

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

BIG GAME COMMERCIAL SERVICES BOARD

MINUTES OF TELECONFERENCE MEETING

July 23, 2013

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 public noticed TELECONFERENCE meeting of the Big Game Commercial Services Board was held July 23, 2013.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes. They were reviewed and approved by the board during the December 3-5, 2013 meeting.

Tuesday, July 23, 2013

Call to Order

The meeting was called to order by Kelly Vrem, Chair, at 9:38 a.m.

Roll Call

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair

Michele Metz, Large Private Landowner

James (Tom) Atkins, Transporter

Henry D. Tiffany IV, Master Guide-Outfitter

Gene Peltola, Public member

James (David) Jones, Transporter

Karen Polley, Public Member, Vice Chair

Robert Mumford, Board of Game Representative

Board members absent:

Brenda Rebne, Large Private Landowner

Board staff present:

Michelle Johnston Records & Licensing Supervisor

Cindy Hansen, Licensing Examiner

Quinten Warren, Chief Investigator

Lee Strout, Investigator

Michelle Wall-Rood, Investigator
Ed Riefle, Investigator
Harriet Milks, Dept of Law-in Executive Session only

On a motion duly made by Ms. Metz and seconded by Ms. Polley and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing confidential disciplinary matters for the purpose of discussing an investigations report.

Staff members remained during the session.

The Board entered executive session at 9:40a.m. and went back on record at 11:30 a.m.

Board staff present:

Don Habeger, Director
Sara Chambers, Operations Manager
Michelle Johnston Records & Licensing Supervisor
Cindy Cashen, Licensing Examiner
Lee Strout, Investigator
Michelle Wall-Rood, Investigator
Ed Riefle, Investigator
Todd Araujo, Dept of Law

In the matter of Case No. 2011-001240

Ms. Polley moved to accept the consent agreement for Case No. 2011-001240, Ms. Metz seconded.

Discussion: there was none.

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

RESOLVED to accept the consent agreement for Jerry J. Jacques, Master Guide-Outfitter No. 110.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Robert Mumford	X		
Michele Metz	X		
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley	X		
James (David) Jones	X		
Gene Peltola	X		
Brenda Rebne	absent		

In the matter of Case No. 2013-000415

Ms. Polley moved to accept the consent agreement for Case No. 2013-000415, Mr. Atkins seconded.

Discussion: Ms. Polley stated she will vote in favor of this motion as the fine is appropriate with thirteen violations and in line with past board decisions. Mr. Mumford stated that he will also vote to accept the consent agreement for the same reasons in order to remain consistent with past practice and address the problem. Chairman Vrem stated that he will oppose this motion as it does not rise to the level of a severe case and the fines and probation period are both severe and excessive. Mr. Tiffany IV moved to amend the probationary period to three years, Mr. Peltola seconded.

Upon an amendment to a motion duly made by Mr. Tiffany, seconded by Mr. Peltola and failed to pass by a majority of roll call vote, it was:

UNRESOLVED to reduce the probation period to three years for Duane A. Halverson, Registered Guide-Outfitter R-1297.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem		X	
Robert Mumford		X	
Michele Metz		X	
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley		X	
James (David) Jones	X		
Gene Peltola	X		
Brenda Rebne	absent		

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

RESOLVED to accept the consent agreement for Duane A. Halverson, Registered Guide-Outfitter R-1297.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem		X	
Robert Mumford	X		
Michele Metz	X		
James (Tom) Atkins	X		
Henry D. Tiffany IV		X	
Karen Polley	X		
James (David) Jones	X		
Gene Peltola		X	
Brenda Rebne	absent		

In the matter of Case No. 2012-001101

Ms. Polley moved to accept the consent agreement for Case No. 2012-001101, Mr. Peltola seconded.

Discussion: Mr. Tiffany IV stated that this case is similar to Case No. 2013-000415 except in the terms of agreement, which differ considerably.

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

RESOLVED to accept the consent agreement for Charles Green, Transporter T-532.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Robert Mumford	X		
Michele Metz	X		
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley	X		
James (David) Jones	X		
Gene Peltola	X		
Brenda Rebne	absent		

In the matter of Case No. 2012-000806

Ms. Polley moved to accept the consent agreement for Case No. 2012-000806, Ms. Metz seconded.

Discussion: there was none.

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

RESOLVED to accept the consent agreement for Douglas Zweifel, Registered Guide-Outfitter No. 1028.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Robert Mumford	X		
Michele Metz	X		
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley	X		
James (David) Jones	X		
Gene Peltola	X		
Brenda Rebne	absent		

In the matter of Case No. 2012-001176

Ms. Polley moved to accept the consent agreement for Case No. 2011-001176, Mr. Tiffany IV seconded.

Discussion: Ms. Polley stated that there was a full disclosure issue and should move forward.

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

RESOLVED to accept the consent agreement for Darrell Needham, Registered Guide-Outfitter No. 759.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Robert Mumford	X		
Michele Metz	X		
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley	X		
James (David) Jones	X		
Gene Peltola	X		
Brenda Rebne	absent		

In the matter of Case No. 2013-000079

Ms. Polley moved to accept the consent agreement for Case No. 2013-000079, Mr. Atkins seconded.

Discussion: Ms. Polley stated disclosure was an issue in this case, which is important. The board depends a great deal on what people place on their application.

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

RESOLVED to accept the consent agreement for Andrew Runkle, Class-A Assistant Guide license applicant.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Robert Mumford	X		
Michele Metz	X		
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley	X		
James (David) Jones	X		
Gene Peltola	X		
Brenda Rebne	absent		

In the matter of Case No. 2012-000805

Ms. Polley moved to accept the consent agreement for Case No. 2012-000805, Mr. Atkins seconded.

Discussion: Ms. Polley stated that she will vote for it because education is important. Mr. Tiffany IV stated that he is working with other members to create educational DVDs for availability at all board meetings so presenters don't have to be at every meeting.

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

RESOLVED to accept the consent agreement for Shane Perrins. Assistant Guide A-5448

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Robert Mumford	X		
Michele Metz	X		
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley	X		
James (David) Jones	X		
Gene Peltola	X		
Brenda Rebne	absent		

In the matter of Case No. 2013-000791

Ms. Polley moved to accept the consent agreement for Case No. 2013-000791, Ms. Metz seconded.

Discussion: Chairman Vrem stated that he was disturbed by a guide being charged with a violation by a client and how it was determined by the troopers and will reluctantly vote in favor to accept. Mr. Mumford stated that he believes there is dual liability in these cases but will offer a second amendment as it was self reported and everything after the incident was done correctly.

Mr. Mumford moved to amend the consent agreement and reduce the fine to \$200.00, Mr. Peltola seconded.

Upon an amendment to the motion duly made by Mr. Mumford, seconded by Mr. Peltola and approved by roll call vote, it was:

RESOLVED to accept the amendment to the consent agreement to reduce the fine to \$200.00 for Julia Heinz, Class-A Assistant Guide License Application.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Robert Mumford	X		
Michele Metz		X	
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley	X		
James (David) Jones		X	
Gene Peltola	X		
Brenda Rebne	absent		

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

RESOLVED to accept the amended consent agreement for Julia Heinz, Class-A Assistant Guide License Application.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Robert Mumford	X		
Michele Metz	X		
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley	X		
James (David) Jones	X		
Gene Peltola	X		
Brenda Rebne	absent		

In the matter of Case No. 2013-000496

Ms. Polley moved to accept the consent agreement for Case No. 2013-000496, Mr. Tiffany IV seconded.

Discussion: Ms. Polley stated she is going to support this motion because the difference between legal and sublegal sheep horns is something that all guides should know.

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

RESOLVED to accept the consent agreement for Andrew J. Weaver Registered Guide-Outfitter No. 1023.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Robert Mumford	X		
Michele Metz	X		
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley	X		
James (David) Jones	X		
Gene Peltola	X		
Brenda Rebne	absent		

In the matter of Case No. 2013-001059

Ms. Polley moved to accept the Surrender of License for Case No. 2013-001059, Mr. Atkins seconded.

Discussion: Ms. Polley stated she is going to support the motion because the regulations are clear.

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

RESOLVED to accept the Surrender of License for Ronald L. Martin, Registered Guide-Outfitter No. 1012.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Robert Mumford	X		
Michele Metz	X		
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley	X		
James (David) Jones	X		
Gene Peltola	X		
Brenda Rebne	absent		

In the matter of Case No. 2013-000506

Ms. Polley moved to accept the Surrender of License for Case No. 2013-000506, Ms. Metz seconded.

Discussion: Ms. Polley stated that this is a significant board of game violation as well as a guide violation.

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

RESOLVED to accept the Surrender of License for Frank J. Ferro, Registered Guide-Outfitter No.1033.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Robert Mumford			X
Michele Metz	X		
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley	X		
James (David) Jones	X		
Gene Peltola	X		
Brenda Rebne	absent		

In the matter of Case No. 2011-000455 and 2011-000458 consent agreement

Ms. Polley moved the board take no action on Cases 2011-000455 and 2011-000458, Mr. Peltola seconded.

Discussion: Mr. Polley stated that after advisement of the recent action of the Supreme Court, there is no need to further action.

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

RESOLVED to not take action on Cases 2011-000455 and 2011-000458 for Chad A. Reel, Registered Guide Outfitter.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Robert Mumford	X		
Michele Metz	X		
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley	X		
James (David) Jones	X		
Gene Peltola	X		
Brenda Rebne	absent		

Investigations Matrix

Mr. Mumford moved to accept the Investigations Matrix, Ms. Polley seconded.

Discussion: Mr. Mumford stated that earlier this summer he worked with Chairman Vrem, Board member Tom Atkins, Chief Warren and Investigator Lee Strout on the Investigations Matrix for consistency within the board on how to handle cases. Chairman Vrem stated that this matrix has been in existence for some time and the board uses it and will continue to handle cases on a case by case basis. Ms. Polley stated that a vote to accept the matrix will make it a policy guideline as board members come and go. It is

important to have a policy in place for decision making with fines and probation. Ms. Polley stated that this should be posted on the BGCSB website for public disclosure. Mr. Atkins stated that posting the matrix would be a good incentive for people to self report. Mr. Tiffany IV stated that this is a good guideline and can be adjusted on a case by case basis accordingly. Chairman Vrem stated that it will show the Guides and Transporters what to expect with a violation but cases will still be carefully reviewed. Mr. Mumford stated that this is a living document and will be added to as regulations are changed. It will be less likely for penalty increases than penalty decreases.

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

RESOLVED to accept the Investigations Matrix as policy.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Robert Mumford	X		
Michele Metz	X		
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley	X		
James (David) Jones	X		
Gene Peltola	X		
Brenda Rebne	absent		

Discuss 08.54.790(9) Supervision of Apprentice Guide: est. cost \$5000 for Department of Law Review of AS54.790 (9) or statute revision

Chairman Vrem stated that there is difference of opinions about whether there should be a packer or apprentice guide license and what the intent of the law was and what it means. Some want to ask the Dept of Law to conduct a legal review on the works of a late 1980's committee by the Alaska State Legislature, which had been headed by the late Senator Bettye Fahrenkamp. It's a little ambiguous whether a packer has to be licensed. It's been estimated that the cost would be approximately \$5000 for a review. It

appears that this will be a statutory matter. Ms. Polley stated that it concerns her that more regulations continue to be made but an analysis would be a good step forward. Chairman Vrem stated that he hoped it would be a regulation change but it would be a statute change.

Thor Stacey, Registered Lobbyist for the Alaska Professional Hunters of Association (100+ members) stated that there are serious concerns of the membership. APHA listened to public testimony during the BGCSB March meeting, had conversations with the Division and the Dept. of Public Safety and gathered written information from the Dept. of Law. APHA recommends that instead of a Dept. of Law formal inquiry, a BGCSB subcommittee be formed to work on a statutory revision during the December meeting and in January begin working with legislators. The goal would be either a statutory exclusion of packer duties in 08.54.790(9) or a new packer license. APHA looks forward to supporting the board's actions in a cooperative relationship to fix this.

Mr. Atkins stated that he will support this getting fixed as quickly as possible since packing is the backbone of the industry. Ms. Polley stated that she is willing to serve on the committee to solve this problem so people can work in the field without violating statute. Chairman Vrem stated that he would appreciate that because it would be beneficial to have a committee member residing in Juneau where the legislative historical information is located.

Mr. Tiffany IV moved to establish a subcommittee to look into packer guide apprenticeship, Mr. Atkins seconded

Discussion: Don "Smokey" Duncan stated that during the 2005 board meeting he recommended the statute be fixed since packing is a duty of a guide. Before the sunset of the board, the statutes and regulations were combined and now only a legislative statute revision can fix it. He stated he would like to be on the subcommittee.

Joe Want stated that the language is a result of what guides submitted to the legislature. Back in 1907, when the industry began, packers had to be licensed. Chairman Vrem stated that the language was to separate the duties between a guide, outfitter and transporter. The language didn't consider the duties of packers. Years ago he could get a person licensed by writing a letter to the Division.

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

RESOLVED to establish a subcommittee to look into packer guide apprenticeship:

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Robert Mumford	X		
Michele Metz	X		
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley	X		
James (David) Jones	X		
Gene Peltola	X		
Brenda Rebne	absent		

Proposed Fee Changes

Division Director Don Habeger stated a proposal has been presented before the board for their consideration and he encourages them to contact him with their comments and suggestions. The third quarter shows the balance of the program is a deficit of approximately \$400,000. The board is continuing on track to reach approximately \$500,000 in FY costs. The state is required to look at revenue so its programs are self-sustaining and the past Chair had suggested a revenue stream of guide use area fees but the Dept. of Law determined that the division did not have the authority because of the vague language in AS 37.10.50 PUBLIC FUNDS: "A state agency may not charge a fee for the provision of state services unless the fee is set or otherwise authorize by statute". In the proposal is the new retired license fee, approved by the board, of \$300.00. Overall the license fees will increase by 44%. In four weeks there will be a draft regulation for public comment and eventually a fee adjustment will take place.

Now is the time for the board's input.

After a look at the proposal, if there are individual comments or from the board, he would be happy to hear them. Chairman Vrem stated that there may be guides who opt out with this increase.

Director Habeger encouraged the board to contact him and to have their licensees contact him to discuss the proposed fees.

HB 187

Chairman Vrem asked how HB 187 will affect the programs past debt and if the bill would shift the burden of paying for prosecution to the general fund. Director Habeger stated HB187 is the department's response to the many comments of board members and licensees about how the investigation/enforcement costs add to licensees and to search for less painful, unpredictable cost increases with biennial changes year after year. Through HB 187, the department has asked the legislature to look at 3 points: 1) consolidate where possible the more than 400 nonspecific fees such as exams, license and registration fees, 2) extension or use of multiple cycles to recoup unusual costs. 3) fund a portion of investigations from the general fund. Investigation activities were chosen because it is a predictable cost.

HB187 would affect the \$1.26 million current cost of the program and have been taken into consideration. Chairman Vrem stated that the old guide boards did all of the disciplining. It seems costs are out of the industry's hands and perhaps the board could take over some of the investigatory matters before turning them over to investigations.

Director Habeger stated that, historically, legislative audits look to see that investigations are timely and responsive to the public. The division must meet this requirement as mandated through statute. Ms. Polley asked if the costs of hearing offices will be covered in HB187. Director Habeger stated that no, the bill requests general funds cover approximately 2/3 of annual investigators expenses. Items less predictable such as the Dept of law administrative hearing costs are not included in the bill. Mr. Jones stated that the proposed HB 187 would probably be better supported by the legislature if it is pointed out that this industry already greatly contributes to the state.

Director Habeger stated that HB187 needs the support of board members and he will be asking for a resolution of support during the December 2013 board meeting.

Discuss Board Discipline Sec. 08.54.710 of Unlawful Acts Sec. 08.54.720

Ms. Hansen will provide the board members with the three statutes which provide the board with guidelines on violations, discipline and sanctions.

Mr. Peltola left at 1:00pm for another meeting.

Set March 2014 meeting dates

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

RESOLVED March 4-5-6, 2014 will be the dates of the Fairbanks Board meeting and March 6-7, 2014 will be the Registered and GMU exam dates.

Roll Call Vote:

	APPROVE	DENY	ABSTAIN
Kelly Vrem	X		
Robert Mumford	X		
Michele Metz	X		
James (Tom) Atkins	X		
Henry D. Tiffany IV	X		
Karen Polley	X		
James (David) Jones	X		
Gene Peltola	absent		
Brenda Rebne	absent		

Mr. Tiffany IV stated that the GMU exams and maps, in particular GUA 7, 17 and 26, have been updated. He worked on the subcommittee with Joe Want and Smokey Duncan to create an exam template focused on regulation-related questions instead of seasonal changes. He will send them to Ms. Johnston who will present them to the board for approval. The black and white maps now have color.

Chairman Vrem asked if the division could send Guides renewal reminders for Guide Use Area Registrations. Ms. Chambers stated that they would conduct an analysis of this and the board could decide if this was an expense they wished to bear.

Action Items:

- Ms. Hansen will email the board a copy of the discipline-related statutes.
- Investigator Stout will provide a copy of the final investigations matrix.
- Ms. Hansen will have the matrix placed on the GUI website.
- Mr. Tiffany IV will provide Ms. Johnston with the updated exams.
- Ms. Johnston will provide the updated exams to the board for a vote.
- A subcommittee will form to look at packer-related statue changes.
- Ms. Chambers will have an analysis conducted of GMU registration renewal reminders.
- Board members will contact the Director to discuss the proposed fee changes.
- Board members will encourage licensees to contact the Director to discuss the proposed fee changes.

The Chair adjourned the meeting of the Alaska Big Game Guides and Commercial Services Board.

The meeting adjourned at 1:21p.m.

Respectfully submitted:

Approved:

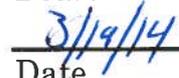


Cindy Hansen, Licensing Examiner



Date



Kelly Vrem, Chairperson
Big Game Commercial Services
Board


Date