

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

BIG GAME COMMERCIAL SERVICES BOARD

DRAFT MINUTES OF MEETING

April 21, 2015

By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62, Article 6, a teleconference of the Big Game Commercial Services Board was held April 21, 2015.

The staff of the Division of Corporations, Business and Professional Licensing prepared these draft minutes. They have not been approved by the board.

AGENDA ITEM 1 CALL TO ORDER/ROLL CALL

The meeting was called to order by Kelly Vrem, Chairman at 1:06pm. There was a quorum.

Board Members present:

Kelly Vrem, Master Guide-Outfitter
Tom Atkins, Transporter
Michele Metz, Private Landowner
David Brown, Board of Game Representative
Henry D. Tiffany IV, Master Guide-Outfitter
David Jones, Transporter
Gene Peltola, Public Member

Board Members absent:

Karen Polley, Public Member
Brenda Rebne, Private Landowner

Administrative Law Judge:

Jay Durych

Board staff present:

Cindy Hansen, Licensing Examiner

AGENDA ITEM 2 APPROVAL OF THE AGENDA

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

AGENDA ITEM 3 MOVE INTO EXECUTIVE SESSION

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

RESOLVED to 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 and for the purpose of discussing confidential disciplinary matters for the purpose of discussing investigations and reports.

Staff member Ms. Hansen remained during executive session.

The Board entered into executive session at 1:10pm and exited out of executive session at 2:20pm.

AGENDA ITEM 4 OAH O.14-1498-GUI

Ms. Metz moved to adopt the Administrative Law Judge's decision for OAH No. 14-1498-GUI, Mr. Tiffany IV seconded.

Discussion: Mr. Tiffany IV read the decision: "there is no need for an evidentiary hearing in this case because Mr. Vanderesch's licensing violation under AS 08.54.710(d) is conclusively established by his 2013 conviction for unsworn falsification in the second degree. Based on the facts established by his 2013 conviction, the Division proved that Mr. Vanderesch obtained his 2010-2012 biennial license renewal through fraud, deceit, or misrepresentation.

The Division also alleged, in Count II of its Accusation, that Mr. Vanderesch’s 2013 conviction is grounds for discipline under AS 08.54.710(a) (1) (imposing discipline for conviction of a violation of a state or federal statute or regulation related to hunting or the provision of big game hunting services). However, that allegation is now moot; since Mr. Vanderesch’s license must be revoked under AS 08.54.710(d), no additional sanction can be imposed under AS 08.54.710(a) (1).

Mr. Vanderesch obtained his 2010-2012 biennial license renewal through fraud, deceit, or misrepresentation. Accordingly, effective on the thirtieth day after the Board adopts this decision, his license is permanently revoked pursuant to AS 08.54.710(d), and under AS 08.54.710(g) he may not engage in the provision of big game hunting services or transportation services during the period of license revocation.”

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

RESOLVED to adopt the Administrative Law Judge’s decision for OAH No. 14-1498-GUI for Darwin Vander Esch R#1270.

Roll Call Vote:	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley				X
David Brown	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Michele Metz	X			
Brenda Rebne				X
David Jones	X			
Gene Peltola	X			

Investigator Lee Strout called into the teleconference.

AGENDA ITEM 5 Case No. 2014-001572

Ms. Metz moved to accept the surrender of license in Case No. 2014-001572, Mr. Tiffany IV seconded.

Discussion: Dave Jones stated he intends to support this motion in keeping with the board’s part in reviewing the judge’s decision. Chairman Vrem asked about the difference between revocation and lapse. Mr. Strout stated that revocation freezes the license while surrender puts the license to rest. There is no need for revocation in this case because the licensee has volunteered to surrender his license. Chairman Vrem stated he intends to support the motion. Mr. Peltola also intends to support the motion.

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

RESOLVED to accept the surrender of license in Case No. 2014-001572 for John D. Katzeek R#1026.

Roll Call Vote:	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley				X
David Brown	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Michele Metz	X			
Brenda Rebne				X
David Jones	X			
Gene Peltola	X			

AGENDA ITEM 6 Case No. 2015-000307

Ms. Metz moved to accept the consent agreement in Case No. 2015-000307, Mr. Tiffany IV seconded.

Discussion: Mr. Jones stated he intends to support the motion; he thinks the probation, reprimand and fine are the same as what the board has ordered in the past. This individual has already had their day in court. The defendant did self-report. Mr. Atkins stated he will also support this; he is a little perplexed by the

way it came about; he believes this could happen to anyone. Chairman Vrem stated he will support it but agrees with Mr. Atkins. Mr. Tiffany IV stated he too will support it. Mistakes were made, this has happened before in Alaska and the world but he thinks the sanction is appropriate and hopefully a similar situation won't occur for this individual again.

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

RESOLVED to accept the consent agreement in Case No. 2015-000307 for David L. Rebischke A#7170.

Roll Call Vote:	APPROVE	DENY	ABSTAIN	ABSENT
Kelly Vrem	X			
Karen Polley				X
David Brown	X			
Tom Atkins	X			
Henry D. Tiffany IV	X			
Michele Metz	X			
Brenda Rebne				X
David Jones	X			
Gene Peltola	X			

The Chair adjourned the meeting of the Alaska Big Game Guides and Commercial Services Board at 2:20pm.

 Respectfully submitted:
 Cindy Hansen, Licensing Examiner

 Kelly Vrem, Chairperson
 Big Game Commercial Services Board

Date: _____

Date: _____