

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

BIG GAME COMMERCIAL SERVICES BOARD

MINUTES OF THE TELECONFERENCE MEETING ON
July 17, 2017

Monday July 17, 2017

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 meeting of the Big Game Commercial Services Board was held on July 17th, 2017 in Juneau, conference room C.

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

Board Members Present, Constituting a Quorum:

Nicholas Jackson, *Private Landholder*
James David Jones, *Transporter (GUIT1003)*
Henry D. Tiffany IV, *Master Guide (GUIM144)*
Michele Metz, - *Vice President - Private Landholder*
Kelly Vrem, *President - Master Guide (GUIM102)*
James "Tom" Atkins, *Transporter (GUIT978)*
Thomas Sullivan, *Public Member*
Adam Trombley, *Public Member*

Staff Members Present

Sara Chambers, *Divisions Operations Manager*
Heather Noe, *Occupational Licensing Examiner*
Lee Strout, *Investigator*

Public Members present

Mark Richards, *Hunters of Alaska*

Agenda Item 1 **Call to Order/Roll Call** **9:10 a.m.**

Chairman Tiffany called the meeting to order at 9:10 a.m.

Agenda Item 2 **Review/Approve Agenda** **9:11 a.m.**

Heather Noe, licensing examiner, commented that there were additions added to the agenda after the board packet had been printed. The additions to the agenda was the fee analysis and a signed consent agreement, 2017-000652.

Mrs. Chambers then asked the Board if agenda item 7, Budget Report, could be discussed earlier than when scheduled on the tentative agenda. The board accepted the changes that were requested to the agenda.

Agenda Item 3 **Ethics Disclosure** **9:18 a.m.**

Mr. Tiffany asked if anyone had any ethics disclosures to report. There were no ethics issues to disclose at this time.

Agenda Item 4 **Board Business** **10:20 a.m.**

Hearing nothing further on ethics disclosures, the Board moved to discussing board business topics.

Regulation Change: 12 AAC 75.205(b)

Ms. Noe addressed the open regulation project, which includes proposed amendments to 12 AAC 75.205(b) and 12 AAC 75.210(a) regarding hunt records. Ms. Noe prompted the Board to provide the Division with comments as to when they expect the changes to go through. Chairman Tiffany commented that the Board would like to see the regulation changes to be finalized by April 2018. Chairman Tiffany further explained that the Board approved a motion during their April 28th, 2017 meeting to amend the revision date of the hunt record from October 2012 to March 2017.

Chairman Tiffany inquired to the Board whether it was the intent to consolidate the changes to 12 AAC 75.210(a), 12AAC 75.205(b), and 12 AAC 75.400. Chairman Tiffany also inquired to the Division what the cost savings to the Board would be if the proposed regulations were consolidated, and if there would be a delay to the hunt records regulation change to 12 AAC 75.210(a) and 12 AAC 75.205(b). Mrs. Chambers responded that the estimated cost savings would be \$1,000 and that there would be about a 10 day delay. Mr. Tiffany then inquired if there were any public members that had joined the teleconference who wanted to provide input. Mark Richards with Hunters of Alaska made his presence known to the Board, but did not comment on the topic of proposed hunt record changes.

March 2018 Meeting

Hearing nothing further about regulation changes, Mr. Tiffany addressed the Division's recommendation to hold the two in-person meetings in Anchorage, rather than having one in Anchorage and the other in Fairbanks, which was suggested by Director Hovenden. Mr. Tiffany stated that he would like to continue holding the March meeting in Fairbanks. Mr. Tiffany asked the board to give consideration and thought as to holding an in-person meeting in mid-June for 2-3 days, however, the Board did not provide specific comments on this topic. Chairman Tiffany clarified for the record that the March 2018 meeting will not be eliminated.

TASK

Heather Noe will inquire as to whether other meeting venues will be available for the March 2018 meeting other than the Department of Environmental Conservation, where the last March meeting was held.

Hearing nothing further on meeting times and dates, Mr. Sullivan addressed the Board about e-mail ballots related to "yes" answers on applications. Mr. Sullivan inquired if the mail ballots for "yes" answers on initial applications could be reviewed during one of the executive teleconference meetings. Investigator, Lee Strout explained that it would not be reasonable to ask the applicant to wait 2-4 months for their application to be reviewed and that most of the time "yes" answers are aged misdemeanors. Mr. Tiffany had also agreed that it would not be reasonable to hold up an applicant from being licensed and that the board will continue forward with the e-mail board ballots.

Department of Natural Resource regulation changes

Hearing nothing further on board business, Chairman Tiffany brought attention to the Department of Natural Resources' land permit fee regulation changes. Chairman Tiffany wanted the Board to be made aware of such changes, but the Board did not engage in discussion on this matter.

Deloycheet Inc./Transportation Services

Heather Noe explained that attorney, Harriet Milks recommended that the Board review the questions that Deloycheet Inc. (owner of Alaska Monster Moose Transportation), provided and to give their advice on transportation services as it relates to appropriate scope of practice. Chairman Tiffany and the Board were not fully aware of the full situation and requested that background information be provided for clarity. Ms. Noe indicated to the Board that information regarding this matter would be supplied to the Board for discussion at their next meeting.

TASK

Heather Noe will contact Ms. Milks for the full conversation of the Deloycheet situation for further discussion at the December 2017 meeting.

Position Statement: Second Offenses (Draft)

Chairman Tiffany then presented his second offense position statement draft to the Board. Chairman Tiffany explained what a second offense would be, if a licensee is fined for a guide use area registration violation, this would be considered the first offense, and if the same licensee is fined for a moose violation, than that would be considered a second offense. Chairman Tiffany asked Investigator, Lee Strout to explain how the fines would work with a second offense, to which Investigator Lee Strout explained that for the first offense, on a moose violation that carried a \$100 fine, if a second offense occurred, the fine amount would be 3 times the amount of initial fine amount (\$300).

Chairman Tiffany stated that the second offense position statement was only in draft form, and asked Kelly Vrem and Adam Trombley to provide edits for a second draft for presentation to the Board at the December 2017 meeting.

TASK

Mr. Vrem and Mr. Trombley will draft language for revisions to the second offense position statement for review and approval at the December 2017 meeting.

Letter of Support: Guide Concession Program

Hearing nothing further on the second offense position statement, Chairman Tiffany asked the Board to discuss the letter of support for a guide concession program and prompted the Board for feedback on this program.

On a motion duly made by Henry Tiffany, seconded by Kelly Vrem, and opposing the motion are Michelle Metz, Nicholas Jackson, and Thomas Sullivan.

Discussion: For clarification, Chairman Tiffany explained that the guide concession program limits how many guides can operate in a guide use area on federal and state lands. Mr. Sullivan asked how guides are selected, to which Mr. Vrem replied that there would be a panel that makes those selections.

RESOLVED to approve the support for the guide concession program.

	Approved	Denied	Tabled	Recuse
James (Tom) Atkins	X			
Michelle Metz		X		
Nicholas Jackson		X		
James (David) Jones	X			
Adam Trombley	X			
Henry Tiffany IV	X			
Kelly Vrem	X			
Thomas Sullivan		X		

Agenda Item 5

Review/Approve Meeting Minutes

12:30 a.m.

The Board then moved to review and approve the meeting minutes from the previous teleconferences in April and June of 2017.

On a motion duly made by Kelly Vrem, seconded by Tom Atkins, and approved unanimously with recusal from James David Jones, it was:

RESOLVED to approve the June 19th, 2017 meeting minutes.

	Approved	Denied	Tabled	Recuse
James (Tom) Atkins	X			
Michelle Metz	X			

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Nicholas Jackson	X			
James (David) Jones				x
Adam Trombley	X			
Henry Tiffany IV	X			
Kelly Vrem	X			
Thomas Sullivan	X			

The motion carried and there was no further discussion on this matter.

TASK

Chairman Tiffany will sign the final draft meeting minutes at the December 2017 meeting in Anchorage

On a motion duly made by Kelly Vrem, seconded by Tom Atkins to approve April 28th 2017 meeting minutes, and approved unanimously with recusal from Nicholas Jackson, it was:

RESOLVED to approve the April 28th, 2017 meeting minutes

	Approved	Denied	Tabled	Recuse
James (Tom) Atkins	X			
Michelle Metz	X			
Nicholas Jackson				x
James (David) Jones	X			
Adam Trombley	X			
Henry Tiffany IV	X			
Kelly Vrem	X			
Thomas Sullivan	X			

The motion carried and there was no further discussion on this matter.

TASK

Chairman Tiffany will sign the final draft meeting minutes at the December 2017 meeting in Anchorage

Agenda Item 6

Budget Report

9:20 a.m.

Budget Report

Division Operations Manager, Sara Chambers discussed the budget report for the 1st thru the third quarter for FY17. Ms. Chambers explained that the revenue has improved since FY15. Chairman Tiffany asked Ms. Chambers when the FY17 renewal season income will be reflected in their budget report. Ms. Chambers responded that it will be seen on the third quarter of FY18. Mrs. Chambers also explained the direct expenditures which covers the costs of employee salary, travel expenses, contractual, supplies, and equipment. Chairman Tiffany asked Investigator Lee Strout, to explain the Rule 11 plea agreement to Mrs. Chambers so that she may comment on whether the Rule has contributed to cost savings for investigative services. Mr. Strout explained that under the Rule 11 plea, the Board will also take action in addition to court fines and judgements. Mrs. Chambers commented that it sounded like a great process and that it seemed to be working for lowering the costs for investigations. Mrs. Chambers continued with the budget report and stated that the annual surplus had been accumulating during a non-renewal season, which is very unusual to end a non-renewal year with a surplus.

Kelly Vrem, board member, was having phone issues and joined the meeting at 9:28 a.m.

Fee Analysis

Mrs. Chambers informed the Board that she did not have much to add to the fee analysis than what Director Hovenden already provided at their last meeting in March. Mrs. Chambers commented that if any board member had any questions concerning the fee analysis, they could feel free to contact her. Mrs. Chambers briefly explained that the Board is slowly moving in the right direction and her recommendation is to review it again at the December 2017 meeting.

Agenda Item 7

Subcommittee Updates

12:22p.m.

12 AAC 75.400

12:22p.m.

James "David" Jones discussed that at the December Board meeting, the Board passed a resolution to change 12AAC 75.400 to add a paragraph that would aim to alleviate double reporting when an air transporter flies a client to a guide or to a marine transporter in the field, that has already been reported by the initial transporter. At the December meeting, the Board decided to add a paragraph, however the paragraph that was drafted in March 2017 meeting was not accepted by LAW for two reasons: The first reason is that the Board should not exempt a report that is required in AS 08.54.650(c) and the second reason is the that the Board action did not clarify who is responsible for reporting in a case of two or more licensees providing services for a single hunt. Mr. Jones explained that he had since amended the wording to remove the word "exempt" and to not alleviate any transporter from reporting transportation services. Mr. Jones stated that the new wording is as follows:

"During portions of a hunt, a transporter, who is also an FAA certified part 135 air taxi, should not report air transportation services for a client to, from, or in between sites operated by a marine transporter, a ground based transporter or a registered guide who is required to complete a hunt record or a transporter activity report for this same hunt with this same client."

On a motion duly made by Kelly Vrem, seconded by Tom Atkins, and approved unanimously, it was

RESOLVED to approve the new wording to 12 AAC 75.400 to state: During portions of a hunt, a transporter, who is also an FAA certified part 135 air taxi, should not report air transportation services for a client to, from, or in between sites operated by a marine transporter, a ground based transporter or a registered guide who is required to complete a hunt record or a transporter activity report for this same hunt with this same client.

	Approved	Denied	Tabled	Recuse
James (Tom) Atkins	X			
Michelle Metz	X			
Nicholas Jackson	X			
James (David) Jones	X			
Adam Trombley	X			
Henry Tiffany IV	X			
Kelly Vrem	X			
Thomas Sullivan	X			

The motion carried.

On a motion duly made by, Michelle Metz and seconded by Adam Trombley to move into executive session, it was:

RESOLVED to move into executive session in accordance with the provisions of Alaska Statute 44.62.310(c)(1)(2)(3) for the purpose of discussing matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity; 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.

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	Approved	Denied	Tabled	Recuse
James (Tom) Atkins	X			
Michelle Metz	X			
Nicholas Jackson	X			
James (David) Jones	X			
Adam Trombley	X			
Henry Tiffany IV	X			
Kelly Vrem	X			
Thomas Sullivan	X			

Entered into executive session
Returned from Executive session

12:09 p.m.
12:30 p.m.

Chairman Henry Tiffany IV, stated for the record that no motions were made in executive session.

Consent agreement 2017-000652

On a motion duly made by Michelle Metz and seconded by Tom Atkins, to accept consent agreement 2016-000450, and approved unanimously, it was:

RESOLVED to approve consent agreement 2016-000450.

	Approved	Denied	Tabled	Recuse
James (Tom) Atkins	X			
Michelle Metz	X			
Nicholas Jackson	X			
James (David) Jones				
Adam Trombley	X			
Henry Tiffany IV	X			
Kelly Vrem	X			
Thomas Sullivan	X			

The motion carried.

Consent agreement 2017-000107

On a motion duly made by Michelle Metz and seconded by Tom Atkins, to accept consent agreement 2017-000107, and approved unanimously, it was:

RESOLVED to approve consent agreement 2016-000107.

	Approved	Denied	Tabled	Recuse
James (Tom) Atkins	X			
Michelle Metz	X			
Nicholas Jackson	X			
James (David) Jones				
Adam Trombley	X			
Henry Tiffany IV	X			
Kelly Vrem	X			
Thomas Sullivan	X			

The motion carried.

Agenda Item 8

Adjournment

12:42 p.m.

On a motion duly made by Henry Tiffany and seconded by Kelly Vrem, to adjourn, and approved unanimously, it was:

RESOLVED to adjourn the meeting.

The July 17th, 2017 teleconference meeting adjourned at 12:42 p.m.

Respectfully submitted:

Heather Noe, Licensing Examiner



Henry Tiffany IV, Board President