

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

BIG GAME COMMERCIAL SERVICES BOARD

CONDENSED MINUTES OF THE MEETING HELD *AUGUST 16, 2022*

BOARD ACTION AUGUST 16, 2022

Date:	August 16, 2022
Location:	Zoom Teleconference, originating 333 Willoughby Ave., 9 th Floor, Juneau Alaska
Attending:	Buist, Burnett, Flores, Boniek, Bunch
Absent:	Bloomquist, Nordlum, Kunder

1. Agenda, August 16		
Brief Discussion:	<i>The board discussed the draft agenda; added discussion of spring meeting date as agenda item 8.</i>	
Motion:	<i>Motion to approve the agenda for 8/16/2022 – Pete Buist</i>	
	<i>2nd motion – Jerry Burnett</i>	
Recorded Votes:	<i>Buist - Yes</i>	<i>Burnett -Yes</i>
	<i>Boniek - Yes</i>	<i>Flores - Yes</i>
	<i>Bloomquist - absent</i>	<i>Nordlum - absent</i>
	<i>Bunch - Yes</i>	<i>Kunder - absent</i>
2. Approval of meeting minutes – March 2022		
Brief Discussion:	<i>The board reviewed the drafted minutes from the March 29-31, 2022 meeting.</i>	
Motion:	<i>Move to approve the 3/29-31/2022 minutes as drafted – Pete Buist</i>	
	<i>2nd motion – Jerry Burnett</i>	
Recorded Votes:	<i>Buist - Yes</i>	<i>Burnett -Yes</i>
	<i>Boniek - Yes</i>	<i>Flores - Yes</i>
	<i>Bloomquist - absent</i>	<i>Nordlum - absent</i>
	<i>Bunch - Yes</i>	<i>Kunder - absent</i>

3. Annual Report		
Brief Discussion:	<i>The board reviewed the drafted annual report of board activities for fiscal year 2022 and projections for fiscal year 2023...</i>	
Motion:	<i>Move to approve FY2023 annual report as drafted – Pete Buist</i>	
	<i>2nd motion – Jerry Burnett</i>	
Recorded Votes:	<i>Buist - Yes</i>	<i>Burnett -Yes</i>
	<i>Boniek - Yes</i>	<i>Flores - Yes</i>
	<i>Bloomquist - absent</i>	<i>Nordlum - absent</i>
	<i>Bunch - Yes</i>	<i>Kunder - absent</i>
4. Delegation of authority2		
Brief Discussion:	<i>The board a draft delegation of authority for the division to issue licenses for applicants that have “Yes” answers on professional fitness questions but meet specific criteria (Appendix A).</i>	
Motion:	<i>Move to approve the delegation of authority with the division exercising due diligence – Pete Buist</i>	
	<i>2nd motion – Jerry Burnett</i>	
Recorded Votes:	<i>Buist - Yes</i>	<i>Burnett -Yes</i>
	<i>Boniek - Yes</i>	<i>Flores - Yes</i>
	<i>Bloomquist - absent</i>	<i>Nordlum - absent</i>
	<i>Bunch - Yes</i>	<i>Kunder - absent</i>
5. Executive Session - Investigations		
Brief Discussion:	<i>The board moved into executive session for discussion of investigative matters; no actions were taken during executive session. Off record at 9:35am; return to record at 11:06 am.</i>	
Motion:	<i>I, Pete Buist, move that the Alaska State Big Game Commercial Services Board 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.</i>	
	<i>Board staff member(s) R. Carabajal, T. Bay and L. Strout to remain during the session.</i> <i>2nd motion – Jerry Burnett</i>	
Recorded Votes:	<i>Buist - Yes</i>	<i>Burnett -Yes</i>
	<i>Boniek - Yes</i>	<i>Flores - Yes</i>
	<i>Bloomquist - absent</i>	<i>Nordlum - absent</i>
	<i>Bunch - Yes</i>	<i>Kunder - absent</i>

6. Summary Motion – Investigations Case 2021-000012		
Brief Discussion:	<i>The board considered the proposed consent agreement in case 2021-000012 for providing Big Game Commercial Services within an unregistered Guide Use Area. Fine of \$4,500 with \$3,000 suspended, 1 year probation and a Board reprimand.</i>	
Motion:	<i>Move to adopt the consent agreement as presented – Pete Buist</i>	
	<i>2nd motion – Jerry Burnett</i>	
Recorded Votes:	<i>Buist - Yes</i>	<i>Burnett -Yes</i>
	<i>Boniek - Yes</i>	<i>Flores - Abstain</i>
	<i>Bloomquist - absent</i>	<i>Nordlum - absent</i>
	<i>Bunch - Yes</i>	<i>Kunder - absent</i>
7. Summary Motion – Investigations Case 2021-000898		
Brief Discussion:	<i>The board considered the proposed consent agreement in case 2021-000898 for providing Big Game Commercial Services within an unregistered Guide Use Area and failure to submit completed hunt records in a timely manner. \$500 fine with \$500 suspended, 1-year probation, additional education, and Board reprimand.</i>	
Motion:	<i>Move to adopt the consent agreement as presented – Pete Buist.</i>	
	<i>2nd motion – Jerry Burnett</i>	
Recorded Votes:	<i>Buist - Yes</i>	<i>Burnett -Yes</i>
	<i>Boniek - Yes</i>	<i>Flores - Abstain</i>
	<i>Bloomquist - absent</i>	<i>Nordlum - absent</i>
	<i>Bunch - Yes</i>	<i>Kunder - absent</i>
8. Summary Motion – Investigations Case 2022-000012		
Brief Discussion:	<i>The board considered the proposed consent agreement in case 2022-00012 for failure to disclose a conviction of a hunting violation in a timely manner per 12 AAC 75.340(a)(2)(D)(i). \$600 fine with \$300 suspended, 1-year probation and a Board reprimand.</i>	
Motion:	<i>Move to adopt the consent agreement as presented – Pete Buist.</i>	
	<i>2nd motion – Jerry Burnett</i>	
Recorded Votes:	<i>Buist - Yes</i>	<i>Burnett -Yes</i>
	<i>Boniek - Yes</i>	<i>Flores - Abstain</i>
	<i>Bloomquist - absent</i>	<i>Nordlum - absent</i>
	<i>Bunch - Yes</i>	<i>Kunder - absent</i>

9. Summary Motion – Investigations Case 2022-000286		
Brief Discussion:	<i>The board considered the proposed consent agreement in case 2022-000286 for improper use of a unique verification code. \$500 fine and a Board reprimand.</i>	
Motion:	<i>Move to adopt the consent agreement as presented – Pete Buist.</i>	
	<i>2nd motion – Jerry Burnett</i>	
Recorded Votes:	<i>Buist - Yes</i>	<i>Burnett -Yes</i>
	<i>Boniek - Yes</i>	<i>Flores - Abstain</i>
	<i>Bloomquist - absent</i>	<i>Nordlum - absent</i>
	<i>Bunch - Yes</i>	<i>Kunder - absent</i>
10. Summary Motion – Investigations Case 2022-000311		
Brief Discussion:	<i>The board considered the proposed consent agreement in case 2022-000311 for unlawful harvest of a brown bear; self-reported. \$1,000 fine with \$750 suspended, 1-year probation and a Board reprimand.</i>	
Motion:	<i>Move to adopt the consent agreement as presented – Pete Buist</i>	
	<i>2nd motion – Jerry Burnett</i>	
Recorded Votes:	<i>Buist - Yes</i>	<i>Burnett -Yes</i>
	<i>Boniek - Yes</i>	<i>Flores - Abstain</i>
	<i>Bloomquist - absent</i>	<i>Nordlum - absent</i>
	<i>Bunch - Yes</i>	<i>Kunder - absent</i>
11. Summary Motion – Investigations Case 2022-000426		
Brief Discussion:	<i>The board considered the proposed consent agreement in case 2022-000426 for permitting a client to harvest 2 bears in the same regulatory year, self-reported. \$600 fine with \$300 suspended and a Board reprimand.</i>	
Motion:	<i>Move to adopt the consent agreement as presented – Pete Buist.</i>	
	<i>2nd motion – Jerry Burnett</i>	
Recorded Votes:	<i>Buist - Yes</i>	<i>Burnett -Yes</i>
	<i>Boniek - Yes</i>	<i>Flores - Abstain</i>
	<i>Bloomquist - absent</i>	<i>Nordlum - absent</i>
	<i>Bunch - Yes</i>	<i>Kunder - absent</i>

12. Summary Motion – Investigations Case 2021-001046		
Brief Discussion:	<i>The board considered the proposed consent agreement in case 2021-001046 for taking 2 clients onto national wildlife refuge without proper consent and allowing 2 clients to hunt below the highwater mark without proper consent. 1-year suspension, 5-years’ probation upon reinstatement of license, \$17,000 fine with \$11,000 suspended.</i>	
Motion:	<i>Move to adopt the consent agreement as presented – Pete Buist.</i>	
	<i>2nd motion – Jerry Burnett</i>	
Recorded Votes:	<i>Buist - Yes</i>	<i>Burnett -Yes</i>
	<i>Boniek - Yes</i>	<i>Flores - Abstain</i>
	<i>Bloomquist - absent</i>	<i>Nordlum - absent</i>
	<i>Bunch - Yes</i>	<i>Kunder - absent</i>
12b. Summary Motion – Case 2021-0001046		
Brief Discussion:	<i>The board requested investigations open a case on the assistant guide that worked with/for the guide disciplined under case 2021-0001046 – unanimous consent.</i>	
13. Summary Motion – Tabled application, 182524		
Brief Discussion:	<i>The board considered the tabled assistant guide application for applicant 182524. Per discussion the applicant is not eligible per the board position statement dated 3/2020 regarding felons and firearms. per 18 USC 922; the applicant is not permitted to be in “possession” of a firearm. This would not allow him to carry a firearm nor be in the presence of anyone carrying a firearm, which would be in direct conflict of 12 AAC 75.340 and 12 AAC 75.440.</i>	
Motion:	<i>Move to approve – Pete Buist. – MOTION FAILED ROLL CALL VOTE</i>	
	<i>2nd motion – Jerry Burnett</i>	
Recorded Votes:	<i>Buist - No</i>	<i>Burnett -No</i>
	<i>Boniek - No</i>	<i>Flores - Abstain</i>
	<i>Bloomquist - absent</i>	<i>Nordlum - absent</i>
	<i>Bunch - No</i>	<i>Kunder - absent</i>

14. Summary Motion – Tabled application, 194868		
Brief Discussion:	<i>The board considered the tabled assistant guide application for license number 194868.</i>	
Motion:	<i>Move to approve the assistant guide license application – Pete Buist.</i>	
	<i>2nd motion – Jerry Burnett</i>	
Recorded Votes:	<i>Buist - Yes</i>	<i>Burnett -Yes</i>
	<i>Boniek - Yes</i>	<i>Flores - Abstain</i>
	<i>Bloomquist - absent</i>	<i>Nordlum - absent</i>
	<i>Bunch - Yes</i>	<i>Kunder - absent</i>

The board held a brief discussion regarding the spring 2023 board meeting and moved the date(s) from February 2023 to March 28-30, 2023 with practical exams to be held March 31, 2023 in Fairbanks. Staff to poll absent board members to determine availability.

15. Adjourn		
Motion:	<i>Move to adjourn – Pete Buist.</i>	
	<i>2nd motion – Jerry Burnett</i>	
Recorded Votes:	<i>Buist - Yes</i>	<i>Burnett -Yes</i>
	<i>Boniek - Yes</i>	<i>Flores - Abstain</i>
	<i>Bloomquist - absent</i>	<i>Nordlum - absent</i>
	<i>Bunch - Yes</i>	<i>Kunder - absent</i>

Off record at 11:51 am

Respectfully submitted: _____
 Renee Carabajal, Executive Administrator

Approved: _____
 Jason Bunch, Chair

Date: _____

Delegation of authority – issuance of licenses

Board order delegating authority to issue licenses to applicants that clearly meet the requirements for licensure as provided in program statutes/regulation under the following conditions:

1. Applicant does not have any “Yes” answers on professional fitness portion of the application
2. Any items that have no further need for investigation required by division policies and procedures manual #28.
3. Any application submitted to the investigative unit for review of a “conviction” * that occurred more than 5 years before of the date of the application providing the occurrence is not a violation of state or federal hunting, fishing, transporting statutes or regulations or one of the items provided for in AS 08.54.605.
4. Applicant fails to mark “Yes” to a “conviction” * for an occurrence documented on a criminal history/Fish & Wildlife violations report submitted at time of application providing the “Conviction” is older than 7 years before the date of the application and does not trigger AS 08.54.605.

Staff will create a spreadsheet of the licenses issued and which condition the license was issued under for board review at the next scheduled board meeting. For licenses issued under the conditions 3 and 4, a brief explanation of the “conviction” will be added to the spreadsheet for board members information. The spread sheet will not be included in the public board packet.

Applications for condition 4 will be submitted to the investigation’s unit for review per division policy and the license issued after the closure email is received from the investigator.

* “Conviction” includes having been found guilty by verdict of a judge or jury, having entered a plea of guilty, nolo contendere or no contest, or having been given probation, a suspended imposition of sentence, or a fine