

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 21, 2014

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 teleconference of the Big Game Commercial Services Board was held July 21, 2014.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes which were approved by the board at the Annual Board meeting on December 9, 2014.

AGENDA ITEM 1 CALL TO ORDER/ROLL CALL

The meeting was called to order by Kelly Vrem, Chair, at 9:19a.m. There was a quorum.

Board Members present:

Kelly Vrem, Master Guide-Outfitter, Chair
Karen Polley, Public Member
Tom Atkins, Transporter
Bob Mumford, Board of Game Representative
Henry D. Tiffany IV, Master Guide-Outfitter

Board members absent:

Michele Metz, Large Private Landowner
Brenda Rebne, Large Private Landowner
Gene Peltola, Public Member
David Jones, Transporter

Board staff present:

Lee Strout, Investigator

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

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing confidential disciplinary matters for the purpose of discussing investigations and reports.

Staff member Mr. Strout remained during executive session.

AGENDA ITEM 2 REVIEW/AMEND AGENDA did not occur.

AGENDA ITEM 3 Case No. 2014-000390

In the matter of the investigative review of Edward J. Shavings Jr.

Ms. Polley moved to accept the consent agreement of Edward J. Shavings Jr. C#760 in Case No. 2014-000390 and Mr. Tiffany IV seconded.

Discussion: There was none.

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

RESOLVED to accept the consent agreement of Edward J. Shavings Jr. C#760.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:

**Michele Metz
Brenda Rebne
David Jones**

Gene Peltola

AGENDA ITEM 4 Case No. 2014-000073

In the matter of the investigative review of Jeff Kruse

Ms. Polley moved to accept the consent agreement of Jeff Kruse T#981 in Case No. 2014-000073 and Mr. Tiffany IV seconded.

Discussion: Mr. Mumford stated he is going to vote to accept the consent agreement as it's pretty straightforward and maintains consistency with past board practice in reference to transporting antlers prior to removing all edible meat. Mr. Tiffany IV stated he agrees with Mr. Mumford.

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

RESOLVED to accept the consent agreement of Jeff Kruse T#981.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:

**Michele Metz
Brenda Rebne
David Jones
Gene Peltola**

AGENDA ITEM 5 Case No. 2013-002432

In the matter of the investigative review of Joshua R. Randall

Ms. Polley moved to accept the consent agreement of Joshua R. Randall R#1146 in Case No. 2013-002432 and Mr. Tiffany IV seconded.

Discussion: Ms. Polley stated this was a guide use area violation and after the discussion in executive session she believes the consent agreement is appropriate. Chairman Vrem stated this was more of a failure to renew as opposed to intent to evade. He believes there wasn't nefarious intent. Mr. Tiffany IV agreed.

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

RESOLVED to accept the consent agreement of Joshua R. Randall R#1146.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:

Michele Metz
Brenda Rebne
David Jones
Gene Peltola

AGENDA ITEM 6 Case No. 2013-002433

In the matter of the investigative review of Luke J. Randall

Ms. Polley moved to accept the consent agreement of Luke J. Randall R#1193 in Case No. 2013-002433 and Mr. Tiffany IV seconded.

Discussion: Ms. Polley stated this is a similar and almost a partner to the previous consent agreement and was a failure to do paperwork. Mr. Tiffany IV stated this is consistent with what the board has done in the past with fines and suspensions with clients. Chairman Vrem stated he concurs.

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

RESOLVED to accept the consent agreement of Luke J. Randall R#1193.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:

**Michele Metz
Brenda Rebne
David Jones
Gene Peltola**

AGENDA ITEM 7 Case No. 2014-000389

In the matter of the investigative review of Britton A. Russell

Ms. Polley moved to accept the consent agreement of Britton A. Russell A#7399 in Case No. 2014-000389 and Mr. Tiffany IV seconded.

Discussion: Mr. Tiffany IV stated this was a case of a guide accompanying a client who shot a sub-legal ram and while it's unfortunate that a guide cannot shoot or pull the trigger for a hunter perhaps in the future the respondent will make more of an effort to determine that the right ram is targeted. Ms. Polley stated she supports this consent agreement because the

guide immediately reported the sub-legal ram. Chairman Vrem stated that he accepts this and commends the guide for immediate reporting.

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

RESOLVED to accept the consent agreement of Britton A. Russell A#7399.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:

**Michele Metz
Brenda Rebne
David Jones
Gene Peltola**

AGENDA ITEM 8 Case No. 2013-002339

In the matter of the investigative review of Sterling M. Mize

Ms. Polley moved to accept the consent agreement of Sterling M. Mize A#3411 in Case No. 2013-002339 and Mr. Tiffany IV seconded.

Discussion: Mr. Tiffany IV stated under the circumstances the fines are appropriate with the client not having a bear tag so he will support the consent agreement. Chairman Vrem stated he also supports it. Ms. Polley stated she is sure in the future they will look for visible evidence of tags before they take out a client.

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

RESOLVED to accept the consent agreement of Sterling M. Mize A#3411.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:

Michele Metz
Brenda Rebne
David Jones
Gene Peltola

AGENDA ITEM 9 Case No. 2012-001205

In the matter of the investigative review of Roland D. Welker

Ms. Polley moved to accept the consent agreement of Roland D. Welker R#1240 in Case No. 2012-001205 and Mr. Tiffany IV seconded.

Discussion: Mr. Mumford stated this was a little more complicated and there was a fair amount of discussion about the case which began in July 2006 and into 2007. The consent agreement is consistent with what the board has done and this one works to assign the responsibility so he will vote to approve it. Chairman Vrem stated he will vote to approve it although he is frustrated with ADF&G license process. He is also dismayed that guides keep making the same improper licensing application and failing to renew their guide use areas but he will vote to accept it.

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

RESOLVED to accept the consent agreement of Roland D. Welker R#1240.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:

Michele Metz
Brenda Rebne
David Jones
Gene Peltola

AGENDA ITEM 10 Case No. 2014-000722

In the matter of the investigative review of Mark J. Gutschmiedl

Ms. Polley moved to accept the consent agreement of Mark J. Gutschmiedl A#3753 in Case No. 2014-000722 and Mr. Tiffany IV seconded.

Discussion: Chairman Vrem stated this is a procedural vote as the board as already consented to renew the guide. Mr. Tiffany IV stated he agrees and the board just needs to close the case on this one. Mr. Mumford stated it is basically an action that the board had requested and has already been done so he finds it acceptable.

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

RESOLVED to accept the consent agreement of Mark J. Gutschmiedl A#3753

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		

Tom Atkins X
Henry D. Tiffany IV X

ABSENT:

Michele Metz
Brenda Rebne
David Jones
Gene Peltola

AGENDA ITEM 11 Case No. 2011-000685

In the matter of the investigative review of James E. Phillips

Ms. Polley moved to accept the consent agreement of James E. Phillips R#929 in Case No. 2011-000685 and Mr. Tiffany IV seconded.

Discussion: Chairman Vrem stated this must be consistent with the board's charge of \$500 per client. Mr. Mumford stated the case was discussed in executive session, the guide has lost his license and was fined by the court system of \$4,000 and he feels a \$10,000 fine with \$10,000 suspended and a probationary period of 5 years and not 3 years acceptable.

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

RESOLVED to accept the consent agreement of James E. Phillips R#929.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:

Michele Metz
Brenda Rebne

David Jones
Gene Peltola

AGENDA ITEM 12 Case No. 2011-000921

In the matter of the investigative review of George A. Bock, Jr.

Ms. Polley moved to accept the consent agreement of George A. Bock, Jr. R#1052 in Case No. 2011-000921 and Mr. Tiffany IV seconded.

Discussion: Mr. Tiffany IV stated he accepts the consent agreement and made a motion to remove the requirement that the respondent attend the guide responsibility seminar because currently the board does not offer such a seminar. There is no assurance of a standing seminar so it is inappropriate to require it. Ms. Polley accepted the amendment.

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

RESOLVED to accept the amended consent agreement which would remove the Guide Responsibility Seminar of George A. Bock Jr. R#1052.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:

Michele Metz
Brenda Rebne
David Jones
Gene Peltola

RESOLVED to accept the consent agreement of George A. Bock Jr. R#1052.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:

Michele Metz
Brenda Rebne
David Jones
Gene Peltola

AGENDA ITEM 13 Case No. 2013-001793

In the matter of the investigative review of Charles M. Keeter

Ms. Polley moved to accept the consent agreement of Charles M. Keeter C#811 in Case No. 2013-001793 and Mr. Tiffany IV seconded.

Discussion: Ms. Polley stated that this was a case of same day airborne which could lead to a lot of confusion as regulations vary in different areas. She will vote to accept the consent agreement. Chairman Vrem stated although it is illegal to do what they did, the level of seriousness was de-escalated by their choice to land. It was a surprising lack of knowledge of game regulations but it was not nefarious. Mr. Mumford stated he will vote to support this.

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

RESOLVED to accept the consent agreement of Charles M. Keeter C#811.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:

Michele Metz
Brenda Rebne
David Jones
Gene Peltola

AGENDA ITEM 14 Case No. 2013-001792

In the matter of the investigative review of Brian J. Babenzien

Ms. Polley moved to accept the consent agreement of Brian J. Babenzien A#7245 in Case No. 2013-001792 and Mr. Mumford seconded.

Discussion: Ms. Polley stated this is a companion to the earlier case and will vote to accept it. Chairman Vrem stated he will vote in favor of the consent agreement. Mr. Mumford stated he will also vote to accept it.

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

RESOLVED to accept the consent agreement of Brian J. Babenzien A#7245.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:
Michele Metz
Brenda Rebne
David Jones
Gene Peltola

AGENDA ITEM 15 Case No. 2013-001168

In the matter of the investigative review of Robert P. Hardy

Ms. Polley moved to accept the consent agreement of Robert P. Hardy R#887 in Case No. 2013-001168 and Mr. Tiffany IV seconded.

Discussion: Mr. Tiffany IV stated this was a case of directing hunters to shoot a sheep which was later determined to be sub-legal and later when the guide renewed his application he answered no to question number 3 about being under investigation. Sometimes it can be difficult to know when an investigation is over but they were in error. They should have answered yes to number 3 so the fine is a little bit higher. Chairman Vrem stated he is frustrated because the answers to this question show a lack of understanding by his fellow guides and it is a concern because it's a fairly routine violation under these circumstances so he is going to vote in favor of the consent agreement.

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

RESOLVED to accept the consent agreement of Robert P. Hardy R#887.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:

Michele Metz
Brenda Rebne
David Jones
Gene Peltola

AGENDA ITEM 16 Case No. 2014-000026

In the matter of the investigative review of Justin L. Moody

Ms. Polley moved to accept the consent agreement of Justin L. Moody A#7299 in Case No. 2014-000026 and Mr. Tiffany IV seconded.

Discussion: Ms. Polley stated this is a 48 inch antler and the person involved can learn a lot from this experience and put it behind him and she will accept the consent agreement. Mr. Tiffany IV stated he agrees and although he knows this respondent he believes he can objectively vote on this agreement. They erred and he is sure they will make great pains in the future to verify if a moose is legal before directing someone to shoot it. Chairman Vrem agreed and he is a little disappointed that Alaska Wildlife Troopers could have exercised a bit more discretion on this but perhaps the conversation with the respondent could have had something to do with the troopers' demeanor.

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

RESOLVED to accept the consent agreement of Justin L. Moody A#7299.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:
Michele Metz

**Brenda Rebne
David Jones
Gene Peltola**

AGENDA ITEM 17 Case No. 2013-001372

In the matter of the investigative review of Anthony B. Lee

Ms. Polley moved to accept the consent agreement of Anthony B. Lee M#105 in Case No. 2013-001372 and Mr. Tiffany IV seconded.

Discussion: Mr. Atkins stated this there was no ill intent and follows the guidelines of what the board has done in the past. Mr. Tiffany IV stated he knows this respondent but he believes he can vote objectively on this case. Chairman Vrem stated that he also knows this respondent and it's similar to the other cases in that there was no intent to evade. He is a little frustrated that the board cannot split the violation between the nefarious intent to inadvertent violation. He doesn't like the label that is put on the guides and hopes it will change. He is going to vote in favor of the consent agreement. Mr. Mumford stated he wants to point out there was quite a bit of discussion and everyone knows this gentleman and agreed to be completely objective and he will be voting to accept this. Ms. Polley stated a person who guided persons outside the guide use area is an ongoing problem that is coming up in cases and she believes that the policy needs to be put into place to remind people of the area expiration dates. One of the things that is confusing to the general public member on the guide use area registration is the effort that is made to clean up the boundaries and one of the things we should do is have seminars on the registration process. She will vote to accept the agreement. Chairman Vrem stated the department has again begun to mail out expiration notices. There was a gap of time when this did not occur. And he believes that is a contributing factor. It's a courtesy by the state and people should be aware of it. He believes there will be a dramatic reduction now that reminders are going out and he feels bad with the guides who got caught up in this. Mr. Atkins stated he thinks this goes along with the board's intent to reduce paperwork so this is a good step by the state to reinstate this process. Chairman stated that it was a dropped because of a change of personnel and supervision and after some brief discussion from the board it was reinstated.

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

RESOLVED to accept the consent agreement of Anthony B. Lee M#105.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:

Michele Metz
Brenda Rebne
David Jones
Gene Peltola

AGENDA ITEM 18 Case No. 2013-001450

In the matter of the investigative review of Duane Pederson Jr.

Ms. Polley moved to accept the consent agreement of Duane Pederson Jr. R#1110 in Case No. 2013-001450 and Mr. Tiffany IV seconded.

Discussion: Ms. Polley stated she is not going to vote to accept this consent agreement. She does not believe it is relevant to guiding. Mr. Tiffany IV stated he would agree with that. Chairman Vrem stated he agrees; if this had been a sport hunting violation he could see a more positive connection between a person's professional license and his personal activity but in this case it is too far removed for him. He is not going to vote for this and an amendment is in order. Mr. Atkins stated he concurs that it is incidental, has nothing to do with the guiding industry and will not affect the guiding industry and he would like to see an amendment. Mr. Mumford offered an amendment that the board directs the investigators to not take any further action on this case. Ms. Polley accepted the amendment. This is one he does not agree with that was investigated. It was an incidental trapping case and

the guide did not have time to turn in the cat after it was caught in a coyote set. It was pointed out to him and he was cited. It's not an action we want our investigators to spend their time on. The only time he could see this jumping up is if the person fails to disclose it during renewal. Chairman Vrem stated that it will add to investigations workload to remind these guides to disclose it; although this guide had done so on his own. His option to self-report was removed by enforcement and the board does not wish to hold this gentleman accountable by voting to reject the consent agreement. Mr. Mumford agreed.

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

RESOLVED to accept the amended consent agreement for investigations to take no action of Duane Pederson Jr. R#1110.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		

ABSENT:

Michele Metz
 Brenda Rebne
 David Jones
 Gene Peltola

RESOLVED to deny the consent agreement of Duane Pederson Jr. R#1110.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem		X	
Karen Polley		X	

Bob Mumford X
Tom Atkins X
Henry D. Tiffany IV X

ABSENT:

Michele Metz
Brenda Rebne
David Jones
Gene Peltola

AGENDA ITEM 19 ADJOURN

The Chair adjourned the meeting of the Alaska Big Game Guides and Commercial Services Board at 11:48a.m.

Respectfully submitted:



Cindy Hansen, Licensing Examiner



Kelly Vrem, Chairperson
Big Game Commercial Services
Board

Date 12/30/14

Approved Date: 12/30/14