587

588 The board reviewed the agenda.

589

590 **Agenda Item: Regulations Project:**

591



- 592       • The board reviewed the recommended statute and regulations changes from the public:  
593 12 AAC 75.460(b)(2) from Mark Enyert  
594 12 AAC 75.240 from Lance Kronberger  
595 AS 08.54.720 from Mel Gillis  
596 Continuing education requirements from Henry Tiffany  
597

598 The board chose not to move on any of the recommendations at this time, as they would like to  
599 complete the projects that they are currently working on before creating new ones. The board thanked  
600 the public for their recommendations.  
601

- 602       • Master Guide Requirements

603 Board member Larry Van Daele provided the board with his research concerning the requirements for a  
604 master guide outfitter license. The board will revisit the topic at its December 2019 meeting.  
605

- 606       • Survivorship

607 The board had reviewed the statute & regulations subcommittee recommendations for statute changes  
608 concerning survivorship at the January 2019 meeting. Lance Kronberger provided the board with  
609 recommendations. The board decided that this is not a topic that they can tackle right now, but will  
610 revisit in the future.  
611

612 **Break 9:30 – 9:48**

613

614 **Agenda Item: Public Comments:**

615

616 Wayne Kubat addressed the board. He commented on the fist sunset from 1995-2005, recommended  
617 that the board attempt to make the regulations more to that time frame since the legislators placed all  
618 regulations into statute when the board sunset, and he encouraged the board to be more like  
619 Department of Natural Resources, “making the requirements about keeping licenses in compliance not  
620 about catching people doing things wrong.”  
621

622 **Agenda Item: Subcommittee Reports:**

623

- 624       • Examination re-write – Jason Bunch informed the board that his goal is to begin updating the 26  
625 GMU exams in the next year. The RGO written exam could also use a brief update now that it  
626 has been used a few times.  
627       • Supervision – Jason Bunch presented the supervision flow chart  
628       • Transporter – The committee is working on a proposal to the board on creating a new class of  
629 transporter license. Board member Cash Joyce stated that the Federal FAA laws trump state  
630 laws and requested that staff add the information for part 91 to the website.  
631

632 The other subcommittees had nothing to report.  
633

634 **Lunch break 12:00 – 1:20**

635

636 **Agenda Item: Old Business:**

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- Felons and Firearms – tabled until July 2019
- UVC – Jason Bunch and Dawn Hannasch stated that this is a work in progress. The board will revisit at its July 2019 meeting.
- Wildlife videos as part of sanctions – the board will revisit this topic at a later date.

**Agenda Item: New Business:**

- Department of Natural Resources (DNR) regulations change – The board reviewed the submitted changes to the DNR regulations. There were no changes that would affect the board or its licensees.
- Position Statement - Guide Licenses Can Only Be Held By A Natural Person – the board reviewed the drafted position statement. The approved statement will be placed on the board website.

**In a motion duly made by Larry Van Daele, seconded by Jason Bunch, with a roll call vote, it was resolved to adopt the drafted position statement on a natural person holding a license, as written.**

**Jason Bunch – Yes  
Cash Joyce – Yes  
Michelle Huen – Yes  
Henry Tiffany – Yes  
Larry Van Daele – Yes**

- Annual Report – the board reviewed the drafted 2019 annual report.

**In a motion duly made by Jason Bunch, seconded by Michelle Heun, with a roll call vote, it was resolved to adopt the drafted 2019 Annual Report as written**

**Jason Bunch – Yes  
Cash Joyce – Yes  
Michelle Huen – Yes  
Henry Tiffany – Yes  
Larry Van Daele – Yes**

**Agenda Item: Public Comments:**

Coke Wallace – Mr. Wallace explained to the board and the public that he received a “Non-disciplinary Letter of Advisement” for the division on February 12, 2019. Mr. Wallace gave his opinion on the situation and believed that DNR is harassing him. He also stated that DNR should not be in charge of the concession program.

**Agenda Item: Investigations & RLS delegation**

- 682 • Investigator Lee Strout presented the board with the investigative report for November 27, 2018  
683 – March 28, 2019. Investigator Strout opened 60 matters and closed 39. Currently, there are 44  
684 individuals on probation. Nine are on “hold,” and six are in the process of being released due to  
685 completion.
- 686 • Investigator Strout and Board Investigator Robert Auth explained to the board what a “Non-  
687 disciplinary Letter of Advisement” is. The letter is only information to the licensee and does not  
688 go into their file.

689

690 **Break 3:42 – 4:00**

691

692 Once the board came back from a brief break, RLS, Dawn Hannasch explained to the board, that the way  
693 their regulations are written, if there is a “yes” answer or a non-disclosure in an initial or renewal  
694 application, the board has to review and either approve or deny the license. Ms. Hannasch  
695 recommended that the board consider allowing the division to review the application, and if no further  
696 need for investigations is required per the division's policy and procedural manual #28, the Records and  
697 Licensing Supervisor can approve the license issuance. Allowing the RLS to do this will lessen the files  
698 that the board has to review, get individuals to work faster, and allow staff to continue with processing.

699

700 **In a motion duly made by Jason Bunch, seconded by Larry Van Daele, with a roll call vote, it**  
701 **was resolved to allow the division to review the application, and if no further need for**  
702 **investigations is required per the division's policy and procedural manual #28, the Records**  
703 **and Licensing Supervisor can approve the license issuance.**

704

705 **Jason Bunch – Yes**

706 **Cash Joyce – Yes**

707 **Michelle Huen – Yes**

708 **Henry Tiffany – Yes**

709 **Larry Van Daele – Yes**

710

711 Investigator Lee Strout and RLS Dawn Hannasch presented the board with applications and other  
712 investigative material for their consideration.

713

714 **In accordance with the provisions of Alaska Statute 44.62.310(c), I, Larry Van Daele, seconded**  
715 **by Michelle Heun, with unanimous consent, move to go into executive session for the purpose**  
716 **of discussing (2) subjects that tend to prejudice the reputation and character of any person,**  
717 **provided the person may request a public discussion, with board staff to be present.**

718

719 **Executive Session 4:00 – 5:46**

720

721 Once the board went back onto the record, Board Chair Henry Tiffany brought up House Bill 87. After a  
722 vigorous discussion, the board requested that Board Chair Tiffany draft a letter of opposition to  
723 Representative Tuck. Board member Larry Van Daele requested to be excused from the conversation  
724 since HB87 directly affects the Alaska Board of Game, which he is also a member. Chair Tiffany approved  
725 the recusal of member Van Daele.

726 **Recess at 5:55**

727

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**State of Alaska**  
**DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT**  
**DIVISION OF CORPORATION, BUSINESS AND PROFESSIONAL LICENSING**

**BIG GAME COMMERCIAL SERVICES BOARD**  
**Minutes of the meetings from Tuesday, April 2, 2019 – Thursday, April 4, 2019**

By the authority of AA 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was held at the Ted Stevens Anchorage International Airport, Tuesday, April 2, 2019 – Thursday, April 4, 2019.

**These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.**

**Written meeting minutes reflect a brief overview of the business conducted by the board during their meeting. For a more detailed account, please request a copy of the meeting recording.**

**The Chair brought the meeting to order at 8:37 am Thursday, April 4, 2019**

**Agenda Item - Roll Call**

**Board Members Present Constituting a Quorum:**

Henry Tiffany-Licensed Registered Guide-Board Chair  
Larry Van Daele-Board of Game Representative  
Michelle Heun-Licensed Transporter  
Jason Bunch-Registered Guide Outfitter  
Cash Joyce – Licensed Transporter

**Board Members Absent:**

Nicholas Jackson- Private Land Owner-UNEXCUSED  
Adam Trombley-Public Member-Vice Chair - UNEXCUSED

**Staff Members present:**

Dawn K Hannasch-Records and Licensing Supervisor (RLS)  
Lee Strout-Investigator  
Rebecca Powers- Occupational Licensing Examine via teleconference

**Members of the Public Present:**

John D. Wilson  
Jusdi Doucet  
Britt Williams  
Cliff Larson  
David Griffin  
Loren Karro  
Dan Montgomery

774 Tony Kavaluk  
775 Gary Wall  
776 Dan Montgomery  
777 Jeff Burenezy  
778 Jim Christy  
779 Coke Wallace  
780 Mel Gillis  
781 Tim Nelson  
782 Tom Atkins

783

784 **Agenda Item: Review the Agenda:**

785

786 The board reviewed the approved agenda.

787

788 **Letter of opposition to House Bill 87:**

789

790 Chair Tiffany presented the board with the drafted letter of opposition to Rep. Tuck on behalf of the  
791 board.

792

793 **In a motion duly made by Jason Bunch, seconded by Michelle Heun, with a roll call vote, it was**  
794 **resolved to accept the letter of opposition to HB87 as drafted by Chair Henry Tiffany and have**  
795 **staff forward it as required.**

796

797 **Jason Bunch – Yes**

798 **Cash Joyce – Yes**

799 **Michelle Huen – Yes**

800 **Henry Tiffany – Yes**

801 **Larry Van Daele – RECUSED**

802

803 *“The Big Game Commercial Services Board unanimously voted to oppose SB 87, which is identical to HB*  
804 *137. The Board feels strongly that such a bill, which sets new restrictions on nonresident hunters, should*  
805 *first be recommended by the Board of Game and the advisory committees, allowing for open democratic*  
806 *process and public input. The Board of Game is the regulatory authority that passes regulations to*  
807 *conserve and develop Alaska's wildlife resources. If there is a need to restrict a hunt for conservation*  
808 *purposes, then that decision should remain with the Board of Game. The Big Game Commercial Services*  
809 *Board sees HB 137 setting limits in law and preventing the Board of Game from acting in its authorized*  
810 *capacity on this issue. This is clearly the purview of the State of Alaska Board of Game and not the*  
811 *Legislatures, and so we, the State of Alaska Big Game Commercial Services Board, strongly oppose HB*  
812 *137. I would also like to add that Mr. Larry Van Daele recused himself from the HB 87 vote since he is the*  
813 *Board of Game representative on the Big Game Commercial Services Board.”*

814

815 **Agenda Item: Investigative Outcomes - On the Record:**

816

817 Chair Tiffany requested that the board direct its attention to the investigative matter that they reviewed  
818 the previous day.

819

820           **In a motion duly made by Jason Bunch, seconded by Michelle Heun, with a roll call vote, it was**  
821           **resolved to approve the registered guide outfitters license application for Bradford Burns.**

822  
823           **Jason Bunch – Yes**  
824           **Cash Joyce – Yes**  
825           **Michelle Huen – Yes**  
826           **Henry Tiffany – Yes**  
827           **Larry Van Daele – Yes**

828  
829           **In a motion duly made by Jason Bunch, seconded by Cash Joyce, with a roll call vote, it was**  
830           **resolved to approve the registered guide outfitters license application for Casey Johnson.**

831  
832           **Jason Bunch – Yes**  
833           **Cash Joyce – Yes**  
834           **Michelle Huen – Yes**  
835           **Henry Tiffany – Yes**  
836           **Larry Van Daele – Yes**

837  
838           **In a motion duly made by Jason Bunch, seconded by Michelle Heun, with a roll call vote, it was**  
839           **resolved to approve the registered guide outfitters license application for Daniel Ondersma.**

840  
841           **Jason Bunch – Yes**  
842           **Cash Joyce – Yes**  
843           **Michelle Huen – Yes**  
844           **Henry Tiffany – Yes**  
845           **Larry Van Daele – Yes**

846  
847           **In a motion duly made by Jason Bunch, seconded by Michelle Heun, with a roll call vote, it was**  
848           **resolved to approve the registered guide outfitters license application for Johnny Richardson.**

849  
850           **Jason Bunch – Yes**  
851           **Cash Joyce – Yes**  
852           **Michelle Huen – Yes**  
853           **Henry Tiffany – Yes**  
854           **Larry Van Daele – Yes**

855  
856           **In a motion duly made by Jason Bunch, seconded by Michelle Heun, with a roll call vote, it was**  
857           **resolved to approve the transporter license application for Viaggio Charters, LLC.**

858  
859           **Jason Bunch – Yes**  
860           **Cash Joyce – Yes**  
861           **Michelle Huen – Yes**  
862           **Henry Tiffany – Yes**  
863           **Larry Van Daele – Yes**

864

865           **In a motion duly made by Jason Bunch, seconded by Michelle Heun, with a roll call vote, it was**  
866           **resolved to approve the assistant guide license application for Mark Schwartzes.**

867  
868           **Jason Bunch – Yes**  
869           **Cash Joyce – Yes**  
870           **Michelle Huen – Yes**  
871           **Henry Tiffany – Yes**  
872           **Larry Van Daele – Yes**

873  
874           **In a motion duly made by Jason Bunch, seconded by Michelle Heun, with a roll call vote, it was**  
875           **resolved to approve the assistant guide license application for Kristopher Richard.**

876  
877           **Jason Bunch – Yes**  
878           **Cash Joyce – Yes**  
879           **Michelle Huen – Yes**  
880           **Henry Tiffany – Yes**  
881           **Larry Van Daele – Yes**

882  
883           **In a motion duly made by Jason Bunch, seconded by Michelle Heun, with a roll call vote, it was**  
884           **resolved to approve the assistant guide license application for Drake Williams.**

885  
886           **Jason Bunch – Yes**  
887           **Cash Joyce – Yes**  
888           **Michelle Huen – Yes**  
889           **Henry Tiffany – Yes**  
890           **Larry Van Daele – Yes**

891  
892           **In a motion duly made by Jason Bunch, seconded by Michelle Heun, with a roll call vote, it was**  
893           **resolved to approve the master guide outfitter license application for Luke Randall.**

894  
895           **Jason Bunch – Yes**  
896           **Cash Joyce – Yes**  
897           **Michelle Huen – Yes**  
898           **Henry Tiffany – Yes**  
899           **Larry Van Daele – Yes**

900  
901           **In a motion duly made by Jason Bunch, seconded by Michelle Heun, with a roll call vote, it was**  
902           **resolved to approve the assistant guide license application for Mark Schwartzes.**

903  
904           **Jason Bunch – Yes**  
905           **Cash Joyce – Yes**  
906           **Michelle Huen – Yes**  
907           **Henry Tiffany – Yes**  
908           **Larry Van Daele – Yes**  
909

910           **In a motion duly made by Jason Bunch, seconded by Michelle Heun, with a roll call vote, it was**  
911           **resolved to adopt the consent agreement for case #2015-001267, for George R Jobe.**

912  
913           **Jason Bunch – Yes**  
914           **Cash Joyce – Yes**  
915           **Michelle Huen – Yes**  
916           **Henry Tiffany – Yes**  
917           **Larry Van Daele – Yes**

918  
919           **In a motion duly made by Jason Bunch, seconded by Cash Joyce, with a roll call vote, it was**  
920           **resolved to adopt the consent agreement for case #2019-000068, for Scott Newman.**

921  
922           **Jason Bunch – Yes**  
923           **Cash Joyce – Yes**  
924           **Michelle Huen – Yes**  
925           **Henry Tiffany – Yes**  
926           **Larry Van Daele – Yes**

927  
928           **In a motion duly made by Jason Bunch, seconded by Cash Joyce, with a roll call vote, it was**  
929           **resolved to adopt the consent agreement for case #2016-001162, for Michael W Renfro.**

930  
931           **Jason Bunch – Yes**  
932           **Cash Joyce – Yes**  
933           **Michelle Huen – Yes**  
934           **Henry Tiffany – Yes**  
935           **Larry Van Daele – Yes**

936  
937           **In a motion duly made by Jason Bunch, seconded by Michelle Heun, with a roll call vote, it was**  
938           **resolved to adopt the consent agreement for case #2018-001427, for Tracy B Vrem.**

939  
940           **Jason Bunch – Yes**  
941           **Cash Joyce – Yes**  
942           **Michelle Huen – Yes**  
943           **Henry Tiffany – Yes**  
944           **Larry Van Daele – Yes**

945  
946           **In a motion duly made by Jason Bunch, seconded by Cash Joyce, with a roll call vote, it was**  
947           **resolved to adopt the consent agreement for case #2018-001339, for Joe Shuster.**

948  
949           **Jason Bunch – Yes**  
950           **Cash Joyce – Yes**  
951           **Michelle Huen – Yes**  
952           **Henry Tiffany – Yes**  
953           **Larry Van Daele – Yes**

954



955           **In a motion duly made by Jason Bunch, seconded by Cash Joyce, with a roll call vote, it was**  
956           **resolved to adopt the consent agreement for case #2019-000046, for Tony Dingess.**

957  
958           **Jason Bunch – Yes**  
959           **Cash Joyce – Yes**  
960           **Michelle Huen – Yes**  
961           **Henry Tiffany – Yes**  
962           **Larry Van Daele – Yes**

963  
964           **In a motion duly made by Jason Bunch, seconded by Cash Joyce, with a roll call vote, it was**  
965           **resolved to accept the license surrender from Dale L Lackner, case #2017-000921.**

966  
967           **Jason Bunch – Yes**  
968           **Cash Joyce – Yes**  
969           **Michelle Huen – Yes**  
970           **Henry Tiffany – Yes**  
971           **Larry Van Daele – Yes**

972  
973           **In a motion duly made by Jason Bunch, seconded by Cash Joyce, with a roll call vote, it was**  
974           **resolved to accept the license surrender from Casey Richardson, case #2017-000920.**

975  
976           **Jason Bunch – Yes**  
977           **Cash Joyce – Yes**  
978           **Michelle Huen – Yes**  
979           **Henry Tiffany – Yes**  
980           **Larry Van Daele – Yes**

981  
982           **In accordance with the provisions of Alaska Statute 44.62.310(c), I, Larry Van Daele, seconded by**  
983           **Jason Bunch, with unanimous consent, move to go into executive session for the purpose of discussing**  
984           **the decision of the judicatory proceeding, in the matter of Jim West, agency number 2013-000923.**  
985           **The parties, their attorneys, and all members of the public will be excluded from this deliberative**  
986           **session. The Administrative Law Judge will be invited to remain with the board during the**  
987           **deliberative session.**

988  
989           **Executive Session 9:15 – 9:30**

990  
991           **In a motion duly made by Jason Bunch, seconded by Cash Joyce, with a roll call vote, it was**  
992           **resolved to adopt the consent agreement for Jim West, case #2013-000923.**

993  
994           **Jason Bunch – Yes**  
995           **Cash Joyce – Yes**  
996           **Michelle Huen – Yes**  
997           **Henry Tiffany – Yes**  
998           **Larry Van Daele – Yes**

999

1000 **Agenda Item: State & Federal Agency Updates:**

- 1001
- 1002 • Department of Fish & Game – Tony Kavalock and Larry Van Daele presented for DFG; they
  - 1003 thanked the board for their work and for partnering with the DFG. They have seen a small
  - 1004 reduction in spending but nothing on the wildlife side.
  - 1005
  - 1006 • Department of Natural Resources, South-Central Regional Land Office - Cliff Larsen presented an
  - 1007 update to the board regarding their regulations. The board had reviewed the changes at their
  - 1008 meeting yesterday.
  - 1009
  - 1010 • Mental Health Trust - David Griffin presented information that their organization has received a
  - 1011 lot of inquirers about opening lands for hunting. He also stated that his organization would like
  - 1012 to help the board with the updating of their maps.
  - 1013

1014 **Agenda Item: Legislation Update:**

1015

1016 The board reviewed the position statements and letters of opposition for HB19, SB18, and SB87. Staff

1017 will post on the board's website for the public.

1018

1019 **Lunch 12:00 – 1:24**

1020

1021 **Agenda Item: Public Comments:**

1022

1023 Dan Montgomery Loren Karro provided public comments to the board.

1024

1025 **Agenda Item: State & Federal Agency Updates:**

- 1026
- 1027 • Alaska Wildlife Troopers – Major Chastain presented updates for his organization. Staffing was
  - 1028 highlighted.
  - 1029

1030 **Agenda Item: Administrative Business:**

1031

1032 The board planned the meetings and exams for 2020:

1033

1034 March 17, 18, & 19, 2020

1035 Possibly, Fairbanks – the board needs to send staff justifications for meeting in Fairbanks so that staff

1036 can provide the information to the Division in the travel justification.

1037

1038 December 1, 2, & 3, 2020 in Anchorage

1039

1040 **Agenda Item: Correspondence:**

1041

1042 The board reviewed the correspondence provided by staff in the packet. No action was needed.

1043

1044

1045 **Agenda Item: Application Question #1:**

1046  
1047 The board worked on drafting a new question for the application. They believe that the current  
1048 questions are ambiguous and difficult for applicant to understand. They will provide staff with a copy to  
1049 pass along to the board's attorney for review and recommendations.

1050  
1051 The draft reads:

1052  
1053 Question #1: Have you ever been convicted of a felony/misdemeanor or are you currently charged with  
1054 a felony/misdemeanor?

- 1055  
1056 Including, but not limited to
- 1057 1. any military offenses
  - 1058 2. any drug or alcohol-related offenses
  - 1059 3. domestic violence
  - 1060 4. any fire-arm related offenses

1061  
1062 "convicted" mean

- 1063 1. found guilty by a judge or jury
- 1064 2. enter a plea of "guilty" or "no contest"

1065  
1066 Questions #2: Have you ever been fined for any fishing, hunting or guide related incident in the past 10  
1067 years?

1068  
1069 The board requested that staff send the drafted language onto the DOL for suggestions.

1070  
1071 **Hearing nothing further, Board Chair Henry Tiffany adjourned the meeting at 3:07**

1072  
1073 Respectfully Submitted,

1074  
1075 \_\_\_\_\_  
1076 Dawn K Hannasch  
1077 Records and Licensing Supervisor

1075 \_\_\_\_\_  
Date

1078  
1079  
1080 \_\_\_\_\_  
1081 Henry Tiffany  
1082 Board Chair

1079  
1080 \_\_\_\_\_  
Date

1083  
1084  
1085  
1086

1 State of Alaska  
2 DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
3 DIVISION OF CORPORATION, BUSINESS AND PROFESSIONAL LICENSING

4  
5 BIG GAME COMMERCIAL SERVICES BOARD  
6 Minutes of the meetings from Tuesday, July 30, 2019  
7

8 By the authority of AA 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS  
9 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was held via  
10 videoconference on Tuesday, July 30, 2019.

11  
12 **These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and**  
13 **Professional Licensing. These minutes have not been reviewed or approved by the Board.**

14  
15 **Written meeting minutes reflect a brief overview of the business conducted by the board during their**  
16 **meeting. For a more detailed account, please request a copy of the meeting recording.**

17  
18 **The Chair brought the meeting to order at 9:03 a,**

19  
20 **Agenda Item - Roll Call**

21  
22 **Board Members Present Constituting a Quorum:**

23  
24 Henry Tiffany-Licensed Registered Guide-*Board Chair*  
25 Larry Van Daele-Board of Game Representative  
26 Michelle Heun-Licensed Transporter  
27 Jason Bunch-Registered Guide Outfitter  
28 Cash Joyce – Licensed Transporter  
29 Adam Trombley-Public Member-*Vice Chair*  
30 Peter Buist – Public Member

31  
32 **Board Members Absent:**

33 Nicholas Jackson- Private Land Owner-UNEXCUSED

34  
35 **Staff Members present:**

36 Dawn K Hannasch-Records and Licensing Supervisor  
37 Lee Strout-Investigator  
38 Sara Chamber – Director  
39 Jun Maiquis – Regulations Specialist

40  
41 **Members of the Public Present:**

42 Mark Richards – Executive Director of Resident Hunters of Alaska  
43 Lt. Aaron Frenzel – Alaska Wildlife Troopers  
44 Thor Stacy – Director of Government Affairs with the Alaska Professional Hunters Association

45  
46

47  
48 The Board Chair, Henry Tiffany, welcomed new board member Peter Buist. He stated that Mr. Buist is a  
49 retired licensed Master Guide and Alaska Firefighter. Mr. Tiffany thanked Mr. Buist for being willing to  
50 serve this industry as a board member.

51  
52 **Review the Agenda:**

53  
54 The board reviewed the agenda that was approved by the Board Chair, Henry Tiffany.

55  
56 **Ethics:**

57  
58 There were no ethics situations to discuss.

59  
60 **New Business:**

61  
62 • Non-resident licensees – Cassell lawsuit  
63 Board member, Jason Bunch reviewed the resident licensees vs. non-resident licensees statistics as  
64 provided by staff:

65  
66 The total number of license types in Alaska:

- 67 a. RGO/MGO – 514  
68 b. Class A & Assistant – 861  
69 c. Transporter – 116  
70 **Total – 1491**

71  
72 The total number of **resident licenses** in Alaska:

- 73 a. RGO/MGO – 443  
74 b. Class A & Assistant – 537  
75 c. Transporter – 109  
76 **Total – 1089**

77  
78 Mr. Bunch went on to summarize the lawsuit. Board member, Adam Trombley clarified that the lawsuit  
79 is asking for 90% of all brown bear permits on Kodiak, go to residents, and only 10% would go to non-  
80 residents. As opposed to the current 60 – 40 split. Board member, Larry Van Daele stated that this  
81 lawsuit could lead to the courts ruling that the Board of Game (BOG) must make similar changes all over  
82 the state. He also commented on the BOG's opinion that these types of rulings challenge the BOG's  
83 authority to manage the natural resources in Alaska. If the lawsuit is successful, it may lead to the loss of  
84 licenses and the dissolution of the BGCS board.

85  
86 Mr. Tiffany requested that Mr. Van Daele provide current and relevant information to staff to  
87 disseminate to the board as events unfold. The board requested that Board Chair Tiffany write a letter  
88 of support the BOG. Once completed, Mr. Tiffany will pass along to the staff to send to the BOG.

89  
90  
91 **Break 9:50 – 9:57**

92

93 **Regulations:**

94

- 95 • Regulations Project

96 Hearing nothing further, Mr. Tiffany moved the board's attention to the written public comments in the  
97 board's packet regarding the purposed regulations changes sent out in June. Mr. Tiffany read every  
98 letter and email onto the record, and each was discussed at length by the board.

99

100 1. **12 AAC 75.230. Guide use area registration** is proposed to be changed to alter the requirements for  
101 guide use area registration.

102

103 2. **12 AAC 75.260. Registered guide-outfitter contract requirements** is proposed to be changed to alter  
104 the contract requirements for registered guide-outfitters.

105

106 3. **12 AAC 75.400. Transporter activity report** is proposed to be amended to clarify the transporter  
107 activity report filing requirements.

108

109 4. **12 AAC 75.450. Transporter contract requirements** is proposed to be amended to clarify the  
110 transporter contracting requirements.

111

112 5. **12 AAC 75.920. Hunting, guiding, and practical experience**, is proposed to be changed to alter the  
113 provisions related to hunting experience requirements.

114

115

116 **In a motion duly made by Jason Bunch, seconded by Adam Trombley with a roll call vote, it**  
117 **was resolved to approve the draft of 12 AAC 75.230(a) and pass it back to the regulations**  
118 **specialist for the next step in the approval process.**

119

120 **Cash Joyce – Yes**

121 **Michelle Huen – Yes**

122 **Larry Van Daele – Yes**

123 **Jason Bunch – Yes**

124 **Adam Trombley – Yes**

125 **Peter Buist – Yes**

126 **Henry Tiffany – Yes**

127

128 **In a motion duly made by Jason Bunch, seconded by Adam Trombley with unanimous consent,**  
129 **it was resolved to table the discussion on 12 AAC 75.260 until the December 2019 meeting.**

130

131 **In a motion duly made by Jason Bunch, seconded by Adam Trombley with a roll call vote, it**  
132 **was resolved to approve the draft of 12 AAC 75.400(e) with the amendment of removing the**  
133 **word “fillings” and replacing it with “completed” and pass it back to the regulations specialist**  
134 **for the next step in the approval process.**

135

136 **Cash Joyce – Yes**

137 **Michelle Huen – Yes**

138 **Larry Van Daele – Yes**

139 **Jason Bunch – Yes**  
140 **Adam Trombley – Yes**  
141 **Peter Buist – Yes**  
142 **Henry Tiffany – Yes**

143  
144 **In a motion duly made by Jason Bunch, seconded by Adam Trombley with unanimous consent,**  
145 **it was resolved to table the discussion on 12 AAC 75.400(d) until the December 2019 meeting.**  
146

147 **In a motion duly made by Jason Bunch, seconded by Adam Trombley with unanimous consent,**  
148 **it was resolved to table the discussion on 12 AAC 75.450(d) until the December 2019 meeting.**  
149

150 **In a motion duly made by Jason Bunch, seconded by Adam Trombley with a roll call vote, it**  
151 **was resolved to approve the draft of 12 AAC 75.920(b) and pass it back to the regulations**  
152 **specialist for the next step in the approval process.**  
153

154 **Cash Joyce – Yes**  
155 **Michelle Huen – Yes**  
156 **Larry Van Daele – Yes**  
157 **Jason Bunch – Yes**  
158 **Adam Trombley – Yes**  
159 **Peter Buist – Yes**  
160 **Henry Tiffany – Yes**

161  
162 **In a motion duly made by Jason Bunch, seconded by Adam Trombley with a roll call**  
163 **vote, it was resolved to approve the draft of 12 AAC 75.920(e) and pass it back to the**  
164 **regulations specialist for the next step in the approval process.**  
165

166 **Cash Joyce – Yes**  
167 **Michelle Huen – Yes**  
168 **Larry Van Daele – Yes**  
169 **Jason Bunch – Yes**  
170 **Adam Trombley – No**  
171 **Peter Buist – No**  
172 **Henry Tiffany – Yes**

173  
174 **In a motion duly made by Jason Bunch, seconded by Adam Trombley with a roll call vote, it**  
175 **was resolved to approve the draft of 12 AAC 75.920(c) and pass it back to the regulations**  
176 **specialist for the next step in the approval process.**  
177

178 **Cash Joyce – Yes**  
179 **Michelle Huen – Yes**  
180 **Larry Van Daele – Yes**  
181 **Jason Bunch – Yes**  
182 **Adam Trombley – Yes**  
183 **Peter Buist – Yes**  
184 **Henry Tiffany – Yes**  
185

186           **In a motion duly made by Jason Bunch, seconded by Adam Trombley with a roll call vote, it**  
187           **was resolved to approve the draft of 12 AAC 75.920(d)(4) and pass it back to the regulations**  
188           **specialist for the next step in the approval process.**

189  
190           **Cash Joyce – Yes**  
191           **Michelle Huen – Yes**  
192           **Larry Van Daele – Yes**  
193           **Jason Bunch – Yes**  
194           **Adam Trombley – Yes**  
195           **Peter Buist – Yes**  
196           **Henry Tiffany – Yes**

197  
198           Mr. Tiffany thanked Regulations Specialist Jun Miaquis for being present with the board through this  
199           process. The board believes that having Mr. Miaquis present for these projects, allows the board to  
200           work more efficiently.

201  
202           • Proposal

203           Megan Pineur submitted the proposal of a regulation change to the board for consideration. The board  
204           will table this discussion until the December meeting.

205  
206           • Senate Bill 43 update  
207           There has been no news provided by the Governor's office.

208  
209           **Old Business:**

210  
211           It was decided by the board that the discussion regarding felons and firearms will need to be tabled until  
212           the December 2019 meeting.

213  
214           **Public Comments:**

215  
216           • Mark Richards – Executive Director of Alaska Resident Hunters with over 2000 members  
217           statewide. Mr. Richards welcomed and thanked new board member Peter Buist for his service  
218           on the board. Regarding the “Cassell” lawsuit, Mr. Richards stated that “for too long, the BOG  
219           has not listened to resident hunters and has not been willing to compromise at all on allocations  
220           decisions that many believe are unconstitutional. I have not spoken to a single non-resident  
221           hunter that believes that the Kodiak allocation is fair to residents even though they are more  
222           than happy to take advantage of it.” Mr. Richards also reminded the board that the Governor  
223           vetoed the federal receipt authority to fund the concession program. He encouraged the board  
224           to use their authority to make the same changes for units 20-A and 19-C as they did in unit 9.  
225           Mr. Richards stated that he would like the board to consider having a meeting in Fairbanks once  
226           again; that it is unfair to “disenfranchise the rest of the state” due to the board's operating  
227           budget. He concluded by thanking the board for their service.

228  
229           • Thor Stacey – Director of Government Affairs, Alaska Professional Hunters Association  
230           Mr. Stacey informed the board that at the conclusion and finalizing of Senate Bill 43, the board  
231           will have been extended for a period of five years. He went on to encourage the board to read



232 through the Cassell lawsuit thoroughly. The APHA's position is that the information is a  
233 secondary and narrow argument. They question the chain of benefits if the BOG gives benefits  
234 to non-residents. The APHA plans to file a motion to intervene on behalf of the BOG. Mr. Stacey  
235 notified the board that the Department of Interior plans to continue to work on the concession  
236 program here in Alaska.

237

238 **Regulatory Reform:**

239

240 Director Sara Chambers joined the meeting to present Right Touch Regulation review to the board. The  
241 purpose is to assist boards with rethinking regulation, risk, and responsibility in state government. The  
242 board has already, at it's January 2019 meeting completely reviewed all of its statutes and regulations  
243 for any excess or barriers that are undue. The board agreed to use many of the standards for future  
244 regulations projects.

245

246 **Investigations:**

247

248 Investigator Lee Strout was in attendance but had nothing new to report. Mr. Tiffany drew the boards  
249 attention to the one application that required their review.

250

- 251 • Application Review

252

253 The board thoroughly reviewed the assistant guide application as presented by staff. Staff offered to  
254 place the file into the boards secure portal for voting; to which the board agreed.

255

256 Believing that the boards business had been concluded, Mr. Tiffany suggested that the meeting be  
257 adjourned. Hearing no objections, Mr. Tiffany adjourned the meeting at 1:46.

258

259

260 Respectfully Submitted,

261

262

263

264 \_\_\_\_\_  
Dawn K Hannasch  
265 Records and Licensing Supervisor

266

267

268

269 \_\_\_\_\_  
Henry D. Tiffany, IV  
270 Board Chair

269

270

\_\_\_\_\_ Date

\_\_\_\_\_ Date

**FY 2019 CBPL COST ALLOCATIONS**

Name	Task Code	Direct Revenues	3rd Party Reimbursement	Total Revenues	Direct Expense	Percentage of board licenses/total licensees:	Division receiving personal services by transaction %:	Department Personal Services - Fiscal Revenue personal services by transaction %	Indirect Expense (Total Non-PCN Allocated)	Percentage of direct personal services:	Total Indirect Expenses	Total Expenses	2019 Annual Surplus (Deficit)
Acupuncture	ACU1	\$ 39,220	\$ -	\$ 39,220	\$ 9,421	\$ 3,211	\$ 372	\$ 728	\$ 4,311	3,130	\$ 7,441	\$ 16,862	\$ 22,358
Architects, Engineer	AEL1	\$ 161,305	\$ 10,892	\$ 172,197	\$ 409,158	\$ 173,072	\$ 11,462	\$ 1,352	\$ 185,886	120,476	\$ 306,362	\$ 715,520	\$ (543,323)
Athletic Trainers	ATH1	\$ 5,005	\$ -	\$ 5,005	\$ 2,348	\$ 1,062	\$ 135	\$ 39	\$ 1,236	860	\$ 2,096	\$ 4,444	\$ 561
Audiology/Speech Pathologists	AUD1	\$ 168,637	\$ -	\$ 168,637	\$ 28,180	\$ 20,728	\$ 4,170	\$ 1,430	\$ 26,328	10,326	\$ 36,654	\$ 64,834	\$ 103,803
Barbers & Hairdressers	BAH1	\$ 439,932	\$ -	\$ 439,932	\$ 389,605	\$ 160,158	\$ 20,975	\$ 3,030	\$ 184,163	124,454	\$ 308,617	\$ 698,222	\$ (258,290)
Behavior Analysts	BEV1	\$ 15,950	\$ -	\$ 15,950	\$ 5,420	\$ 1,464	\$ 327	\$ 650	\$ 2,441	1,804	\$ 4,245	\$ 9,665	\$ 6,285
Chiropractors	CHI1	\$ 211,760	\$ -	\$ 211,760	\$ 77,361	\$ 8,523	\$ 2,784	\$ 1,430	\$ 12,737	24,832	\$ 37,569	\$ 114,930	\$ 96,830
Collection Agencies	COA1	\$ 39,272	\$ -	\$ 39,272	\$ 37,387	\$ 17,022	\$ 2,175	\$ 377	\$ 19,574	12,740	\$ 32,314	\$ 69,701	\$ (30,429)
Concert Promoters	CPR1	\$ 6,625	\$ -	\$ 6,625	\$ 3,948	\$ 661	\$ 203	\$ 52	\$ 916	1,501	\$ 2,417	\$ 6,365	\$ 260
Construction Contractors	CON1	\$ 1,390,292	\$ -	\$ 1,390,292	\$ 551,487	\$ 202,889	\$ 25,246	\$ 4,395	\$ 232,530	108,468	\$ 340,998	\$ 892,485	\$ 497,807
Home Inspectors	HIN1	\$ 5,475	\$ -	\$ 5,475	\$ 8,833	\$ 2,219	\$ 270	\$ 78	\$ 2,567	3,315	\$ 5,882	\$ 14,715	\$ (9,240)
Dental	DEN1	\$ 636,660	\$ 127	\$ 636,787	\$ 332,050	\$ 126,304	\$ 9,028	\$ 2,536	\$ 137,868	88,204	\$ 226,072	\$ 558,122	\$ 78,665
Dietitians/Nutritionists	DTN1	\$ 14,055	\$ -	\$ 14,055	\$ 8,067	\$ 6,988	\$ 1,409	\$ 234	\$ 8,631	2,797	\$ 11,428	\$ 19,495	\$ (5,440)
Direct Entry Midwife	MID1	\$ 135,595	\$ -	\$ 135,595	\$ 16,102	\$ 1,298	\$ 192	\$ 364	\$ 1,854	4,202	\$ 6,056	\$ 22,158	\$ 113,437
Dispensing Opticians	DOP1	\$ 32,558	\$ -	\$ 32,558	\$ 19,010	\$ 2,809	\$ 721	\$ 598	\$ 4,128	7,058	\$ 11,186	\$ 30,196	\$ 2,362
Electrical Administrator	EAD1	\$ 16,781	\$ -	\$ 16,781	\$ 60,352	\$ 22,546	\$ 2,074	\$ 520	\$ 25,140	12,325	\$ 37,465	\$ 97,817	\$ (81,036)
Euthanasia Services	EUT1	\$ 275	\$ -	\$ 275	\$ 813	\$ 331	\$ 23	\$ 78	\$ 432	323	\$ 755	\$ 1,568	\$ (1,293)
Geologists	GEO1	\$ 745	\$ -	\$ 745	\$ 777	\$ 189	\$ 158	\$ 13	\$ 360	273	\$ 633	\$ 1,410	\$ (665)
Guardians/Conservators	GCO1	\$ 8,934	\$ -	\$ 8,934	\$ 6,864	\$ 331	\$ 56	\$ 104	\$ 491	2,357	\$ 2,848	\$ 9,712	\$ (778)
Guide-Outfitters	GUI1	\$ 405,090	\$ -	\$ 405,090	\$ 511,497	\$ 34,633	\$ 12,803	\$ 1,508	\$ 48,944	88,129	\$ 137,073	\$ 648,570	\$ (243,480)
Marine Pilots	MAR1	\$ 128,600	\$ -	\$ 128,600	\$ 102,224	\$ 3,116	\$ 665	\$ 715	\$ 4,496	32,628	\$ 37,124	\$ 139,348	\$ (10,748)
Foreign Pleasure Craft	FPC1	\$ 77,850	\$ -	\$ 77,850	\$ 6,838	\$ -	\$ 237	\$ 156	\$ 393	2,756	\$ 3,149	\$ 9,987	\$ 67,863
Marital & Family Therapy	MFT1	\$ 84,050	\$ -	\$ 84,050	\$ 45,031	\$ 2,408	\$ 383	\$ 520	\$ 3,311	14,422	\$ 17,733	\$ 62,764	\$ 21,286
Massage Therapists	MAS1	\$ 89,770	\$ 1,791	\$ 91,561	\$ 222,447	\$ 30,148	\$ 3,843	\$ 923	\$ 34,914	57,091	\$ 92,005	\$ 314,452	\$ (222,891)
Mechanical Administrator	MEC1	\$ 12,615	\$ -	\$ 12,615	\$ 57,411	\$ 13,811	\$ 1,127	\$ 182	\$ 15,120	9,417	\$ 24,537	\$ 81,948	\$ (69,333)
Medical	MED1	\$ 2,380,618	\$ 184	\$ 2,380,802	\$ 825,304	\$ 198,805	\$ 34,668	\$ 5,136	\$ 238,609	265,208	\$ 503,817	\$ 1,329,121	\$ 1,051,681
Mortuary Science	MOR1	\$ 32,038	\$ -	\$ 32,038	\$ 9,921	\$ 3,565	\$ 169	\$ 351	\$ 4,085	3,529	\$ 7,614	\$ 17,535	\$ 14,503
Naturopaths	NAT1	\$ 4,690	\$ -	\$ 4,690	\$ 8,078	\$ 1,086	\$ 56	\$ 52	\$ 1,194	2,656	\$ 3,850	\$ 11,928	\$ (7,238)
Nurse Aides	NUA1	\$ 242,905	\$ -	\$ 242,905	\$ 232,562	\$ 84,281	\$ 11,857	\$ 794	\$ 96,932	46,226	\$ 143,158	\$ 375,720	\$ (132,815)
Nursing	NUR1	\$ 3,775,420	\$ 731	\$ 3,776,151	\$ 1,347,133	\$ 485,288	\$ 62,507	\$ 8,039	\$ 555,834	394,187	\$ 950,021	\$ 2,297,152	\$ 1,478,999
Nursing Home Administrators	NHA1	\$ 14,105	\$ 389	\$ 14,494	\$ 10,193	\$ 1,393	\$ 338	\$ 377	\$ 2,108	3,096	\$ 5,204	\$ 15,397	\$ (903)
Optometry	OPT1	\$ 131,350	\$ -	\$ 131,350	\$ 52,920	\$ 6,115	\$ 575	\$ 819	\$ 7,509	14,494	\$ 22,003	\$ 74,923	\$ 56,427
Pawnbrokers	PAW1	\$ 1,275	\$ -	\$ 1,275	\$ 1,670	\$ 614	\$ 23	\$ 13	\$ 650	488	\$ 1,138	\$ 2,808	\$ (1,533)
Pharmacy	PHA1	\$ 213,770	\$ 962	\$ 214,732	\$ 304,310	\$ 146,442	\$ 16,196	\$ 2,041	\$ 164,679	98,892	\$ 263,571	\$ 567,881	\$ (353,149)
Physical/Occupational Therapy	PHY1	\$ 125,615	\$ 724	\$ 126,339	\$ 136,965	\$ 49,341	\$ 8,611	\$ 1,612	\$ 59,564	47,892	\$ 107,456	\$ 244,421	\$ (118,082)
Prescription Drug Monitoring Program	PDMP	\$ 90,765	\$ -	\$ 90,765	\$ 6,053	\$ -	\$ -	\$ -	\$ -	-	\$ -	\$ 6,053	\$ 84,712
Professional Counselors	PCO1	\$ 77,200	\$ -	\$ 77,200	\$ 126,737	\$ 18,391	\$ 2,930	\$ 845	\$ 22,166	46,054	\$ 68,220	\$ 194,957	\$ (117,757)
Psychology	PSY1	\$ 141,845	\$ 1,696	\$ 143,541	\$ 98,689	\$ 7,319	\$ 1,533	\$ 923	\$ 9,775	30,578	\$ 40,353	\$ 139,042	\$ 4,499
Public Accountancy	CPA1	\$ 155,871	\$ 2,241	\$ 158,112	\$ 248,291	\$ 40,346	\$ 3,370	\$ 468	\$ 44,184	83,935	\$ 128,119	\$ 376,410	\$ (218,298)
Real Estate	REC1	\$ 282,453	\$ -	\$ 282,453	\$ 224,480	\$ 95,401	\$ 16,331	\$ 767	\$ 112,499	76,027	\$ 188,526	\$ 413,006	\$ (130,553)
Real Estate Appraisers	APR1	\$ 190,565	\$ 4,314	\$ 194,879	\$ 134,408	\$ 7,035	\$ 2,198	\$ 1,014	\$ 10,247	43,708	\$ 53,955	\$ 188,363	\$ 6,516
Social Workers	CSW1	\$ 65,878	\$ 506	\$ 66,384	\$ 108,430	\$ 22,829	\$ 4,001	\$ 1,274	\$ 28,104	36,653	\$ 64,757	\$ 173,187	\$ (106,803)
Storage Tank Workers	UST1	\$ 2,515	\$ -	\$ 2,515	\$ 2,463	\$ 1,487	\$ 135	\$ 65	\$ 1,687	854	\$ 2,541	\$ 5,004	\$ (2,489)
Veterinary	VET1	\$ 292,515	\$ 282	\$ 292,797	\$ 111,675	\$ 22,121	\$ 3,595	\$ 1,612	\$ 27,328	38,851	\$ 66,179	\$ 177,854	\$ 114,943
No longer existent board/commission (ie Athletic)													
<b>Totals All Boards</b>		<b>\$ 12,348,444</b>	<b>\$ 24,839</b>	<b>\$ 12,373,283</b>	<b>\$ 6,902,913</b>	<b>\$ 2,027,780</b>	<b>\$ 269,931</b>	<b>\$ 48,214</b>	<b>\$ 2,345,925</b>	<b>\$ 1,967,216</b>	<b>\$ 4,313,141</b>	<b>\$ 11,216,052</b>	<b>\$ 1,157,231</b>
ABL & Corporations	080801005	\$ 10,034,379	\$ -	\$ 10,034,379	\$ 1,220,779	\$ (32,041)	\$ 267,103	\$ 17,225	\$ 252,287	\$ 259,053	\$ 511,340	\$ 1,732,119	
<b>Total CBPL</b>		<b>\$ 21,834,105</b>	<b>\$ 27,053</b>	<b>\$ 21,861,158</b>	<b>\$ 8,648,055</b>	<b>\$ 1,995,739</b>	<b>\$ 537,034</b>	<b>\$ 65,439</b>	<b>\$ 2,598,212</b>	<b>\$ 2,226,269</b>	<b>\$ 4,824,481</b>	<b>\$ 13,472,534</b>	

<b>DIVISION INDIRECT EXPENSES</b>	<b>Total</b>		<b>Prof Lic</b>	<b>Corp &amp; Bus Lic</b>
<b>Percentage of direct personal services:</b>				
Business Supplies	32,422		30,097	2,325
Office Equipment	168,567	**	151,911	16,657
State Vehicles	4,262		3,836	426
Storage and Archives	9,690		9,601	89
Legal Support	42,131		40,721	1,410
Central Mail Services Postage	22,442		20,198	2,244
Software Licensing and Maintenance	65,713	***	61,925	3,788
Division coding adjustment - conversion				
Division Administrative Expenses - all other	359,103		279,183	79,920
Division allocated by percentage of direct personal services:	704,331		597,471	106,859
<b>Percentage of board licenses/total licensees:</b>				
Division supervisors of receiving Personal Services 75%	340,179	****	316,863	23,316
Receiving Personal Services 40%	282,427	****	263,069	19,358
Investigations indirect Personal Services	332,725	*****	308,046	24,679
Division Administration Personal Services	556,905		523,065	33,840
Professional License Administration Personal Services	(94,183)		96,818	(191,001)
Division allocated by percentage of board licenses/total licensees:	1,418,053		1,507,861	(89,808)
<b>Receiving personal services by transaction %:</b>				
Division supervisors of receiving Personal Services 25%	113,393	****	56,995	56,398
Receiving Personal Services 60%	423,641	****	212,936	210,705
Division receiving personal services by transaction %:	537,034		269,931	267,103
<b>Total Division Indirect Expenses</b>	<b>2,659,417</b>		<b>2,375,264</b>	<b>284,154</b>
<b>DEPARTMENT INDIRECT EXPENSES</b>				
<b>Percentage of direct personal services:</b>				
Commissioner's Office	207,097		186,387	20,710
Administrative Services - Director's Office	37,928		34,135	3,793
Administrative Services - Human Resources	99,481		89,533	9,948
Administrative Services - Fiscal	83,478		75,130	8,348
Administrative Services - Budget	57,246		51,521	5,725
Administrative Services - Information Technology	277,433		249,690	27,743
Administrative Services - Information Technology - Network & Database	138,021		124,219	13,802
Administrative Services - Mail	11,961		10,765	1,196
Administrative Services - Facilities - Maintenance	10,982		9,884	1,098
Department allocated by percentage of direct personal services:	923,627		831,264	92,363
<b>Percentage of board licenses/total licensees:</b>				
Department administrative services support: Fiscal, IT, Procurement	577,686	*	519,919	57,767
<b>Receiving personal services by transaction %:</b>				
Department Personal Services - Fiscal Revenue personal services by transaction %	65,439		48,214	17,225
<b>Total DEPARTMENT INDIRECT EXPENSES</b>	<b>1,566,752</b>	****	<b>1,399,397</b>	<b>167,355</b>
<b>STATEWIDE INDIRECT EXPENSES</b>				
<b>Percentage of direct personal services:</b>				
Accounting and Payroll Systems	17,638		15,874	1,764
State Owned Building Rental (Building Leases)	355,653	*****	320,088	35,565
State OIT Server Hosting & Storage	31,071	*****	27,964	3,107
State OIT SQL	16,377	*****	14,739	1,638
State Software Licensing	3,429	*****	3,086	343
Human Resources	63,606		57,245	6,361
IT Non-Telecommunications (Core Cost)	67,597	*****	60,838	6,760
IT Telecommunications	41,163	*****	37,047	4,116
Risk Management	1,778		1,600	178
Statewide allocated by percentage of direct personal services:	598,312		538,481	59,831
<b>FY19 TOTALS BY METHODOLOGY</b>				
<b>Percentage of direct personal services:</b>				
Percentage of direct personal services:	2,226,269		1,967,216	259,053
Percentage of board licenses/total licensees:	1,995,739		2,027,780	(32,041)
Receiving personal services by transaction %:	602,473		318,145	284,328
<b>Grand Total</b>	<b>4,824,481</b>		<b>4,313,141</b>	<b>511,340</b>

Department of Commerce Community, and Economic Development  
Corporations, Business and Professional Licensing  
Schedule of Revenues and Expenditures

Big Game Commercial Services Board, Guide-Outfitters	FY 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium
<b>Revenue</b>									
Revenue from License Fees	\$ 791,489	\$ 197,231	\$ 988,720	\$ 1,057,847	\$ 485,669	\$ 1,543,516	\$ 1,122,760	\$ 405,090	\$ 1,527,850
Allowable Third Party Reimbursements	-	378	378	-	225	225	-	-	-
<b>TOTAL REVENUE</b>	<b>\$ 791,489</b>	<b>\$ 197,609</b>	<b>\$ 989,098</b>	<b>\$ 1,057,847</b>	<b>\$ 485,894</b>	<b>\$ 1,543,741</b>	<b>\$ 1,122,760</b>	<b>\$ 405,090</b>	<b>\$ 1,527,850</b>
<b>Expenditures</b>									
Non Investigation Expenditures									
1000 - Personal Services	100,529	87,235	187,764	118,573	78,939	197,512	103,082	85,533	188,615
2000 - Travel	22,239	17,474	39,713	17,545	14,814	32,359	10,047	10,107	20,154
3000 - Services	30,243	15,516	45,759	49,702	24,199	73,901	35,454	28,371	63,825
4000 - Commodities	653	846	1,499	1,518	212	1,730	3,092	2,560	5,652
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	153,664	121,071	274,735	187,338	118,164	305,502	151,675	126,571	278,246
Investigation Expenditures									
1000-Personal Services	155,468	166,974	322,442	124,462	127,020	251,482	118,456	146,016	264,472
2000 - Travel	-	-	-	-	-	-	-	-	-
3023 - Expert Witness	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	129,525	60,589	190,114	85,834	23,942	109,776	101,433	167,574	269,007
3094 - Inter-Agency Hearing/Mediation	28,658	18,728	47,386	21,387	5,318	26,705	7,138	69,542	76,680
3000 - Services other	-	-	-	-	-	-	-	1,524	1,524
4000 - Commodities	-	-	-	-	-	-	-	270	270
Total Investigation Expenditures	313,651	246,291	559,942	231,683	156,280	387,963	227,027	384,926	611,953
<b>Total Direct Expenditures</b>	<b>467,315</b>	<b>367,362</b>	<b>834,677</b>	<b>419,021</b>	<b>274,444</b>	<b>693,465</b>	<b>378,702</b>	<b>511,497</b>	<b>890,199</b>
Indirect Expenditures									
Internal Administrative Costs	52,722	37,130	89,852	59,545	51,116	110,661	69,514	65,321	134,835
Departmental Costs	40,290	44,247	84,537	43,045	46,041	89,086	48,099	47,629	95,728
Statewide Costs	29,375	29,441	58,816	15,685	23,522	39,207	24,759	24,123	48,882
<b>Total Indirect Expenditures</b>	<b>122,387</b>	<b>110,818</b>	<b>233,205</b>	<b>118,275</b>	<b>120,679</b>	<b>238,954</b>	<b>142,372</b>	<b>137,073</b>	<b>279,445</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 589,702</b>	<b>\$ 478,180</b>	<b>\$ 1,067,882</b>	<b>\$ 537,296</b>	<b>\$ 395,123</b>	<b>\$ 932,419</b>	<b>\$ 521,074</b>	<b>\$ 648,570</b>	<b>\$ 1,169,644</b>
<b>Cumulative Surplus (Deficit)</b>									
Beginning Cumulative Surplus (Deficit)	\$ (1,041,267)	\$ (839,480)	\$ (839,480)	\$ (1,120,051)	\$ (599,500)	\$ (599,500)	\$ (508,729)	\$ 92,957	\$ 92,957
Annual Increase/(Decrease)	201,787	(280,571)	(79,784)	520,551	90,771	511,322	601,686	(243,480)	(150,523)
Ending Cumulative Surplus (Deficit)	\$ (839,480)	\$ (1,120,051)	\$ (1,200,835)	\$ (599,500)	\$ (508,729)	\$ (97,183)	\$ 92,957	\$ (150,523)	\$ (150,523)
							* Fee analysis required		
<b>Statistical Information</b>									
Number of Licensees	1,888	1,570		1,770	1,574		1,730	1,467	
<b>Additional information:</b>									
<ul style="list-style-type: none"> <li>• Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses *</li> <li>• Most recent fee change: Fee increase FY16</li> <li>• Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.</li> </ul>									

Department of Commerce Community, and Economic Development  
Corporations, Business and Professional Licensing  
Schedule of Revenues and Expenditures

Appropriation	(All)
AL Sub Unit	(All)
PL Task Code	GUI1

Sum of Budgetary Expenditures Object Name (Ex)	Object Type Name (Ex)				Grand Total
	1000 - Personal Services	2000 - Travel	3000 - Services	4000 - Commodities	
1011 - Regular Compensation	101,701.78				101,701.78
1014 - Overtime	1,011.85				1,011.85
1023 - Leave Taken	21,461.14				21,461.14
1028 - Alaska Supplemental Benefit	7,623.43				7,623.43
1029 - Public Employee's Retirement System Defined Benefits	13,718.91				13,718.91
1030 - Public Employee's Retirement System Defined Contribution	3,238.95				3,238.95
1034 - Public Employee's Retirement System Defined Cont Health Reim	2,260.77				2,260.77
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	579.24				579.24
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	7,468.28				7,468.28
1039 - Unemployment Insurance	165.09				165.09
1040 - Group Health Insurance	32,573.91				32,573.91
1041 - Basic Life and Travel	49.38				49.38
1042 - Worker's Compensation Insurance	955.12				955.12
1047 - Leave Cash In Employer Charge	2,841.16				2,841.16
1048 - Terminal Leave Employer Charge	1,785.57				1,785.57
1053 - Medicare Tax	1,757.94				1,757.94
1069 - SU Business Leave Bank Contributions	17.61				17.61
1077 - ASEA Legal Trust	128.68				128.68
1079 - ASEA Injury Leave Usage	15.66				15.66
1080 - SU Legal Trst	84.53				84.53
1970 - Personal Services Transfer	32,111.28				32,111.28
2000 - In-State Employee Airfare		1,075.43			1,075.43
2001 - In-State Employee Surface Transportation		91.40			91.40
2002 - In-State Employee Lodging		1,096.50			1,096.50
2003 - In-State Employee Meals and Incidentals		592.88			592.88
2005 - In-State Non-Employee Airfare		1,285.62			1,285.62
2007 - In-State Non-Employee Lodging		3,354.00			3,354.00
2008 - In-State Non-Employee Meals and Incidentals		1,770.00			1,770.00
2009 - In-State Non-Employee Taxable Per Diem		272.00			272.00
2010 - In-State Non-Employee Non-Taxable Reimbursement		388.12			388.12
2017 - Out-State Non-Employee Airfare		171.98			171.98
2036 - Cash Advance Fee		8.66			8.66
2970 - Travel Cost Transfer		-			-
3001 - Test Monitor/Proctor			212.50		212.50
3035 - Long Distance			162.69		162.69
3036 - Local/Equipment Charges			499.36		499.36
3044 - Courier			668.12		668.12
3045 - Postage			1,292.48		1,292.48
3046 - Advertising			1,492.99		1,492.99
3057 - Structure, Infrastructure and Land - Rentals/Leases			216.76		216.76
3069 - Commission Sales			160.50		160.50
3088 - Inter-Agency Legal			188,140.75		188,140.75
3094 - Inter-Agency Hearing/Mediation			70,279.30		70,279.30
3970 - Contractual Transfer			3,885.00		3,885.00
4002 - Business Supplies				2,829.82	2,829.82
<b>Grand Total</b>	<b>231,550.28</b>	<b>10,106.59</b>	<b>267,010.45</b>	<b>2,829.82</b>	<b>511,497.14</b>

Department of Commerce Community, and Economic Development  
Corporations, Business and Professional Licensing

Big Game Commercial Services Board, Guide-Outfitters  
Schedule of Revenues and Expenditures

Big Game Commercial Services Board, Guide-Outfitters	FY 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20 1st QTR
	<b>Revenue</b>									
Revenue from License Fees	\$ 791,489	\$ 197,231	\$ 988,720	\$ 1,057,847	\$ 485,669	\$ 1,543,516	\$ 1,122,760	\$ 405,090	\$ 1,527,850	\$ 77,125
Allowable Third Party Reimbursements	-	378	378	-	225	225	-	-	-	\$ -
<b>TOTAL REVENUE</b>	<b>\$ 791,489</b>	<b>\$ 197,609</b>	<b>\$ 989,098</b>	<b>\$ 1,057,847</b>	<b>\$ 485,894</b>	<b>\$ 1,543,741</b>	<b>\$ 1,122,760</b>	<b>\$ 405,090</b>	<b>\$ 1,527,850</b>	<b>\$ 77,125</b>
<b>Expenditures</b>										
Non Investigation Expenditures										
1000 - Personal Services	100,529	87,235	187,764	118,573	78,939	197,512	103,082	85,533	188,615	11,276
2000 - Travel	22,239	17,474	39,713	17,545	14,814	32,359	10,047	10,107	20,154	-
3000 - Services	30,243	15,516	45,759	49,702	24,199	73,901	35,454	28,371	63,825	-
4000 - Commodities	653	846	1,499	1,518	212	1,730	3,092	2,560	5,652	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	153,664	121,071	274,735	187,338	118,164	305,502	151,675	126,571	278,246	11,276
Investigation Expenditures										
1000-Personal Services	155,468	166,974	322,442	124,462	127,020	251,482	118,456	146,016	264,472	32,096
2000 - Travel	-	-	-	-	-	-	-	-	-	-
3023 - Expert Witness	-	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	129,525	60,589	190,114	85,834	23,942	109,776	101,433	167,574	269,007	-
3094 - Inter-Agency Hearing/Mediation	28,658	18,728	47,386	21,387	5,318	26,705	7,138	69,542	76,680	-
3000 - Services other	-	-	-	-	-	-	-	1,524	1,524	35
4000 - Commodities	-	-	-	-	-	-	-	270	270	-
Total Investigation Expenditures	313,651	246,291	559,942	231,683	156,280	387,963	227,027	384,926	611,953	32,131
<b>Total Direct Expenditures</b>	<b>467,315</b>	<b>367,362</b>	<b>834,677</b>	<b>419,021</b>	<b>274,444</b>	<b>693,465</b>	<b>378,702</b>	<b>511,497</b>	<b>890,199</b>	<b>43,407</b>
Indirect Expenditures										
Internal Administrative Costs	52,722	37,130	89,852	59,545	51,116	110,661	69,514	65,321	134,835	16,330
Departmental Costs	40,290	44,247	84,537	43,045	46,041	89,086	48,099	47,629	95,728	11,907
Statewide Costs	29,375	29,441	58,816	15,685	23,522	39,207	24,759	24,123	48,882	6,031
<b>Total Indirect Expenditures</b>	<b>122,387</b>	<b>110,818</b>	<b>233,205</b>	<b>118,275</b>	<b>120,679</b>	<b>238,954</b>	<b>142,372</b>	<b>137,073</b>	<b>279,445</b>	<b>34,268</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 589,702</b>	<b>\$ 478,180</b>	<b>\$ 1,067,882</b>	<b>\$ 537,296</b>	<b>\$ 395,123</b>	<b>\$ 932,419</b>	<b>\$ 521,074</b>	<b>\$ 648,570</b>	<b>\$ 1,169,644</b>	<b>\$ 77,675</b>
<b>Cumulative Surplus (Deficit)</b>										
Beginning Cumulative Surplus (Deficit)	\$ (1,041,267)	\$ (839,480)		\$ (1,120,051)	\$ (599,500)		\$ (508,729)	\$ 92,957		\$ (150,523)
Annual Increase/(Decrease)	201,787	(280,571)		520,551	90,771		601,686	(243,480)		(550)
Ending Cumulative Surplus (Deficit)	\$ (839,480)	\$ (1,120,051)		\$ (599,500)	\$ (508,729)		\$ 92,957	\$ (150,523)		\$ (151,073)
										*
<b>Statistical Information</b>										
Number of Licensees	1,888	1,570		1,770	1,574		1,730	1,467		-

**Additional information:**

- Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses \*
- Most recent fee change: Fee increase FY16
- Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.

Appropriation	(All)
AL Sub Unit	(All)
PL Task Code	GUI1

Sum of Expenditures Object Name (Ex)	Object Type Name (Ex)			Grand Total
	1000 - Personal Services	3000 - Services	4000 - Commodities	
1011 - Regular Compensation	22,589.44			22,589.44
1023 - Leave Taken	5,369.51			5,369.51
1028 - Alaska Supplemental Benefit	1,718.97			1,718.97
1029 - Public Employee's Retirement System Defined Benefits	3,859.08			3,859.08
1030 - Public Employee's Retirement System Defined Contribution	548.19			548.19
1034 - Public Employee's Retirement System Defined Cont Health Reim	357.47			357.47
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	137.57			137.57
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	1,248.56			1,248.56
1039 - Unemployment Insurance	87.13			87.13
1040 - Group Health Insurance	5,723.77			5,723.77
1041 - Basic Life and Travel	8.12			8.12
1042 - Worker's Compensation Insurance	241.03			241.03
1047 - Leave Cash In Employer Charge	645.77			645.77
1048 - Terminal Leave Employer Charge	357.15			357.15
1053 - Medicare Tax	398.03			398.03
1069 - SU Business Leave Bank Contributions	23.42			23.42
1077 - ASEA Legal Trust	25.29			25.29
1079 - ASEA Injury Leave Usage	11.14			11.14
1080 - SU Legal Trst	22.09			22.09
3057 - Structure, Infrastructure and Land - Rentals/Leases		35.34		35.34
4002 - Business Supplies			-	-
<b>Grand Total</b>	<b>43,371.73</b>	<b>35.34</b>	<b>-</b>	<b>43,407.07</b>

Department of Commerce Community, and Economic Development  
Corporations, Business and Professional Licensing

Big Game Commercial Services Board, Guide-Outfitters  
Schedule of Revenues and Expenditures

Big Game Commercial Services Board, Guide-Outfitters	FY 14			FY 15			Biennium			FY 16			FY 17			Biennium			FY 18			FY 19			Biennium			FY 20 1st QTR
<b>Revenue</b>																												
Revenue from License Fees	\$	791,489	\$	197,231	\$	988,720	\$	1,057,847	\$	485,669	\$	1,543,516	\$	1,122,760	\$	405,090	\$	1,527,850	\$	77,125								
Allowable Third Party Reimbursements		-		378		378		-		225		225		-		-		-		-								
<b>TOTAL REVENUE</b>	<b>\$</b>	<b>791,489</b>	<b>\$</b>	<b>197,609</b>	<b>\$</b>	<b>989,098</b>	<b>\$</b>	<b>1,057,847</b>	<b>\$</b>	<b>485,894</b>	<b>\$</b>	<b>1,543,741</b>	<b>\$</b>	<b>1,122,760</b>	<b>\$</b>	<b>405,090</b>	<b>\$</b>	<b>1,527,850</b>	<b>\$</b>	<b>77,125</b>								
<b>Expenditures</b>																												
Non Investigation Expenditures																												
1000 - Personal Services		100,529		87,235		187,764		118,573		78,939		197,512		103,082		85,533		188,615		11,276								
2000 - Travel		22,239		17,474		39,713		17,545		14,814		32,359		10,047		10,107		20,154		-								
3000 - Services		30,243		15,516		45,759		49,702		24,199		73,901		35,454		28,371		63,825		-								
4000 - Commodities		653		846		1,499		1,518		212		1,730		3,092		2,560		5,652		-								
5000 - Capital Outlay		-		-		-		-		-		-		-		-		-		-								
Total Non-Investigation Expenditures		153,664		121,071		274,735		187,338		118,164		305,502		151,675		126,571		278,246		11,276								
Investigation Expenditures																												
1000-Personal Services		155,468		166,974		322,442		124,462		127,020		251,482		118,456		146,016		264,472		32,096								
2000 - Travel		-		-		-		-		-		-		-		-		-		-								
3023 - Expert Witness		-		-		-		-		-		-		-		-		-		-								
3088 - Inter-Agency Legal		129,525		60,589		190,114		85,834		23,942		109,776		101,433		167,574		269,007		-								
3094 - Inter-Agency Hearing/Mediation		28,658		18,728		47,386		21,387		5,318		26,705		7,138		69,542		76,680		-								
3000 - Services other		-		-		-		-		-		-		-		1,524		1,524		35								
4000 - Commodities		-		-		-		-		-		-		-		270		270		-								
Total Investigation Expenditures		313,651		246,291		559,942		231,683		156,280		387,963		227,027		384,926		611,953		32,131								
<b>Total Direct Expenditures</b>		<b>467,315</b>		<b>367,362</b>		<b>834,677</b>		<b>419,021</b>		<b>274,444</b>		<b>693,465</b>		<b>378,702</b>		<b>511,497</b>		<b>890,199</b>		<b>43,407</b>								
Indirect Expenditures																												
Internal Administrative Costs		52,722		37,130		89,852		59,545		51,116		110,661		69,514		65,321		134,835		16,330								
Departmental Costs		40,290		44,247		84,537		43,045		46,041		89,086		48,099		47,629		95,728		11,907								
Statewide Costs		29,375		29,441		58,816		15,685		23,522		39,207		24,759		24,123		48,882		6,031								
<b>Total Indirect Expenditures</b>		<b>122,387</b>		<b>110,818</b>		<b>233,205</b>		<b>118,275</b>		<b>120,679</b>		<b>238,954</b>		<b>142,372</b>		<b>137,073</b>		<b>279,445</b>		<b>34,268</b>								
<b>TOTAL EXPENDITURES</b>	<b>\$</b>	<b>589,702</b>	<b>\$</b>	<b>478,180</b>	<b>\$</b>	<b>1,067,882</b>	<b>\$</b>	<b>537,296</b>	<b>\$</b>	<b>395,123</b>	<b>\$</b>	<b>932,419</b>	<b>\$</b>	<b>521,074</b>	<b>\$</b>	<b>648,570</b>	<b>\$</b>	<b>1,169,644</b>	<b>\$</b>	<b>77,675</b>								
<b>Cumulative Surplus (Deficit)</b>																												
Beginning Cumulative Surplus (Deficit)	\$	(1,041,267)	\$	(839,480)	\$	(1,120,051)	\$	(599,500)	\$	(508,729)	\$	92,957	\$	(508,729)	\$	92,957	\$	(150,523)	\$	(150,523)								
Annual Increase/(Decrease)		201,787		(280,571)		520,551		90,771		601,686		(243,480)		601,686		(243,480)		(550)		(550)								
Ending Cumulative Surplus (Deficit)	\$	(839,480)	\$	(1,120,051)	\$	(599,500)	\$	(508,729)	\$	(508,729)	\$	(150,523)	\$	92,957	\$	(150,523)	\$	(151,073)	\$	(151,073)								
*																												
<b>Statistical Information</b>																												
Number of Licensees		1,888		1,570				1,770		1,574				1,730		1,467				-								

**Additional information:**

- Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses \*
- Most recent fee change: Fee increase FY16
- Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.



Appropriation	(All)
AL Sub Unit	(All)
PL Task Code	GUI1

Sum of Expenditures Object Name (Ex)	Object Type Name (Ex)			Grand Total
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1029 - Public Employee's Retirement System Defined Benefits	3,859.08			3,859.08
1030 - Public Employee's Retirement System Defined Contribution	548.19			548.19
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1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	137.57			137.57
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	1,248.56			1,248.56
1039 - Unemployment Insurance	87.13			87.13
1040 - Group Health Insurance	5,723.77			5,723.77
1041 - Basic Life and Travel	8.12			8.12
1042 - Worker's Compensation Insurance	241.03			241.03
1047 - Leave Cash In Employer Charge	645.77			645.77
1048 - Terminal Leave Employer Charge	357.15			357.15
1053 - Medicare Tax	398.03			398.03
1069 - SU Business Leave Bank Contributions	23.42			23.42
1077 - ASEA Legal Trust	25.29			25.29
1079 - ASEA Injury Leave Usage	11.14			11.14
1080 - SU Legal Trst	22.09			22.09
3057 - Structure, Infrastructure and Land - Rentals/Leases		35.34		35.34
4002 - Business Supplies			-	-
<b>Grand Total</b>	<b>43,371.73</b>	<b>35.34</b>	<b>-</b>	<b>43,407.07</b>

# Professional Licensing Meetings 101

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Guidance for members of professional licensing boards and commissions from the  
Division of Corporations, Business and Professional Licensing  
October 2019

Governmental bodies—especially those with quasi-judicial capacity like professional licensing boards—adhere to different rules than other types of “boards of directors.” Serving on a licensing board is unlike most other state, non-profit, or corporate boards. This document, along with other [guidance](#) issued by the division, will aid in your understanding of the statutes, regulations, and administrative policies that pertain to your work.

Regarding meetings, we have to make sure to read the guidance fully and in context:  
First, let’s look at the definitions in AS 44.62.310. To whom does the Open Meetings Act apply?

**AS 44.62.310(h)(1)** "governmental body" means an assembly, council, board, commission, committee, or other similar body of a public entity with the authority to establish policies or make decisions for the public entity or with the authority to advise or make recommendations to the public entity; "governmental body" includes the members of a subcommittee or other subordinate unit of a governmental body if the subordinate unit consists of two or more members

The establishment of a meeting has three “ingredients”: **Who** is present, **how many** are present, and **what** they are doing:

**AS 44.62.310(h)(2)** "meeting" means a gathering of members of a governmental body when

- (A) more than three members or a majority of the members, whichever is less, are present, a matter upon which the governmental body is empowered to act is considered by the members collectively, and the governmental body has the authority to establish policies or make decisions for a public entity; or
- (B) the gathering is prearranged for the purpose of considering a matter upon which the governmental body is empowered to act and the governmental body has only authority to advise or make recommendations for a public entity but has no authority to establish policies or make decisions for the public entity;

So, these types of meetings must be publicly noticed:

**BOARD MEETING:** If a group is gathering that IS a quorum of the board OR three or more members of a board AND is considering a matter on which they have the power to act.

**SUBCOMMITTEE MEETING:** If a group is gathering that is NOT a quorum of a board OR three or more members of a board AND is recognized by the board/division AND has authority to advise the board/division, AND is considering a matter for recommendation to a board.

## Meeting administration

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Meetings are administered by division staff according to state laws and policies. Questions about meeting logistics should be directed to staff.

Staff work with the board chair to create the agenda for each meeting. This collaboration depends on the program, the level of experience of staff, and the personality of the board chair. Ideally, this is an engaged conversation driven by:

1. Pending business from the last meeting
2. Mandatory business, such as disciplinary considerations and license application review
3. Items for consideration from board members
4. Items for consideration from the public
5. Alignment with the statutory authority, strategic plan, and goals of the board
6. Available time to address these issues.

It is the chair's responsibility to set the agenda. Where there is an executive administrator for a board, that person may assume a primary responsibility for populating the agenda, with the chair's consent. At the very least, the board chair should review and approve the agenda for distribution. Items requiring document review, in-depth discussion, or advance notice to the public should not be added at the time of the meeting. Committee meetings should also be managed through staff but may have less formal agendas than regular board meetings.

All meetings should generally follow *Robert's Rules of Order*. Action is only determined by a vote of the body. Public input during a board meeting is appropriate during the public comment section of the meeting and when invited by the chair or on the agenda. A public comment period is encouraged, but not required, at committee meetings.

Additional detailed information about meeting management can be found in the [CBPL Guide to Excellence in Regulation](#).

## **TIMEFRAMES AND METHOD OF PUBLIC NOTICE**

Boards are not authorized to gather as a body to conduct business unless the meeting has been public noticed; this includes exam workshops, committee meetings, email discussions, and conference calls.

AS 44.62 and AS 08.01 require that all board meetings, examinations, and other board proceedings be noticed. AS 44.62.310(e) establishes the criteria for adequate public notice of meetings. Generally, this means publication in a state newspaper of major circulation and in the Alaska Online Public Notice System (OPN):

1. Regularly scheduled in-person board meeting in one newspaper of general circulation no later than ten days in advance of the meeting.
2. Teleconference board meeting in one newspaper of general circulation no later than five days in advance of the meeting.
3. Subcommittee/advisory committee/working group/etc. meetings
  - a. The first meeting of a committee must be published in one newspaper of general circulation at least five days in advance of the meeting.
    - i. The initial notice shall contain a statement that subsequent meeting date(s) and location(s) for the committee may be obtained from the Alaska Online Public Notice System or the division office, and that notice of future meetings will be published with at least three days of advance notice on the Online Public Notice System only.
    - ii. The committee meeting notice(s) shall include the name, address and phone number of the staff member who will be responsible for providing the special notice to those interested parties.

- iii. Interested parties may contact the program's dedicated staff member to be placed on a special notification (email/phone) list for the notice of the committee meetings.
- b. Since only three days of advance notice is required for subsequent meetings, staff will publish the meeting in the OPN and make every attempt to notify all interested parties on the special notification list.

Public noticing in the newspaper is a mandatory expense, so the division combines all notices into one shared monthly publication on or about the 15<sup>th</sup> of each month. Aim to communicate meeting details to the director's assistant well ahead of this deadline so your meeting is included. Special meeting notices will be charged fully to the requesting program.

Publishing the announcement through private lists, newsletters, and other means can supplement the original announcement; however, these are not official channels of communication. Licensees should always be directed to staff, the official state listserv for that program, and web site for meeting information.

### **EXCEPTION TO PUBLIC NOTICE OF A MEETING**

In accordance with 44.62.310(d), public notice of meetings called for the sole purpose of making a decision on an adjudicatory proceeding is not required. (Meeting minutes, however, are still required to record the official action taken.)

Adjudicatory proceedings include board consideration of hearing officer decisions, petitions for reconsideration filed in accordance with AS 44.62, stipulations, memoranda of agreement, license surrenders, and summary suspensions.

## **How Do Committees Operate?**

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A subcommittee, advisory committee, working group, or similar group by another name that consists of two or more individuals which is recognized by the public entity and has authority to advise or make recommendation to the public entity is considered a "government body" under AS 44.62.310(h)(I). Committee meetings are prearranged, are open to the public, and must be publicly noticed.

The membership of a subcommittee, advisory committee, working group, or similar group by another name may not include a quorum of a board. Any meeting that includes a quorum of a board is considered a board meeting and must be noticed accordingly.

### **FORMATION OF A COMMITTEE**

Since committees are authorized by the board or commission, their operation falls under state laws and procedures guiding board activities. The following steps will assist in getting a committee up and running:

**During a board meeting, vote on establishing the committee, its mission, and what it looks like:**

**Formally create the committee.** Once the motion is on the floor, the rationale for the committee can be presented and discussed, and ultimately decided by a vote of the board. The board should provide a clear mission for the committee and, if necessary, establish an ending date for the project or report. Standing committees should be well-defined and may live without a sunset date.

**Formally appoint a committee chairperson, ideally a board member.** This person will organize the committee meeting with staff, set committee agendas and meeting content, and serve as the liaison to the board on committee activity. Additional board members may serve on the committee, but any meeting where a quorum of the board is present should be noticed as a board meeting.

**Formally agree on committee membership standards.** Establishing parameters for participation helps ensure a fair, transparent process and minimizes disenfranchisement or “playing favorites.” The goal of a committee is to advise the board or commission and, ultimately, make a recommendation for action. The board should safeguard this process to ensure it receives impartial, quality advice from the committee it has sanctioned.

The board may decide that anyone can participate on the committee, which means the invitation should be issued widely—through licensee email lists, the program listserv, and on the web site. If membership has criteria—for example, if the board wants people with certain experience or credentials on the committee, that should be stated plainly in the motion. Will there be an application process? Should people contact staff to nominate themselves? Does the board want the chair to appoint someone and then have that ratified by the board...or not? Just be certain to place the process on the record and use the official channels managed by staff to solicit participation.

**Ensure the public can participate.** Follow all laws and policies on public notices. Hold the meeting in a publicly accessible location (such as a state conference room or other public location). Ensure that a teleconference line is available on site and that the number is published to interested parties through staff or the web site.

**Present recommendations to the board.** The committee should work with staff to ensure there is adequate time on the agenda for updates and discussion of findings/recommendations. A committee member should take basic notes during the meeting and provide a typed copy to staff, who will provide them to the board well in advance of the meeting. If there is more data or documentation to present, it should also be forwarded to staff at least three weeks before the board meeting so it can be included in the board meeting material.

Staff will work with the board chair on the final meeting agenda and documents. The chair could consider adding a standing section of each meeting agenda for all committee reports.

Committees should remember that their work is important, though always advisory. The authorizing board retains jurisdiction over the committee, and the committee may not act on its own. Boards should place value on the time and effort of the committee and show appreciation for the work of its members. However, a board or commission should not feel beholden or pressured to adopt a committee’s recommendation. If the board rejects a committee recommendation, it is advisable to explain its concerns or ask for additional information.

## Is it really a meeting?

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When determining whether a gathering is a meeting, ask the following questions. These combine all the considerations included in **AS 44.62.310(h)(2)**:

1. **Will a quorum of a board be present?** If YES, it’s a board meeting if they are considering board business.
2. **Will three or more members of a board be present?** If YES, it’s a board meeting if they are considering board business.
3. **Is the entity recognized by the board/division?** If YES, it’s a subcommittee meeting.

4. **Does the entity have authority to advise/make recommendation to the board/division?** If YES, it's a subcommittee meeting.

Below are some theoretical examples. As with the rest of this document, it is intended to provide general guidance but cannot cover every situation. Please contact staff with concerns about specific situations.

- A. **The board votes to approve a working group on a potential regulation and bring it back to the next meeting.** YES to #3 and #4: Subcommittee meeting.
- B. **The board publicly notices a subcommittee meeting, and three board members show up.** YES to #2, #3, and #4 (and maybe #1, depending on the size of the board). It's now a board meeting, must be adjourned and re-noticed for a later date if the members wish to participate.
- C. **Two board members have coffee and talk about board business.** NO to all four. Not a meeting.
- D. **Three board members have coffee and talk about board business.** YES to #2 and maybe #1. They don't have to go home, but they shouldn't finish that coffee together.
- E. **Three board members have coffee and talk about the weather.** NO to all four because they are not talking about board business. So, technically it's not a violation. However, a licensee walks into the coffee shop and sees them and posts on Facebook that there was a secret board meeting at Starbucks, files an inquiry under the Alaska Public Records Act, and ignites legal dispute over a current topic. This costs the board thousands of dollars, a lot of extra time, and their reputation. Probably best that the three avoid having coffee together because of the public's reasonable perception that it is a board meeting.
- F. **Twenty disgruntled licensees get together to plan a protest of the next board meeting.** NO to all four, assuming none are board members.
- G. **Two board members email each other with general questions about upcoming item on the meeting agenda.** NO to all four. Not a meeting.
- H. **The two members in Example G decide they need more information and email the board chair.** YES to #2 and maybe #1. The chair should not respond but should ask staff to assist with providing needed information to the entire board.
- I. **One of the two board members in Example G is the Reviewing Board Member of a case that is to be decided at the meeting.** NO to all four, but since they have veered into ex parte communication, they need to cease the conversation for reasons outside the Open Meetings Act. Depending on what s/he heard, the non-reviewing board member may wish to declare a potential conflict of interest at the meeting and ask the chair for a ruling on whether the member should be allowed into the discussion and vote on the case.
- J. **A board member attends an industry association meeting and speaks on the board's behalf without prior authorization on topics the board has not voted on.** NO to all four, but the member should be counseled by the chair that this is improper and that the information provided could be inaccurate or misleading. Depending on the situation, the chair may want to write a letter to the association to clear up the matter. This type of representation is inappropriate in any kind of medium, including a newsletter, email list, or legislative testimony.

- K. **The entire board attends an industry association meeting. They take great care not to sit together or huddle together in a darkened corner of the hallway.** NO to all four, and good job making sure they did not give the appearance of conducting board business.
- L. **The entire board attends an industry association meeting. They get upset about an issue raised by one of the speakers and meet later that day in a small, empty conference room to discuss the board's position on the issue.** YES to #1 and #2. Not good judgment on their part.

There's also the question about what "prearranged" means. This brief guidance suggests that board and subcommittee members should avoid "spontaneous" discussions about their official business when these thresholds are met. A chance meeting at a social event that turns into an hour-long conversation about official business is avoidable and, by sustaining the conversation over a period of time, may not be considered by a court to be a spontaneous conversation.

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Questions about meetings? Want to see something added to this guidance?

Contact your board staff or email [license@alaska.gov](mailto:license@alaska.gov).

## EXECUTIVE SESSION MOTION

### Sec. 44.62.310. Government meetings public.

(c) The following subject may be considered in an executive session:

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3) matters which by law, municipal charter, or ordinance are required to be confidential;
- (4) matters involving consideration of government records that by law are not subject to public disclosure.

### MOTION WORDING:

**“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):**

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity; *OR***
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; *OR***
- (3) matters which by law, municipal charter, or ordinance are required to be confidential; *OR***
- (4) matters involving consideration of government records that by law are not subject to public disclosure.**

**Board staff is requested to remain during the session *OR*  
Board only to remain during session.”**

**Staff will then state “The board is off the record at \_\_\_\_\_(time).”**





# LAWS OF ALASKA

2019

**Source**

HCS CSSB 43(FIN) am H

**Chapter No.**

\_\_\_\_\_

**AN ACT**

Extending the termination date of the Board of Barbers and Hairdressers; extending the termination date of the Big Game Commercial Services Board; relating to a person's eligibility to hold a registered guide-outfitter license, master guide-outfitter license, class-A assistant guide license, assistant guide license, or transporter license; and providing for an effective date.

\_\_\_\_\_

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1

**AN ACT**

1 Extending the termination date of the Board of Barbers and Hairdressers; extending the  
2 termination date of the Big Game Commercial Services Board; relating to a person's  
3 eligibility to hold a registered guide-outfitter license, master guide-outfitter license, class-A  
4 assistant guide license, assistant guide license, or transporter license; and providing for an  
5 effective date.

6

\_\_\_\_\_

7 \* **Section 1.** AS 08.03.010(c)(4) is amended to read:

8 (4) Board of Barbers and Hairdressers (AS 08.13.010) - June 30, **2027**  
9 [2019];

10 \* **Sec. 2.** AS 08.03.010(c)(9) is amended to read:

11 (9) Big Game Commercial Services Board (AS 08.54.591) - June 30,  
12 **2024** [2019];

13 \* **Sec. 3.** AS 08.54.605(a) is amended to read:

1 (a) Notwithstanding AS 08.54.610, 08.54.620, 08.54.630, 08.54.650, and  
2 08.54.660, a person may not receive, **hold**, or renew a registered guide-outfitter  
3 license, master guide-outfitter license, class-A assistant guide license, assistant guide  
4 license, or transporter license if

5 (1) the person has been convicted of

6 (A) a violation of a state or federal hunting, guiding, or  
7 transportation services statute or regulation for which

8 (i) the person was imprisoned for more than five days  
9 within the previous five years;

10 (ii) an unsuspended fine of more than \$2,000 was  
11 imposed in the previous 12 months;

12 (iii) an unsuspended fine of more than \$3,000 was  
13 imposed in the previous 36 months; or

14 (iv) an unsuspended fine of more than \$5,000 was  
15 imposed in the previous 60 months;

16 (B) a felony within the last five years; or

17 (C) a felony offense against the person under AS 11.41 within  
18 the last 10 years; or

19 (2) the person's right to obtain, or exercise the privileges granted by, a  
20 hunting, guiding, outfitting, or transportation services license is suspended or revoked  
21 in this state or another state or in Canada.

22 \* **Sec. 4.** AS 08.54.610(b) is amended to read:

23 (b) A master guide-outfitter license authorizes a registered guide-outfitter to  
24 use the title master guide-outfitter, but is for all other purposes under this chapter a  
25 registered guide-outfitter license. A natural person is entitled to receive a renewable  
26 master guide-outfitter license if the person

27 (1) is, at the time of application for a master guide-outfitter license,  
28 licensed as a registered guide-outfitter under this section;

29 (2) has been licensed in this state as a registered guide or a guide-  
30 outfitter, under former AS 08.54.010 - 08.54.240, former AS 08.54.300 - 08.54.590, or  
31 this chapter, for at least **15** [12] of the last **20** [15] years, including the year

1 immediately preceding the year in which the person applies for a master guide-  
2 outfitter license;

3 (3) submits a list to the department of at least **45** [25] clients for whom  
4 the person has personally provided guiding or outfitting services and the person  
5 receives a favorable evaluation from **30** [10] of the clients selected from the list by the  
6 department;

7 **(4) has not been convicted of an offense under AS 08.54.720(a) or a**  
8 **similar law in another jurisdiction related to hunting or to the provision of big**  
9 **game hunting or transportation services within the 15 years preceding the date of**  
10 **the application;** and

11 **(5)** [(4)] applies for a master guide-outfitter license on a form provided  
12 by the department and pays the application fee, if any.

13 \* **Sec. 5.** AS 08.54.710 is amended by adding new subsections to read:

14 (k) The board shall revoke the master guide-outfitter license of a person

15 (1) whose right to obtain or exercise the privileges granted by a  
16 hunting, guiding, outfitting, or transportation services license is suspended or revoked  
17 in another state or in Canada; or

18 (2) who is convicted of a violation of any state or federal law or  
19 regulation related to hunting or the provision of big game hunting or transportation  
20 services.

21 (l) The board may issue a registered guide-outfitter license to a person whose  
22 master guide-outfitter license is revoked under (k) of this section.

23 \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to  
24 read:

25 EXEMPTION FROM AS 44.66.050(e). Sections 1 and 2 of this Act are exempt from  
26 the provision of AS 44.66.050(e) that prohibits a bill from reestablishing more than one board  
27 or commission.

28 \* **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).

## Regulation Changes Questionnaire

Division/Board: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Regulation change being proposed: 12 AAC \_\_\_\_\_

General topic of the regulation: \_\_\_\_\_

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation or federal law?  If yes, effective date of new statute/federal law: _____  <i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Does the change add a new license type?  If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license?  If yes, does it affect current licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Does it affect continuing education/competency requirements?  If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is it a fee change or does it create a new fee?  If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does it make changes to the requirements of licensees?  If yes: All licensees Certain licensees (List: _____) Initial licensees	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i> )?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website <input type="checkbox"/> Email to licensees <input type="checkbox"/> *Letter to licensees <input type="checkbox"/> <small>* Cost to board for mailing letter</small>

Staff submitting this worksheet: \_\_\_\_\_ Date submitted to Regulations Specialist: \_\_\_\_\_

**From:** Larry Van Daele  
**To:** [Hannasch, Dawn K \(CED\)](#)  
**Cc:** [Henry D. Tiffany IV](#); [Jason Bunch](#); [sam](#)  
**Subject:** Master guide requirements  
**Date:** Monday, August 27, 2018 11:34:43 AM

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Dawn,

Chairman Tiffany asked that I initiate some research into how we might proceed to modify the requirements for a Master Guide license to make it a more meaningful and stringent classification. As part of that research, I met with Board member Bunch and APHA president Sam Rohrer last week to discuss options and ideas. Below are some of the things we discussed and a request for a legal opinion on how best to proceed. Please feel free to pass this on to other Board members at your convenience.

#### REQUEST FOR LEGAL OPINION

Alaska Statute 08.54.610 (b) outlines the requirements for Master Guides, noting that the title does not give a guide any special privileges above a registered guide-outfitter. To obtain the title, an applicant must have licensed as a registered guide-outfitter for 12 of the past 15 years, provide a list of 25 clients s/he personally guided, and submit favorable evaluations from 10 of those clients. AS 08.54.605 outlines the limitations on renewing guide-outfitter licenses when a person has been convicted of a violation or felony. Before we proceed with changing any of items in either of these Statutes, we need to know if it is within the prevue of our Board to go beyond the direction of the legislature in this Statute. We know it is improbable that we could make the restrictions less stringent, but can we make them more restrictive through regulation?

#### IDEAS FOR IMPROVEMENT

It was the consensus of our group that a Master Guide qualification should be more than just an honorary title and that Master Guides should be held to a higher standard than registered guides. Here are some of the ideas we came up with:

- Increase the number of years a person is a registered guide
- Impose a minimum number of years a person has actively guided, not just been licensed
- Require more clients and favorable reviews
- No violations within 5 or 10 years (or maybe one violation within that period)
- If there is a violation during that period, guide would be “demoted” and could not reapply to be a Master until the 5 or 10 years passed
- Make new regulations as concise as possible and reduce discretion by the BGCSB and the Division to eliminate bias
- Current Master Guides would be grandfathered into the existing system with regard to qualification requirements, but not be exempt from new violation restrictions.

#### WHERE DO WE GO FROM HERE

If we get an opinion from the AAG that we have authority to make regulatory changes to the Statute,

we can draft a regulation and distribute it for public comment. Mr. Rohrer also offered to work with APHA to get ideas and opinions either before or after we submit a draft.

Thanks for your assistance with this,  
Larry

Larry Van Daele  
Alaska Board of Game

Sent with fat fingers, aging eyes and an auto-correct with a sick sense of humor



## Regulation Changes Questionnaire

Division/Board: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Regulation change being proposed: 12 AAC \_\_\_\_\_

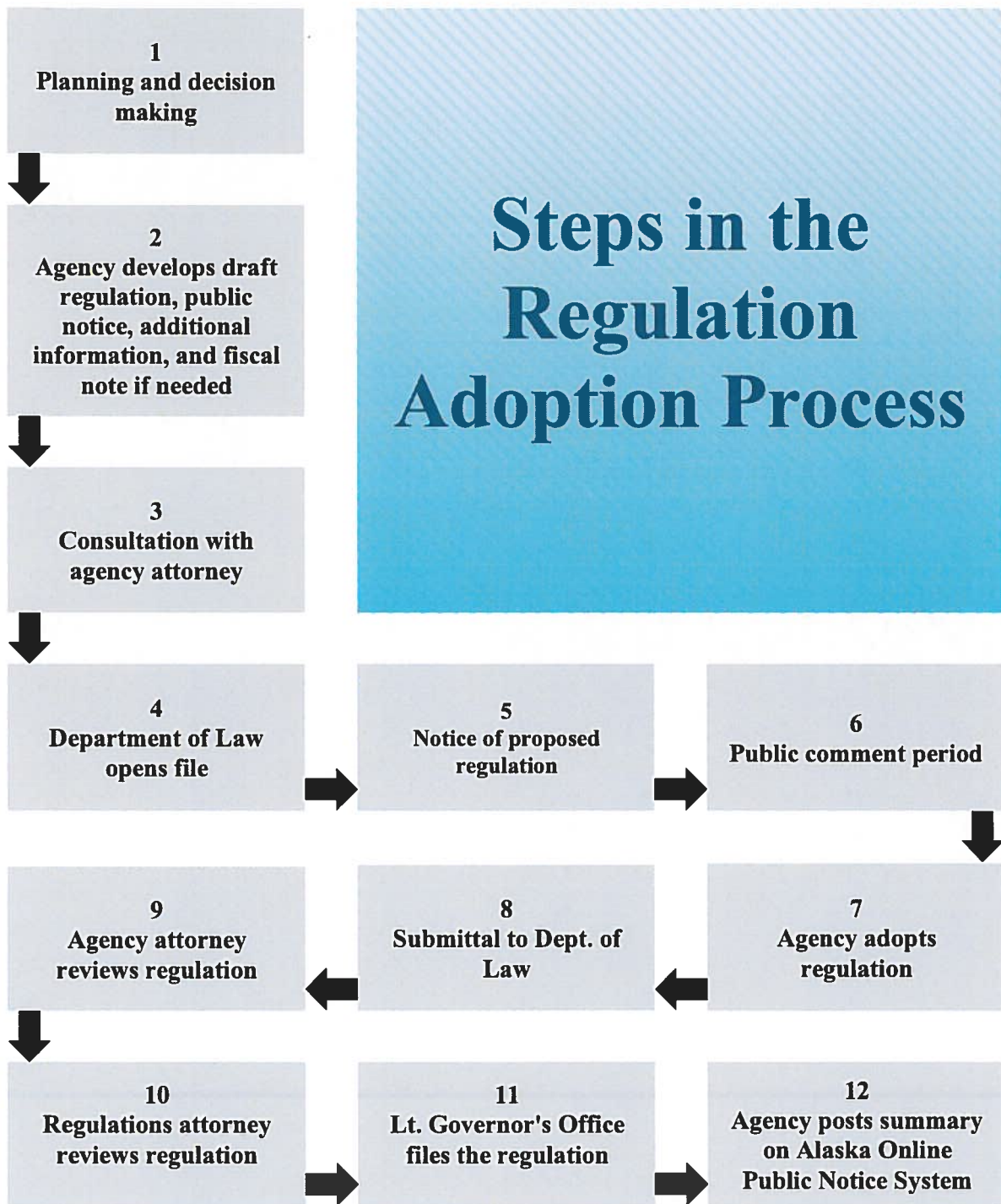
General topic of the regulation: \_\_\_\_\_


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5. Is it a fee change or does it create a new fee?  If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does it make changes to the requirements of licensees?  If yes: All licensees Certain licensees (List: _____) Initial licensees	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i> )?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website <input type="checkbox"/> Email to licensees <input type="checkbox"/> *Letter to licensees <input type="checkbox"/> <small>* Cost to board for mailing letter</small>

Staff submitting this worksheet: \_\_\_\_\_ Date submitted to Regulations Specialist: \_\_\_\_\_



STATE OF ALASKA DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT <b>POLICY AND PROCEDURES</b>		P & P No. <b>DOL-19</b>	Page <b>1</b> OF <b>3</b>
SUBJECT <b>BOARD/COMMISSION ACTION ON REGULATIONS</b>		Effective Date <b>December 1995</b>	
		Supersedes P & P No. <b>DOL-19</b>	Dated <b>10/95</b>
		APPROVED BY 	
DIVISION <b>OCCUPATIONAL LICENSING</b>	SECTION		

**REQUEST FOR REGULATIONS:** When a board/commission requests a change in its regulations, the board/commission should explain, on the record during a properly noticed public meeting, the reason for the change and give detailed information on the change requested. The staff person responsible for the meeting minutes is also responsible for relaying the board/commission's request to the regulations specialist through a draft copy of the minutes, plus any other information that explains the board/commission's request.

The regulations specialist will provide a draft copy of the requested changes in the regulations. It may be necessary to consult with the Department of Law on the board/commission's authority to make the changes requested. It may also be necessary for the board/commission to provide additional information on its intent before the regulations changes are drafted.

**PUBLIC NOTICE OF REGULATIONS CHANGES:** Once a board/commission has reviewed the draft of proposed regulations and agreed on the wording of the proposed changes, the board/commission must pass a motion approving the regulations for public notice. The board/commission should state on the record whether it intends to hold a public hearing on the regulations. The responsible staff should give a draft copy of the minutes to the regulations specialist and provide the date, location, and time of the public hearing, if applicable.

The regulations specialist will prepare and distribute the public notice, including providing a copy of the notice and regulations to all board/commission members and the affected staff.

**PUBLIC COMMENTS ON REGULATIONS:** All notices of proposed regulations include an opportunity for the public to give written comments on the regulations and a specific invitation for comments on the cost of the proposed regulatory action. The board/commission is obligated to seriously consider all written comments, and oral comments if a hearing is held, before taking final action on the regulations. To be considered, written or oral comments must be submitted as instructed in the public notice.

The public notice also includes a deadline for submitting written comments. This deadline is strictly enforced, and letters received after the deadline will not be forwarded to a board/commission for its consideration. Written comments must be received at the address given in the public notice by the deadline date; the postmark date is not considered.

Comments received by phone will not be considered as written comments. The division will accept faxed comments. Staff should inform anyone submitting oral comments outside of the public hearing that the comments will not become a part of the record of the regulations project.

Comment letters should be addressed to the regulations specialist. **If a staff member other than the regulations specialist receives a letter commenting on proposed regulations, the letter should be given to the regulations specialist immediately.**

STATE OF ALASKA DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT <b>POLICY AND PROCEDURES</b>		P & P No. <b>DOL-19</b>	Page <b>2 OF 3</b>
		Effective Date <b>December 1995</b>	
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		APPROVED BY	
DIVISION <b>OCCUPATIONAL LICENSING</b>	SECTION		
<p>At the close of the public comment period, the regulations specialist will compile the written comments and provide them to staff for distribution to board/commission members. The board/commission chair should ensure that all members have carefully considered the public comment letters before the board/commission takes action on the regulations.</p> <p><b>REGULATION HEARINGS:</b> If a board/commission chooses to hold a hearing on proposed regulations, the information about the public hearing must be included in the original or a supplemental notice of the proposed regulations. Hearings are usually held in conjunction with a regularly-scheduled meeting of the board/commission, and are always recorded. A board/commission may choose to use teleconferencing sites for the regulations hearing.</p> <p>If a board/commission has not given notice of a public hearing, the board/commission may not accept any oral comments on the regulations. If the board/commission accepts oral comments without having given notice of a public hearing, the board/commission is required to give supplemental notice and hold a hearing at a later date to allow other interested parties to give oral comments.</p> <p>The board/commission chair often presides over the hearing. The general principle for conducting a regulations hearing is fairness. The board/commission may impose a time limit on commenters, but each commenter must be treated equally.</p> <p>Staff should provide a sign-up sheet at the beginning of the hearing for those who plan to give oral comments.</p> <p><b>FINAL ACTION BY THE BOARD/COMMISSION ON PROPOSED REGULATIONS:</b> After carefully considering the written comments, any oral comments if a hearing was held, and discussing the costs of the proposal, the board/commission may take final action on proposed regulations. The board/commission's final action must be taken during a properly-noticed public meeting.</p> <p>The board/commission may adopt the regulations as proposed, amend and adopt the regulations, or take no action on the regulations. If the board/commission amends the regulations beyond the summary of proposed changes it has given during the public notice process, the board/commission must give additional notice before adopting the regulations. It is important for the board/commission to explain the reason for its actions on the record. This is not only helpful in the preparation of the final draft of the regulations, but it is also important during the review of the regulations by the Department of Law and in case of a legal challenge to the regulations.</p> <p>The record of the meeting should include how the board/commission considered the public comment in its deliberations. Also, the board/commission chair or other board/commission member must make a statement on the record indicating how the board/commission gave special consideration to the cost to private persons. The board/commission must discuss the costs to private persons on the record, even if no comments on costs were submitted or if there are no apparent costs.</p> <p>The board/commission's final action must be in the form of a motion that is passed.</p>			

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DIVISION <b>OCCUPATIONAL LICENSING</b>	SECTION		
<p>The staff person responsible for the minutes of the meeting is also responsible for giving a draft copy of the minutes to the regulations specialist as soon as possible after the meeting.</p> <p><b>FINAL REVIEW OF ADOPTED REGULATIONS:</b> After a board/commission has adopted regulations, the regulations specialist will prepare the proper paperwork and submit the project to the Department of Law for final review. If approved by the Department of Law, the project is sent to the Lieutenant Governor's office for filing.</p> <p>The regulations specialist will notify board/commission members and affected staff of the effective date of approved regulations.</p>			

<b>Regulation</b>	<b>Main Topic</b>	<b>Initial Review By the board</b>	<b>Current Status</b>
12 AAC 920(b)	Hunting, Guiding & Practical Experience	December 2016	Approved by the board – back to the Regulations Specialist for final review
12 AAC 920(c)	Hunting, Guiding & Practical Experience	December 2016	Approved by the board – back to the Regulations Specialist for final review
12 AAC 75.920(e)	Hunting, Guiding & Practical Experience	December 2016	Approved by the board – back to the Regulations Specialist for final review
12 AAC 75.260(e)	RGO Contract Requirements	December 2016	Tabled after public comments – will be discussed at the December 2019 meeting
12 AAC 75.400(e)	Transport Activity Reports	December 2016	Approved by the board – back to the Regulations Specialist for final review

12 AAC 75.230(a)	Guide Use Are Registration	July 26 <sup>th</sup> 2018	Approved by the board – back to the Regulations Specialist for final review
12 AAC 75.340(5)(f)	Continuing education	January 22 <sup>nd</sup> 2019	Recommendations from DOL sent back to the Board at its April 2019 meeting. More work needed.
12 AAC 75.400(d)	Transport Activity Reports	December 2016	Tabled after public comments – will be discussed at the December 2019 meeting
12 AAC 450(d)	Transport Activity Reports	December 2016	Tabled after public comments – will be discussed at the December 2019 meeting



**Chapter 75. Big Game Commercial Services Board.**

12 AAC 75.230(a) is amended to read:

(a) The department will register an applicant in a guide use area if the applicant meets the requirements of AS 08.54.750 and this section. For each guide use area for which a registered guide-outfitter is registering, the registered guide-outfitter shall submit the following information on a form provided by the department:

- (1) the applicant's registered guide-outfitter license number;
- (2) the guide use area for which the registered guide-outfitter is registering;
- (3) **certification in the game management unit in which the registered guide-**

**outfitter is applying within** [THE LOCATION OF THE REGISTERED GUIDE-  
OUTFITTER'S CAMP];

(4) **sworn statement by the applicant attesting to the required land use authorization;**

(5) **sworn statement by the applicant attesting to the ability to provide services on at least 5,000 contiguous acres of uplands in the guide use area requested**  
[DOCUMENTATION FROM THE LANDOWNER OR LAND MANAGER THAT THE APPLICANT HAS THE AUTHORIZATION TO PROVIDE BIG GAME HUNTING SERVICES ON AT LEAST 5,000 CONTIGUOUS ACRES OF THE UPLANDS IN THE GUIDE USE AREA; PROOF OF PRIOR YEAR AUTHORIZATION, IF STILL VALID, WILL BE ACCEPTED TO MEET THE REQUIREMENT OF THIS PARAGRAPH; A LETTER OF INTENT TO AUTHORIZE USE FOR THE CURRENT YEAR, FROM THE LANDOWNER OR LAND MANAGER, WILL BE ACCEPTED TO MEET THE REQUIREMENT OF THIS

PARAGRAPH];

**(6)** [(5)] whether registration is for a single calendar year or multiple calendar years.

(Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am 4/6/2001, Register 158; am/readopt 7/30/2006, Register 179; am 6/8/2007, Register 182; am 12/1/2007, Register 184; am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.750

12 AAC 75.920(b) is amended to read:

(b) For purposes of satisfying the hunting experience requirements in AS 08.54.620, the applicant must document at least 20 days of big game hunting activity in a calendar year in order to receive credit for one year. **For the purposes of satisfying the guiding experience requirements in AS 08.54.620(a)(4)(A)(i), the applicant must document at least 60 days of big game guiding activity in three or more calendar years. Big game hunting activity includes working in a guide camp or under the supervision of a licensed guide while performing guide-related duties.**

12 AAC 75.920(c) is amended to read:

(c) For purposes of satisfying the requirements in AS 08.54.630(a)(2), the applicant must document at least **60** [30] days of big game hunting activity **during two or more calendar years** [IN A CALENDAR YEAR IN ORDER TO RECEIVE CREDIT FOR A YEAR. HOWEVER, AN APPLICANT MAY ALSO SATISFY THOSE REQUIREMENTS BY DOCUMENTING A CUMULATIVE TOTAL OF 60 DAYS OF BIG GAME HUNTING ACTIVITY OVER A

PERIOD LONGER THAN TWO YEARS, IF FOR AT]. **At** least 30 of the 60 days **must be** [THE APPLICANT WORKS] in a guide camp or under the supervision of a licensed guide while performing guide-related duties. **Big game hunting activity includes working in a guide camp or under the supervision of a licensed guide while performing guide-related duties.**

Documented passage of the assistant guide training course described in AS 08.54.630(a)(4)(B) may count for 10 days.

12 AAC 75.920(d)(4) is amended to read:

(4) has directly participated in the spotting, stalking, and subsequent harvesting of at least three big game animals [DURING A GUIDED HUNT] in this state;

12 AAC 75.920 is amended by adding a new subsection to read:

(e) For the purposes of the requirements in AS 08.54.610(d)(1), a person who is licensed as a registered guide-outfitter may be employed by another registered guide-outfitter to provide the services of a class-A assistant guide, statewide, providing that the non-contracting registered guide has had at least 10 days hunting experience in the game management unit that they will be assisting the contracting guide in. (Eff. 12/2/99, Register 152; am 7/30/2006, Register 179; am 6/8/2007, Register 182; am 11/24/2007, Register 184; am 4/13/2013, Register 206; am 6/29/2013, Register 206; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.610 AS 08.54.630  
AS 08.54.605 AS 08.54.620

Big Game Commercial Services Board  
**REGULATION PROPOSAL**

If you wish your proposal to be considered by the Board at the next scheduled meeting, the proposal must be received by the Division by close of business 45 days before the first day of the scheduled meeting. You may photocopy this form if necessary.

***Proposals must be typed or printed legibly in ink.***

Is this a proposal for a new regulation?  YES  NO

If "yes", which Alaska Statute (AS) under 08.54 supports your new regulation? AS 08.54. 610

Is this proposal an amendment to an existing regulation?  YES  NO

If "yes", what is the regulation number? AAC 75. 100

Proposal: We are asking the Alaska Board of Game to consider changing the requirements, for natural person who is entitled to a RGO license, to a standard of 125 days. As long as the applicant has completed his/her 125 days as a licensed Class-A Assistant Guide or Assistant Guide and completed "in field" guiding experience hunting big game in Alaska, and has been favorably recommended in writing by eight big game hunters, all the requirements will have been met. We are asking the requirements for three years experience to be waved.

Who is it likely to benefit: Guides who have legally completed their 125 days of time as an Class-A Assistant Guide or Assistant Guide sooner than a three year time frame. It allows them to move forward as a RGO thus providing the BGCSB and state of Alaska more revenue, game mangement, as well as providing more licensed hunting opportunities for big game hunters.

Who is likely to suffer? We do not feel anyone will suffer as long as the natural person who is entitled to a RGO meets said qualifications above towards the person's experience and competency as a guide, and passes the RGO exam.

What will happen if nothing is done? By not changing these regulations it hinders the ability of Class-A Assistant Guides or Assistant Guides to obtain a RGO license in a more timely manner. Thus prohibiting the BGCSB and State of Alaska to generate more revenue.

If your proposal is an amendment to an existing regulation, you must provide the regulation number to the proposed amendment. If your proposal is for new regulation you must provide the Alaska Statute number under 08.54 that supports your proposal. Failure to provide this information along with your printed name will result in your proposal not being submitted to the Board for consideration.

Proposed by: Megan Pineur Date: 4/30/19  
*(Printed Name)*

Mailing Address: 45624 Torvik Road Sisseton, SD 57262

Telephone Number (optional): 605-690-6664

Email Address (optional): nomadadventures.pro@gmail.com

**Mail To: Big Game Commercial Services Board  
PO Box 110806  
Juneau, AK 99811-0806**

**Chapter 75. Big Game Commercial Services Board.**

12 AAC 75.230 is amended by adding new subsections to read:

(f) A registered guide-outfitter may not register for, or provide services within, a guide use area unless the applicant has written authorization by the landowner or appropriate representative in the form of a permit, registration or letter to provide big game hunting services on at least 5,000 contiguous acres of uplands in the guide use area.

(g) A registered guide-outfitter must register for three calendar years to obtain registration for guide use areas within Game Management Unit 9. Withdrawal from a guide use area within Game Management Unit 9 can occur one time within the three year registration period, with the withdrawal or change to take effect on or after January 1 of the next calendar year as described in (c) of this section. (Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am 4/6/2001, Register 158; am/readopt 7/30/2006, Register 179; am 6/8/2007, Register 182; am 12/1/2007, Register 184; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.750

12 AAC 75.260 is amended by adding a new subsection to read:

(e) A contract may be amended at any time before the conclusion of the hunt with the signature of the contracting guide and the client. (Eff. 7/30/2006, Register 179; am 6/8/2007, Register 182; am 4/16/2016, Register 218; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.720 AS 08.54.790  
AS 08.54.680

12 AAC 75.400 is amended by adding a new subsection to read:

(e) During portions of a hunt, a transporter is exempt from transporter activity report filing requirements when providing transportation services for a client to, from, or in between sites operated by another transporter or registered guide who has contracted this same hunt with the same client. (Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am 12/2/99, Register 152; am 4/6/2001, Register 158; am/readopt 7/30/2006, Register 179; am 11/24/2007, Register 184; am 12/2/2012, Register 204; am 4/13/2013, Register 206; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)


**Authority:** AS 08.54.600 AS 08.54.660 AS 08.54.760  
AS 08.54.650

12 AAC 75.450 is amended by adding a new subsection to read:

(d) During portions of a hunt, a transporter is exempt from transporter contracting requirements when providing transportation services for a client to, from, or in between sites operated by another transporter or registered guide who has contracted this same hunt with the same client. (Eff. 7/30/2006, Register 179; am 6/8/2007, Register 182; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.680 AS 08.54.790  
AS 08.54.650 AS 08.54.720



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DIVISION <b>OCCUPATIONAL LICENSING</b>		SECTION	
APPROVED BY 			

**REQUEST FOR REGULATIONS:** When a board/commission requests a change in its regulations, the board/commission should explain, on the record during a properly noticed public meeting, the reason for the change and give detailed information on the change requested. The staff person responsible for the meeting minutes is also responsible for relaying the board/commission's request to the regulations specialist through a draft copy of the minutes, plus any other information that explains the board/commission's request.

The regulations specialist will provide a draft copy of the requested changes in the regulations. It may be necessary to consult with the Department of Law on the board/commission's authority to make the changes requested. It may also be necessary for the board/commission to provide additional information on its intent before the regulations changes are drafted.

**PUBLIC NOTICE OF REGULATIONS CHANGES:** Once a board/commission has reviewed the draft of proposed regulations and agreed on the wording of the proposed changes, the board/commission must pass a motion approving the regulations for public notice. The board/commission should state on the record whether it intends to hold a public hearing on the regulations. The responsible staff should give a draft copy of the minutes to the regulations specialist and provide the date, location, and time of the public hearing, if applicable.

The regulations specialist will prepare and distribute the public notice, including providing a copy of the notice and regulations to all board/commission members and the affected staff.

**PUBLIC COMMENTS ON REGULATIONS:** All notices of proposed regulations include an opportunity for the public to give written comments on the regulations and a specific invitation for comments on the cost of the proposed regulatory action. The board/commission is obligated to seriously consider all written comments, and oral comments if a hearing is held, before taking final action on the regulations. To be considered, written or oral comments must be submitted as instructed in the public notice.

The public notice also includes a deadline for submitting written comments. This deadline is strictly enforced, and letters received after the deadline will not be forwarded to a board/commission for its consideration. Written comments must be received at the address given in the public notice by the deadline date; the postmark date is not considered.

Comments received by phone will not be considered as written comments. The division will accept faxed comments. Staff should inform anyone submitting oral comments outside of the public hearing that the comments will not become a part of the record of the regulations project.

Comment letters should be addressed to the regulations specialist. **If a staff member other than the regulations specialist receives a letter commenting on proposed regulations, the letter should be given to the regulations specialist immediately.**



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DIVISION <b>OCCUPATIONAL LICENSING</b>	SECTION		
<p>At the close of the public comment period, the regulations specialist will compile the written comments and provide them to staff for distribution to board/commission members. The board/commission chair should ensure that all members have carefully considered the public comment letters before the board/commission takes action on the regulations.</p> <p><b>REGULATION HEARINGS:</b> If a board/commission chooses to hold a hearing on proposed regulations, the information about the public hearing must be included in the original or a supplemental notice of the proposed regulations. Hearings are usually held in conjunction with a regularly-scheduled meeting of the board/commission, and are always recorded. A board/commission may choose to use teleconferencing sites for the regulations hearing.</p> <p>If a board/commission has not given notice of a public hearing, the board/commission may not accept any oral comments on the regulations. If the board/commission accepts oral comments without having given notice of a public hearing, the board/commission is required to give supplemental notice and hold a hearing at a later date to allow other interested parties to give oral comments.</p> <p>The board/commission chair often presides over the hearing. The general principle for conducting a regulations hearing is fairness. The board/commission may impose a time limit on commenters, but each commenter must be treated equally.</p> <p>Staff should provide a sign-up sheet at the beginning of the hearing for those who plan to give oral comments.</p> <p><b>FINAL ACTION BY THE BOARD/COMMISSION ON PROPOSED REGULATIONS:</b> After carefully considering the written comments, any oral comments if a hearing was held, and discussing the costs of the proposal, the board/commission may take final action on proposed regulations. The board/commission's final action must be taken during a properly-noticed public meeting.</p> <p>The board/commission may adopt the regulations as proposed, amend and adopt the regulations, or take no action on the regulations. If the board/commission amends the regulations beyond the summary of proposed changes it has given during the public notice process, the board/commission must give additional notice before adopting the regulations. It is important for the board/commission to explain the reason for its actions on the record. This is not only helpful in the preparation of the final draft of the regulations, but it is also important during the review of the regulations by the Department of Law and in case of a legal challenge to the regulations.</p> <p>The record of the meeting should include how the board/commission considered the public comment in its deliberations. Also, the board/commission chair or other board/commission member must make a statement on the record indicating how the board/commission gave special consideration to the cost to private persons. The board/commission must discuss the costs to private persons on the record, even if no comments on costs were submitted or if there are no apparent costs.</p> <p>The board/commission's final action must be in the form of a motion that is passed.</p>			

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<p>The staff person responsible for the minutes of the meeting is also responsible for giving a draft copy of the minutes to the regulations specialist as soon as possible after the meeting.</p> <p><b>FINAL REVIEW OF ADOPTED REGULATIONS:</b> After a board/commission has adopted regulations, the regulations specialist will prepare the proper paperwork and submit the project to the Department of Law for final review. If approved by the Department of Law, the project is sent to the Lieutenant Governor's office for filing.</p> <p>The regulations specialist will notify board/commission members and affected staff of the effective date of approved regulations.</p>			

## Regulation Changes Questionnaire

Division/Board: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Regulation change being proposed: 12 AAC \_\_\_\_\_

General topic of the regulation: \_\_\_\_\_

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation or federal law?  If yes, effective date of new statute/federal law: _____  <i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Does the change add a new license type?  If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license?  If yes, does it affect current licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Does it affect continuing education/competency requirements?  If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is it a fee change or does it create a new fee?  If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does it make changes to the requirements of licensees?  If yes: All licensees Certain licensees (List: _____) Initial licensees	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i> )?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website <input type="checkbox"/> Email to licensees <input type="checkbox"/> *Letter to licensees <input type="checkbox"/> <small>* Cost to board for mailing letter</small>

Staff submitting this worksheet: \_\_\_\_\_ Date submitted to Regulations Specialist: \_\_\_\_\_

**Chapter 75. Big Game Commercial Services Board.**

12 AAC 75.230 is amended by adding new subsections to read:

(f) A registered guide-outfitter may not register for, or provide services within, a guide use area unless the applicant has written authorization by the landowner or appropriate representative in the form of a permit, registration or letter to provide big game hunting services on at least 5,000 contiguous acres of uplands in the guide use area.

(g) A registered guide-outfitter must register for three calendar years to obtain registration for guide use areas within Game Management Unit 9. Withdrawal from a guide use area within Game Management Unit 9 can occur one time within the three year registration period, with the withdrawal or change to take effect on or after January 1 of the next calendar year as described in (c) of this section. (Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am 4/6/2001, Register 158; am/readopt 7/30/2006, Register 179; am 6/8/2007, Register 182; am 12/1/2007, Register 184; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.750

12 AAC 75.260 is amended by adding a new subsection to read:

(e) A contract may be amended at any time before the conclusion of the hunt with the signature of the contracting guide and the client. (Eff. 7/30/2006, Register 179; am 6/8/2007, Register 182; am 4/16/2016, Register 218; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600 AS 08.54.720 AS 08.54.790  
AS 08.54.680

12 AAC 75.400 is amended by adding a new subsection to read:

(e) During portions of a hunt, a transporter is exempt from transporter activity report filing requirements when providing transportation services for a client to, from, or in between sites operated by another transporter or registered guide who has contracted this same hunt with the same client. (Eff. 5/24/96, Register 138; am 10/19/96, Register 140; am 12/2/99, Register 152; am 4/6/2001, Register 158; am/readopt 7/30/2006, Register 179; am 11/24/2007, Register 184; am 12/2/2012, Register 204; am 4/13/2013, Register 206; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600            AS 08.54.660            AS 08.54.760  
AS 08.54.650

12 AAC 75.450 is amended by adding a new subsection to read:

(d) During portions of a hunt, a transporter is exempt from transporter contracting requirements when providing transportation services for a client to, from, or in between sites operated by another transporter or registered guide who has contracted this same hunt with the same client. (Eff. 7/30/2006, Register 179; am 6/8/2007, Register 182; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.54.600            AS 08.54.680            AS 08.54.790  
AS 08.54.650            AS 08.54.720

**From:** Lance Kronberger  
**To:** [Hannasch, Dawn K \(CED\)](#)  
**Subject:** Re: Survivorship Subcommittee  
**Date:** Thursday, June 21, 2018 1:02:50 PM

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Dawn,

This is my recommendations for changes to Tom's Draft.

Pease see my changers in bold italic.

Thanks for everyones help.

Lance

**Sec. 08.54.617. Survivorship.** A contracting registered/master guide-outfitter who has already *already signed up for GUA* to provide hunts and who either dies or is incapacitated by injury or medical condition may have another qualified registered guide-outfitter substitute for those contracted hunts, for *365 days from incident*.

<!--[if !supportLists]-->(1) <!--[endif]-->If the contracting registered guide-outfitter dies then the family may subcontract with another qualified registered guide-outfitter to conduct those hunts and supervise other guides for those hunts; or

<!--[if !supportLists]-->(2) <!--[endif]-->if the contracting registered guide-outfitter is injured or develops a medical condition that temporarily prevents them from conducting or participating in the contracted hunts may subcontract with another qualified registered guide-outfitter to conduct those hunts and supervise other guides for those hunts.

<!--[if !supportLists]-->(3) <!--[endif]-->The family of a deceased registered guide outfitter shall not contract for additional hunts *beyond 365 days from incident*, on the behalf of the deceased guide.

<!--[if !supportLists]-->(4) *Completely remove #4* - Any hunts contracted after a registered guide-outfitter becomes incapacitated by injury or medical condition may not be subcontracted to another guide.

<!--[if !supportLists]-->(5) <!--[endif]-->Any subcontracting registered guide-outfitters

must meet the same qualifications as the original contracting guide for the hunt area(s).

(6) In all cases, the contracted clients must be notified prior to the hunt that the original contracting guide-outfitter is unable to conduct or supervise the hunt(s).

*We also need to remove the condition that you can only have 3 GUA's if you are the one subcontracting on behalf of and incapacitated contracting guide.*

"The LORD bless you and keep you; The LORD make His face shine upon you, and be gracious to you; The LORD lift up His countenance upon you, and give you peace."  
Numbers 6:24-26 (NKJV)

Lance & Nikki Kronberger  
4005 Delores Drive  
Eagle River, AK 99577  
(907)854-2822 Lance's Cell  
(907)841-5663 Nikki's Cell  
(907)622-0630 Home  
[FreelanceOA@mac.com](mailto:FreelanceOA@mac.com)  
[www.FreelanceOutdoorAdventures.com](http://www.FreelanceOutdoorAdventures.com)

Master Guide: Lance Kronberger #221 & Registered Guide: John Rydeen #1269

On Jun 21, 2018, at 10:37 AM, Hannasch, Dawn K (CED)  
<[dawn.hannasch@alaska.gov](mailto:dawn.hannasch@alaska.gov)> wrote:

Good morning,

The Chair of the Survivorship Subcommittee would like to schedule a teleconference in mid to late July. Please provide a few dates and times that will work for you. Please respond to me ONLY (do not reply all please). The Board will be meeting on July 26<sup>th</sup> 2018.

Attached, is a copy of the drafted statues from Tom.



*Thank you,*

*Dawn K Hannasch*

Records and Licensing Supervisor  
Big Game Commercial Services Board  
Board of Barbers and Hairdressers  
[dawn.hannasch@alaska.gov](mailto:dawn.hannasch@alaska.gov)  
Corporations, Business and Professional Licensing  
P.O. Box 110806  
Juneau AK 99811-0806  
(907) 465-2543  
(907) 465-2974 fax

-  
<image003.jpg>

Any guidance provided by this electronic communication is not a binding legal opinion, ruling, or interpretation that may be relied upon, but merely guidance concerning existing statutes and regulations. There may be other unique or undisclosed facts, circumstances, and information that may have changed any guidance provided in this communication.

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**From:** TOM SULLIVAN <[tomsullivan@gci.net](mailto:tomsullivan@gci.net)>  
**Sent:** Thursday, June 21, 2018 9:47 AM  
**To:** Hannasch, Dawn K (CED) <[dawn.hannasch@alaska.gov](mailto:dawn.hannasch@alaska.gov)>  
**Subject:** Survivorship Cobcommittee

Hi Dawn,

Please send this email to the subcommittee members for review, comments and changes.

The members are Lance Kronberger and Clay Roberts.

[freelanceoa@mac.com](mailto:freelanceoa@mac.com)

[info@bigwildoutfitters.com](mailto:info@bigwildoutfitters.com)

If they are available for a meeting or TC with them. Maybe next week (Jun 25-30) or July 16-21.

Or let me know if you want to handle the meeting another way.

Tom Sullivan  
301-2306



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Fish and Game

Division of Wildlife Conservation  
Headquarters Office

1255 West 8<sup>th</sup> Street  
P.O. Box 115526  
Juneau, Alaska 99811-5526  
Main: 907.465.4190  
Fax: 907.465.6142

DATE: November 15, 2019

To: Dawn Hannasch, Licensing Examiner of Big Game Guides & Transporters  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community, and Economic Development

FROM: Maria Gladziszewski, Deputy Director  
Division of Wildlife Conservation  
Department of Fish and Game

A handwritten signature in blue ink, appearing to be "MG", written over the name of the sender.

SUBJECT: Registering for extra Guide Use Areas associated with Intensive Management programs

This memo provides information about provisions of Alaska statute that provide for additional guiding opportunities to licensed guide-outfitters in areas where the Alaska Department of Fish and Game (department) is conducting Intensive Management (IM) programs to provide for consumptive use of populations of deer, moose and caribou. Under AS 08.54.750(e) guide-outfitters are allowed to select additional guide use areas (GUAs) - beyond the normal limit of three - for GUAs within a Game Management Unit (unit) or portion of a unit where the Board of Game (board) has approved an IM plan and the department is conducting an active predator control program. As defined in 5 AAC 92.116(c), "active" means that predator control permits have been issued during the current year.

IM programs may include only a portion of a unit or a sub-unit; however, guide-outfitters are allowed to select GUAs anywhere within the unit or sub-unit where there is an active IM program. Thus any GUA contained within or partially within one of the units or subunits listed below may be registered under AS 08.54.750(e).

When registered as an additional GUA under AS 08.54.750(e), a guide-outfitter is only allowed to provide guide or outfit services for the predator species that is the subject of the active IM program within the unit or sub-unit.

The board has approved IM plans in several areas of the state, but GUAs associated with these areas are only eligible to be selected when the department has authorized an active predator control program in the unit or sub-unit associated with the GUA and only during that calendar year. There are times when IM programs are inactive even though the plan remains in regulation.

Below is a list of units and sub-units that have active IM programs for calendar year 2020 and the species that are the subject of each program. Registered guide-outfitters may register additional GUAs in any of these areas with the Department of Commerce, Community and Economic Development.

- Unit 9(B) – wolf
- Unit 13(B) – wolf
- Units 17(B) and 17(C) – wolf
- Units 19(A), 19(B), and 19(D) – wolf

This authorization will expire December 31, 2020, at which time a new list of active IM areas will be produced.

**From:** [Weigand, Megyn A \(LAW\)](#)  
**To:** [Hannasch, Dawn K \(CED\)](#)  
**Cc:** [Strout, Lee R \(CED\)](#)  
**Subject:** FW: Advice to BGCS re: felony convictions, firearms, and applications  
**Date:** Thursday, August 30, 2018 4:37:10 PM

---

Hi Dawn, one more thing...

You might make clear to the Board that John Novak is the AAG in the Criminal Division who represents the troopers. Thanks!

Megyn A. Weigand  
Assistant Attorney General

---

**From:** Weigand, Megyn A (LAW)  
**Sent:** Thursday, August 30, 2018 4:35 PM  
**To:** Hannasch, Dawn K (CED) <dawn.hannasch@alaska.gov>  
**Cc:** Strout, Lee R (CED) <lee.strout@alaska.gov>  
**Subject:** Advice to BGCS re: felony convictions, firearms, and applications

Dawn – Here is the answer to the Board’s question from their last meeting. Cheers, Megyn

Greetings BGCS Board Members,

At your recent meeting the question arose over what to do with applicants who have been convicted of a felony. After researching the issue and consulting with AAG John Novak from the Criminal Division, I can report the following –

Law enforcement (municipal, state, federal) cannot condone a licensee committing a violation of 18 USC 922 which makes it a felony for a person who has been convicted of a felony to possess a firearm. The punishment for violating 18 USC 922 is up to 10 years in prison. An argument that the client, but not the guide, possesses the firearm will not be successful because under the law possession of a firearm can be sole, joint, actual, or constructive. A guide driving a boat, ATV, or aircraft in which a firearm is present, regardless of whether a client who owns the gun is also present, is considered “in possession” of the firearm.

The federal law, 18 USC 922, prohibits possession of any type of firearm by the people listed in that statute (those with felony convictions, those under a domestic violence restraining order, those judged mentally incapacitated, those dishonorably discharged, etc.). State law mirrors the federal law to the extent it covers handguns, but is silent on the possession of long guns. Even though state law is silent, federal law can be enforced. Therefore, a felon in Alaska who possesses a rifle or shotgun can be prosecuted, convicted, and sentenced to 10 years in prison.

The work of a registered guide, assistant guide, or transporter seems to necessarily involve the possession of firearms. Is that the case from the Board’s perspective? The Board does not currently recognize separate classes for guides who guide clients on traditional hunts versus guides who guide

only for bowhunters. Obviously, a licensee with a felony conviction who only guides bowhunters and does not possess a gun is not at risk of being charged with that federal crime. On the other hand, the bowhunters I know always carry a handgun with them and, for someone convicted of a felony, that would be a crime.

The Board's statute, AS 08.54.605, was enacted in 1996 - almost two decades after 18 USC 922 - and reads:

**Sec. 08.54.605. Eligibility for licenses.**  
(a) Notwithstanding [AS 08.54.610](#), 08.54.620, 08.54.630, 08.54.650, and 08.54.660, a person may not receive or renew a registered guide-outfitter license, master guide-outfitter license, class-A assistant guide license, assistant guide license, or transporter license if

- (1) the person has been convicted of
- ...
- (B) a felony within the last five years; or
- (C) a felony offense against the person under [AS 11.41](#) within the last 10 years;

Section (a)(1)(B) of the statute does not prohibit the issuance of a license to someone who has been convicted of a felony offense (that is not against a person) if that conviction was at least five years before applying. That subsection is out of step with the federal statute, because under federal law, a person who has been convicted of a felony offense that is not against a person is prohibited from possessing a firearm until at least 10 years has passed from the unconditional discharge from probation and parole. Under section (a)(1)(C), the Board is not prohibited from issuing a license to someone who has been convicted of a felony offense against a person if that conviction was at least 10 years before. But under the federal statute, a person who has been convicted of a felony offense against a person is prohibited from possessing a firearm for life. The state statute, AS 08.54.605, does not override the federal statute. For example, if the Board issues a license to someone who has been convicted of a felony offense against a person, and that licensee possesses a gun, that licensee can be prosecuted for a felony in federal court. The licensee is not excused from complying with the federal law prohibiting possession of a firearm, even though he or she is licensed by the Board.

There is also a conflict between the Board's statute and its own regulations. The Board's professional ethics standards for guides regulation 12 AAC 75.340(b)(1) requires all classes of guides "shall comply with applicable state and federal statutes and regulations." Another regulation governing the professional ethics standards for providers of transportation services, 12 AAC 75.440(b)(1), requires compliance "with applicable state and federal statutes and regulations." A licensee who has been convicted of a felony offense against a person and whose work involves the sole, joint, actual, or constructive possession of a firearm is in violation of federal law and therefore in violation of the Board's regulations.

Our advice is to interpret the statute in accord with state and federal law: a person convicted of a felony that is not against a person is eligible for a license after 10 years from the date of unconditional discharge from probation and parole. Because the work for which you are issuing a license necessarily involves possession of a firearm, a person who has been convicted of a felony

against a person is not eligible for a license.

When an applicant answers “Yes” to the application question about criminal convictions or charges, or when an applicant does not disclose a criminal conviction or charge that is later discovered in the state background check, the Division’s current protocol is to send the application to Investigations and then to the Board for review. This protocol is appropriate. A final letter denying a license based on a felony conviction for an offense (not against a person) that is older than five years, or on a felony conviction (against a person) that is older than 10 years should be reviewed by Law before mailing to the applicant.

The Board may wish to pursue a statutory amendment to update AS 08.54.605(a)(1) to bring it in line with 18 USC 922. Suggested statutory amendments are below. The first option covers felony convictions and accurately describes the time accounting that applies to each type of felony offense.

**OPTION #1**

**08.54.605. Eligibility for licenses.**

(a) Notwithstanding AS 08.54.610, 08.54.620, 08.54.630, 08.54.650, and 08.54.660, a person may not receive or renew a registered guide-outfitter license, master guide-outfitter license, class-A assistant guide license, assistant guide license, or transporter license if

(1) the person has been convicted of

...

(B) a felony offense, other than an offense against the person under AS 11.41, unless 10 years have elapsed from the date of unconditional discharge from probation and parole.

(C) a felony offense against the person under AS 11.41.

**OR**

The option below covers all those prohibited from possessing a firearm under the federal statute (those with felony convictions, those under a domestic violence restraining order, those judged mentally incapacitated, those dishonorably discharged, illegal aliens, etc.).

**OPTION #2**

**08.54.605. Eligibility for licenses.**

(a) Notwithstanding AS 08.54.610, 08.54.620, 08.54.630, 08.54.650, and 08.54.660, a person may not receive or renew a registered guide-outfitter license, master guide-outfitter license, class-A assistant guide license, assistant guide license, or transporter license if

...

(3) the person is prohibited by law from being able to lawfully possess a firearm in Alaska.

Finally, a handful of licensees may have been issued a license yet are prohibited from possessing a firearm. The Board does not need to take action to revoke those licenses. Those licensees are not

permitted to possess firearms by virtue of their BGCS license; they are still prohibited from possessing firearms under federal law, and the Board's regulations which require compliance with federal and state laws.

If you have questions about this advice or wish to discuss it further, please don't hesitate to contact me. Thank you, and I hope you all have a safe and successful fall hunt.

Kind Regards,  
Megyn

Megyn A. Weigand  
Assistant Attorney General  
Commercial & Fair Business

State of Alaska Department of Law  
1031 West Fourth Avenue, Suite 200  
Anchorage, Alaska 99501

(907) 269-5540 (direct)  
(907) 276-8554 (fax)



FS Agreement No. 19-MU-11100500-036

Cooperator Agreement No. \_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING**  
**Between The**  
**ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, & ECONOMIC**  
**DEVELOPMENT**  
**[BIG GAME COMMERCIAL SERVICES BOARD]**  
**And**  
**STATE OF ALASKA DEPARTMENT OF FISH & GAME**  
**And The**  
**USDA, FOREST SERVICE**  
**ALASKA REGION, TONGASS NATIONAL FOREST**

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the Alaska Department of Commerce, Community, & Economic Development, Division of Corporations, Business and Professional Licensing - Big Game Commercial Service Board, hereinafter referred to as "Guide Board," and the State of Alaska Department of Fish & Game, hereinafter referred to as "ADF&G," and the United States Department of Agriculture (USDA), Forest Service, Alaska Region, Tongass National Forest, hereinafter referred to as the "U.S. Forest Service."

Background: This MOU is the result of a stakeholder collaboration between big game hunting guides, Alaska Professional Hunters Association, ADF&G, the Guide Board, the U.S. Forest Service, and other interested parties to improve coordination and consistency in the application of State and Federal laws, regulations, and policies governing commercial big game hunting services within Game Management Unit 4 on the Tongass National Forest. Although this collaboration focused on Game Management Unit 4, the improvements identified are applicable to all commercial big game hunting services on the Tongass National Forest and this MOU is written with that broader scope.

Title: Coordination of Commercial Big Game Hunting Services on the Tongass National Forest

- I. **PURPOSE:** The purpose of this MOU is to document the cooperation between the parties to provide procedures and guidance on issues involving the authorization and administration of big game hunting services on the Tongass National Forest. This MOU establishes an administrative framework for improving communications and coordinating respective agency roles related to permitting, licensing, and compliance oversight procedures between the U.S. Forest Service, ADF&G, and the Guide Board in accordance with the following provisions.





## **II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:**

The U.S. Forest Service has the responsibility to provide a variety of public recreation opportunities on federal lands within the State of Alaska. The U.S. Forest Service authorizes guide-outfitters to assist in providing opportunities to visitors who choose to recreate with commercial service providers. The Guide Board provides state licenses to registered guide-outfitters in the State of Alaska and regulates the industry within the state to ensure that competent, professional, and regulated commercial services are available to consumers in Alaska. The ADF&G is responsible for protecting, maintaining, and improving the game resources of the state, and managing their use and development in the best interest of the economy and the well-being of the people of the state, consistent with the sustained yield principle.

The parties recognize that commercial big game hunting is a regulated privilege, where registered guide-outfitters who provide hunting opportunities using Alaska wildlife resources are licensed by the Guide Board for the benefit of the public. The parties recognize that big game hunting provides important cultural, recreational, and economic benefits to the State of Alaska.

The parties recognize that most big game hunting businesses are largely supported by hunting opportunities using Alaska wildlife resources and that management changes and decisions made by the U.S. Forest Service, the Guide Board, and ADF&G may greatly affect the livelihood of those members of the public who are supported by these businesses.

To maintain these public benefits and meet their respective agency missions, the parties agree that it is in their mutual benefit and interest to work cooperatively in the application of State and Federal laws, regulations, and policies governing big game hunting services on the Tongass National Forest.

In consideration of the above premises, the parties agree as follows:

## **III. THE GUIDE BOARD SHALL:**

- A. Verify landowner authorization of license holder or applicant requested Guide Use Areas before approving registration requests.
- B. Keep the Guide Board professional licensing database reasonably current with license details, Guide Use Area registrations, and Board actions.
- C. Make available the Guide Board's investigator for responding to U.S. Forest Service inquiries on Board actions and other matters related to oversight of professional licensing of big game guides.
- D. Hold a standing invitation on the Guide Board's annual meeting agenda for the U.S. Forest Service to present information pertinent to big game hunting management.

**IV. THE ADF&G SHALL:**

- A. Provide advice and recommendations to the U.S. Forest Service regarding permit applications, amendments, reissuance, and prospectus opportunities that involve big game resources in Southeast Alaska based on the best available biological data and information.
- B. Provide advice to the U.S. Forest Service on all matters related to the Southeast Alaska Unit 4 Brown Bear Management Strategy for the purpose of working together to successfully implement the strategy.
- C. Copy the U.S. Forest Service on correspondence sent to a collective group of guide-outfitters that involves game management updates, harvest information, issuance of emergency orders, or other similar matters.
- D. Provide the U.S. Forest Service data on big game resources when requested for permit administration. Harvest data will be provided at the scale of State of Alaska Game Management Units, Subunits, or Guide Use Areas. Requests for harvest data at finer spatial scales will be considered on a case-by-case basis, as allowed by statutory legislation.

**V. THE U.S. FOREST SERVICE SHALL:**

- A. Recognize big game hunting as a viable State industry deserving full consideration in the planning process for Tongass National Forest management.
- B. Consistently apply, so far as feasible, agency policy and procedures governing commercial big game hunting services on the Tongass National Forest.
- C. Communicate and coordinate across Ranger Districts when processing change of ownership requests and when contemplating any of the following actions on a big game hunting permit: requests to change Guide Use Area(s), requests to add/modify contracting registered guide-outfitter(s), annual performance ratings of probationary and unacceptable, and decisions to suspend or revoke all or part of a special use authorization.
- D. Consult with and seek advice and recommendations from ADF&G regarding permit applications, amendments, reissuance, and prospectus opportunities that involve big game resources in Southeast Alaska.
- E. Notify ADF&G of decisions to approve or deny permit application, amendment, and reissuance requests for commercial big game hunting services on the Tongass National Forest.



- F. Notify the ADF&G of any pending environmental analysis (in conformance with the National Environmental Policy Act (NEPA)) or administrative analysis (e.g., Wilderness Needs Assessment, Resource Capacity Analysis) relative to potential issuance of additional big game hunting permits and solicit the ADF&G's input.
- G. For activities in Game Management Unit 4, consult with and seek advice and recommendations from ADF&G regarding the Southeast Alaska Unit 4 Brown Bear Management Strategy for the purpose of working together to successfully implement the strategy.
- H. Use the Guide Board professional licensing database to validate licenses and Guide Use Area registrations, and to identify any Guide Board actions on the license holder.
- I. Contact the Guide Board investigator, as needed, on inquiries of Board actions and other matters related to oversight of professional licensing of big game guide-outfitters.
- J. Inform and discuss with the Guide Board any issues relating to the occupancy and use of the Tongass National Forest by registered guide-outfitters.
- K. Copy the Board on correspondence regarding performance issues whenever an annual performance rating of other than acceptable is given. Notify the Guide Board when a registered guide-outfitter permit is suspended, revoked, or terminated.
- L. Assist in the enforcement of Alaska law governing big game hunting services by reporting complaints and violations to the Guide Board and Alaska Wildlife Troopers; advise the Guide Board of any convictions of commercial big game hunting service providers for violations of Federal law or regulations; and coordinate law enforcement activities as indicated in the Cooperative Law Enforcement Agreement between State of Alaska Department of Public Safety Alaska Wildlife Troopers and U.S. Forest Service Tongass National Forest.
- M. Annually by April 15, provide Guide Board, ADF&G, and Alaska Wildlife Troopers, with a current listing of permit holders authorized to conduct big game hunting activities on the Tongass National Forest. Include permit holder name, registered guide-outfitter name(s), Guide Use Areas authorized, species and number of hunts authorized, and annual performance rating.
- N. Annually by April 15, provide Guide Board and ADF&G updated lists of agency administrators related to big game hunting management by Forest and Ranger District offices. The list will include contact information for the Forest Supervisor, District Rangers, Recreation Special Uses Program Manager, and Permit Administrators.



**VI. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:**

- A. The parties will maintain close cooperation between personnel and exchange information in matters of mutual interest including issuance of special orders, enforcement of laws, and to mutually advise of any actions or convictions of license/permit holders for violations of laws and regulations.
- B. The process involved in analyzing licensing and permitting matters will be objective with the intent of removing personal and professional bias and conflicts of interest. When decisions are made, they are supported by an existing law or rule and the information used in the decision is well founded and substantiated.
- C. Any sensitive or business proprietary information that is shared in the implementation of this MOU will be held confidential and disclosed only as allowed by law. Parties will make apparent the sensitive information by marking as “Internal Agency Use Only – Not For Distribution.”
- D. Create working groups, as needed, to address issues and concerns affecting big game hunting services on the Tongass National Forest in order to create cooperative solutions.
- E. Communicate to the other agencies any policy or management changes that affect commercial big game hunting opportunities within Southeast Alaska.
- F. Annually hold a joint meeting to discuss MOU changes and other policy matters. U.S. Forest Service will take the lead for initiating the meeting. The meeting may be held via tele/video-conference. If the meeting includes three or more members of the Guide Board, it must be publicly noticed and held in view of the public. Agreements made verbally or outside of the Guide Board’s authority are nonbinding.
- G. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

**Principal Big Game Commercial Service Board Contacts:**

<b>Guide Board Program Contact</b>	<b>Guide Board Administrative Contact</b>
Name: Dawn Hannasch, Records and Licensing Supervisor Address: P.O. Box 110806 City, State, Zip: Juneau, AK 99811-0806 Telephone: (907) 465-6246 FAX: (907) 465-2974 Email: <a href="mailto:BigGameCommercialServicesBoard@Alaska.Gov">BigGameCommercialServicesBoard@Alaska.Gov</a>	Name: Occupational Licensing Examiner Address: P.O. Box 110806 City, State, Zip: Juneau, AK 99811-0806 Telephone: (907) 465-2543 FAX: (907) 465-2974 Email: <a href="mailto:BigGameCommercialServicesBoard@Alaska.Gov">BigGameCommercialServicesBoard@Alaska.Gov</a>



**Principal Alaska Department of Fish & Game Contacts:**

<b>ADF&amp;G Program Contact</b>	<b>ADF&amp;G Administrative Contact</b>
Name: Douglas Vincent-Lang, Commissioner Address: PO Box 115526 City, State, Zip: Juneau, AK 99811-5526 Telephone: (907) 465-4100 FAX: (907) 465-2332 Email: <a href="mailto:doug.vincent-lang@alaska.gov">doug.vincent-lang@alaska.gov</a>	Name: Steve Bethune, Area Biologist GMU 4, Region 1 Address: 304 Lake Street, Room 103 City, State, Zip: Sitka, AK 99835 Telephone: (907) 747-5449 FAX: (907) 747-6239 Email: <a href="mailto:stephen.bethune@alaska.gov">stephen.bethune@alaska.gov</a>

**Principal U.S. Forest Service Contacts:**

<b>U.S. Forest Service Program Manager Contact</b>	<b>U.S. Forest Service Administrative Contact</b>
Name: Jennifer Mac Donald, Recreation Special Uses Program Manager Address: 2108 Halibut Point Road City, State, Zip: Sitka, AK 99835 Telephone: (907) 747-4279 FAX: 907-747-4366 Email: <a href="mailto:jennifer.l.macdonald@usda.gov">jennifer.l.macdonald@usda.gov</a>	Name: Pamela Ward, Grants Management Specialist Address: 709 W. 9 <sup>th</sup> St., PO Box 21628 City, State, Zip: Juneau, AK 99802-1628 Telephone: (470) 215-3437 FAX: Email: <a href="mailto:pamela.ward@usda.gov">pamela.ward@usda.gov</a>

H. NOTICES. Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or Guide Board or ADF&G is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the MOU.

To Guide Board or ADF&G, at Guide Board's or ADF&G's address shown in the MOU or such other address designated within the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

I. PARTICIPATION IN SIMILAR ACTIVITIES. This MOU in no way restricts the U.S. Forest Service or Guide Board or ADF&G from participating in similar activities with other public or private agencies, organizations, and individuals.



- J. ENDORSEMENT. Any of Guide Board's or ADF&G's contributions made under this MOU do not by direct reference or implication convey U.S. Forest Service endorsement of Cooperator's products or activities.
- K. NONBINDING AGREEMENT. This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity. The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer anything of value.
- Specific, prospective projects or activities that involve the transfer of funds, services, property, and/or anything of value to a party requires the execution of separate agreements and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperator availability of funds and other resources; agency and cooperator administrative and legal requirements (including agency authorization by statute); etc. This MOU neither provides, nor meets these criteria. If the parties elect to enter into an obligation agreement that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective agreement, each party operates under its own laws, regulations, and/or policies, and any Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective agreements must comply with all applicable law.
- Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.
- L. USE OF U.S. FOREST SERVICE INSIGNIA. In order for Cooperators to use the U.S. Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the U.S. Forest Service's Office of Communications. A written request must be submitted and approval granted in writing by the Office of Communications (Washington Office) prior to use of the insignia.
- M. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no U.S. member of, or U.S. delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.
- N. FREEDOM OF INFORMATION ACT (FOIA). Public access to MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).



- O. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.
- L. U.S. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS AND ELECTRONIC MEDIA. Guide Board and ADF&G shall acknowledge U.S. Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this MOU.
- M. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. Guide Board and ADF&G shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

*In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)*

**To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.**

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

*"This institution is an equal opportunity provider."*

- N. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.
- O. DEBARMENT AND SUSPENSION. Guide Board and ADF&G shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part



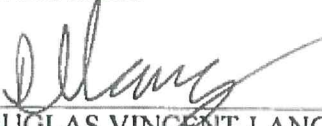
180. Additionally, should Guide Board or ADF&G or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.

- P. MODIFICATIONS. Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.
- Q. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of the last signature and is effective through July 15, 2024 at which time it will expire.
- R. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU.

In witness whereof, the parties hereto have executed this MOU as of the last date written below.

---

SARA CHAMBERS, Division Director Date  
 ALASKA DEPARTMENT OF COMMERCE,  
 COMMUNITY, & ECONOMIC DEVELOPMENT,  
 Alaska Division of Corporations, Business and  
 Professional Licensing - Big Game Commercial  
 Services Board

  
 DOUGLAS VINCENT-LANG, Commissioner 7-17-19  
 Alaska Department of Fish & Game Date

---

TROY HEITHECKER, Acting Forest Supervisor Date  
 U.S. Forest Service, Tongass National Forest





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SARA CHAMBERS, Division Director  
ALASKA DEPARTMENT OF COMMERCE,  
COMMUNITY, & ECONOMIC DEVELOPMENT,  
Alaska Division of Corporations, Business and  
Professional Licensing - Big Game Commercial  
Services Board

Date

DOUGLAS VINCENT-LANG, Commissioner  
Alaska Department of Fish & Game

Date

TROY HEITHECKER, Acting Forest Supervisor  
U.S. Forest Service, Tongass National Forest

Date



The authority and format of this agreement [19-MU-11100500-036] have been reviewed and approved for signature.

7/13/2019

PAMELA W. WARD

Date

U.S. Forest Service Grants Management Specialist

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,  
and Economic Development

BIG GAME COMMERCIAL SERVICES BOARD

P.O. Box 110806  
Juneau, AK 99811-0806  
Main: 907.465.2543  
Toll free fax: 907.465.2974

August 1, 2019

Dear Chairman Spraker,

During our recent July 30, 2019 State of Alaska Big Game Commercial Services Board public meeting, the board requested and approved that I send you a short letter regarding the Robert Cassell lawsuit that has been filed against the State of Alaska Board of Game.

This lawsuit and its outcome have many potential negative ramifications for the Big Game Commercial Services Board, which is tasked as the regulatory board for all professional big game guides and transporters in the State of Alaska. One important negative impact that could result from this lawsuit is that should this lawsuit succeed it could, potentially and likely, very significantly reduce the number of guides in Alaska, in all the various classes of licenses. This would very significantly reduce the revenue generated from the licensees and could severely hinder the operating budget of the Big Game Commercial Services Board and its ability to operate and serve the licensees, industries and public it is tasked with serving.

It is for this and other reasons, some of which as of yet unrealized I am sure, that the Big Game Commercial Services Board is very concerned about this lawsuit and stands ready to support the State of Alaska Board of Game in its efforts to defeat it.

Respectfully,

A handwritten signature in cursive script that reads "Henry D. Tiffany IV".

Henry D. Tiffany IV  
Chairman, Big Game Commercial Services Board