

**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
March 13 – 15, 2012**

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 meeting of the Big Game Commercial Services Board was held March 13-15, 2012 in Fairbanks, Alaska, University of Alaska Fairbanks, Wood Center

Tuesday, March 13, 2012

Item 1. Call to Order/Roll Call

The meeting of the big game commercial services board was called to order by Paul Johnson, Chair, at 8:30am. Members present, and constituting a quorum, were:

Paul Johnson, Registered Guide-Outfitter, Chair
Karen Polley, Public Member
Don Quarberg, Public Member
Kelly Vrem, Master Guide-Outfitter
Ted Spraker, Board of Game
Michele Metz, Private Landholder
Dirk Nickisch, Transporter arrived at 9:10am
Brenda Rebne, Private Landholder arrived at 8:42am

Not in attendance were:

Michael Meekin, Transporter

Present from the Division of Corporations, Business and Professional Licensing were:

Cynthia Spencer, Licensing Examiner
Karl Marx, Licensing Examiner
Lee Strout, Investigator
Sara Chambers, Program Coordinator

Present from State and Federal Agencies were:

Lt. Bernard Chastain, Department of Public Safety

Tony Kavalok, Department of Fish & Game
Clark Cox, Department of Natural Resources, Division of Mining Land and Water
Ryan Hickel, Department of Natural Resources, Division of Mining Land and Water
Ed Fogels, Commissioner, Department of Natural Resources

Present from the public were:

Ben Holbrook, Registered Guide-Outfitter
Merben Cabrian, Public
Tom Kirstein, Master Guide-Outfitter
Chris Zwolinski, Master Guide-Outfitter
Steve Perrins, Master Guide-Outfitter, Rainy Pass Lodge
Gary LaRose, Registered Guide-Outfitter
Steve Pogany, Registered Guide-Outfitter
Joe Damico, Public
Merrill McGahan, Registered Guide-Outfitter
Henry Tiffany, Master Guide-Outfitter
Ken Lamb, Registered Guide-Outfitter
Jared Cummings, Class-A Assistant Guide
Jesse Cummings, Public
James Cummings, Public
David Morris, Master Guide-Outfitter
Mike Cowan, Registered Guide-Outfitter
Mike Zweng, Registered Guide-Outfitter
Mike Shaw, Registered Guide-Outfitter
Bill Stevenson, Registered Guide-Outfitter
Cole Kramer, Registered Guide-Outfitter
Robert Fithian, Master Guide-Outfitter, Alaska Professional Hunters Association
Tony Lee, Master Guide-Outfitter
Clifford Smith, Assistant Guide
Mark Richards, Alaska Back Country Hunters
Jim Kedrowski, Master Guide-Outfitter
Bob Summers, Assistant Guide
Wayne Kubat, Master Guide-Outfitter
Dick Rohrer, Master Guide-Outfitter
Sam Rohrer, Registered Guide-Outfitter
Amber Lee Dibble, Assistant Guide, Pioneer Outfitters
Terry Overly, Master Guide-Outfitter, Pioneer Outfitters
Wesley Fuxa, Public, Pioneer Outfitters
Kaleb Kiper, Public, Pioneer Outfitters
James Weidner, Registered Guide-Outfitter
Loren Karro, Registered Guide-Outfitter
Dan Montgomery, Master Guide-Outfitter
Don Bunselmeier, Class-A Assistant Guide
Don (Smokey) Duncan, Master Guide-Outfitter
Hugh Les Krank, Master Guide-Outfitter
Nate Turner, Registered Guide-Outfitter

Deb Curnow, Registered Guide-Outfitter
Peter Mayer, Registered Guide-Outfitter
Gary Wall, Registered Guide-Outfitter
Virgil Umphenour, Master Guide-Outfitter
Pete Buist, Master Guide-Outfitter
Charles Keeter, Assistant Guide
Bob Boutang, Master Guide-Outfitter
John Erickson, Master Guide-Outfitter

Paul Johnson asked the Board members to introduce themselves and welcomed new Board member Michele Metz. Mr. Johnson asked staff to purchase greeting cards to thank previous Board members Leif Wilson and Raymond Stoney for their time with the Board.

Mr. Johnson informed the Board that this would be his last meeting as Chairperson and requested Board members think about who they would like to nominate as the new Chairperson; Mr. Johnson appointed Don Quarberg as temporary Vice-Chairperson for the meeting and suggested Mr. Quarberg would also make a good Chairperson.

Item 2. Review/amend agenda

Mr. Johnson asked Board members and staff if there were any changes to the agenda.

Mr. Johnson asked that a Board of Game (BOG) meeting summary be added to Item 5, which would be presented by Ted Spraker. Mr. Johnson also requested that a Hunt Record (HR) subcommittee be added to Item 4.

Mr. Johnson stated that there may be more added to the agenda and also informed attendees that the Board may run a little behind the times listed.

Mr. Johnson asked for any objections/discussions on the proposed amendments; hearing none the following changes were made to the March 2012 agenda

Item 4, add BOG meeting summary (Spraker)
Item 5, add HR subcommittee

On a motion duly made by Karen Polley, seconded by Michele Metz, and approved unanimously, it was

RESOLVED to approve the amended March 13-15, 2012 meeting agenda.

Item 3. Ethics Disclosure

The Board had no ethics violations to report.

Item 4. Subcommittee Assignments

Mr. Johnson asked for volunteers to work with Karl Marx on the registered guide-outfitter examination review subcommittee and assigned Mr. Quarberg and Karen Polley as Board members to work with the subcommittee.

Mr. Johnson asked Kelly Vrem and Michele Metz to work with volunteers on the HR subcommittee with Lt. Chastain and Sara Chambers.

Mr. Johnson informed the Board that that having exam candidates sign a “confidentiality/no disclosure agreement” had never been done and might be a good idea to start. Mr. Johnson also stated that there is a problem with questions from exams being circulated. Mr. Johnson asked Mr. Chambers if there would be any problems requiring exam candidates to sign a “confidentiality/no disclosure agreement”.

Ms. Chambers informed the Board that via a Board Policy, having exam candidates sign a “confidentiality/no disclosure agreement” would not be a problem.

Mr. Quarberg stated that he agreed with having exam candidates sign a “confidentiality/no disclosure agreement” form before allowing them to test.

Ms. Polley agreed with Mr. Quarberg.

Mr. Johnson asked if any other Board members had any comments or questions.

Brenda Rebne stated she agreed with having candidates sign a “confidentiality/no disclosure agreement” form.

Kelly Vrem stated that this would be unrealistic.

Michele Metz stated having a “confidentiality/no disclosure agreement” form would be a good idea.

Mr. Johnson stated that as there were no major objections from the Board he requested Ms. Chambers draft a form.

Mr. Johnson asked Ted Spraker of the BOG had discussed a form for “transfer of possession of meat” for transporters.

Mr. Spraker stated that the BOG had met with Kevin Saxby, Assistant Attorney General, to discuss transfer of meat and Mr. Saxby warned the BOG that they were very close to controlling the behavior of guides and would need to be very careful as it would be easy to overstep the bounds of BOG. Mr. Spraker also stated that the BOG made major changes to bear baiting and went on to suggest that both the BOG and the Big Game Commercial Services Board (BGCSB) should make an

effort to meet or at least get the Chair and Vice-Chairs together which may enable both Boards to work more closely together.

Mr. Johnson thanked Mr. Spraker and informed subcommittees that their assignments were very important and that they should not rush through anything.

Recess *The Board recessed at 8:48 a.m. to facilitate subcommittee meetings; reconvened at 10:40 a.m.*

Mr. Johnson asked for updates from subcommittees.

Mr. Vrem stated that more time was needed to discuss HRs.

Dirk Nickisch stated the exam subcommittee also needed more time.

Item 5. State & Federal Agency Testimony

Department of Public Safety, Alaska Wildlife Troopers (DPS)

Lt. Bernard Chastain came forward to report.

Mr. Johnson asked Lt. Chastain how enforcement felt about transporting meat out of the field before horns and antlers being transported at a later date with the client.

Mr. Spraker clarified; client harvests a moose, client is at base camp which is still "in-field", the client transfers possession of most of the meat to the guide however the client keeps a small portion of meat and the horns/antlers.

Lt. Chastain stated that 5 AAC 92.990(49) defines "salvage" and what needs to be salvaged and 5 AAC 92.135 covers transfer possession. Lt. Chastain stated that once a transfer of possession form is signed by the client and guide, that guide is now legally responsible for salvaging the client's harvest.

Mr. Johnson asked this would all for the client to leave/head home with antler/horn and bit of meat. Lt. Chastain stated if the client and guide signed the possession of transfer form it would be ok as the transfer of possession is legal and binding.

Mr. Johnson asked if a transporter takes meat out of the field, unloads plane and stores meat for pick up by client or guide arrive would this be allowed.

Lt. Chastain stated he is aware that many transporters do this however they are required to have transfer possession form and that many transporters keep copies of the transfer of possession form so the transport and storage of meat is legal and the transporter and guide and/or client would have to complete

another transfer of possession form to turn the meat back over to the guide and/or client.

Mr. Quarberg asked if the transfer of possession form can be made out to an entire company which would cover all employees or does the form have to be specific for an individual.

Lt. Chastain stated that the regulation states "person". Mr. Johnson informed the Board that the last Supreme Court ruling allows for "person" to allow for "company" to be included; however if the regulation used "natural person" then it would only be covering an individual not a company.

Mr. Johnson asked the Board for any comments. Mr. Nickisch stated that his transfer of possession forms have always been made out as "Coyote Air" so everyone would be covered and the Troopers in his area have always been ok with the form.

Mr. Johnson thanked Lt. Chastain for his time and participation.

Mr. Johnson asked Clark Cox to come up. Mr. Johnson informed Mr. Cox that there would be an informal gathering this evening which would be headed by Mr. Quarberg specifically to gather information about the DNR Concession project from attendees breaking up the information into two parts one administrative and the other scoring criteria and would like Mr. Cox to attend if available.

Department of Natural Resources (DNR)

Clark Cox came forward to report.

Mr. Cox introduced Ed Fogels, Deputy Commissioner, Dept. of Natural Resources and Ryan Hickel, Natural Resources Specialist, Dept. of Natural Resources.

Mr. Cox informed the Board that he had no specific comments on current and proposed regulations but requested the Board keep him in the loop with any other proposed regulation changes.

Mr. Johnson asked if Mr. Cox had been able to attend the HR subcommittee. Mr. Cox stated he had not been able to join the subcommittee. Mr. Johnson requested Mr. Cox meet with Mr. Vrem for an update on the HR subcommittee.

Mr. Cox stated that DNR was in its last round of public comment for the proposed concession project. Mr. Cox stated that DNR had a public meeting in Juneau last week and that there would be another meeting on March 14, 2012 from 6 – 8:30p.m. at the Noel Wien Library and urged people to attend. Mr. Cox went on to state that DNR would have a presentation followed by a Q and A session.

Mr. Cox stressed that the public notice which was mailed and copies would be available at the meeting, were only in draft format which was compiled using real data as DNR is looking for specific comments and input from users. Mr. Cox also stated that the cutoff date for written comments is April 20, 2012. Mr. Cox went on to inform the Board that DNR is still waiting on Legislative approval for a budget.

Mr. Johnson asked Mr. Cox if DNR preferred written comments to be read. Mr. Cox responded that DNR would be happy with either or.

Ms. Polley asked Mr. Cox what DNR's long term time line for implementation of the concession project. Mr. Cox responded that DNR was aiming for an aggressive final decision this summer and hoping that during the next Legislative session for more funding than just one year.

Mr. Johnson thanked Mr. Cox for his participation and hard work.

Mr. Johnson informed attendees that the subcommittee headed by Mr. Quarberg would meet in this meeting room at about 5:00p.m. and that the Board meeting would adjourn early to allow those interested in attending would have time to get some dinner first.

Board of Game Meeting (BOG) Overview

Mr. Spraker informed attendees and the Board that the BOG is struggling with the DNR Concession program; the BOG wrote a letter of support and speak about the project at every meeting. Mr. Spraker stated that the non-resident sheep season opening had been pushed back, and drawing permits would be issued with 10% to non-residents and the BOG may close the Tok/Delta area for non-residents; Mr. Spraker stated the conservation is the number one concern of BOG. Mr. Spraker also stated that Fish & Game with support from BOG has been trying to get approval for raising non-resident hunting license fees.

Mr. Johnson asked if the 10% allocation was for all users. Mr. Spraker stated it was for all users.

Mr. Spraker stated that four more management areas had been approved for aerial wolf predator control to assist the Mulchatna caribou herd the areas are 9B, 17, 29, and 19 A & B. Mr. Spraker went on to state that in area 24B Fish & Game had removed 30-40 wolves. Mr. Spraker informed the Board that area 19A had been approved by Fish & Game for the removal of black and brown bears using helicopters. Mr. Spraker stated that there had been opposition to this however the decision was the best option for predator control in that area.

Mr. Spraker stated that black bear bait stations had been approved for master and registered guides; there would be a maximum of 10 bait stations per guide per use area in the following units: 6, 7, 9, 11, 12, 13, 14A & B, 15, 16, 17, 19, 20, 21, 24, and 25.

Mr. Spraker also stated that there provisions had been made to “outfit” bait station hunts and that allowances had been made for “incidental” harvesting of brown bears at black bear bait stations in areas 12, 20E, 20C, and 21D however the hide, skull, and meat from the brown bears must be harvested.

Mr. Spraker stated that the BOG had proposals to allow black bear traps in region 3; this proposal failed 7 to 10; same day airborne black bear bait stations was not approved in units 1 – 6; and the BOG is allowing bait stations must be at least 300 feet from aircraft landing sites; region 3 was approved for year round predator control of coyote; wolf season would close at the end of May. Unit 25 will allow “meat on bone” through the end of September; raise non-resident bag limits on the Porcupine to two bulls.

Mr. Quarberg asked Mr. Spraker if the BOG, DNR, and this Board should adopt some sort of policy which would enable all areas to be covered.

Mr. Spraker stated that he had spoke at length about this issue however the BOG can only control hunting activities not how guides behave, this type of authority can only go so far and BOG must be careful to not overstep its bounds.

Ms. Rebne asked if the 10 bear bait stations per guide would affect private land managers. Mr. Spraker stated that private land managers shouldn’t have any problems as the land manager they can limit the number of guides and where services can be provided. Mr. Spraker also stated that there are no conservation plans for the bait stations; however Fish & Game has the authority to control the number of bait stations.

The Board thanked Mr. Spraker for his time.

Mr. Johnson announced to attendees and the Board that the Moose Seminar would be postponed until further notice.

Recess The Board recessed at 11:36 a.m. to facilitate subcommittee meetings and lunch; reconvened at 1:04 p.m.

Mr. Johnson announced that he had spoken with Kevin Saxby, AAG and was pleased to announce that Mr. Saxby had been appointed as a Superior Court Judge and would no longer be the Boards attorney. Mr. Johnson also stated that Board members could attend the subcommittee meeting this evening to discuss the DNR Concession project as fact gathers only and NO decisions would be made by Board members attending.

Mr. Johnson informed attendees that the Board would be adjourning into executive session and seminars could take place in the meeting area until the Board returned. Mr. Johnson asked that seminars begin with the dall sheep seminar with the other presenters to follow.

Item 6. Investigative Review

On a motion duly made by Don Quarberg, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adjourn into Executive Session under the authority of AS 44.62.310 to discuss with the investigator the investigative report.

The Board adjourned into executive session at 1:11 p.m., and returned from executive session at 3:15 p.m.

Mr. Johnson informed attendee's that as the Board was running behind schedule for those who may have signed up for Public Comments (Item 9).

On a motion duly made by Dirk Nickisch, seconded by Michele Metz, and approved unanimously, it was

RESOLVED to adopt the amended COA for case 2011-001229 as written.

Mr. Johnson asked the Board if there was any discussion on this COA.

Mr. Nickisch stated that he felt this COA was ok and addressed previous problems with the requirement of completing a seminar offered during the meeting which the Board has been pushing for.

Mr. Vrem agreed with Mr. Nickisch.

Roll Call Vote

NAME	YES	NO	ABSENT
Michele Metz	X		
Michael Meekin			X
Brenda Rebne	X		
Dirk Nickisch	X		
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Dirk Nickisch, seconded by Michele Metz, and approved unanimously, it was

RESOLVED to adopt the COA for case 2012-000262 as written.

Mr. Johnson asked the Board if there was any discussion on this COA.

Mr. Nickisch stated that again using the seminars offered during Board meetings was great and addresses the individual's issues.

Roll Call Vote

NAME	YES	NO	ABSENT
Dirk Nickisch	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Michael Meekin			X
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Dirk Nickisch, seconded by Kelly Vrem, and approved unanimously, it was

RESOLVED to adopt the COA for case 1702-09-001 as written.

Mr. Johnson asked the Board if there was any discussion on this COA.

Mr. Nickisch stated he agreed with the terms and information provided in the COA.

Mr. Vrem agreed with Mr. Nickisch.

Roll Call Vote

NAME	YES	NO	ABSENT
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Dirk Nickisch	X		
Michael Meekin			X

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Dirk Nickisch, seconded by Kelly Vrem, and approved unanimously, it was

RESOLVED to adopt the Suspension for case 2011-001227 as written.

Mr. Johnson asked the Board if there was any discussion on this COA.

Mr. Nickisch stated he disagreed with the court ordered suspension; however the Board's hands were tied on this issue.

Mr. Johnson stated he agreed with Mr. Nickisch.

Roll Call Vote

NAME	YES	NO	ABSENT
Ted Spraker	X		
Dirk Nickisch	X		
Michele Metz			ABSTAINED
Michael Meekin			X
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		
Karen Polley	X		

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Dirk Nickisch, seconded by Kelly Vrem, and approved unanimously, it was

RESOLVED to adopt the COA for case 2011-00450 as written.

Mr. Johnson asked the Board if there was any discussion on this COA.

Mr. Nickisch stated this COA had previously been reviewed by the Board and sent back for changes; with the changes this COA acceptable.

Roll Call Vote

NAME	YES	NO	ABSENT
Michael Meekin			X
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		

Kelly Vrem	X
Karen Polley	X
Ted Spraker	X
Michele Metz	X
Dirk Nickisch	X

THE MOTION PASSED BY A MAJORITY VOTE.

Item 7. Application Review

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Craig Hill for licensure as a registered guide-outfitter pending passing the qualification examinations.

Mr. Johnson asked the Board if there was any discussion on this application.

Mr. Nickisch stated that he felt this application should be tabled as Mr. Hill had not completed the requirements of his current Consent Agreement.

Mr. Vrem agreed with Mr. Nickisch and stated that he did not feel comfortable approving this application until COA requirements had been met.

Mr. Nickisch asked the Board if they were amendable to an amendment to the original motion. The Board agreed.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to table the application of Craig Hill for licensure as a registered guide-outfitter pending passing the qualification examinations until the December 2012 Board meeting in Anchorage.

Roll Call Vote

NAME	YES	NO	Abstain
Don Quarberg	X		
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Michael Meekin			
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to table the application of Robert J. Dorn for licensure as an assistant guide to allow Investigative Staff more time for research.

Mr. Johnson asked the Board if there was any discussion on this application. Hearing none, Mr. Johnson asked for a roll call vote.

Roll Call Vote

NAME	YES	NO	Absent
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		
Dirk Nickisch	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Michael Meekin			X

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Clint Z. Miller for licensure as a class-A assistant guide.

Mr. Johnson asked the Board if there was any discussion on this application.

Mr. Vrem stated he would be voting to support this application.

Mr. Nickisch also stated he would be voting in support. Mr. Nickisch also stated this application had been presented to the Board many times and that it was time to move on.

NAME	YES	NO	Absent
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		

Michele Metz	X	
Dirk Nickisch	X	
Michael Meekin		X
Brenda Rebne	X	

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Justin E. Hawkins for licensure as an assistant guide.

Mr. Johnson asked the Board if there was any discussion on this application.

Mr. Nickisch stated the applicant had a colorful past but records indicate Mr. Hawkins has clean up and that he would support the application.

NAME	YES	NO	Absent
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Dirk Nickisch	X		
Michele Metz	X		
Michael Meekin			X
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Reuben Hastings for licensure as a class-A assistant guide.

Mr. Johnson asked the Board if there was any discussion on this application.

Mr. Nickisch stated the application reflects juvenile mistakes which should not interfere with licensure.

NAME	YES	NO	Absent
Michael Meekin			X
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		

Kelly Vrem	X
Karen Polley	X
Ted Spraker	X
Michele Metz	X
Dirk Nickisch	X

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Jeremy Ruesink for licensure as a registered guide-outfitter pending passing the qualification examinations.

Mr. Johnson asked the Board if there was any discussion on this application.

Mr. Nickisch stated that the violation was relatively minor offence and Mr. Ruesink didn't deny anything on the application and he would support the application.

Mr. Vrem agreed and also added that Mr. Ruesink self reported the violation; and he would also be voting in support.

NAME	YES	NO	Absent
Dirk Nickisch	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		
Michael Meekin			X

THE MOTION PASSED BY A MAJORITY VOTE.

Item 8. Subcommittee Updates

Subcommittees had previously reported.

Item 9. Public Comment

Don (Smokey) Duncan, Master Guide-Outfitter

- Bear bait stations; hunt records (HR) allow for only one service option (guide, outfit only, transport only) there should be a middle ground as a guide may provide limited guide services during an "outfitted only" hunt.

- Did BOG address second degree of kindred?
- Not all species addressed under the 100 yards requirement.

Mr. Johnson stated that if a client goes out on a morning guided hunt and then an afternoon/evening hunt there should be two hunt records and all the information could be on one guide client contract.

Mr. Spraker stated that the BOG laid out specifics on bear bait stations and urged Mr. Duncan to review the updated BOG changes. Mr. Spraker suggested Mr. Duncan meet with Lt. Chastain for a solid legal answer.

Mr. Vrem asked if Mr. Duncan has a client hunting moose then the client has “unguided” species to hunt does Mr. Duncan leave a packer with the client. Mr. Duncan stated he does not leave packers with clients during “self-guided” hunts.

Mr. Vrem stated that recently a packer was found to be providing “guide” services when left alone with a client during a “self-guided” hunt.

Mr. Johnson stated the Board would look for more information on this topic.

The Board thanked Mr. Duncan for his time and participation.

Virgil Umphenour, Master Guide-Outfitter

- Same problems as Mr. Duncan regarding HRs and the options guide or outfit only. If you contract a hunt you provide camp, food, gear if needed. If client needs help the guide is able to assist.
- Do away with “outfit” on HR.
- Suggest let client dictate what help may/may not be needed. Client may be on “self-guided” hunt but might need help with packing, butchering, etc., make sure all covered in contract with client.
- Problem allowing only 12 guides in the Wood River area, Unit 20.

Mr. Johnson stated that if a client goes out on a morning guided hunt and then an afternoon/evening hunt there should be two hunt record forms.

Mr. Nickisch stated he was a little concerned; once a guide-outfitter checks a box and signs an agreement with a client the guide-outfitter accepts responsibility for that persons actions.

Mr. Umphenour stated that this presents no problem as it is the guide’s responsibility to report any violations whether done by a guide or client. Mr. Umphenour went on to state that even if a client is “outfitted only”, it is still the guides responsibility to report any incidents/violations.

Mr. Spraker reiterated his earlier comments during the BOG meeting review; that the BOG has been warned that they are getting close to over stepping the BOG boundaries by dictating how a guide should behave and must leave this type of problem in the BGCSB hands.

Mr. Vrem stated that he was concerned about making any changes to services provided by a guide or transporter. Mr. Vrem went on to state that this Board has spent lot a of time defining what services guides and transporters can and cannot provide and that he does not want to lose what has been done.

Mr. Johnson informed Mr. Umphenour that his mapping comments should be directed to DNR during its March 14, 2012 meeting.

The Board thanked Mr. Umphenour for his time and participation.

Mr. Johnson announced there was a Consent Agreement the Board missed voting on.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt the COA for case 2011-00735 as written.

Mr. Johnson asked the Board if there was any discussion on this COA.

Mr. Nickisch stated he would vote to accept this COA and also stated that Investigative Staff had taken information requested by the Board into consideration when writing this COA.

Roll Call Vote

NAME	YES	NO	ABSENT
Michele Metz	X		
Michael Meekin			X
Brenda Rebne	X		
Dirk Nickisch	X		
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		

THE MOTION PASSED BY A MAJORITY VOTE.

Item 9. Public Comment Cont.

Dick Rohrer, Master Guide-Outfitter

12 AAC 75.930 (page 25 current statute/regulation book); several guides had been contacted by enforcement requesting copies of all of their guide/client contracts. The intent of this regulation when written was that guides would be told why the contracts were being requested and who enforcement was looking for. Mr. Rohrer asked the Board for discussion and direction on this regulation.

The Board asked Lee Strout, Investigator for information. Mr. Strout stated that enforcement/investigations do have the authority via this regulation to request any or all contracts and that individual name(s) are identified when requesting the contracts.

Mr. Johnson asked Mr. Strout if individual names had to be provided. Mr. Strout stated that individual names are provided, however in some situations names are not provided. Mr. Strout went on to state that in these instances investigations is looking more at a specific time frame to establish patterns.

Mr. Rohrer asked if one complainant that contract is provided not years worth of contracts.

Mr. Johnson asked Mr. Strout what happens if a case involves multiple parties.

Mr. Strout stated that it would all depend on the nature of the complaint and that Investigative statutes and regulations give investigative staff authority above the Board's.

Mr. Vrem stated that as a free citizen of this republic, there should be no blanket requests for this type of information and that if there is one complainant there should be only one request for a specific contract.

Mr. Johnson stated that the Board would need more time to look into this issue before making any decisions.

The Board thanked Mr. Rohrer for his time and participation.

The meeting adjourned at 4:06 p.m. until Wednesday at 8:30 a.m.

Wednesday, March 14, 2012

Item 10. Call to Order/Roll Call

The meeting of the big game commercial services board was called to order by Paul Johnson, Chair, at 8:30am. Members present, and constituting a quorum, were:

Paul Johnson, Registered Guide-Outfitter, Chair
Karen Polley, Public Member
Don Quarberg, Public Member
Kelly Vrem, Master Guide-Outfitter
Ted Spraker, Board of Game
Michele Metz, Private Landholder
Brenda Rebne, Private Landholder, arrived at 8:34am
Dirk Nickisch, Transporter, arrived at 8:38am

Not in attendance were:

Michael Meekin, Transporter

Present from the Division of Corporations, Business and Professional Licensing were:

Cynthia Spencer, Licensing Examiner
Karl Marx, Licensing Examiner
Lee Strout, Investigator
Sara Chambers, Program Coordinator

Present from State and Federal Agencies were:

Lt. Bernard Chastain, Department of Public Safety
Clark Cox, Department of Natural Resources, Division of Mining Land and Water
Ryan Hickel, Department of Natural Resources, Division of Mining Land and Water

Present from the public were:

Mark Richards, Public, Alaska Backcountry Hunters
Cole Kramer, Registered Guide-Outfitter
Merrill McGahan, Registered Guide-Outfitter
Mike Cowan, Registered Guide-Outfitter
Don Bunselmeier, Class-A Assistant Guide
Lance Kronberger, Registered Guide-Outfitter
Ottom Kulm, Registered Guide-Outfitter
Mike McCann, Master Guide-Outfitter
Ben Holbrook, Registered Guide-Outfitter
Steve Pogany, Registered Guide-Outfitter
Chris Zwolinski, Master Guide-Outfitter
Bill Stevenson, Registered Guide-Outfitter
Dave Morris, Master Guide-Outfitter
Charles Keeter, Assistant Guide
Peter Mayer, Registered Guide-Outfitter
Matt Snyder, Registered Guide-Outfitter
Ivan Henderson, Assistant Guide
Debra Wangaman Curnow, Registered Guide-Outfitter
Sam Rohrer, Registered Guide-Outfitter
Dick Rohrer, Master Guide-Outfitter

Tony Lee, Master Guide-Outfitter
Jim Kedrowski, Master Guide-Outfitter
Gary Wall, Registered Guide-Outfitter
Terry Overly, Master Guide-Outfitter, Pioneer Outfitters
Amber Lee Dibble, Assistant Guide, Pioneer Outfitters
Wesley Fuxa, Public, Pioneer Outfitters
Kaleb Kiper, Public, Pioneer Outfitters
Wayne Kubat, Master Guide-Outfitter
Dan Montgomery, Master Guide-Outfitter
Hugh Les Krank, Master Guide-Outfitter
Loren Karro, Registered Guide-Outfitter
Bob Summers, Assistant Guide
James Weidner, Registered Guide-Outfitter
Tom Kirstein, Master Guide-Outfitter
Nate Turner, Registered Guide-Outfitter
Mike Zweng, Registered Guide-Outfitter
Wade Willis, Public
Coke Wallace, Master Guide-Outfitter
Don (Smokey) Duncan, Master Guide-Outfitter
Robert Fithian, Master Guide-Outfitter, Alaska Professional Hunters Association
Ken Lamb, Registered Guide-Outfitter

Item 11. Board Discussion

❖ Amend/Adopt December 6-8, 2011 Board Meeting Minutes

The Board reviewed draft minutes from the December 2011 Board meeting

On a motion duly made by Karen Polley, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt the December 6-8, 2011 meeting minutes as written.

Mr. Johnson polled the Board, hearing no disagreement the Board moved to the next item.

❖ Set dates for 2012/2013 examinations and Board meetings

Mr. Johnson asked for suggested dates. Mr. Marx suggested the first or second week of June and stated that historically no candidates signed up for the September exams; Mr. Marx suggested an October date.

Mr. Marx also stated that he had spoken with the Coast International Inn and had tentatively booked December 4-7, 2012 for meeting and examination dates. Mr. Marx also stated he would verify with UAF staff for their Spring break dates for 2013.

The Board agreed and set the following examination and meeting dates holding off setting the March 2013 dates until Mr. Marx verified Spring break with UAF.

- GMU exam offered Anchorage, Fairbanks, and Juneau would be June 8, 2012, October 5, 2012 and December 6, 2012.
- Registered Guide-Outfitter Qualification examinations will be held in conjunction with the December 2012 meeting. Written exam will be held December 6, 2012 and the practical exam December 7, 2012.
- December 4-7, 2012 Board meeting with examinations to be held December 6-7, 2012.

❖ **Budget Report**

The Board asked Sara Chambers, Program Coordinator forward for assistance with the budget report.

Ms. Polley gave the Board an overview of the budget report. Mr. Polley stated that the report the Board had in their packets was identical to the report provided at the December 2011 meeting. Mr. Polley informed the Board that due to Fiscal year end dates there would be no new information until the end of June 2012 and that she would stay in contact with Misty Frawley, Administrative Officer, Ms. Chambers, and Mr. Rohrer to discuss the report. Mr. Polley also informed the Board that the Special Appropriation fees which had been approved by the Legislature for the Boards special Investigator John Clark had finally been added to the report which helped lower the deficit.

Ms. Polley asked Ms. Chambers to explain fines and forfeitures as those fees collected are not for the Board but put directly into the “general fund”.

Ms. Chambers explained that fines went directly to the State of Alaska General Fund and that no Board was allowed to keep these types of fees; Ms. Chambers stated that the fines, etc., were listed on Budget reports so Board’s could see that the funds were being collected and how much. Ms. Chambers went on to state that Boards using these types of fees caused problems in the past as Boards must be self supportive the public was under the belief that Boards using these fees were “lining their coffers”; this is a concern with Administrative staff and currently the Administration is trying to find a way to use the fees and still maintain public trust.

Ms. Polley informed the Board that she had met with Ms. Chambers and Ms. Frawley to discuss the Board’s deficit. Ms. Chambers informed the Board that there are “cost drivers”; this Board is currently running at a significant deficit, however there are and have been meetings with the Director of the

Division to work on innovative ideas regarding re-vamping the current system. Ms. Chambers suggested the Board review their fees and make suggestions for where an increases or decreases in fees may be needed; Ms. Chambers suggested that the Board make a motion(s) or get the information in writing for these suggestions.

Ms. Polley informed the Board that during her meeting with Ms. Chambers and Ms. Frawley indirect expenditures had changes due to the Board's last Legislative Audit. Ms. Chambers stated that a memo had been sent out regarding the indirect allocations and the Division was working with an independent contractor to evaluate where changes were needed.

Ms. Rebne stated that she was strongly opposed to any fee increases to licensees until the Board and Division got a handle on the bills from the Department of Law. Ms. Rebne stated she was still waiting to see an itemized bill from Law and that she understood there were expenses necessary for a self supporting Board.

Ms. Polley stated that another item discussed during her meeting was inter-agency receipts, an analysis of current fees, exam fees and a late renewal fee.

Mr. Vrem stated that he was also concerned with fees being paid by this Board to Dept. of Law and also stated that if licensure fees are raised any higher many licensees may not renew and that would be a detriment to this Board's budget.

Ms. Rebne stated she would support a late fee for renewals; however there should be cap on how far back fees would be collected.

Mr. Johnson stated that one area fees could be collected was the on-line HR database which allows enforcement to view scanned images of HRs. Mr. Johnson informed the Board that when this data base began many Departments agreed to pay a user fee however due to lack of communication between this Board and the Department a user fee was never implemented. Mr. Johnson suggested to the Board that they make a motion to request fee collection for the database use. Mr. Johnson also suggested that the Board consider increasing the registered guide-outfitter qualification examination fee, institute a late renewal fee, charge more for copies, institute a fee for guide use area registration applications, check on Hearing Officer costs, and have some sort of fee(s) that must be paid by applicants who have COAs.

Mr. Quarberg asked the Board if a guide-outfitters license expires they cannot book hunts? Mr. Johnson stated that was correct. Mr. Quarberg stated that there should be some sort of penalty fee for those who are found guilty of contracting hunts without a current license, i.e. have the licensee pay for the litigation fee.

Mr. Johnson Informed the Board that this should also be included in its motion.

Ms. Chambers informed the Board that she had worked with staff collecting information on hours spent on specific projects (application processing, data entry/scanning, file certifications, etc.) and other methods where costs could be cut or increased. Ms. Chambers stated there were no problems on the Administrative end but we must be sure that costs are quantified; Ms. Chambers went on to state that the Divisions current cost allocation project would be completed in another month or so.

Mr. Nickisch suggested that if enforcement agencies didn't pay for use of the database they should have access removed. Mr. Nickisch went on to state that the Board should put together a subcommittee to learn more about the Hearing Officer issues; Mr. Nickisch also stated that he had thought this Board dealt with licensee issues as the Board has the authority to deal with most issue as a "peer" authority and that having a Hearing Officer seemed a bit much. Mr. Nickisch also stated that he felt the State had hamstrung the Board by usurping its authority.

Mr. Johnson asked the Board if they would mind putting a Board subcommittee together to review this issue while another Board subcommittee worked on the motion(s). The Board agreed.

Mr. Spraker and Mr. Johnson stated they agreed with Mr. Nickisch's comments.

Mr. Spraker asked Ms. Chambers if the Division would be hiring a replacement for Cori Hondolero's vacant Supervisory position.

Ms. Chambers responded that the Division would be hiring a replacement however the new person would not be as dedicated to this Board as Ms. Hondolero was.

The Board thanked Ms. Chambers.

❖ **Hunt Records (HR) and Transporter Activity Report (TAR) form changes**

Mr. Johnson stated that the Board didn't want to tie their hands by making regulations which may limit what could and couldn't be changed on HRs and TARs. Mr. Johnson informed the Board he had spoken with Ms. Chambers about this and Ms. Chambers had suggested wording which would allow the Board the ability to make changes without having to do regulation projects.

Ms. Chambers stated the Board shouldn't have form updates tied into regulations however the Board would maintain its authority as to form

requirements by removing the line by line requirements in the current regulation.

Mr. Johnson asked Mr. Nickisch, Ms. Chambers, and Lt. Chastain to meet and work on the TAR regulation. Mr. Johnson requested Mr. Vrem to join them to assist with the HR regulation.

Mr. Spraker stated he felt ok with the assignments but requested that the group verify the Boards statutory authority to make the changes.

❖ **Statute updates**

Mr. Johnson stated the House Bill 229 had been approved/passed and thanked Lt. Chastain, Virgil Umphenour and all other parties involved for all their time and hard work on this bill.

❖ **Correspondence**

The Board reviewed the provided correspondence.

Mr. Johnson asked Ms. Rebne, Mr. Nickisch, and Ms. Polley to work on the fee motion(s) so it could be read into the record and voted on at the end of the day. Mr. Johnson requested those who had signed up to work on the examination subcommittee to meet with Mr. Marx in the same room as earlier.

Mr. Johnson announced that the Board was in need of volunteer examination proctors for the practical exams which are scheduled for Friday March 16.

Recess The Board recessed at 9:42 a.m. to facilitate subcommittee meetings; reconvened at 11:36 a.m.

Item 12. Subcommittee Updates

Mr. Johnson asked Ms. Polley and Ms. Rebne if they would be ready with motions concerning fees. Ms. Rebne stated they were ready to go.

Mr. Johnson reported for the examination subcommittee after speaking with Mr. Marx. Mr. Johnson stated that the examination subcommittee was waiting on a few more new questions; suggestions for a new/revolving written exam which would be used with the current examination, i.e. two different exams for candidates, candidate fails and on re-exam would be given a different exam. Mr. Johnson stated that the Board would need to give Mr. Marx directions on how they would like to proceed.

The HR and TAR subcommittee stated they were also ready.

On a motion duly made by Karen Polley, seconded by Brenda Rebne, and approved unanimously, it was

RESOLVED to request that the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing explore other revenue sources other than increasing license fees to support the Big Game Commercial Services Board including: Interagency receipts from state and federal agencies that utilize records developed and maintained by the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing and to fund the development and improvement of the data base for the implementation of electronic records.

Mr. Johnson asked Board members for discussion

Ms. Polley stated that she felt guides paid fees to many other agencies and that charging a fee for enforcement agencies would reduce costs to licensees and assist the Board with its deficit; the electronic records benefit other agencies so there should be a fee for use.

Mr. Spraker stated that he felt this was a meaningful statement and the Board needs to get its finances in order. Mr. Spraker also stated that he is concerned with the Hearing Officer costs and there must be change. Mr. Spraker went on to state that he strongly supports this motion.

Ms. Polley informed Mr. Spraker that there would be another motion which would address the Hearing Officer issue.

Mr. Johnson asked the Board for any further discussion; hearing none Mr. Johnson asked the Board if there were any objections to the motion; hearing none the motion passed.

On a motion duly made by Dirk Nickisch, seconded by Brenda Rebne, and approved unanimously, it was

RESOLVED to direct major guiding industry/licensee cases to the Big Game Commercial Services Board for review and judgment instead of the Department of Law.

Mr. Johnson asked Board members for discussion

Ms. Polley stated that one of the reasons the Board was established was to provide a peer group to review and judge on licensee issues. Ms. Polley also stated that the Board has been willing to provide this service and should.

Mr. Nickisch stated he agreed with Ms. Polley's comments and went on to state that this is a potential cost benefit to the Board and licensees should have the chance for a review by their peers.

Mr. Johnson asked Ms. Chambers what the cost of a Big Game Commercial Services Board meeting was. Ms. Chambers responded with all costs combined a meeting costs maybe \$12-13,000.

Mr. Johnson stated that if a day was added for "case review" the Board would still keep costs under \$30,000.

Mr. Johnson asked the Board for any further discussion; hearing none Mr. Johnson asked the Board if there were any objections to the motion; hearing none the motion passed.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to request that the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing establish the following fees for the Big Game Commercial Services Board: late fee for renewal applications, an investigative fee, and a guide use area registration application fee.

Mr. Johnson asked Board members for discussion

Ms. Rebne asked for clarification on a guide use area registration fee. Mr. Johnson stated that currently there is no cost for registering a guide use area instituting a fee per registration application would help non-contracting guides by not having a license fee increase.

Ms. Polley stated that she felt there should be an investigative fee charged to applicants who fill out applications incorrectly which result in the applications being sent to Investigative staff for review. Ms. Polley also stated that the Boards statute states the renewal is due December and that many guides are booking hunts without renewing their license; Ms. Polley stated that the fee may encourage those who book hunts to make sure their guide licenses are in good standing.

Mr. Johnson asked the Board if the motion listed suggestions in a prioritized manner.

Mr. Nickisch stated that they were; renewal late fees and guide use area registration fees are straight forward, however the investigative fee might take more time.

Mr. Polley stated that right now collection of renewal fees are estimated at \$230 – 250,000 and that there should be more collected. Ms. Polley suggested that the late fee should be imposed for renewals received after the end of January (February 1).

Mr. Nickisch stated that the guide use area registration fee would also apply to water based transporters once their regulation to register guide use area goes into effect.

Mr. Johnson asked the Board for any further discussion; hearing none Mr. Johnson asked the Board if there were any objections to the motion; hearing none the motion passed.

Recess The Board recessed at 11:53 a.m. for lunch; reconvened at 1:00 p.m.

Item 13. Public Comment

Don (Smokey) Duncan, Master Guide-Outfitter

- Late fees; should also offer an early bird special for renewals submitted before December 31.
- Would like to know the difference between the Board's budget 2005 and current.
- What percentage of renewal applications are received after December 31.
- Would like to see the Alaska Tourism industry promote Alaska's hunting industry better. Current Tourism budget is estimated at \$1 million; hunting should be included as it is a good source of revenue.
- Lobby Legislature for an assistant transporter license. Feel if any one provides transportation on State land they should be required to hold a transporter license.

Mr. Nickisch stated that late fees would be a onetime fee for late renewals received for the current year.

Mr. Quarberg asked if the Tourism industry had an association to promote hunting. Mr. Duncan responded that the guiding industry in Alaska has the Alaska Professional Hunters Association (APHA). Mr. Quarberg asked if APHA uses its resources via mass media to promote Alaska.

Mr. Duncan stated that the previous Director of Tourism had said Tourism would not promote the guiding/hunting industry in Alaska as it falls under the Dept. of Commerce.

Mr. Johnson clarified that Mr. Duncan was asking the Board to write a letter to Tourism requesting promotion of the guiding/hunting industry.

Ken Lamb, Registered Guide-Outfitter.
Signed wrong sign-up sheet. Nothing to comment on.

Wade Willis, Public – was not in the audience when name called.

Robert Fithian, Master Guide-Outfitter, representing Alaska Professional Hunters Association.

- Thanked Mr. Spraker for the BOG meeting report.
- This BOG meeting was a good meeting; data presented during the meeting gathered by Dept. of Fish and Game addressed management issues and the BOG response was good.
- Thanked this Department and the BOG for their support and wildlife management.
- Department of Natural Resources very exciting projects and programs. Industry at the point where we recognized the elevated problems. Recognize that we will not be able to sustain non-resident hunters without some sort of program like the Concession project. Conservation will always be there under the existing structure of the BOG and the Dept. of Fish & Game.
- APHA hired Thor Stacey, registered guide-outfitter as Legislative Liaison for this session. Mr. Stacey is doing a great job lobbying and assisting with bills.
- Welcome Ms. Metz; it is good to have representation from South East Alaska.
- Thanked Mr. Spraker for help with the Department clarifying black bear problems.
- Katmai National preserve generate first time environment first time concession not authorized, APHA is working on this problem with Senator Murkowski who has been a great help.

Mr. Spraker stated that Boards authorized under the Dept. of Fish & Game recognized problems on State of Alaska land and are taking steps and action to address the issues. Mr. Spraker also stated that State of Alaska, Federal land managers and private land owners have strong management of resources. Mr. Spraker gave a brief history of Federal agencies land stewardship. Mr. Spraker also stated that due to a lack of cooperation between federal, state, and private land owners many issues have fallen between the cracks. Mr. Spraker went on to state that the Dept. of Fish & Game was working on new policies for implementation which may address some issues and that the BOG would monitor and would get regular updates on.

Mr. Spraker asked Mr. Fithian if there were any options available to promote the hunting/guiding industry in Alaska.

Mr. Fithian responded that within the Alaska Trade Association fees are used for advertising. Mr. Fithian went on to state that the Dept. of Tourism has no respect for this industry and that they feel revenue would be lost from Tourism if this industry is promoted.

Mr. Johnson gave a brief overview of historical problems between this industry and the Dept. of Tourism and as Mr. Fithian mentioned using non-resident hunting license and tag fees to generate advertising funds would be a great idea.

Mr. Spraker stated that during the Palin administration former Governor Palin had set aside \$4000.00 for this industry and re-instated the Wildlife Troopers (Brown Shirts).

Ms. Rebne asked who in the Dept of Tourism decided not to promote hunting/guiding. Mr. Johnson informed the Board that the Dept. of Tourism was very unique; they are funded by the State and that the Legislature is also involved.

Ms. Metz thanked Mr. Fithian and APHA for all their efforts and hard work and stated that she was looking forward to working with the APHA.

Wade Willis, Public, Anchorage, AK

- Thanked the Board for their time.
- Not happy with allocations and lack of management by BOG
- This Board is pushing the proposed DNR Concession project. This project will not fix issues.
- DNR White Sheet is not ethical.
- Limiting the number of animals to be less that BOG allows won't fix the fundamentals of the problem.

The Board thanked Mr. Willis for his time.

Coke Wallace, Master Guide-Outfitter. Was not present when called.

Mr. Johnson asked announced that the Board would adjourn for the day to facilitate seminars unless Board members had any other topics they would like to discuss.

Mr. Vrem asked Dick Rohrer about his successful guide business seminar regarding the guide-client agreement contracts and if he still needed to review information. Mr. Rohrer stated he was ready to go.

Mr. Johnson announced that the seminars would begin with Henry Tiffany covering dall sheep, followed by trophy measuring with Mr. Spraker, and running a successful guide business with Mr. Rohrer.

Item 14. Investigative Review Cont.

The Board had concluded the Investigative review under Item 6.

The meeting adjourned at 1:49 p.m. until Thursday at 8:30 a.m.

Thursday, March 15, 2012

Item 15. Call to Order/Roll Call

The meeting of the big game commercial services board was called to order by Paul Johnson, Chair, at 8:30am. Members present, and constituting a quorum, were:

Paul Johnson, Registered Guide-Outfitter, Chair
Kelly Vrem, Master Guide-Outfitter
Karen Polley, Public Member
Ted Spraker, Board of Game
Dirk Nickisch, Transporter
Michele Metz, Private Landholder
Brenda Rebne, Private Landholder
Don Quarberg, Public Member

Not in attendance were:

Michael Meekin, Transporter

Present from the Division of Corporations, Business and Professional Licensing were:

Cynthia Spencer, Licensing Examiner
Karl Marx, Licensing Examiner
Lee Strout, Investigator
Sara Chambers, Program Coordinator

Present from State and Federal Agencies were:

Lt. Bernard Chastain, Department of Public Safety
Jonathan Friday, Enforcement, Bureau of Land Management
Valerie Baxter, Department of Natural Resources, Division of Mining Land and Water

Present from the public were:

Ivan Henderson, Assistant Guide
Terry Overly, Master Guide-Outfitter, Pioneer Outfitters
Amber Lee Dibble, Assistant Guide, Pioneer Outfitters
Wesley Fuxa, Public, Pioneer Outfitters
Kaleb Kiper, Public, Pioneer Outfitters
Dick Rohrer, Master Guide-Outfitter
Mike Zweng, Registered Guide-Outfitter
Jim Kedrowski, Master Guide-Outfitter
Mark Richards, Alaska Backcountry Hunters
Wayne Kubat, Master Guide-Outfitter
Bob Summers, Assistant Guide
James Weidner, Registered Guide-Outfitter
Dan Montgomery, Master Guide-Outfitter

Hugh Les Krank, Master Guide-Outfitter
Tony Lee, Master Guide-Outfitter
Sam Fejes, Master Guide-Outfitter
Matt Snyder, Registered Guide-Outfitter
Tom Kirstein, Master Guide-Outfitter
Sam Rohrer, Registered Guide-Outfitter
Sue Entsminger, Registered Guide-Outfitter
Henry Tiffany, Master Guide-Outfitter
Joe Klutsch, Master Guide-Outfitter
Mike Shaw, Registered Guide-Outfitter
Cole Kramer, Registered Guide-Outfitter
Steve Perrins, Master Guide-Outfitter
Kevin Adkins, Registered Guide-Outfitter
Clifford Smith, Assistant Guide
Debra Waugaman Curnow, Registered Guide-Outfitter
Don Bunselmeier, Class-A Assistant Guide
Merrill McGahan, Registered Guide-Outfitter
Mike Cowan, Registered Guide-Outfitter

Item 16. Division Business

Ms. Spencer passed out and collected travel reimbursement documentation.

Mr. Johnson asked the Board if they would mind moving on to Item 20, New Business since Ms. Polley needed to catch an earlier flight. The Board agreed.

Item 20. New Business

Mr. Nickisch asked that discussion of AS 08.54.790(10) and (10)(B) definitions of transportation services and incidental be put on the next meeting agenda. Mr. Nickisch stated that he felt the Board needed to better define transportation services and incidental to give more authority to the statutes and regulations. Mr. Nickisch also stated that he was interested in public comments.

Mr. Spraker asked that time to meet with the BOG also be added to the next agenda. Mr. Spraker stated that meeting with the BOG would be very beneficial as the Boards could share issues and ideas in a non-formal meeting setting like a dinner.

Mr. Johnson asked when the next BOG meeting was scheduled. Mr. Spraker said the meeting would be during January in Sitka. Mr. Johnson asked the Board who might be able to attend. Ms. Polley, Mr. Quarberg, and Ms. Metz stated they would be willing to attend. Mr. Nickisch stated he might be able to attend.

Mr. Johnson asked Ms. Chambers to look into joint travel for the Board.

Mr. Johnson stated the Board would need a mid-summer teleconference meeting as they would need to review statutory issues in time for Legislative session and the December 2012 Board meeting. Mr. Johnson requested staff send out a poll, in a month or so, to Board members with several dates and time options.

Mr. Spraker asked for direction regarding practical examination proctors; Mr. Spraker informed the Board that as an exam proctor it was difficult to send a candidate on their way when errors were noted during the exam; we don't want the prospective licensee to go into the field with bad information; as a proctor it's very hard to pass up an opportunity to provide education. Mr. Spraker asked the Board if proctors could correct candidates after their exam or just let them go.

Mr. Johnson stated that most candidates were so frazzled that any information provided may not stick.

Mr. Nickisch stated that the exams were a great teaching opportunity and it would be silly to pass up.

Mr. Vrem agreed with Mr. Nickisch.

Mr. Quarberg stated that once the candidate was done with the individual portion of the exam, proctors should be able to educate the candidate as it is a good learning opportunity and it would be a crime to not use an educational tool when you have one.

Ms. Spencer requested that examination proctors be very careful using the word "pass" when dealing with examination candidate.

Mr. Johnson announced that the practical examinations were not the avenue to use if individual proctors didn't want someone to have a license. Mr. Johnson stressed that if an individual can meet the minimum licensure requirements they get a license.

Mr. Johnson stated that Mr. Strout had received a few more COA's at the last minute and the Board would need to adjourn into executive session for review.

On a motion duly made by Don Quarberg, seconded by Michele Metz, and approved unanimously, it was

RESOLVED to adjourn into Executive Session under the authority of AS 44.62.310 to discuss with the investigator the investigative report.

The Board adjourned into executive session at 8:59 a.m., and returned from executive session at 9:42 a.m.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt the COA for case 2012-000279 as written.

Mr. Johnson asked the Board if there was any discussion on this COA.

Mr. Nickisch stated this COA was very consistent with previous COAs and he would vote in support.

Mr. Johnson asked the Board if there were any further comments; hearing none Mr. Johnson asked for a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSENT	ABSTAIN
Michele Metz	X			
Michael Meekin			X	
Brenda Rebne	X			
Dirk Nickisch	X			
Paul Johnson	X			
Don Quarberg	X			
Kelly Vrem				X
Karen Polley	X			
Ted Spraker	X			

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Johnson informed attendees that the Board was a bit ahead of schedule and there was a few moments available for generic comments.

Jim Kedrowski, Master Guide-Outfitter

- Board should have on-line assistant guide exam
- On-line AK Hunter course, approved by Dept. of Fish & Game, is excellent educational tool; should be a licensure requirement.

Ms. Polley asked if the AK Hunter course was offered in a class-room setting. Mr. Kedrowski stated that the Dept. of Fish & Game offered the course over a couple of Saturdays.

Mr. Nickisch and Mr. Spraker both agreed the course was a great educational tool and support consideration adding the course to licensure requirements.

Mr. Johnson asked Mr. Kedrowski if he required his employees to take the course. Mr. Kedrowski answered he did and that it was also a requirement for Federal Prospectus bids.

Mr. Johnson and Ms. Polley agreed that this was worth more serious consideration.

The Board discussed problems finding assistant guides for employment. Mr. Nickisch stated that the Tourism industry needs to promote hunt/guiding via job fairs and that information is not reaching interested parties.

Mr. Spraker suggested a letter be mailed to guides with information and requesting feed back on the availability of assistant guides.

Dick Rohrer suggested that he felt requiring exam candidate to attend a Board meeting should be a requirement. Mr. Johnson asked Ms. Chambers if the Board could require candidates to attend Board meetings and taking the on-line AK Hunter course.

The Board thanked Mr. Kedrowski and Mr. Rohrer

Wayne Kubat, Master Guide-Outfitter

Asked for discussion/interpretation needed for AS 08.54.790(6) "field" at the next meeting; would a boat harbor be considered in or out of field?

Mr. Johnson asked Lt. Chastain if the current definition was clear enough for enforcement. Lt. Chastain responded that the statute had been defined and passed by the Legislature and is woven throughout all current guide regulations. Lt. Chastain stated that DPS uses the definition as interpreted by the Dept. of Law.

Mr. Kubat stated that some of the problems come into play when a guide is taking clients back to airport, ferry, etc., shopping for groceries, taking harvests for sealing, basically doing your job however it could be taken that even though you are actively participating/involved with client hunts you may not be "in-field".

Mr. Vrem agreed with Mr. Kubat and it sounds like the supervision regulation needs to be looked at. Mr. Johnson asked the Board and audience members for volunteers for information gathering and input before the Board's next teleconference.

The Board thanked Mr. Kubat for his time and participation.

Henry Tiffany, Master Guide-Outfitter

Work on raising industry standards

Agree with Mr. Rohrer; attending seminars should be a requirement for new applicants.

Mr. Johnson asked if Mr. Tiffany required his employees to take the AK Hunting course. Mr. Tiffany responded that he currently does not, however he did take

the course himself a few years ago and has no qualms making it a requirement for new applicants.

The Board thanked Mr. Tiffany for his time and participation.

Al Barrette, Class-A Assistant Guide

- If non-guided hunt what check on HR form
- Revise definition of “out-fitted”
- Assistance with guide-client contract define what guide-outfitter can provide

Lt. Chastain stated that you’d check the “outfitted only” box, if guiding the “guided” box would be selected. The Board agreed with Lt. Chastain.

Ms. Rebne stated she was a bit confused between the guided vs outfitted.

Mr. Johnson gave a brief licensure history reflecting the “outfitter” license option which was phased out as Legislature defined “guide” to include outfitting.

Lt. Chastain stated that enforcement must use statute definition as Legislature said if outfitting only there would be no guide or assistant guide assisting the client.

Mr. Johnson informed Mr. Barrette that this Board would be meeting with the BOG and will add discussion of the guide-client contract to their list.

The Board thanked Mr. Barrette for his time and participation.

Mike Zweng, Registered Guide-Outfitter

- Seminars should be taped; streamed, etc., information being provided is invaluable and should be shared and preserved.

Mr. Johnson stated that the Board was attempting to have this meeting be video conference however there were some problems and the Board would continue to get visual/audio recording for future meetings.

The Board thanked Mr. Zweng for his time and participation.

Item 18. Public Comment Regarding Public Noticed Regulations 12 AAC 75.110, 75.205, 75.210, 75.230, 75.240, 75.340, 75.395, 75.400, 75.440, 75.920, and 75.235

Dick Rohrer, Master Guide-Outfitter

- 75.235 Why Board still working on GMU 8 mapping, a little frustrating. Proposed line change has already been in place with Dept. of Fish & Game, please adopt!

- 75.110 capping video after proctoring and viewing candidate videos adding “big game” is necessary. Please adopt.
- 75.230 was intent of Board when writing this regulation was to remove the problems caused by guides bouncing from one area to another. Feel the regulation should be left as is and don’t support changes. However if DNR Concession project goes through might need; but not now.
- 75.240 changing “from” to “in” is critical for the Board to accomplish their original intent with the regulations. Support change.
- 75.920 oppose change refer to AS 08.54.630 legally hunt in AK for two years and harvest one big game animal. Current requirements are for hunting in this state so Alaska harvest should be required. Current regulation reflects demonstrated experience gained in Alaska. Do not support proposed change.

Ms. Polley asked if applicants were submitting application reflecting the applicant spent 30-days in Alaska but not hunting. Mr. Rohrer stated he was not sure; Mr. Rohrer went on to state that he felt the Board had spent enough time on this requirement and that he feels the statute and regulation are ok as is.

Mr. Vrem stated this was a hot topic and may need further discussion.

Mr. Spraker stated he has always been in favor of an Alaskan harvest and that it made him feel better and probably clients to have a guide or assistant guide who had spent time hunting in State and had the experience of a harvest. Ms. Rebne agreed.

Mr. Johnson stated that this may need a subcommittee to discuss assistant guides and their licensure requirements.

The Board thanked Mr. Rohrer for his time and participation.

Al Barrette, Class-A Assistant Guide
No comments.

Wayne Kubat, Master Guide-Outfitter
No comments.

Jim Kedrowski, Master Guide-Outfitter
No comments.

Joe Klutsch, Master Guide-Outfitter
75.920 don’t feel that requiring an Alaska harvest is needed to be a guide. Current professional license standards are good. Feel need further consideration on this regulation, make this a top priority.

Mr. Spraker stated he understood Mr. Klutsch's concerns and asked if he had any solutions to offer now.

Mr. Klutsch stated he had several suggestions.

- Have a required number of years an applicant participated as a packer or in another capacity related to the profession which would need to be documented.
- Attendance of seminars with a little more formalization in the process and require physical attendance no on-line.
- Must maintain professional standards.
- Agree with Mr. Spraker, would not want to be a client hunting with a guide who never harvested a species in Alaska.

Mr. Vrem stated that maybe a log book of some sort should be kept by applicants which would have verification by their employing guide attesting to the applicant experience of caping, tracking, etc. Mr. Vrem also stated that we must keep the level of training up and mentioned that the proposed new HR forms would have lines to list packers so licensing staff could verify.

The Board briefly discussed adding "must be present for harvest". Mr. Quarberg stated that maybe this regulation should be tabled for further discussion and public input.

The Board thanked Mr. Klutsch for his time and participation.

Don (Smokey) Duncan, Master Guide-Outfitter

- AS 08.54.790(8) defines "guided" and 08.54.790(9) defines outfitting which states no accompanying client.
- 75.210 read as if guide also outfits hunts. If choose "outfit only" on HR there is no guiding. Nowhere in current regulations does it say a guide cannot do both. Need more options on the HR form, maybe add "semi" guided which would allow outfitting and limited guiding for non-guided hunts.

Mr. Johnson asked Lt. Chastain to get an interpretation from the Dept. of Law on this issue so there will be no confusion and maybe get the information posted to the Board's website. Lt. Chastain agreed.

Ms. Chambers asked the Board to have a motion for this request so she could go to Dept. of Law with this question. Mr. Johnson responded that he would prefer Lt. Chastain get the interpretation and sent it to Ms. Spencer, as it will be his office enforcing the requirement. Ms. Chambers agreed. Lt. Chastain stated he would get the information from Dept. of Law and pass it along to Ms. Spencer and Ms. Chambers.

The Board thanked Mr. Duncan for his time and participation.

Steve Perrins, Master Guide-Outfitter
75.920 agree with Mr. Spraker's comments; don't want a guide who has no experience in Alaska.

The Board thanked Mr. Perrins for his time and participation.

Mr. Johnson stated that there was still a bit of time before the next agenda item and urged attendees to break into subcommittees if they wanted.

Recess The Board recessed at 11:24 a.m.; reconvened at 1:00p.m.

Item 19. Amend/Adopt Regulations

12 AAC 75.110

Taking into consideration the submitted written comments and oral testimony.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.110 as public noticed.

Mr. Johnson asked the Board for discussion.

Mr. Spraker and Mr. Vrem stated they supported the proposed change.

NAME	YES	NO	Absent
Michele Metz	X		
Michael Meekin			X
Brenda Rebne	X		
Dirk Nickisch	X		
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		

THE MOTION PASSED BY A MAJORITY VOTE.

12 AAC 75.205

Taking into consideration the submitted written comments and oral testimony.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.205 as public noticed.

Mr. Johnson asked the Board for discussion and requested Ms. Chambers and Lt. Chastain forward.

Ms. Chambers reviewed the information put together with Lt. Chastain, reviewed by Quinten Warren, Chief Investigator, Don Habeger, Division Director and Jun Maiquis, Regulation Specialist. Ms. Chambers suggested the Board remove "pre-numbered" and replace with a unique identifier which would allow the Department to track information without limiting their ability to do so.

Mr. Johnson asked Lt. Chastain if he was ok with the change. Lt. Chastain stated that the suggested change would work for Enforcement.

Mr. Nickisch and Mr. Spraker agreed with the changes from Ms. Chambers. Mr. Nickisch and Mr. Spraker requested an amendment to their original motion which would reflect the following information provided by Ms. Chambers as "exhibit A".

12 AAC 75.205. Distribution and use of hunt records [RECORD BOOKLETS]. (a) The department will issue [A BOOKLET OF PRE-NUMBERED] uniquely identifiable hunt records to a registered guide-outfitter with a valid license who has proof of financial responsibility in accordance with 12 AAC 75.220 on file with the board. Once the department issues the **hunt records** [BOOKLET], the board

(1) will consider the [PRE-NUMBERED] hunt records to be in the possession of the registered guide-outfitter; and

(2) may discipline the registered guide-outfitter under AS 08.54.710(a)(2) if the

(A) registered guide-outfitter loses or misplaces the [BOOKLET OF PRE-NUMBERED] hunt records, or fails to return hunt records as required under this section or upon the department's request;

(B) [BOOKLET OF PRE-NUMBERED] hunt records **are** [IS] damaged or destroyed while in the registered guide-outfitter's possession; or

(C) [BOOKLET OF PRE-NUMBERED] hunt records, while in the registered guide-outfitter's possession, **are** [IS] used in a manner that violates AS 08.54.760, this section, or 12 AAC 75.210.

(b) The [PRE-NUMBERED] hunt records must be used [SEQUENTIALLY IN NUMERICAL ORDER AND] only by the assigned registered guide-outfitter. Hunt records may not be shared.

(c) All copies of a hunt record must be completed in accordance with 12 AAC 75.210. Copies must be distributed in accordance with 12 AAC 75.210.

(d) A voided [PRE-NUMBERED] hunt record must be returned to the department.

(e) Repealed 3/21/2010.

(f) A maximum of 50 [PRE-NUMBERED] hunt records will be issued to a registered guide-outfitter and may be in the registered guide-outfitter's possession at any given time. **Additional** [AN ADDITIONAL BOOKLET OF

PRE-NUMBERED] hunt records may be issued. However, upon a written request and showing of good cause, as determined by the department, a registered guide-outfitter may have more than 50 PRE-NUMBERED] hunt records assigned and in the registered guide-outfitter's possession.

(g) A registered guide-outfitter who misplaces or loses a hunt record [BOOKLET] shall submit to the department

(1) a notarized statement documenting the loss of the [BOOKLET OF PRE-NUMBERED] hunt records; and

(2) client information not already submitted to the department under 12 AAC 75.210. (Eff. 11/24/2007, Register 184; am 3/21/2010, Register 193; am // ,

Authority: AS 08.54.600 AS 08.54.660 AS 08.54.760

NAME	YES	NO	Absent
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Dirk Nickisch	X		
Michael Meekin			X
Brenda Rebne	X		

THE MOTION PASSED BY A MAJORITY VOTE.

12 AAC 75.210

Taking into consideration the submitted written comments and oral testimony.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.210 as public noticed.

Mr. Johnson asked the Board for discussion and requested Ms. Chambers and Lt. Chastain remain where they were for discussion.

Ms. Chambers stated that the language she and Lt. Chastain came up would allow the Board to make changes to HRs and allow the Department to track information without limiting their ability to do so. Ms. Chambers informed the Board that they would still maintain its authority to require the form.

Mr. Nicksich stated he had worked with Ms. Chambers and Lt. Chastain and felt good about the suggestions. Mr. Nickisch also asked as a new business item to appoint a Board member to work with staff on form changes.

Mr. Vrem and Ms. Metz volunteered to work with staff.

Mr. Johnson asked the Board if there were any problems with the amendments, hearing non Mr. Johnson requested an amended motion.

On a motion duly made by Dirk Nickisch, seconded by Karen Polley, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.210 with the following amendments:

12 AAC 75.210(a) is amended to read:

(a) The hunt record required by AS 08.54.760 must be on a form provided by the department. A [ON OR AFTER JANUARY 1, 2008, A] registered guide-outfitter shall use a [PRE-NUMBERED] hunt record [BOOKLET] issued under 12 AAC 75.205. Before a hunt, a registered guide-outfitter who contracts to guide, transport, or outfit a hunt shall complete or have completed the portions of the hunt record form that provide

NAME	YES	NO	Absent
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Dirk Nickisch	X		
Michael Meekin			X

12 AAC 75.230

Taking into consideration the submitted written comments and oral testimony.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.230 as public noticed.

Mr. Johnson asked the Board for discussion.

Mr. Spraker stated that public testimony reflected opposition to the proposed changes and requested further discussion.

Mr. Johnson stated that he will be supporting the change. Mr. Johnson also stated that if the DNR Concession project was approved it would be good to have the ability to be flexible with any use area changes that might occur

Mr. Vrem stated he had some reservations with the changes but understood having the ability to allow for unanticipated changes would be good.

NAME	YES	NO	Absent
Ted Spraker	X		
Dirk Nickisch	X		
Michele Metz	X		
Michael Meekin			X
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		
Karen Polley	X		

THE MOTION PASSED BY A MAJORITY VOTE.

12 AAC 75.235

Taking into consideration the submitted written comments and oral testimony.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.235 as public noticed.

Mr. Johnson asked the Board for discussion.

The Board stated they were in agreement with Mr. Rohrer's comments provided during testimony.

NAME	YES	NO	Absent
Karen Polley	X		
Ted Spraker	X		
Michael Meekin			X
Dirk Nickisch	X		
Kelly Vrem	X		
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		
Michele Metz	X		

12 AAC 75.240

Taking into consideration the submitted written comments and oral testimony.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.240 as public noticed.

Mr. Johnson asked for discussion.

Mr. Nickisch and Mr. Johnson stated they would vote in support of the change.

NAME	YES	NO	Absent
Michael Meekin			X
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Dirk Nickisch	X		

THE MOTION PASSED BY A MAJORITY VOTE.

12 AAC 75.340(a)(2)

Taking into consideration the submitted written comments and oral testimony.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.340(a)(2) as public noticed.

Mr. Johnson asked for discussion and stated that this proposed change had been requested by Investigative Staff; this change would provide more tools for COAs.

Mr. Nickisch stated he would vote in support of the change.

NAME	YES	NO	Absent
Don Quarberg	X		
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Michael Meekin			X
Brenda Rebne	X		
Paul Johnson	X		
Dirk Nickisch	X		

THE MOTION PASSED BY A MAJORITY VOTE.

12 AAC 75.395

Taking into consideration the submitted written comments and oral testimony.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.395 as public noticed

Mr. Johnson asked for discussion.

Ms. Chambers and Lt. Chastain suggested the Board add similar language as proposed with 12 AAC 75.205 and 75.210. The Board agreed and requested an amendment to the original motion.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.395 with the following changes as done with Exhibit A submitted for 12 AAC 75.205 and 12 AAC 75.210.

NAME	YES	NO	Absent
Ted Spraker	X		
Dirk Nickisch	X		
Michele Metz	X		
Michael Meekin			X
Paul Johnson	X		
Brenda Rebne	X		
Don Quarberg	X		
Kelly Vrem	X		
Karen Polley	X		

THE AMENDED MOTION PASSED BY A MAJORITY VOTE.

12 AAC 75.400

Taking into consideration the submitted written comments and oral testimony.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.400 as public noticed.

Mr. Johnson asked the Board for discussion.

The Board requested similar language used for the amended motion of 12 AAC 75.210 be used.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.400 with amendments to follow the changes to 12 AAC 75.210 Exhibit A.

NAME	YES	NO	Absent
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Dirk Nickisch	X		
Michael Meekin			X
Brenda Rebne	X		

THE AMENDED MOTION PASSED BY A MAJORITY VOTE.

12 AAC 75.340(d)(7)

Taking into consideration the submitted written comments and oral testimony.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.340(d)(7) as public noticed.

Mr. Johnson asked for discussion.

Ms. Polley and Mr. Nickisch stated they would vote to support the change.

NAME	YES	NO	Absent
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Dirk Nickisch	X		
Michele Metz	X		
Michael Meekin			X
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		

THE MOTION PASSED BY A MAJORITY VOTE.

12 AAC 75.440

Taking into consideration the submitted written comments and oral testimony.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.440 as public noticed.

Mr. Johnson asked for discussion.

Mr. Nickisch stated he would vote to support the change and stated this was another request from Investigative Staff for the enforcement of COAs.

NAME	YES	NO	Absent
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Dirk Nickisch	X		
Michele Metz	X		
Michael Meekin			X
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		

THE MOTION PASSED BY A MAJORITY VOTE.

12 AAC 75.920

Taking into consideration the submitted written comments and oral testimony.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt 12 AAC 75.340(d)(7) as public noticed.

Mr. Johnson asked for discussion and asked Ms. Chambers to come forward.

Mr. Nickisch stated that after listening to public comments he was uncomfortable approving this proposed change and suggested the Board table the regulation for further discussion.

Mr. Johnson and Ms. Chambers discussed the process for tabling this regulation until the December 2012 meeting which would allow the Board more time for discussion at its teleconference.

Ms. Chambers informed the Board that the regulation had an expiration/stale date of one year and that the Board could continue deliberations; any subcommittee meetings to discuss this would need to be public noticed and the Board could dictate which type of testimony they would prefer, written and/or oral.

Mr. Nickisch requested that he be allowed to amend the original motion to allow this regulation to be tabled until the Boards December 2012 meeting. Mr. Johnson asked Mr. Spraker if he had any objections. Mr. Spraker stated that he would be ok with tabling and encouraged audience members to email the Board via licensing staff with suggestions.

On a motion duly made by Dirk Nickisch, seconded by Karen Polley, and approved unanimously, it was

RESOLVED to table 12 AAC 75.340(d)(7) for re-public noticing in time for the Boards December 4-6, 2012 meeting.

NAME	YES	NO	Absent
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Dirk Nickisch	X		
Michele Metz	X		
Michael Meekin			X
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		

THE MOTION TO TABLE PASSED BY A MAJORITY VOTE.

Mr. Johnson informed the Board that his tenure with the Board was just about up; Mr. Johnson thanked Board members, staff, Dept. of Public Safety, and Sara Chambers for all their time and assistance. Mr. Johnson asked to Board to conduct elections for a new Chair and Vice-Chair.

Mr. Spraker stated that he and Mr. Johnson had been elected to the Board when it was re-instated and it had been a good run and Mr. Johnson had been a great leader.

Ms. Rebne thanked Mr. Johnson for his time.

Recess The Board recessed at 2:01 p.m.; reconvened at 2:28 p.m.

Mr. Johnson announced that there were a couple of last minute COA's and two applications up for consideration and that another executive session would be needed..

On a motion duly made by Don Quarberg, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adjourn into Executive Session under the authority of AS 44.62.310 to discuss with the investigator the investigative report.

The Board adjourned into executive session at 2:29 p.m., and returned from executive session at 2:50 p.m.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of Adam Montuoro for licensure as an assistant guide.

Mr. Johnson asked the Board for discussion.

Mr. Spraker stated he would be voting in support of the application.

Roll Call Vote

NAME	YES	NO	ABSENT
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Dirk Nickisch	X		
Michael Meekin			X
Brenda Rebne	X		

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of James F. Lewis for licensure as an assistant guide.

Mr. Johnson asked the Board for discussion.

Mr. Nickisch stated that the incident was minor and he would be supporting this application.

Roll Call Vote

NAME	YES	NO	ABSENT
Brenda Rebne	X		
Paul Johnson	X		
Don Quarberg	X		
Kelly Vrem	X		
Dirk Nickisch	X		
Karen Polley	X		
Ted Spraker	X		
Michele Metz	X		
Michael Meekin			X

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt the COA for case C170010002 as written.

Mr. Johnson asked the Board if there was any discussion on this COA. Mr. Nickisch stated was not ok with the COA as there was no probationary period in the current COA. Mr. Nickisch went on to state that he felt a two year probationary period was warranted.

Mr. Spraker and Mr. Vrem stated they agreed with Mr. Nickisch's statement.

Roll Call Vote

NAME	YES	NO	ABSENT
Ted Spraker		X	
Dirk Nickisch		X	
Michele Metz		X	
Michael Meekin			X
Brenda Rebne		X	
Paul Johnson		X	
Don Quarberg		X	
Kelly Vrem		X	
Karen Polley		X	

THE MOTION FAILED BY A MAJORITY VOTE.

Mr. Johnson asked that 12 AAC 75.920 be re-public noticed 45-days from now with written comments only. Mr. Johnson reminded the Board that they needed to be thinking about a mid-summer teleconference. Mr. Johnson asked the Board if they were ready to entertain nominations for chair and vice-chair.

On a motion duly made by Karen Polley, seconded by Brenda Rebne, and approved unanimously, it was

RESOLVED to elect Don Quarberg as chairperson for the Big Game Commercial Services Board.

Mr. Johnson asked for Board discussion. Hearing none, Mr. Johnson polled the Board as there were no nays Mr. Quarberg was elected chairperson.

Mr. Quarberg thanked the Board and stated he hadn't joined to the Board looking for a job and was humbled by the Boards unanimous support. Mr. Quarberg went on to inform Mr. Johnson that he would be picking his brain for a while.

Mr. Johnson asked for vice-chair nominations.

On a motion duly made by Ted Spraker, seconded by Kelly Vrem, and approved unanimously, it was

RESOLVED to elect Dirk Nickisch as vice-chairperson for the Big Game Commercial Services Board.

On a motion duly made by Dirk Nickisch, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to elect Kelly Vrem as vice-chairperson for the Big Game Commercial Services Board.

Mr. Johnson stated as there were two nominees the Board could either have a closed or open ballot or a nominee could decline nomination.

Mr. Nickisch informed the Board he would decline the nomination and thanked the Board for their nomination. Mr. Nickisch stated that very few transporter attended meetings and that there should be more direct involvement. Mr. Nickisch went on to state that he felt Mr. Vrem's voice on the Board was more important as he has more day to day knowledge and history of the guiding industry.

Mr. Vrem thanked Mr. Nickisch.

Mr. Johnson asked the Board if they wanted any further discussion. Hearing none, Mr. Johnson polled the Board as there were no nays Mr. Vrem was elected as vice-chairperson.

On a motion duly made by Karen Polley, seconded by Brenda Rebne, and approved unanimously, it was

RESOLVED to adjourn the Big Game Commercial Services Board meeting.


The Board adjourned at 3:00 p.m.

Respectfully submitted:


Cynthia Spencer, Licensing Examiner

Division of Business and Professional Licensing

Approved:


Kelly Vrem, Chairperson
Big Game Commercial Services Board

Date: 7/2/12

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