

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  
October 15, 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 October 15, 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  
Michele Metz, Large Private Landowner  
Brenda Rebne, Large Private Landowner  
Gene Peltola, Public Member  
David Jones, Transporter

Board staff present:

Angela Birt, Chief Investigator  
Lee Strout, Investigator III  
Michele Wall-Rood, Investigator III  
Cindy Hansen, Licensing Examiner

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 members were allowed to remain during executive session.

**AGENDA ITEM 2            REVIEW/AMEND AGENDA**

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

Present:

Stephen Slotnick, Administrative Law Judge  
Jonathan Woodman, Assistant Attorney IV

**AGENDA ITEM 3            R#844 License Renewal**

In the matter of the investigative review of Registered Guide-Outfitter #844 license renewal

Ms. Polley moved to accept the consent agreement for the license renewal and Mr. Peltola seconded.

Discussion: Ms. Polley stated this is a license renewal which has been in process for some time and it is appropriate to move forward. Chairman Vrem stated he concurs. It has been recommended by counsel so he believes the board is obligated to accept it. Mr. Peltola stated he agrees. Mr. Tiffany IV stated accepting the consent agreement is the appropriate action to take.

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

**RESOLVED to accept the consent agreement for the license renewal of Registered Guide-Outfitter #844 Larry C. Hooton.**

**Roll Call Vote:**

**APPROVE**

**DENY**

**ABSTAIN**

Kelly Vrem	X
Karen Polley	X
Bob Mumford	X
Tom Atkins	X
Henry D. Tiffany IV	X
Michele Metz	X
Brenda Rebne	X
David Jones	X
Gene Peltola	X

**AGENDA ITEM 4 ALJ Proposed Decision regarding OAH NO. 24-0057-GUI**

In the matter of the investigative review of OAH NO24-0057-GUI

Ms. Polley moved to accept the Administrative Law Judge’s proposed decision for OAH NO. 14-0057-GUI as amended to include item #1, a fine of \$1000 with \$500 suspended conditioned upon complying with this order and not violating any hunting, guiding, or transporter laws in any jurisdiction for two years; deleting item #2, to deliver 36 contracts to the Division; and including item #3, a reprimand shall be served and placed in his file and Ms. Metz seconded.

Discussion: Mr. Tiffany IV stated he agrees with approving option #1 and deleting #2. He would like to see #3 amended or removed but under the circumstances he is willing to accept #3 along with #1. Mr. Atkins stated he has a problem with the reprimand but since the board is on board he will go along. Mr. Peltola stated he will be voting for this. Mr. Mumford stated he agrees with the reprimand as it maintains the consistency of those violations similar in nature, so he will vote for this. Mr. Vrem stated his conscious tell him to not vote for this. He is inclined to give Mr. Umphenour a little more leeway but he doesn’t want to give the respondent possible irreparable harm. He does not intend to support this out of principle but he doesn’t want to jeopardize its not passing. Mr. Jones stated he intends to support the motion as amended because it is consistent with similar violations in the past and it is fair. This has gone on for several years now and the motion as amended is a fair and equitable resolution.

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

**RESOLVED to accept the Administrative Law Judge’s proposed decision for OAH NO. 14-0057-GUI as amended to include item #1, a fine of \$1000 with \$500 suspended**

conditioned upon complying with this order and not violating any hunting, guiding, or transporter laws in any jurisdiction for two years; delete item #2, to deliver 36 contracts to the Division; and include item #3, a reprimand shall be served and placed in his file

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>		<b>X</b>	
<b>Karen Polley</b>	<b>X</b>		
<b>Bob Mumford</b>	<b>X</b>		
<b>Tom Atkins</b>	<b>X</b>		
<b>Henry D. Tiffany IV</b>	<b>X</b>		
<b>Michele Metz</b>	<b>X</b>		
<b>Brenda Rebne</b>	<b>X</b>		
<b>David Jones</b>	<b>X</b>		
<b>Gene Peltola</b>	<b>X</b>		

**AGENDA ITEM 6            Case No 2013-001215**

In the matter of the investigative review of Scott D. Newman

Ms. Polley moved to accept the consent agreement of Scott D. Newman in Case No. 2013-001215 and Mr. Tiffany IV seconded.

Discussion: Mr. Mumford stated he is going to vote in favor of this consent agreement as it is consistent with past board decisions. Ms. Metz stated for the ruling from the chair that potential conflict was Mr. Newman was asked by the Alaska Professional Hunters Association to travel to Washington DC to testify on the Sealaska Lands Bill on big game guiding in Southeast; therefore, she needs to request if there is a conflict whether or not she should abstain. Chairman Vrem stated the chair thinks that Ms. Metz is a reasonable person able to reach an unbiased conclusion and therefore can vote.

**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 Scott D. Newman, M#157.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>	<b>X</b>		
<b>Karen Polley</b>	<b>X</b>		
<b>Bob Mumford</b>	<b>X</b>		
<b>Tom Atkins</b>	<b>X</b>		
<b>Henry D. Tiffany IV</b>	<b>X</b>		
<b>Michele Metz</b>	<b>X</b>		
<b>Brenda Rebne</b>	<b>X</b>		
<b>David Jones</b>	<b>X</b>		
<b>Gene Peltola</b>	<b>X</b>		

**AGENDA ITEM 7            Case No 2014-001120**

In the matter of the voluntary surrender of license A#5303 of Edward B. Crain

Ms. Polley moved to accept the voluntary surrender of license A#5303 in Case No 2014-001120 of Edward B. Crain and Mr. Tiffany IV seconded.

Discussion: Mr. Tiffany IV stated he compliments this individual for being forthright and will accept their surrender of license. Mr. Mumford stated he is going to approve this, it's a voluntary surrender for a guide instead of a consent agreement and completely appropriate. Chairman Vrem stated this gentleman is doing the board a favor and he will have no problem accepting 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 voluntary surrender of A#5303 of Edward B. Crain**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>	<b>X</b>		
<b>Karen Polley</b>	<b>X</b>		
<b>Bob Mumford</b>	<b>X</b>		
<b>Tom Atkins</b>	<b>X</b>		

Henry D. Tiffany IV	X
Michele Metz	X
Brenda Rebne	X
David Jones	X
Gene Peltola	X

**AGENDA ITEM 8            Case No. 2014-000957**

In the matter of the investigative review of Peter A. Barela

Ms. Polley moved to accept the consent agreement in Case No 2014-000957 of Peter A. Barela and Mr. Mumford seconded.

Discussion: Ms. Polley stated the fine was \$5000 with \$4000 suspended and a board reprimand and the consent agreement is a good way to settle this case. Mr. Mumford stated he is also going to vote to approve it. It is the guide who has culpability and the consent agreement is appropriate. Chairman Vrem stated he is troubled by it; the consent agreements seem to have the same fine for people who inadvertently have the same violation and this is a little troubling to him, although he is not going to let this get in the way of approving this consent agreement. Ms. Polley stated the consent agreement is for falsification and submitting the report. Chairman Vrem stated his point is that some guides have been inadvertently found guilty for the same violation and each case could have different circumstances.

**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 Peter A. Barela.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		
Michele Metz	X		
Brenda Rebne	X		

David Jones                   X  
Gene Peltola                 X

**AGENDA ITEM 9           Case No. 2014-000381**

In the matter of the investigative review of Daniel J. Suprak

Ms. Polley moved to accept the consent agreement in Case No 2014-000381 of Daniel J. Suprak and Mr. Tiffany IV seconded.

Discussion: Ms. Polley stated this is a case of not having a registration permit for a client on a brown bear hunt. Mr. Tiffany IV stated the requirement for registration in unit 9 is a relatively new one and something we should comply with and make every effort to do so and in this case it's appropriate to take action. He will vote to support it. Ms. Metz stated she will also be voting 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 Daniel J. Suprak.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		
Michele Metz	X		
Brenda Rebne	X		
David Jones	X		
Gene Peltola	X		

**AGENDA ITEM 10           Case No. 2014-000684**

In the matter of the investigative review of Andrew C. Coulter

Ms. Polley moved to accept the consent agreement in Case No 2014-000684 of Andrew C. Coulter and Mr. Tiffany IV seconded.

Discussion: Ms. Polley stated this is another case of attempting to seal a Dall sheep and finding out it was sub-legal. There is no information on how sub-legal it was but the fine is consistent with what we have done before.

**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 Andrew C. Coulter**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>	<b>X</b>		
<b>Karen Polley</b>	<b>X</b>		
<b>Bob Mumford</b>	<b>X</b>		
<b>Tom Atkins</b>	<b>X</b>		
<b>Henry D. Tiffany IV</b>	<b>X</b>		
<b>Michele Metz</b>	<b>X</b>		
<b>Brenda Rebne</b>	<b>X</b>		
<b>David Jones</b>	<b>X</b>		
<b>Gene Peltola</b>	<b>X</b>		

**AGENDA ITEM 11**

**Case No. 2014-000935**

In the matter of the investigative review of Glenn C. Elliott

Ms. Polley moved to accept the consent agreement as amended with reducing the fine to \$500 by suspending \$1,000 of the \$1,500 fine, reducing the probation from two years to one year and issuing a full reprimand in Case No 2014-000935 of Glenn C. Elliott and Ms. Metz seconded.

Discussion: Ms. Polley stated this case was about not affixing a metal locking tag to the skull of a Dall sheep. She knows how fast things can happen in camp. Since the board does not have information to know if this was a deliberate effort of the assistant guide she believes it should be a reduced fine and one year probation. Mr. Peltola stated he knows this individual well so



he will abstain. Mr. Tiffany IV stated he also has a conflict in this case and will abstain. Chairman Vrem stated he is going to offer the same choice as he did with Ms. Metz in an earlier case since he believes the board members can use their discretion to reach a decision and let you decided what your actions will be.

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

**RESOLVED to accept the consent agreement as amended of Glenn C. Elliott.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV			X
Michele Metz	X		
Brenda Rebne	X		
David Jones	X		
Gene Peltola			X

**AGENDA ITEM 11a                      Tabled-Assistant Guide license application**

In the matter of the tabled assistant guide license application of Mitchell Davis

Ms. Polley moved to approve the assistant guide license application of Mitchell Davis with voluntary one year probation and Mr. Mumford seconded.

Discussion: Mr. Tiffany IV amended the main motion for the probationary period to expire on 12/31/2016. Ms. Metz seconded it.

Ms. Polley stated she is concerned with a probation expiration date of 12/31/2016 because the board might be overstepping its period of time to make conditions. Perhaps the board could reset the conditions when Mr.

Davis renews his license. His license is effective until 12/31/2015 so that should be as long as the probation period. Chairman Vrem stated he understands Ms. Polley's concerns and if she is uncomfortable she can withdraw her motion. Mr. Tiffany IV stated he sees Ms. Polley's point and for the record he would like to see the probation period longer but it could be problematic.

Mr. Tiffany IV withdrew his amendment and Ms. Metz accepted the withdrawal.

Chairman Vrem stated the board routinely passes consent agreements with probation periods that run through the renewal periods. Mr. Peltola stated he doesn't believe the board can do that. Mr. Mumford stated he is only doing this under duress as he doesn't think this applicant should be licensed based on past history; however, he will vote for a license with probation of one year. Mr. Jones stated he was not going to support the amendment of the original proposal.

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

**RESOLVED to approve the assistant guide license application of Mitchell Davis with voluntary one year probation.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>	<b>X</b>		
<b>Karen Polley</b>	<b>X</b>		
<b>Bob Mumford</b>	<b>X</b>		
<b>Tom Atkins</b>	<b>X</b>		
<b>Henry D. Tiffany IV</b>	<b>X</b>		
<b>Michele Metz</b>	<b>X</b>		
<b>Brenda Rebne</b>	<b>X</b>		
<b>David Jones</b>	<b>X</b>		
<b>Gene Peltola</b>	<b>X</b>		

**AGENDA ITEM 12**

**American Heart Association**

In the matter of AAC 75.120(4) (B) & AAC 75.130(3) American Heart Association

Ms. Polley moved that the board recognize the American Heart Association resolution as stated in AAC 75.120(4)(B) & AAC 75.130(3) and Mr. Tiffany IV seconded.

Discussion: Chairman Vrem stated technically the American Heart Association, not the Red Cross, has the training protocol for CPR (cardiopulmonary resuscitation) and AED (automated external defibrillator) courses which are the ones we endorse. Ms. Polley stated the board approved developing a resolution during our July meeting and now we want to pass this resolution. Mr. Peltola asked if the board would approve an applicant's CPR and AED certificates with EMT I, II & III courses. Chairman Vrem stated yes, the first aid sections of the courses are variable but have been approved by the American Heart Association. The underlying course is generated by the AHA. He believes the board's current regulation language is unclear and this resolution will help to clear it up. Ms. Metz asked if this would have any negative impact on rural applicants. Chairman Vrem stated it will not have a negative impact on rural applicants as a variety of courses are available online and the AHA rural courses are "real world" specific and include first aid.

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

**RESOLVED that the board recognize the American Heart Association resolution as stated in AAC 75.120(4) (B) & AAC 75.130(3).**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>	<b>X</b>		
<b>Karen Polley</b>	<b>X</b>		
<b>Bob Mumford</b>	<b>X</b>		
<b>Tom Atkins</b>	<b>X</b>		
<b>Henry D. Tiffany IV</b>	<b>X</b>		
<b>Michele Metz</b>	<b>X</b>		
<b>Brenda Rebne</b>	<b>X</b>		
<b>David Jones</b>	<b>X</b>		
<b>Gene Peltola</b>	<b>X</b>		

**AGENDA ITEM 13**  
**language**

**Regulation Proposal to eliminate GMU 9**

In the matter of AAC 75.340(d) (7) Regulation Proposal to eliminate GMU 9 language

Ms. Polley moved that the proposal to repeal AAC 75.340(d) (7) be public noticed for the December 9-11, 2014 board meeting and Mr. Tiffany IV seconded.

Discussion: Mr. Atkins stated he thought long and hard about this and observed the two mile limit with a year round structure for guiding in GMU 9 and believes it is a big deal. It has come to his attention there exists a loophole which allows a guide in GMU 9 to set up an outhouse-like structure and eliminate the competition from having a camp within two miles. For example, there is a guide who has had a Dept. of Natural Resources permit for eighteen years for a campsite in GMU 9 with another guide. Recently a competitor received a permit from DNR to build a cabin in the same place as the guides with the campsite. The guides with the campsite had to leave the area. This is a gross misuse and soon other guides will do the same thing. DNR has to either reign in their cabin permits or this board needs to change our regulation. DNR was not aware of the intent of the competitor whom they gave the cabin permit and they voided the other guides' camp permit. The cabin permit was issued two weeks before bear season. DNR allowed a cabin to be built on another licensees' campground. Other guides will put up small shacks near landing areas to eliminate the competition. He does not believe this is the intent of this regulation and the board needs to either get rid of the regulation or have a friendly amendment. Mr. Tiffany IV stated he agrees with Mr. Atkins. He is familiar with the regulation and the intent of it was good but it has been abused and will continue to be abused. He suspects with more time and thought this board can develop something which will rectify the situation. DNR could have used some discretion but did not so he is going to be in full support of Mr. Atkin's proposal. Mr. Jones asked Mr. Atkins if this regulation was specific to GMU 9 and Mr. Atkins stated that it was. It passed several years ago and was a well thought out plan with a lot of work, discussion and proposals. Ms. Polley asked if DNR was contacted and Mr. Atkins stated yes, one of the two guides was Mr. Atkin's client and the troopers and DNR had contacted the guide with the cabin permit and asked the individual to allow one of the original guides to camp and conclude his hunts for the season. The guide would not agree so the original guide had to remove his campsite and lose three clients. Chairman Vrem stated he spoke with the DNR official who gives out the permits and the official fully supports a change in regulation. DNR was not consulted when the regulation

was developed. There are several cases like this one. Mr. Atkin's proposal will allow the board to get public notice in a timely manner. Ms. Polley stated the Lt. Governor can strike a regulation if it is creating illegal or inappropriate response and she would like to ask the licensing examiner to ask the Gov. Office if this can be done but first more proof is required than just "hear-say". Chairman Vrem stated that DNR has expressed interest in supporting this proposal. Mr. Jones stated he intends to support this motion with the knowledge that the board is not actually repealing this but making it available for public comment at the December meeting.

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

**RESOLVED that the proposal to repeal AAC 75.340(d) (7) be public noticed for the December 9-11, 2014 board meeting and Mr. Tiffany IV seconded.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
Kelly Vrem	X		
Karen Polley	X		
Bob Mumford	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		
Michele Metz	X		
Brenda Rebne	X		
David Jones	X		
Gene Peltola	X		

**AGENDA ITEM 14                      AAC 75.920(b) (c) Assistant Guide Training Review**

In the matter of AAC 75.920(b) (c) Assistant Guide Training Review

Discussion: Chairman Vrem state he is not looking for any action today on an item which has been troubling him. It used to be that the required sixty days of training for an assistant guide had to be accrued thirty days in a year over a two year period. Since it was difficult for applicants to accumulate


that many days in two years the board decided to make the sixty days accumulative. It could take an applicant three to four years to get the sixty days. The board also decided thirty of the sixty days must be in a spike camp but the problem is that a guide can hire someone to sit in an easy chair in his guide camp during those thirty days without making the person do anything so this should be tightened up. The potential for abuse is great and dilutes the intent of the board for the applicant to be physically present and working in the camp. Chairman Vrem stated this will be on the Dec agenda.

Ms. Rebne left the meeting at 12:55pm.

**AGENDA ITEM            ADJOURN**

**The Chair adjourned the meeting of the Alaska Big Game Guides and Commercial Services Board at 12:56p.m.**

Respectfully submitted:

  
Cindy Hansen, Licensing Examiner

  
Kelly Vrem, Chairperson  
Big Game Commercial Services  
Board

Date 12/30/14

Approved Date: 12/30/14