

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 meeting on July 22, 2020
7

8 By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62,
9 Article 6, a scheduled meeting of the Big Game Commercial Services Board was held via
10 teleconferencing July 22, 2020; originating at 333 Willoughby Ave., Juneau.
11

12 **The Chair brought the meeting to order at 9:03 am**
13

14 Chair Tiffany welcomed new board member Michael (Mike) Flores, licensed transporter.
15

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

17 Henry Tiffany - Licenses Registered Guide-Board Chair

18 Larry Van Daele - Board of Game Representative

19 Pete Buist - Public Member

20 Jason Bunch - Registered Guide Outfitter

21 Adam Trombley – Public Member

22 Michael Flores – Licensed Transporter
23

24 **Board Members Absent:**

25 Michelle Heun - Licensed Transporter **EXCUSED**

26 Nicholas Jackson- Private Land Owner **UNEXCUSED**
27

28 **Staff Members present:**

29 Renee Hoffard – Executive Administrator

30 Lee Strout – Investigator

31 Ryan Gill – Probation monitor

32 Thomas Bay – Licensing Examiner
33
34

35 **Agenda Item: Review Agenda**

36 The board reviewed the agenda that was approved by Board Chair Henry Tiffany.
37

38 **In a motion duly made by Adam Trombley, seconded by Pete Buist with unanimous consent, it was
39 resolved to adopt the agenda as written.**
40
41

42 **Agenda Item: Ethics Review**

43 Larry Van Daele informed the board that due to his seat on the Board of Game he would not be joining
44 the voting on the proposal for regulation amendments regarding the spring 2021 Unit 9 special season.
45

46 **Agenda Item: Division Update/Fiscal Report:**

47 Ms. Hoffard began the division update by introducing Licensing Examiner Thomas Bay. Previous
48 examiner Bennett left the division in mid-June. Mr. Bay is a current examiner with several years'
49 experience and he expressed interest in moving to work for the BGCSB. He began working with Ms.

50 Hoffard on June 23 and his knowledge of the division has allowed him to be a great asset to the
51 program.

52
53 Ms. Hoffard provided the division update and fiscal report. The board began Fiscal year 2020 with a
54 deficit of \$150, 523; at the end of the 3rd quarter the board had a surplus of \$431,754. There has been
55 a steady increase of new applications over the past few months and given the potential regulations
56 projects the board is working on they are in a sound fiscal status. Ms. Hoffard reported that division
57 staff had a meeting with APHA concerning the economic impact report that the McDowell group is
58 working on and she has started providing information to them as directed at the March board meeting.
59 Ms. Hoffard has secured permission for a listserv to communicate with licensees and other interested
60 parties; that should be available in August and she continues to seek permission to create a Facebook
61 page as well. She asked the board to consider authorizing her to send out a mass-mailing to licensees
62 that have not provided email address to notify them of the listserv and other pertinent information.
63 There are approximately 600 license holders that would receive the mailing, her intention is to limit it to
64 a 1 page, front and back mailing. Chair Tiffany stated that he believes knowledge is power and any steps
65 that can be taken to inform the license holders is a step in the right direction; Jason Bunch agreed.

66
67 **In a motion duly made by Jason Bunch, seconded by Pete Buist, via roll call it was resolved to permit**
68 **the Executive Administrator use the listserv and any other tools at her disposal to contact licensees**
69 **with notices, updates and other important information at the discretion of the board chair.**

70

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Mike Flores	X		
Adam Trombley	X		

71

72 Ms. Hoffard stated she hopes to have the first mailing out in the next week or so, it will include the new
73 regulations that went into effect July 16 regarding the requirements for assistant and Class-A assistant
74 guides.

75

76 **Agenda Item: Probation Report:**

77 Probation monitor Ryan Gill provided his report to the board. At the time of the report there are 23
78 licenses on probation, 4 were released from probation since the March board meeting. All but 5 of the
79 23 are in compliance and those 5 are addressed in his report to the board. Mr. Gill informed the board
80 that he was recently promoted within the division and has become the investigator for the Board of
81 Architects, Engineers and Land Surveyors. He is not aware of when his responsibility of probation
82 monitor will end but he will continue to work with the licensees until his replacement is hired.

83

84 **Agenda Item: Public Comment:**

85 Jeremy Ruesink – in regard to the Unit 9 proposal by Chair Tiffany, he would like the board to consider
86 adding an exception for guides that have purchased a business that had contracts that were not fulfilled
87 due to the spring 2020 closures.

88

89 Thor Stacey – APHA is in strong support of the proposal for Unit 9 as they had supported the Board of
90 Game’s proposal to move the spring 2020 season to spring 2021.

91

92 Dan Montgomery – He supports the Unit 9 proposal but thinks there should be some exceptions for
93 people that may transfer or purchase businesses that had not been registered there previously. He
94 does not support the buffer area proposal, he doesn't think it is necessary.

95
96 Steve Perrins I – Everything he has heard is these regulations were made the guides and outfitters did
97 not lose revenue. He is extremely disappointed that the decision was made to not do the same thing in
98 Kodiak. He lobbied hard for that at the APHA meetings. By not making the same concessions in Kodiak
99 you are doing the direct opposite of what is being done in Unit 9 which is not fair and equitable and he
100 wants to know if there is any way to address that. Larry Van Daele stated that per the written summary
101 of the Board of Game meeting, the primary reason for the decision was to recoup hunter opportunity
102 not to recoup economic opportunity. He does not foresee Board of Game taking this back up before
103 next spring. Chair Tiffany stopped the conversation as this topic is not under the prevue of BGCSB, this
104 falls under the Board of Game.

105
106 Ms. Hoffard read aloud 2 comments that were submitted to the board via email. Taj Shoemaker, Kodiak
107 supports the Unit 9 proposal. Clint Miller would like to ensure that guides that had not registered as the
108 closures happened before the registration was due are still eligible based on contracts.

109

110 Break – off record at 9:56 am

111 Return to record at 10:04 am

112

113 **Agenda Item: Investigative Report:**

114 Investigator Strout provided his investigative report for the time period of March 5, 2020 through July
115 14, 2020. He currently has 42 open cases and has closed 37 since the last board meeting. There has
116 been an uptake in cases for application issues due to the increase of initial applications and renewals
117 now that the industry is anticipating a fall hunt season. Jason Bunch asked if the plan to provide regular
118 information to licensees could result in lowered investigations for failure to report. Investigator Strout
119 believed it would help inform the licensees.

120

121 Chair Tiffany announced that the board will be entering executive session to discuss investigative issues
122 and the board will not return to the record for board business until 1:00 pm following the lunch break.

123

124 **In accordance with the provisions of Alaska Statute 44.62.310(c), I, Jason Bunch move to go into**
125 **executive session for the purpose of discussing subjects that tend to prejudice the reputation and**
126 **character of any person, provided the person may request a public discussion. Board staff to remain**
127 **for the session. Mike Flores seconded the motion. Motion passed via unanimous consent.**

128

129 **Off record at 10:15 am**

130 **Return to record 12:01 pm**

131

132 Chair Tiffany called for lunch recess.

133

134 Lunch – off record at 12:02 pm

135 Return to record at 1:05 pm

136 Ms. Hoffard reminded Chair Tiffany that motions regarding the discussions in executive session
137 needed to be made before the board resumed the agenda.

138

139 Chair Tiffany stated that for the record, Board member Michelle Heun, had reviewed the
140 information in the board packet and submitted votes via email to himself and Ms. Hoffard. He
141 will read her vote during roll call for each item.
142

143 **On a motion duly made by Jason Bunch, seconded by Larry Van Daele, via roll call vote, it was**
144 **RESOLVED to accept the consent agreement as written for Dakota Arnold - sub-legal moose.**

145 **Motion passed;**
146

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Michelle Heun	X		
Adam Trombley	X		
Mike Flores	X		

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149 **On a motion duly made by Jason Bunch, seconded by Larry Van Daele, via roll call vote, it was**
150 **RESOLVED to accept the consent agreement as written for Michael Colpo – transporting legally**
151 **harvested game into Canada without proper documentation. Motion passed;**
152

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Michelle Heun	X		
Adam Trombley	X		
Mike Flores	X		

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155 **On a motion duly made by Jason Bunch, seconded by Larry Van Daele, via roll call vote, it was**
156 **RESOLVED to accept the consent agreement as written for Patrick Donelson – sublegal moose,**
157 **failure to report, failure to disclose. Motion passed;**
158

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Michelle Heun	X		
Adam Trombley	X		
Mike Flores	X		

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161 **On a motion duly made by Jason Bunch, seconded by Larry Van Daele, via roll call vote, it was**
162 **RESOLVED to approve the Assistant Guide license application #143986, Harry D. Carroll. Motion**
163 **Failed;**

Board Member	Approve	Deny	Recuse
Henry Tiffany		X	
Jason Bunch		X	
Larry Van Daele		X	
Peter Buist		X	
Michelle Heun		X	
Adam Trombley		X	
Mike Flores		X	

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Board discussion: Per AS 08.54.710 (a)(3), the board may impose discipline if the board finds the licensee has negligently misrepresented or omitted a material fact on an application for any class of guide license. Board members agreed that denial of this license follows precedent set with similar situations.

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On a motion duly made by Jason Bunch, Larry Van Daele, via roll call vote, it was RESOLVED to approve the Registered Guide-outfitter license #155964, Nathan Peterson. Motion passed;

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Michelle Heun	X		
Adam Trombley	X		
Mike Flores	X		

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On a motion duly made by Jason Bunch, seconded by Larry Van Daele, via roll call vote, it was RESOLVED to accept the consent agreement as written for Nathan Peterson – harvest without appropriate tag, failure to disclose. Motion passed;

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Michelle Heun	X		
Adam Trombley	X		
Mike Flores	X		

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On a motion duly made by Jason Bunch, seconded by Adam Trombley, via roll call vote, it was RESOLVED to accept the consent agreement as written for Jeff Kruse – lack of land use authorization. Motion passed;

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		

Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Michelle Heun	X		
Adam Trombley	X		
Mike Flores	X		

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On a motion duly made by Jason Bunch, seconded by Adam Trombley, via roll call vote, it was RESOLVED to accept the voluntary surrender of the Class-A assistant guide license of Anthony Bartlett. Motion passed;

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Michelle Heun	X		
Adam Trombley	X		
Mike Flores	X		

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On a motion duly made by Jason Bunch, seconded by Adam Trombley, via roll call vote, it was RESOLVED to accept the consent agreement as written for Britton Russell – illegal harvest in another state. Motion passed;

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Michelle Heun	X		
Adam Trombley	X		
Mike Flores	X		

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On a motion duly made by Jason Bunch, seconded by Adam Trombley, via roll call vote, it was RESOLVED to accept the consent agreement as written for James Blake – improper registration, lack of guide use area registration. Motion passed;

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Michelle Heun			
Adam Trombley	X		
Mike Flores	X		

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On a motion duly made by Jason Bunch, seconded by Adam Trombley, via roll call vote, it was RESOLVED to amend section G, Civil fine, of the consent agreement for James Blake to extend the time period to pay all unsuspended fines within 365 days. Motion passed;

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Michelle Heun			
Adam Trombley	X		
Mike Flores	X		

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Board discussion: In light of the current COVID-19 pandemic and the economic impact it has had on the industry the board felt it was appropriate to grant Mr. Blakes’ request to extend the timeframe in which his fines are due. Chair Tiffany stated that as Ms. Heun was not aware of the request he did not feel the vote she submitted via email prior to the meeting applied on this matter.

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On a motion duly made by Jason Bunch, seconded by Adam Trombley, via roll call vote, it was RESOLVED to accept the consent agreement as written for Preston Cavner – no hunt record, no hunt contract, aid in the commission of a violation. Motion passed;

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Michelle Heun	X		
Adam Trombley	X		
Mike Flores	X		

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Agenda Item: Regulation Amendment Proposals:

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A. Buffer area: Ms. Hoffard read the proposal for the board and the public. She reminded the board that several such proposals have been submitted and per the board’s March 2020 meeting a request was submitted to Department of Law to determine the board’s authority for such regulations.

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In a motion duly made by Larry Van Daele, seconded by Jason Bunch with unanimous consent, it was resolved to table the discussion of buffer area proposals until December 2020 pending review by the Department of Law for authority.

237 Chair Tiffany stated that the board would resume this agenda item following the 2:30 – 3:00 pm public
238 comment as the next item on the agenda would be a deliberative session with the Office of
239 Administrative Hearings that is closed to the public.

240

241 **Agenda Item: Office of Administrative Hearings:**

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243 **In a motion duly made by Jason Bunch, seconded by Larry Van Daele with unanimous consent, it was**
244 **resolved that Pursuant to AS 44.62.310(d)(1), that the Board enter a deliberative session to make a**
245 **decision in the adjudicatory proceeding captioned OAH Case No. 19-0517-GUI. The Administrative**
246 **Law Judge with the Board’s Executive Administrator and Occupational Licensing Examiner will remain**
247 **in the deliberative session to assist the Board if needed. The division staff remaining in the session**
248 **are simply observing and assisting the board.**

249

250 **Off record at 2:03 pm**

251 **Return to record 2:34 pm**

252

253 Chair Tiffany thanked the public for their patience and announced that public comment would begin at
254 2:40 pm based on the board needing to complete 1 item of business before moving on with the agenda.

255

256 **In a motion duly made by Jason Bunch, seconded by Larry Van Daele via roll call vote, it was resolved**
257 **that Pursuant to AS 44.64.060(e)(3), that the Board:**

258

- **Modify the proposed sanction to adopt the specific terms of probation identified in the**
259 **Division’s proposal for action, and adopt the proposed decision as so revised.**

260

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Michelle Heun	X		
Adam Trombley	X		
Mike Flores	X		

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263 **Agenda Item: Public Comment:**

264 Joe Klutsch – the board’s earlier discussion on the buffer area proposal answered any questions he had
265 in regard to that proposal. He is interested to hear the Department of Law interpretation of this topic.
266 He believes the management unit 9 proposal by Mr. Tiffany is a well-written proposal and an important
267 one to have in place. On the proposal for transporter exam requirements, he found it interesting
268 especially with the information about the number of new applicants. He has found that most are
269 oblivious to transporter regulations and this may address the problem.

270

271 Kelly Vrem – He wanted to remind everyone that that board has prior experience with buffer areas and
272 it was a magnificent failure. This dabbles over into DNR territory and could lead to unforeseen
273 problems. He is in favor of a short course to renew license. It serves the function of reviewing the
274 regulations, refreshing your memory and learn of new regulations that may have occurred since the last
275 licensing period.

276

277 Dan Montgomery – In support of the unit 9 proposal. He understands it is going to be hard to enforce
278 that. As for the unit 13 issue, he opposes the five-mile buffer zone. How is a person supposed know if a
279 structure was permitted back before 2010. He was upset that the UVC audit revealed people that
280 applied for hunts they weren't registered for. He is disappointed that the board in their review thought
281 the regulation was too ambiguous to enforce this year.

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283

284 **Agenda Item: Regulations Projects:**

285

286 The board discussed the regulations proposals that they had considered at the March board meeting
287 concerning professional development, 3-year guide use area registration statewide, jurisprudence
288 exams for assistant and Class-A assistant guides and transporter activity reports.

289

290 Jason Bunch asked Mike Flores if the draft language proposing a 60-day deadline was within the ability
291 of transporters and Mr. Flores stated that for marine transporters it would be better to have more time.
292 The board determined that 75 days should be sufficient.

293

294 Ms. Hoffard asked for clarification on the proposed language for professional development; did the
295 board intend for licensees to meet with both an Alaska Wildlife Trooper and a Fish & Game biologist or
296 just 1 of those 2 options. The board agreed that the draft language should state "or" and not "and".

297

298 Jason Bunch informed that board that pending comments from the public he will consider adding the
299 draft language for the game management unit 9 specific to include an exception for guides that have
300 purchased companies that would have been eligible for this registration.

301

302 **In a motion duly made by Jason Bunch, seconded by Larry Van Daele via roll call vote, it was resolved**
303 **to submit the approved draft language as discussed to the division for public comment. Comment will**
304 **be limited to written comment only. At this time the board is not aware of any costs to comply with**
305 **the proposed actions to a private person, other state agencies or municipalities.**

306

Board Member	Approve	Deny	Recuse
Henry Tiffany	X		
Jason Bunch	X		
Larry Van Daele	X		
Peter Buist	X		
Michelle Heun	X		
Adam Trombley	X		
Mike Flores	X		

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308

309 **12 AAC 75.230 (g) A registered or master guide must register for a minimum of three (3) years in a**
310 **guide use area at the time of registration.**

311

312 **12 AAC 75.120(a)(8) the jurisprudence questionnaire prepared by the board covering the provision of**
313 **AS 08.54 and this chapter, scoring a minimum of 70%.**

314

315 **12 AAC 75.130(a)(9) the jurisprudence questionnaire prepared by the board covering the provision of**
316 **AS 08.54 and this chapter, scoring a minimum of 70%.**

317
318 **12 AAC 75.145(a)(6) the jurisprudence questionnaire prepared by the board covering the provision of**
319 **AS 08.54 and this chapter, scoring a minimum of 70%.**
320
321 **12 AAC 75.400 (h) to comply with the annual reporting requirement of AS 08.54.650(c), a transporter**
322 **shall submit to the department a completed transporter activity report for each contracted**
323 **transportation service within 75 days after the completion of the transporter services.**
324
325 **12 AAC 75.230 is amended by adding new subsections to read:**
326 **(f) a registered or master guide who was unable to hunt a brown bear in game management unit 9 in**
327 **the spring 2020 season may register for the 2021 spring brown bear season in game management unit**
328 **9, if**
329 **1) the registered or master guide registers on a form provided by the Division;**
330 **2) the registered or master guide provides either**
331 **A) a current registration, valid as of April 10, 2020, for the same guide use area for which the**
332 **registration is submitted; or**
333 **B) copies of completed, signed, and dated hunt contracts for the 2020 spring bear season in game**
334 **management unit 9 indicating the registered or master guide had booked clients who were later**
335 **unable to complete the contracted hunt and an attestation that the registered or master guide would**
336 **have registered prior to the April 10, 2020 deadline; and**
337 **3) the clients for whom the registered or master guide will provide services have not hunted brown**
338 **bear in a guide use area within game management unit 9 since May 10, 2020.**
339
340 **12 AAC 75.150, (New Section) Professional Development for, Master Guide/ Outfitter,**
341 **Registered Guide/Outfitter and Transporters Licensees**
342 **(a) “Professional Public Involvement Requirement”, To initially apply for, or renew a Master**
343 **Guide/Outfitter, Registered Guide/Outfitter, or Transporter License, the applicant must document**
344 **professional public involvement. A licensee, must attend and participate in one of the following**
345 **for at least 5 days per biennial licensing period; a new applicant, must attend and participate in**
346 **one of the following for at least 5 days in the two years prior to application:**
347 **(1) Fish and Game Advisory Committee meeting (2) Alaska Board of Game meeting (3) Big Game**
348 **Commercial Services Board meeting (4) Federal Subsistence Board and/or Federal Subsistence**
349 **Regional Advisory Council meetings (5) Big Game Commercial Services Board exam proctoring (6)**
350 **Federal Subsistence Resource Commission**
351 **(b) An applicant or licensee is exempt from the requirements in (a) (1-6) of this section if, at the**
352 **time of application or renewal, the applicant or licensee is currently serving as a:**
353 **(1) Board Member of a related industry association, or wildlife or conservation organization (2)**
354 **Hunter Education Instructor (3) Alaska Native Corporation Conservation, Hunting, Land Management,**
355 **or Subsistence Committee Member (4) Youth outdoor outreach program leader (5) “Becoming an**
356 **Outdoors Woman” (BOW) Instructor (6) Other Board approved conservation and hunter advocacy**
357 **activities.**
358 **(c) “Professional Agency Coordination Requirement” To initially apply for, or renew a Master**
359 **Guide/Outfitter, Registered Guide/Outfitter, or Transporter License, the applicant must document**
360 **meeting, at least once per year, in person or telephonically, with:**
361 **(1) An Alaska Wildlife Trooper assigned to a Region in which the licensee operates or**
362 **applicant intends to operate, to discuss enforcement information in the area; or**
363 **(2) An ADF&G Biologist assigned to a Region in which the licensee operates or**
364 **applicant intends to operate, to discuss biological information in the area.**

365 (d) The requirements listed in this section will be documented on a form provided by the
366 Department and signed by the Chairperson or Executive Director of the applicable Board(s),
367 Commission(s), or Organization(s) listed in (a) and (b) of this section; and either signed by the
368 Alaska Wildlife Trooper or ADF&G Biologist listed in (c) of this section or in a letter on
369 Department Letterhead if meeting was conducted telephonically.
370

371 The board scheduled a tentative teleconference for Friday, October 2, 2020; 9:00 – 11:00 am to review
372 for the purposes of reviewing written comment only for this regulations project. No other board
373 business will be conducted at that time.
374

375 Having completed the agenda as approved for the day, Chair Tiffany adjourned the meeting.
376

377 *Off record at 3:32 pm.*
378

379
380 Respectfully Submitted,

381
382 *Fannie Renee Hoffard*

383 Renee Hoffard
384 Executive Administrator

11/30/2020

Date

385
386 *[Signature]*

387
388 Henry Tiffany
389 Board Chair

11/30/2020

Date