

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

BIG GAME COMMERCIAL SERVICES BOARD

**MINUTES OF MEETING
July 6, 2016**

By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62, Article 6, a scheduled teleconference of the Big Game Commercial Services Board was held July 6, 2016.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes. They were approved by the board in an email vote between October 21 and November 2, 2016.

AGENDA ITEM 1 CALL TO ORDER/ROLL CALL

The meeting was called to order by Kelly Vrem, Chair, at 9:00 a.m.

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair
Michele Metz, Large Private Landowner
Nicholas Jackson, Large Private Landowner
David Jones, Transporter
Tom Atkins, Transporter
Henry D. Tiffany IV, Master Guide-Outfitter

Board members absent:

David Brown, Board of Game Representative
Gene Peltola, Public Member
Karen Polley, Public Member

Board staff present:

Janey Hovenden, Division Director
Sara Chambers, Operations Manager
Cindy Hansen, Licensing Examiner
Lee Strout, Investigator
Lt. Paul Fussey, Alaska Fish and Wildlife Trooper

Public:

Wayne Kubat
Thor Stacey

AGENDA ITEM 2 APPROVAL OF AGENDA

The Chair called for, and received, unanimous approval of the agenda.

AGENDA ITEM 3 12 AAC 75.340(d) FIELD CRAFT STANDARDS

Mr. Tiffany moved to adopt the field craft standards 12 AAC 75.340(d) as provided, with the word "treat" instead of "treats", for public notice for the December 5-7, 2016 board meeting and Mr. Atkins seconded.

Discussion: Mr. Tiffany stated that he doesn't know why our legal department decided to strike the wording under line 1 that shows high standards and regard to the traditions of hunting but sometimes ethics is hard to define. He noticed the misspelling of the word "treat" with "treats".

Upon a motion duly made by Mr. Tiffany, seconded by Mr. Atkins and approved by roll call vote, it was:

RESOLVED to adopt the field craft standards 12 AAC 75.340(d) as provided, with the word "treat" instead of "treats", for public notice for the December 5-7, 2016 board meeting.

Roll Call Vote:

APPROVE	DENY	ABSTAIN	ABSENT
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Kelly Vrem	X	
Karen Polley		X
David Brown		X
Michele Metz	X	
Nicholas Jackson	X	
David Jones	X	
Tom Atkins	X	
Henry D. Tiffany IV	X	
Gene Peltola		X

AGENDA ITEM 4 PROPOSED FEE CHANGES RECOMMENDED BY THE REVISED FEE & BUDGET SUBCOMMITTEE

Mr. Jones stated he reviewed the worksheets and stands by the subcommittee proposal #2, for two installments equaling \$1400 for all transporters, registered and master guides. He looked at the information to exempt non-reporting guides but that would be cutting it too close to get the program out of debt. He also feels the surcharge would resolve in some operators who are not using their license. They may lose some of them. He wants to reiterate supporting getting rid of the reporting fees. It's been a sore spot with the transporters. The transporter subcommittee has a few other proposals, including the transporter reporting style. Any changes we make for the report fees may not be applicable if we change the reporting style so he would like to go with a straight surcharge.

Mr. Tiffany stated he also reviewed the worksheets and believes we have to take the higher road, life isn't fair and it will cost some segments more in the next few years. We need to eliminate this debt and it's time to put the finishing nails in the coffin.

Mr. Stacey stated he is representing the APHA, has done some research and met with APHA members Tony Lee, Dan Montgomery, Jason Bunch, Dick Rohrer, Wayne Kubat, Mel Gillis, Pete, Virgil Umphenour, Sam Rohrer and Kelly Vrem.

First, he wants to address the sensitivity to the transporters issue with the Transporter Activity Report. There is general sympathy and support by the guides for the transporters for dual reporting; however, there is no sensitivity and some frustration that most transporters are not filing the correct reports. It is the individual owner's responsibility to be in compliance. Second, there is a general lack of support by transporters for the program and the board, especially during the

reauthorization and board sunset. The transporters can do a better job. There is a lack of outreach by transporter representatives on the board to reach out to their transporter industry to get folks involved in the issue. The compliance issue has come to a head as we address fees. We support moving away from the filing fee because it would be unfair for transporters who have more TAR forms. The guides are compliant with the forms; they understand what is needed to be on their form.

The number one point of consensus is to pay off the debt and the surcharge and fees will do that by 2019. The number two consensus is the policy issues with fees. We don't want fee structures to trickle down to assistant guides because it would burden and discourage them. It makes sense that the fees are based on the use of resource. The transporters could take a one-time surcharge of \$1400 with two \$700 payments and move in the direction of the guides and be metered out in the use. Two, perhaps three, fees based on the number of hunters. We ask this board and division to consider the points of consensus. The price of the big game animal was also discussed. There is a tag fee that goes to the ADF&G. APHA has advocated for a guide concession program through the Department of Natural Resources that would allow the land manager to charge for the resource.

Sara Chambers, Operations Manager, stated the board's conversation is a departure from what she and the director had been working on and they are trying to change gears and consider enforcement. Administratively, the licensee surcharge charged only to guides and transporters based on filing reports would be more of a filing fee rather than a blanket surcharge. The numbers would be lower because some would refuse to pay the fees. Semantically, if the board approves a surcharge, it would really be a report filing fee. One of the elements is how to track and enforce these fees. Enhancements to the database and the filing could be done but the enforcement could only be done at the time of renewal. It could be an expensive court battle and might not be an expense the board wants to take on. If it were a filing fee, it would be easier to track and enforce, rather than a surcharge. Guidance as soon as possible to get this out would be appreciated.

Chairman Vrem stated there was discussion on the fee being based on the number of hunt record and transporter activity report submitted forms so there is a huge arrow pointed at systemic non-compliance. There is not a definition of large and small transporters and guides. He has heard from guides who want to pay it off now and other guides who want the \$50 filing fee. The transporters seem to lean toward an installment. Our data collection is disappointing.

Mr. Jones stated he wants to remind the board that the board is under the gun to solve the problem. A non-reporting guide has the option to become an assistant guide to avoid paying the fee.

Mr. Tiffany stated he appreciated Ms. Chambers' thoughts. He doesn't want the board intimidated into something because of a potential court battle. With proper public notice and public process to potentially affected applicants about not getting a license renewed if they don't pay a fee should avoid litigation.

Chairman Vrem asked Ms. Chambers about Option 2 that has a one-time \$1400 fee for registered guides and transporters. Ms. Chambers stated it looked promising based on past information. Charging a fee tied to a license type is probably more reliable than tying it to a report form. The surcharge would not burden the assistant guides and push them out of the industry. Because licenses would not be renewed until the end of next year, an analysis would need to be done until next spring.

Chairman Vrem asked Mr. Jones about a flat fee of \$700 for transporters who submit 1-19 reports, a flat fee of \$1500 for 20-49 reports and \$2500 for 50 or more reports. Mr. Jones stated the transporters he spoke with would prefer a flat fee and eliminate the reporting fee altogether. The legislature wants a report from the board about eliminated the debt. The transporters want to get rid of this deficit too and they understand that some do more than others.

Ms. Chambers stated administratively she would recommend a flat fee instead of a tiered system. The board spent a lot of time in meetings and subcommittee meetings about revising the reports and decided to collect less data and submit them within 60 days instead of once a year. A regulation change would be required if the board wanted to go back to collecting more data and requiring an annual submittal. The ability for us to collect the fees would be difficult in trying to figure how to determine the tiers of guides and transporters. It would probably be a problem for transporters who would not realize until later they needed to pay a fee. They are all doable but we want to avoid some of the problem we had last year in helping transporters understand their expectations.

Chairman Vrem stated Option 2a contains a one-time surcharge for all registered and master guides and transporters. Option 2b contains a one-time surcharge for contracting registered and master guides and transporters

AGENDA ITEM 5 PUBLIC COMMENT

Mr. Stacey stated APHA supports the board and pay off the debt without involving assistant guides and non-contracting guides but there isn't a cushion in Option 2b

so we suggest increasing the surcharge with the caveat that this board determines what constitutes an active guide. Option 2a builds a buffer.

Chairman Vrem stated Option 2a could drop the fee to \$1200 or \$1000. Mr. Stacey stated APHA would be concerned about cutting the margins too thin. He recommends a \$1200 fee with 2 installments. Mr. Tiffany stated if we include all 702 registered and master guides and transporters with two \$600 payments then in FY19 we would have an estimated \$520,000. It's appropriate to have a buffer because of those who don't pay the fee. If the fee were dropped to \$1000 then in FY19 we would have an estimated \$380,000.

Mr. Jones motioned to adopt Option 2a and Ms. Metz seconded.

Discussion: Mr. Jones stated a lower surcharge would result in less people jumping ship and he would support \$1000 surcharge. Mr. Tiffany stated he supports Option 2a because it is simpler. Ms. Metz stated she likes Option 2a but knows it will be a bigger hit to some people than others. She lives in a condo and periodically they have to pay for a big project and everyone pays the same fee regardless of their income. She wonders whether the difference between \$1000 and \$1200 would make someone decide to not contract. Perhaps they could split the difference and make it \$1100. Mr. Tiffany stated in FY16-17 that would bring in an estimated \$262,000 and in FY18-19 an estimated \$450,000. He likes it. Chairman Vrem agreed.

Chairman Vrem stated residency vs non-residency status should not matter. Mr. Tiffany stated that licensees that have both guide and transporter licenses should not have to pay twice. Mr. Jones stated if it were only five licensees he could support that. Doubling the fee for non-residents was not supported by the transporter subcommittee.

Upon a motion duly made by Mr. Jones, seconded by Ms. Metz and approved by roll call vote, it was:

RESOLVED to adopt the BGCSB Worksheet for Change Considerations Option 2a:

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley				X
David Brown				X

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Michele Metz	X	
Nicholas Jackson	X	
David Jones	X	
Tom Atkins	X	
Henry D. Tiffany IV	X	
Gene Peltola		X

Upon a motion duly made by Mr. Tiffany, seconded by Ms. Metz and approved by roll call vote, it was:

RESOLVED to decrease the surcharge in BGCSB Worksheet for Change Considerations Option 2a from \$1400 to \$1100 with two \$550 installments.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley				X
David Brown				X
Michele Metz	X			
Nicholas Jackson	X			
David Jones	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

Upon a motion duly made by Mr. Tiffany, seconded by Ms. Metz and approved by roll call vote, it was:

RESOLVED in BGCSB Worksheet for Change Considerations Option 2a that licensees with a registered or master guide license and a transporter license should pay the \$1100 surcharge fee one time. Non-residents will pay the same amount as residents.

Roll Call Vote:

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	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley				X
David Brown				X
Michele Metz	X			
Nicholas Jackson	X			
David Jones	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

Chairman Vrem stated there has been an honest and sincere effort by individuals and reflects a good faith effort by the board to reduce its debt. He has asked Ms. Metz to coordinate with Ms. Chambers and Ms. Hansen to draft the report for the legislature.

Mr. Jones stated the investigative office is working with the district attorney office about consent agreements during the time of the hearing which has reduced costs to the State and he would like that in the report. Chairman Vrem commended Investigator Strout and Chief Birt for looking out for our best interests in compliance.

Ms. Chambers stated she thanks the board for their very clear intent and she and Director will go back over the recommendation for public notice and make an effort to get it out as soon as possible. She appreciates the board, subcommittee and APHA for bringing awareness to the public. If a fee proposal is finally adopted then the first payment would be due this fall. She wanted to reinforce that this change would come quickly and everyone should make everyone is aware that change is coming since November of 2015. Chairman Vrem stated they will need an outreach letter informing the licensee of why we did this. He and Ms. Metz will be involved in drafting an outreach letter with Ms. Chambers help. APHA has said that there needs to be communication this time. Ms. Chambers stated all public notices have a cover letter that explains the change and the division will continue to include that and can continue to send out alerts and what is due and when. The air carriers and APHA can also help.

Ethics packets were provided and no board members had anything to report.

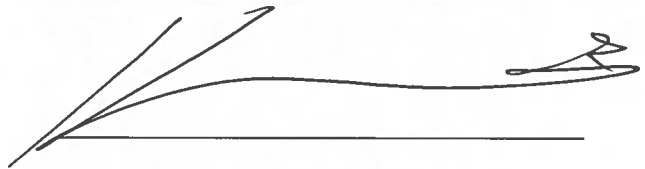
AGENDA ITEM 6 ADJOURNMENT

Chairman Vrem adjourned the meeting of the Alaska Big Game Commercial Services Board at 10:40am.

Respectfully submitted:



Cindy Hansen, Licensing Examiner



Kelly Vrem, Chairperson

Big Game Commercial Services Board

Date 7/13/18

Approved Date: 11.2.16

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**MINUTES OF MEETING
July 6, 2016**

By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62, Article 6, a scheduled teleconference of the Big Game Commercial Services Board was held July 6, 2016.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes. They were approved by the board in an email vote between October 21 and November 2, 2016.

AGENDA ITEM 1 CALL TO ORDER/ROLL CALL

The meeting was called to order by Kelly Vrem, Chair, at 11:45a.m.

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair
Michele Metz, Large Private Landowner
Nicholas Jackson, Large Private Landowner
Tom Atkins, Transporter
Henry D. Tiffany IV, Master Guide-Outfitter

Board members absent:

David Jones, Transporter
David Brown, Board of Game Representative
Gene Peltola, Public Member
Karen Polley, Public Member

Board staff present:

Cindy Hansen, Licensing Examiner
Lee Strout, Investigator

AGENDA ITEM 2 EXECUTIVE SESSION

On a motion duly made by Mr. Tiffany, seconded by Mr. Jones and approved unanimously, it was

RESOLVED to enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion and Matters which by law, municipal charter, or ordinance are required to be confidential and for the purpose of discussing confidential disciplinary matters for the purpose of discussing investigations and reports.

Staff members Ms. Hansen and Investigator Strout remained during executive session.

The Board entered into executive session at 11:52am and exited out of executive session at 12:07pm.

AGENDA ITEM 3 OAH NO. 15-1346-GUI

Ms. Metz moved to decline to adopt this Decision and instead orders under AS 44.64.060(e) (2) and that the case be returned to the administrative law judge to conduct the following specific proceedings: consider other options and present the case at a follow up meeting.

Upon a motion duly made by Ms. Metz, seconded by Mr. Atkins and approved by roll call vote, it was:

RESOLVED, in accordance with AS 44.64.060, declines to adopt this Decision and instead orders under AS 44.64.060(e) (2) and that the case be returned to the administrative law judge to conduct the

following specific proceedings: consider other options and present the case at a follow up meeting.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley				X
David Brown				X
Michele Metz	X			
Nicholas Jackson	X			
David Jones				X
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

AGENDA ITEM 4 Case No. 2014-002435

Ms. Metz moved to approve the consent agreement in Case No.2014-002435 and Mr. Tiffany seconded.

Discussion: Mr. Tiffany stated this is a case of someone failing to register for a guide use area and the consent agreement is consistent and appropriate and he will vote for it. Chairman Vrem stated this is for a renewal for a guide use area that the guide had previously occupied for a number of years. It is a failure to re-register and he will accept it as well.

Upon a motion duly made by Ms. Metz, seconded by Mr. Tiffany and approved by roll call vote, it was:

RESOLVED, to approve the consent agreement in Case No.2014-002435, Paul F. Malone, R#1163.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			

Karen Polley		X
David Brown		X
Michele Metz	X	
Nicholas Jackson	X	
David Jones		X
Tom Atkins	X	
Henry D. Tiffany IV	X	
Gene Peltola		X

AGENDA ITEM 5 Case No. 2016-000378

Ms. Metz moved to approve the consent agreement in Case No. 2016-000378 and Mr. Tiffany seconded.

Discussion: Mr. Tiffany stated this is a self-report of a violation and an unfortunate mistake that could happen to anyone so the fine is appropriate and he will vote to accept it. Chairman Vrem stated he will concur with that.

Upon a motion duly made by Ms. Metz, seconded by Mr. Tiffany and approved by roll call vote, it was:

RESOLVED, approve the consent agreement in Case No. 2016-000378, Cary L. Bloomquist, R#1344.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley				X
David Brown				X
Michele Metz	X			
Nicholas Jackson	X			
David Jones				X
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

AGENDA ITEM 6 Case No. 2016-000114

Ms. Metz moved to approve the consent agreement in Case No. 2016-000114 and Mr. Tiffany seconded.

Discussion: Chairman stated upon review it was a relatively minor transgression and the fine and penalty indicated the nature of it. The consent agreement is reasonable and he will accept it. Mr. Tiffany will do the same.

Upon a motion duly made by Ms. Metz, seconded by Mr. Tiffany and approved by roll call vote, it was:

RESOLVED to approve the consent agreement in Case No. 2016-000114, Scott A. Limmer, A#6697.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley				X
David Brown				X
Michele Metz	X			
Nicholas Jackson	X			
David Jones				X
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

AGENDA ITEM 7 Case No. 2015-001587

Ms. Metz moved to approve the surrender in Case No. 2015-001587 and Mr. Tiffany seconded.

Discussion: Chairman Vrem stated he will vote to accept the surrender. Mr. Tiffany stated there were blatant violations of regulations and he thinks its best this person no longer represent this industry so he will accept this license.

Upon a motion duly made by Ms. Metz, seconded by Mr. Tiffany and approved by roll call vote, it was:

RESOLVED, approve the surrender in Case No. 2015-001587, Garrett W. Cox, R#1275.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley				X
David Brown				X
Michele Metz	X			
Nicholas Jackson	X			
David Jones				X
Tom Atkins	X			
Henry D. Tiffany IV	X			
Gene Peltola				X

AGENDA ITEM 8 ANTHONY W. TARANTO APPLICATION

Ms. Metz moved to approve the Anthony W. Taranto application and require the applicant enter into a consent agreement with the condition they are not to receive a DUI offense or alcohol infraction within 24 months under penalty of license revocation and Mr. Tiffany seconded.

Upon a motion duly made by Ms. Metz, seconded by Mr. Tiffany and approved by roll call vote, it was:

RESOLVED to approve the Anthony W. Taranto application and require the applicant enter into a consent agreement with the condition they are not to receive a DUI offense or alcohol infraction within 24 months under penalty of license revocation.

Roll Call Vote:

APPROVE	DENY	ABSTAIN	ABSENT
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Kelly Vrem	X	
Karen Polley		X
David Brown		X
Michele Metz	X	
Nicholas Jackson	X	
David Jones		X
Tom Atkins	X	
Henry D. Tiffany IV	X	
Gene Peltola		X

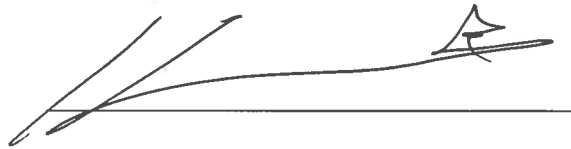
AGENDA ITEM 9 ADJOURNMENT

Chairman Vrem adjourned the meeting of the Alaska Big Game Commercial Services Board at 10:40am.

Respectfully submitted:



Cindy Hansen, Licensing Examiner



Kelly Vrem, Chairperson

Big Game Commercial Services Board

Date 7/13/18

Approved Date: 11.2.16