

**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
December 1, 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, an executive session teleconference of the Big Game Commercial Services Board was held December 1, 2014.

The staff of the Division of Corporations, Business and Professional Licensing prepared these minutes. They were approved by the board during the March 3, 2015 meeting.

AGENDA ITEM 1 CALL TO ORDER/ROLL CALL

The meeting was called to order by Karen Polley, Vice-Chairman, at 1:32p.m. There was a quorum.

Board Members present:

Kelly Vrem, Master Guide-Outfitter*called in at 1:50p.m.
Karen Polley, Public Member
Tom Atkins, Transporter
Bob Mumford, Board of Game Representative
Henry D. Tiffany IV, Master Guide-Outfitter
Brenda Rebne, Large Private Landowner*called in at 1:40p.m.
David Jones, Transporter

Board Members absent:

Michele Metz, Large Private Landowner
Gene Peltola, Public Member

Board staff present:

Cindy Hansen, Licensing Examiner

AGENDA ITEM 2 MOVE INTO EXECUTIVE SESSION

On 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), 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.

Ms. Hansen was allowed to remain during executive session.

AGENDA ITEM 3 APPROVAL OF AGENDA

This motion was passed in executive session.

The board moved out of executive session at 2:15p.m.

AGENDA ITEM 4 UMPHENOUR APPEAL

In the matter of the Respondent's Petition for Reconsideration

Mr. Vrem moved to accept the Respondent Umphenour's Petition for Reconsideration as written and Mr. Atkins seconded.

Discussion: Mr. Vrem stated he does not believe the board is setting any precedent since this a unique case. In his opinion there were mistakes made on both sides. This does not reflect negatively on the investigation and Mr. Umphenour. He is going to vote to accept. Mr. Tiffany IV stated after much consideration he is also going to support in favor of Mr. Umphenour's petition. He agrees with Mr. Vrem that there were steps that could have been taken to avoid this issue but hopefully everyone can learn from it. There is merit in Mr. Umphenour's request for reconsideration. It is important that the board is aware of abusers but he does not believe there was any intent of wrongdoing in this case. He is going to vote in support of it. Mr. Atkins stated he would like to point out that maybe with more cooperation from the guides in the field and the enforcement officer and troopers the communication would increase and become better. He appreciates both sides but a little cooperation could have alleviated this whole situation. He will be

supporting Mr. Umphenour's appeal. Mr. Mumford stated that he will be voting no on this matter. He believes it sets a bad precedent on this. He does not believe that Mr. Umphenour was malicious but there has been consistent action on this for licensees who inadvertently make mistakes but are fined. He would not want this to be seen as favoritism. Mr. Jones stated he agrees with Mr. Mumford; it sets a bad precedent. Mistakes were made and an infraction occurred. It has been vetted through the system and he stands by the system. It is a mistake to throw out that work and set a precedent. Our former action was consistent with other cases. Some of those past infractions were self-reports by guides but the board still took some action towards them even if they admitted their mistake. We continued forward with some sort of punitive action. He will be voting to deny the appeal. Ms. Polley stated it is important that the board realizes it will set a precedent by accepting this appeal. She does not believe the board's decision made earlier was excessive or punitive when the board eliminated the requirement to turn in the contracts. She believed the respondent's lawyer could have done this and a professional should admit his mistakes. Ms. Rebne stated she is going to support in favor of this because the process needs to be addressed at the end of the day and a series of wrongs will not make a right. She will vote in support of the appeal.

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

RESOLVED to accept the Respondent Umphenour's Petition for Reconsideration as written.

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

AGENDA ITEM 5 ADJOURNMENT

The Chair adjourned the meeting of the Alaska Big Game Guides and Commercial Services Board at 2:30p.m.

Respectfully submitted:



Cindy Hansen, Licensing Examiner



Karen Polley, Acting Chairperson
Big Game Commercial Services
Board

Date 3/17/15

Approved Date: 3-3-15