

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**

**April 8, 2014**

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 8, 2014.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes which were approved by the board at the Annual Board meeting on December 9, 2014.

**Tuesday, April 8, 2014**

**AGENDA ITEM 1      CALL TO ORDER/ROLL CALL**

**Call to Order**

The meeting was called to order by Kelly Vrem, Chair, at 10:30a.m.

Board members present:

Kelly Vrem, Master Guide-Outfitter, Chair

Karen Polley, Public Member

Michele Metz, Large Private Landowner      \*arrived at 11:40a.m.

Tom Atkins, Transporter

Gene Peltola, Public Member      \*departed at 11:40a.m.

Henry D. Tiffany IV, Master Guide-Outfitter \*departed at 12:14p.m.

Board members absent:

Bob Mumford, Board of Game Representative

Brenda Rebne, Large Private Landowner

David Jones, Transporter

Board staff present:

Michelle Johnston, Licensing Supervisor

Cindy Hansen, Licensing Examiner  
Lee Strout, Investigator

Visitors after 11:24a.m.:

Aaron Bloomquist  
Cabot Pitts

## **AGENDA ITEM 2          REVIEW/AMEND AGENDA**

Agenda was unanimously approved.

**Upon a motion duly made by Ms. Polley, seconded by Mr. Tiffany IV 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 and for the purpose of discussing investigations and reports.**

Staff members Ms. Johnston, Ms. Hansen and Mr. Strout remained during executive session.

The Board entered into executive session at 10:33a.m. and exited at 11:24a.m.

## **AGENDA ITEM 3          CASE NO. 2011-000695**

Ms. Polley moved to adopt the proposed Administrative Law Judge's proposed decision for Case 2011-000695, and Mr. Tiffany IV seconded, for Counts I, II, III, V, and VII; Counts IV and VI are dismissed. Mr. Clarence Skaflestad is to be fined the following amounts for Count I: \$1,000 with \$750 suspended for a three-year probation period; Count II: \$1,000 with \$750 suspended for a three-year probation period; Count III: \$500 with \$400 suspended for a two-year probation period; Count VII: \$2,000, with \$1,500 suspended for a two-year probation period; Count V: \$1,000 with \$750 suspended for a two-year probation period. This discipline is subject to the following condition; if Mr. Skaflestad violates a hunting or guiding law (statute or regulation, in any jurisdiction) during a probation period, the full fine for each count still under probation may be imposed. The fine is due 30 days after the date the decision is adopted by the Board. The probation periods begin to run on the day the Board adopts the decision. The fact that Mr. Skaflestad is on probation will not be an automatic bar to Mr. Skaflestad's ability to obtain a registered guide-outfitter license.

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

**RESOLVED** to adopt the Administrative Law Judge's proposed decision for Case 2011-000695 for Counts I, II, III, V, and VII; Counts IV and VI are dismissed. Mr. Clarence Skaflestad is to be fined the following amounts:

- Count I: \$1,000 with \$750 suspended for a three-year probation period;
- Count II: \$1,000 with \$750 suspended for a three-year probation period;
- Count III: \$500 with \$400 suspended for a two-year probation period;
- Count VII: \$2,000, with \$1,500 suspended for a two-year probation period;
- Count V: \$1,000 with \$750 suspended for a two-year probation period.

This discipline is subject to the following condition:

- If Mr. Skaflestad violates a hunting or guiding law (statute or regulation, in any jurisdiction) during a probation period, the full fine for each count still under probation may be imposed.
- The fine is due 30 days after the date the decision is adopted by the Board.
- The probation periods begin to run on the day the Board adopts the decision.
- The fact that Mr. Skaflestad is on probation will not be an automatic bar to Mr. Skaflestad's ability to obtain a registered guide-outfitter license.

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
Kelly Vrem	X		
Karen Polley	X		
Tom Atkins	X		
Henry D. Tiffany IV	X		
Gene Peltola	X		

**Absent:**

Michele Metz  
Bob Mumford  
David Jones

**Brenda Rebne**

**AGENDA ITEM 4 ASSISTANT GUIDE LICENSE APPLICATION**

Ms. Polley moved to approve the application for Mark Gutsmiel for an Assistant Guide license with the following consent agreement conditions: a 15 month suspension already served by surrender in October 2012, a \$3,000 fine for caribou wanton waste with \$2,000 suspended to be paid within 180 days, a \$1,000 fine for a sub-legal ram with \$500 suspended to be paid within 180 days, a probationary period of three years and an acceptance of a board reprimand and Mr. Peltola seconded.

Ms. Polley and Mr. Peltola accepted a friendly amendment to remove a \$3,000 fine for caribou wanton waste with \$1,500 suspended.

Discussion: Mr. Tiffany IV stated that for the purpose of clarification on the record, this motion addresses both the criminal count for the sublegal ram and the federal count for the wanton waste of caribou. Chairman Vrem stated that he believes this person made a good attempt in full cooperation whenever he was confronted with his bad choices early on but he believes the person was contrite and was making a good faith effort with law enforcement and I'm comfortable with this decision.

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

**RESOLVED to approve the application for Mark Gutsmiel for an Assistant Guide license with the following consent agreement conditions: a 15 month suspension already served by surrender in October 2012, a \$3,000 fine for caribou wanton waste with \$2,000 suspended to be paid within 180 days, a \$1,000 fine for a sub-legal ram with \$500 suspended to be paid within 180 days, a probationary period of three years and an acceptance of a board reprimand.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>	<b>X</b>		
<b>Karen Polley</b>	<b>X</b>		
<b>Tom Atkins</b>	<b>X</b>		
<b>Henry D. Tiffany IV</b>	<b>X</b>		

Gene Peltola X

Absent:

Michele Metz  
Bob Mumford  
David Jones  
Brenda Rebne

## AGENDA ITEM 5 GMU EXAM CLARIFICATION

Mr. Peltola departed for another meeting and Ms. Metz joined the teleconference at 11:40a.m.

Mr. Tiffany IV stated that he was chairman of the subcommittee to update the GMU exams. He has personally updated all of the exams except for unit 17, which was done by another person who is on the subcommittee. The whole point of having the sub-committee with five members was to delegate the time and responsibility from one individual to others; however, in hindsight that was a poor decision. It's unacceptable that the exam for unit 17 has had a 100 percent fail rate while the other exams have had a 50 percent pass/fail rate. Mr. Tiffany IV stated that he proposes to credit at a minimum to the applicants who have already paid. He will personally re-write the exam. He believes the individual who wrote the exam was misdirected and Mr. Tiffany IV does not mind re-doing it and applicants may take it over again.

Chairman Vrem asked Ms. Johnston if the board took out all of the questions that were universally failed for every applicant that failed them and recalculated would that result in any of them passing. Ms. Johnston stated it would not be a viable exam. She would not recommend the board doing that because she does not think the board would have a good judgment of whether someone was competent. If the board looks at the chart of the missed questions, there are so many of them, they would literally have ten questions left. The board also has to address the issue of the maps and GMU 17 has a new map.

Ms. Johnston stated that when we began developing new exams with the board she promised she would bring back to the board a comparison of people who took the test. The board can see with the charts that she included in the board packet that we do not have a good comparison because only one or two people have taken them; however, there are some significant issues with the exams that she wanted to bring before the board. As Ms. Hansen and she

were preparing this we had some candidates who, after they got their results, were very upset so we wanted to bring this before the board as well. She has outlined the items she wanted to go over and the first one is one we had talked about at the time the board approved the exams. We had touched on the fact that 30 min would probably be enough; however, the board did not make a motion or take any action to extend that time. It has become a significant problem because on the exams that are new we doubled the number of questions and 30 minutes is not enough time to take the exam so she is requesting that the board evaluate the time frame and establish a new time for the exams that is appropriate for the size of the exam. Do be aware that we pay our proctors \$25 an hour so there will be a slight increase to the cost of the exams.

Chairman Vrem stated that Unit 17 is the only one that sticks out and it looks like the rest of them could use a bit of a review. Ms. Johnston stated that it is 17 and 26; 17 is the exam itself and she thinks that with GMU 26, the exam is fine and she does not think for 26 we have a good comparison. If the board will notice that a candidate in December has an asterisk beside the name, it is because she wanted to note that applicant because that particular applicant also took other exams and failed them miserably. All of them that were taken were failed at less than 50 percent and so she thinks this applicant is not a good comparison as far as the exam content, but there are some issues with the new maps. These are the two tests that have the new maps.

Mr. Tiffany IV stated that unfortunately he is intimately familiar with all of these and he doesn't feel that way. A couple of thoughts, and some of these he mentioned previously, is that of the written portions of the ten new exams, he personally has redone nine of them and he's going to propose that he do that one himself. The old maps are old; he doesn't know if the source of these maps is going to be available and he doesn't know how to do overlays so he is trying to create exams that with the written word explaining the boundaries and if an applicant knows the boundary he will correctly answer the boundary questions. Should we choose; the board won't need any more maps. An applicant who knows his GMU boundaries will know the answer to the questions. Ms. Johnston stated that this is completely a board decision. Chairman Vrem stated that this sounded good to him. Mr. Tiffany IV stated that perhaps the maps should not be included with the new exams. Chairman Vrem stated that if the board is going to use a map it should be one which is readily available and published in the regulations. Ms. Polley stated that this would work and the maps could be scanned in to become permanent.

Chairman Vrem stated that he thinks the questions about hunting regulations should be shifted to the practical exam because the only other

way the board can do this is to specify that the 2014 regulation book is the definitive source on the written test. Mr. Tiffany IV stated that in the new exams he has gotten away from those types of questions-what is the bag limit for deer or the season for caribou this year for example. Chairman Vrem stated that he likes Mr. Tiffany IV's approach and believes he is doing a great job. Mr. Tiffany IV stated that in hindsight he wishes he hadn't delegated because he feels it is unfortunate that exam 17 was handled by someone else at this point and is overly lengthy and the questions apparently have been inordinately challenging so with the board's permission he will propose to re-write the exam. He thinks kind of the same as Ms. Johnston, if we throw out the three questions that look like on unit 17 that all of the applicants missed and re-tabulated the score. Ms. Johnston stated that they would still not pass. Mr. Tiffany IV stated that with that said, with the board's permission, he would like to re-write exam 17 from scratch using the template like he's used for the other nine and offer that exam to any applicant and with exam 26 he would offer to look at the exam again and maybe eliminate the maps or perhaps use the handy-dandy maps. Mr. Atkins stated that he thanks Mr. Tiffany and believes they have given him quite a burden and basically at this point he goes along with Mr. Tiffany IV and Ms. Polley agreed.

Chairman Vrem asked if there will be a summer testing opportunity for these guides. Ms. Hansen stated that there is a GMU exam scheduled in July and another in September. Chairman Vrem stated that depending on Mr. Tiffany IV that these guides should have an opportunity to test before summer. Mr. Tiffany IV stated that it is his goal to have these exams, particularly unit 17 and anything else Ms. Johnston wants done, completed before he leaves for the spring bear season.

Ms. Polley moved to approve that the board refer the GMU 17 exam for re-write by Mr. Tiffany IV to become consistent with other exams in the number of questions and type of questions and Ms. Metz seconded.

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

**RESOLVED to approve the board refer the GMU 17 exam for re-write by Mr. Tiffany IV to become consistent with other exams in the number of questions and type of questions:**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>	<b>X</b>		

Karen Polley X  
Henry D. Tiffany IV X  
Michele Metz X  
Tom Atkins X

**Absent:**

Gene Peltola  
Bob Mumford  
David Jones  
Brenda Rebne

Chairman Vrem asked Ms. Hansen to notify the applicants please and tell them we are taking steps and to hang tight until this summer so we can fend off any possible phone calls. Ms. Hansen stated applicants will be notified and that two of them are going to call in for Agenda Item 6. Mr. Tiffany IV stated that he read one of the emails and it was being asked if they could be refunded or credited their application fees for unit 17; do we need a motion. Chairman Vrem stated that he is in favor of crediting them and the board needed a motion. Ms. Johnston stated that there are members of the public who want to call in so Ms. Hansen will contact them for Agenda item 6. Mr. Tiffany IV stated to Ms. Johnston that he apologizes for the accelerated speed today because of his situation; he is currently juggling a lot of balls at once but he thinks these are important issues that she has brought up and wants to address them to the board's satisfaction and the public's satisfaction. Ms. Johnston stated that what is left is for the board to determine whether to allow the applicants to retake it without a charge and to use a map or not.

Mr. Tiffany IV motioned that those applicants who failed the new GMU 17 exam be credited for their expense and be allowed to retake it at the next available opportunity. Ms. Polley seconded.

Ms. Metz asked if anyone passed the exam. Ms. Johnston stated that nobody has passed the new exam.

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

**RESOLVED to approve that those applicants who failed the new GMU 17 exam be credited for their expense and be allowed to retake it at the next available opportunity. Ms. Polley seconded.**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>	<b>X</b>		
<b>Karen Polley</b>	<b>X</b>		
<b>Henry D. Tiffany IV</b>	<b>X</b>		
<b>Michele Metz</b>	<b>X</b>		
<b>Tom Atkins</b>	<b>X</b>		

**Absent:**

**Gene Peltola**  
**Bob Mumford**  
**David Jones**  
**Brenda Rebne**

Licensed Guides Aaron Bloomquist and Cabot Pitts joined the teleconference.

**AGENDA ITEM 6            CORRESPONDENCE**

Ms. Johnston stated that there are two issues; one is with the new maps that had almost 100% negative feedback. The feedback is that they were difficult to read, more than usual is being missed with the questions for the maps, and that there may not be correct answers and so she would like the board to address what they want to do about that-does the board want to go back to the old maps or the board mentioned not doing maps. The other issue is with exam 26 which she included the packet, the last question on exam 26 which she believes the intention was whether there is a viable map to be included for this test and question 31 which included map points but then the board ended up with a map which Joe Want had developed and so when the board voted on the exam the board voted on it as a whole. The result is that if people don't know that point they are missing question 31 and on the map so it appears to her they are being double jeopardized for not knowing a certain point on the map. She wants the board to clarify whether they want to keep questions 31 and the map or keep one or the other.

Mr. Tiffany IV motioned to eliminate the current map for the GMU 26 exam and edit or adjust the exam to reflect the exclusion of the map and related questions and potentially add questions which would help demonstrate the applicants still know the area to the board's satisfaction. Ms. Polley seconded.

Mr. Tiffany IV stated that the way the template has been set up he doesn't think the board should rely on an outside group for the maps because it's relying on another party who may not have the time, interest or ability to do

twenty-four more maps. Either we eliminate using maps with arrows or create written questions that the applicant can demonstrate they know the points of land or water or use the maps that are used in the hunting regulations for each GMU; either of those options would be fine with him. Chairman Vrem stated that the maps have always been problematic. He knew some of these areas intimately and half their maps didn't make sense. He recommended to either not use any of the maps or have map-based questions based on the regulation book. He thinks that is the primary knowledge we want from the applicants and thinks that the regulation books have private, state and federal land holdings with enough information that we can develop to our satisfaction. Mr. Atkins stated that he agrees and wouldn't be opposed to doing away with the map if there was a detailed description of the game management unit provided in the exams. It would make the test writing a lot simpler for Mr. Tiffany IV and anyone else. Chairman Vrem stated that they could come up with something for the board to vote on before May.

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

**RESOLVED to eliminate the current map for the GMU 26 exam and edit or adjust the exam to reflect the exclusion of the map and related questions and potentially add questions which would help demonstrate the applicants still know the area to the board's satisfaction:**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>	<b>X</b>		
<b>Karen Polley</b>	<b>X</b>		
<b>Tom Atkins</b>	<b>X</b>		
<b>Henry D. Tiffany IV</b>	<b>X</b>		
<b>Michele Metz</b>	<b>X</b>		
<b>Tom Atkins</b>	<b>X</b>		

**Absent:**

**Gene Peltola  
Bob Mumford  
David Jones  
Brenda Rebne**

Mr. Tiffany IV motioned to increase the time limit allowed for the GMU exams from 30 minutes to 1 hour. Mr. Atkins seconded.

Mr. Tiffany stated that it cost the program \$25 an hour for a proctor, whether or not the applicants have 30 min. or one hour to take the exams, so this would not be a big expense. An hour would provide two minutes per question for 25-30 questions and an hour should be a reasonable amount of time.

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

**RESOLVED to increase the time limit allowed for the GMU exams from 30 minutes to 1 hour:**

**Roll Call Vote:**

	<b>APPROVE</b>	<b>DENY</b>	<b>ABSTAIN</b>
<b>Kelly Vrem</b>	<b>X</b>		
<b>Karen Polley</b>	<b>X</b>		
<b>Tom Atkins</b>	<b>X</b>		
<b>Henry D. Tiffany IV</b>	<b>X</b>		
<b>Michele Metz</b>	<b>X</b>		

**Absent:**

**Gene Peltola  
Bob Mumford  
David Jones  
Brenda Rebne**

Ms. Johnston stated that the only remaining issue is the new map for GMU 17 but she is assuming that this will be addressed when Mr. Tiffany IV edits the exam. Mr. Tiffany IV stated that this is true; the GMU 17 exam will be re-written in its entirety and ready by the next testing period in July. Upon approval by the board the GMU 17 exam will be by then.

Mr. Tiffany IV left the meeting at 12:14pm.

Mr. Aaron Bloomquist and Mr. Cabot Pitts participated in the board meeting. Ms. Hansen stated that Mr. Bloomquist had written a letter to her that would better be directed to the board for their consideration.

Mr. Bloomquist stated that basically he would like to see the board or staff write a letter preferably to all guides, and if not, then those guides who have

registered for predator control areas, to make them aware of the Department of Fish and Game memo which is a completely different interpretation that is different from the way the program had been implemented for 7-8 years. There are guides who are going to use it contrary to what fish and game thinks their interpretation is right now and he does not want anybody to get into trouble. He is not using the provision anymore but he knows people that are. It hasn't been well noted to anyone about this decision; it wasn't a regulation change, so it wasn't done through the public process and the memo is between departments so none of the guides are aware of this interpretation with the exception of four guides.

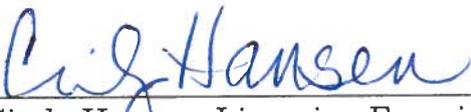
Chairman Vrem asked Ms. Hansen if this memo was in the board meeting packet because he could not locate it. Ms. Hansen stated that it would have been shared at the board meeting in December or March because the memo came out last summer. However, she did not believe it was shared because it was inter-department between DF&G and DCED and it would not have been appropriate for one department to share another department's memo unless there was an agreement. Chairman Vrem asked if there is going to need a bit of correspondence with the other department to disseminate this information to the guides. Ms. Hansen stated that this would be done at the Director's level, with Ms. Chambers. Chairman Vrem stated that it was fairly clear to him until two years ago and it's become increasingly blurred as Mr. Bloomquist pointed out and we need clarification sooner rather than later. Ms. Hansen suggested that perhaps the BOG liaison could work with the DF&G to provide this information. Ms. Polley stated that Mr. Mumford should be the one to work on this request from Mr. Bloomquist for clarification from DF&G. Ms. Hansen stated that perhaps it could be something as simple as providing updated information in a letter instead of providing the internal memo. Mr. Bloomquist stated that DF&G has cleared up this issue and the memo is very clear about which areas should be allowed and it's on the website but it's buried and no place would a guide look when thinking about which areas to register. Mr. Bloomquist has talked with Mr. Vincent-Lang from DF&G about his request to get it distributed. If someone were to be charged under this it would be charged under a BGCSB statute and regulation, not a DF&G regulation. The DF&B is only interpreting under their predator control plan, which is referred to by the BGCSB statutes. He thinks that all that needs to be done is a letter mailed to the guides and does not care who does it. Mr. Atkins stated that he does not have the information in front of him but it's bear time in a lot of the areas and the faster we get this done the faster we can help them. It's something that needs to be addressed very quickly; we don't want anyone arrested or charged with anything because of a misunderstanding. Chairman Vrem asked Ms. Hansen if the office could send an email directing guides to go to the DF&G website. Ms. Hansen stated that the database doesn't capture that

information but perhaps she could talk with her Supervisor and Ms. Chambers to have a link to the page that contains that information on DF&G which could be done relatively quickly. It is still inappropriate for us to mail another department's memo, beside the time and cost of approximately \$2000. This would be easy and she does not know how the current predator control guides would know to look it up unless they were told but it could be on the website for anyone to see. Mr. Bloomquist stated that this would be fine but to also send an email to the current predator control guides so they would know and discuss later how to handle future registrations. He offered to provide Ms. Hansen with the approximately 35 names. Ms. Polley stated that this office does not have the ability to send out such an email. Chairman Vrem asked that as an emergency procedure, could Mr. Bloomquist volunteer to send a notice out to the predator control guides? The board could get this sorted out later. This is a prime example of the relationship between this board and the Board of Game and the need to become closer and more meshed. Mr. Bloomquist agreed to send out a notice. Chairman Vrem stated that they will get on the BGCSB website and provide a link to the DF&G memo and other predator control information. He believes that Mr. Bloomquist could act much quicker than the board could on this matter.

**AGENDA ITEM 7          ADJOURN**

**The Chair adjourned the meeting of the Alaska Big Game Guides and Commercial Services Board at 12:27 p.m.**

Respectfully submitted:

  
\_\_\_\_\_  
Cindy Hansen, Licensing Examiner

  
\_\_\_\_\_  
Kelly Vrem, Chairperson  
Big Game Commercial Services  
Board

Date 12/30/14

Approved Date: 12/30/14