

**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
May 18, 2009**

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 teleconference of the Big Game Commercial Services Board was held May 18, 2009 sites for teleconference included: Juneau, Elfin Cove, Kodiak, Anchorage, North Pole, Fairbanks, Soldotna, and Tok, Alaska.

Monday, May 18, 2009

Item 1. Call to Order/Roll Call and introductions

The meeting of the Big Game Commercial Services Board was called to order by Paul Johnson, Chair at 9:00 a.m. Members present constituting a quorum were:

Paul Johnson, Registered Guide-Outfitter, Chair
Richard Rohrer, Licensed Guide-Outfitter
Dirk Nickisch, Transporter
Ted Spraker, Board of Game
Leif Wilson, Transporter, Vice-Chair
BJ Schmitz, Public Member.

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

Karl Marx, Licensing Examiner (A-K)
Cynthia Spencer, Licensing Examiner (L-Z)
Cori Hondolero, Records and Licensing Supervisor
Jennifer Strickler, Chief
Jun Maiquis, Regulations Specialist
Quinten Warren, Investigator

Present from State and Federal Agencies were:

Lt Bernard Chastain, Department of Public Safety, Wildlife Troopers, Liaison

Item 2. Review/Amend Agenda

Paul Johnson, chair asked if Board members had had a chance to review the proposed agenda and make any revisions. After some clarification and discussion part of proposed agenda item #5 concerning license issuing procedures was dropped at this time. Since the staff investigator, Quinten Warren was not available yet Mr. Johnson stated that the Board would jump ahead to make the best use of time.

Item 3. Ethics Disclosure

The Board had no ethics issues to report.

Item 7. Board Business

A. Approve Minutes from the March 2009 Board Meeting.

Mr. Johnson made a motion to accept the draft minutes of the March 2009 Board meeting.

Mr. Spraker informed the Board that due to legislation issues the Board of Game's bonus point system which was to be implemented November 2009 (please refer to page 21 of March 2009 meeting minutes) would be delayed for at least 12 months.

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the draft minutes with amendment.

Roll Call Vote

NAME	YES	NO
Paul Johnson	X	
Richard Rohrer	X	
Dirk Nickisch	X	
B J Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

B. March 9-11, 2010 Board Meeting dates and location at the UAF Wood Center

Mr. Johnson asked Board members if these dates were acceptable. Seeing no objections these dates were accepted.

C. Predator Control clarification

Mr. Marx and Mr. Spraker explained a case where the definition of what species were included under predator control caused a guide to use a regular GUA registration when he only wanted to hunt predators and missed an opportunity to conduct sheep hunts in another regular GUA. Mr. Spraker recommended leniency because the guide was given different information at a Board meeting and he felt should be allowed to adjust his registration.

Mr. Johnson instructed Mr. Marx to make this adjustment so long as there were no objections from the Board members. Mr. Spraker asked if this fourth guide use area registration would go away when the DNR concession area plan was implemented. Mr. Johnson stated that he believed so. Mr. Rohrer stated that he was not so sure that predator control would go away since it is in statute and should be discussed at the December Board meeting.

Item 5. Application Review

1. Alaska Adventure Air, LLC, Transporter applicant, without initial Yes answers but incomplete FAA licensure.
2. Duane Halverson, application to take the registered guide-outfitter examination with a Yes answer.
2. Corey Moore, Assistant guide applicant with Yes answers
3. David Moore, Assistant guide applicant with a Yes answer
4. Wesley Tilberg, Assistant guide applicant with a Yes answer
5. James Kirkness, Assistant guide application with a Yes answer.
6. Maxim Chickalusion, Assistant guide application with a Yes answer.

Mr. Wilson pointed out that Alaska Adventure Air, LLC had neither an FAA Part 135 or USCG captain's license at this time as required by 12 AAC 75.145(a)(4). Mr. Nickisch concurred. Mr. Johnson pointed out that they could reapply when they met this requirement.

On a motion duly made by Leif Wilson, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application for licensure as a Transporter for Alaska Adventure Air, LLC.

Roll Call Vote

NAME	YES	NO
Richard Rohrer		X
B J Schmitz		X

Ted Spraker	X
Dirk Nickisch	X
Leif Wilson	X
Paul Johnson	X

THE MOTION FAILED BY A MAJORITY VOTE.

After reviewing information provided by staff regarding the application for Duane Halverson to take the registered guide-outfitter examination, the Board made the following motion.

On a motion duly made by Richard Rohrer, seconded by Dirk Nickisch, and approved unanimously, it was

RESOLVED to approve the application of Duane Halverson to take the registered guide-outfitter examination.

Roll Call Vote

NAME	YES	NO
Dirk Nickisch	X	
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	
Paul Johnson	X	
Richard Rohrer	X	

THE MOTION PASSED BY A MAJORITY VOTE.

After carefully reviewing information provided by staff the Board made the following motion.

On a motion duly made by Leif Wilson, seconded by Richard Rohrer, and approved unanimously, it was

RESOLVED to approve the application of Corey Moore for licensure as an Assistant guide.

Roll Call Vote

NAME	YES	NO
Ted Spraker	X	
Dirk Nickisch	X	
Leif Wilson	X	
Paul Johnson	X	
Richard Rohrer	X	
BJ Schmitz	X	

THE MOTION PASSED BY A MAJORITY VOTE.

The Board had a brief discussion regarding David Moore's fines of \$2,500.00 twice for illegally taking brown bears while claiming Alaska residency. The cumulative fines to date block his licensure under 08.54.605(a)(1)(A). Mr. Johnson pointed out that the intent of the legislature which is cumulative fines needs to be set as the standard in these cases.

On a motion duly made by Richard Rohrer, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to approve the application of David Moore for licensure as an Assistant guide.

Roll Call Vote

NAME	YES	NO
Leif Wilson		X
Dirk Nickisch		X
Paul Johnson		X
Richard Rohrer		X
BJ Schmitz		X
Ted Spraker		X

THE MOTION FAILED BY A MAJORITY VOTE.

Mr. Johnson stated that this applicant harvested a small brown bear sow while being guided by Darwin Vander Esch and his letter of recommendation from Bob Wener stated that he is a "good judge of animals in the field." Mr. Wilson also stated that he was concerned about the recent criminal charges. Mr. Rohrer suggested requesting of Mr. Wener a better explanation and amended his motion.

Ms. Spencer asked for clarification from the Board on the particulars of what information they would like clarified. Mr. Johnson stated that the Board was looking into "all issues further." Mr. Warren suggested that the case be reassigned to investigation at this time.

On a motion duly made by Richard Rohrer, seconded by Dirk Nickisch, and approved unanimously, it was

On a motion duly made by Richard Rohrer, and seconded by Ted Spraker and approved unanimously the motion was amended to a vote to table the application and return it to investigative staff for further review until December to gather more information.

RESOLVED to table the application of Wesley Tilberg for licensure as an Assistant guide.

Roll Call Vote

NAME	YES	NO
Leif Wilson	X	
Paul Johnson	X	
Richard Rohrer	X	
BJ Schmitz	X	
Ted Spraker	X	
Dirk Nickisch	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Item 4. Investigative Report

Mr. Rohrer asked for verification that this would permanently revoke Darren Byler's guide license. Mr. Warren answered that it would and that his license is currently under a court suspension. Mr. Spraker asked what could be done about his being involved under his wife's, Kimberly Riedel-Byler's, transporter license. Mr. Johnson suggested that a statutory change should be made to disallow this as well.

On a motion duly made by Leif Wilson, seconded by Richard Rohrer, and approved unanimously, it was

RESOLVED to accept the default judgment for Darren Byler:

Roll Call Vote

NAME	YES	NO
Richard Rohrer	X	
BJ Schmitz	X	
Ted Spraker	X	
Leif Wilson	X	
Paul Johnson	X	
Dirk Nickisch	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Mr. Wilson asked why the assistant guide involved with Frank Danford was dismissed at this time. Mr. Warren answered that it would probably be pursued administratively at a later time.

On a motion duly made by Richard Rohrer, seconded by Ted Spraker, and approved unanimously, it was

RESOLVED to adopt the MOA for case #1700-09-002.

Roll Call Vote

NAME	YES	NO
Paul Johnson	X	
Richard Rohrer	X	
BJ Schmitz	X	
Ted Spraker	X	
Dirk Nickisch	X	
Leif Wilson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Item 5. Application Review (continued)

After a quorum of Board had the opportunity to read this late application there was a brief discussion.

On a motion duly made by Richard Rohrer, seconded by Dirk Nickisch, and approved unanimously, it was

RESOLVED to approve the application of James Kirkness for licensure as an Assistant guide.

Roll Call Vote

NAME	YES	NO
Paul Johnson	X	
Richard Rohrer	X	
Dirk Nickisch	X	
BJ Schmitz		Abstain
Ted Spraker	X	
Leif Wilson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Item 4. Investigative Report (continued)

Mr. Wilson asked for more information on the circumstances around Joseph Dilley's case. Mr. Warren answered that basically guide Joseph Dilley had a client (Charles Sanvik) who he did not maintain good control over on a caribou hunt. He also failed to keep good control over his camp and staff. Mr. Rohrer asked if the Board was in existence when Mr. Dilley was licensed.

Mr. Warren answered that no, it was not. Mr. Wilson asked if there was any restitution made in addition to this fine? Mr. Warren answered that the burden of restitution was placed on Mr. Sanvik.

Mr. Warren asked for a suspension designee from the Board as opposed to contacting a quorum of Board members. Mr. Johnson asked to put this on the December agenda.

On a motion duly made by Leif Wilson, seconded by Richard Rohrer, and approved unanimously, it was

RESOLVED to adopt the MOA for case #1700-07-003 and 1700-08-033.

Roll Call Vote

NAME	YES	NO
Paul Johnson	X	
Richard Rohrer	X	
BJ Schmitz	X	
Ted Spraker	X	
Dirk Nickisch	X	
Leif Wilson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Item 5. Application Review (continued)

After a quorum of Board had the opportunity to read Max Chickalusion's application there was a brief discussion. Mr. Wilson summed up that he had some alcohol related incidents back in 1973 and resubmitted his corrected application with documentation to explain this.

On a motion duly made by Leif Wilson, seconded by Dirk Nickisch, and approved unanimously, it was

RESOLVED to approve the application of Maxim Chickalusion for licensure as an Assistant guide.

Roll Call Vote

NAME	YES	NO
Richard Rohrer	X	
BJ Schmitz	X	
Ted Spraker	X	
Dirk Nickisch	X	
Leif Wilson	X	

THE MOTION PASSED BY A MAJORITY VOTE.

Item 7. Board Business(continued)

Lt. Chastain apologized for not giving the Board advance warning of an issue that just came up. Lt. Chastain asked if there are any provisions for emergency suspension of a guide license. He went on to explain that there is a case involving the worst guiding violation in possibly twenty years. Mr. Warren answered that there are provisions for summary suspension if we can show a danger to the public. Mr. Rohrer asked if the 30 day limit was still in effect. Mr. Johnson answered that no, it was not.

Item 6. Regulation review

Mr. Jun Maiquis asked the Board if they wanted to pass the guide use area (GUA) map changes that they had passed already as a split project or wait on map #5 (arctic) to pass it all at once. Mr. Johnson answered that it would all be done together in December.

Mr. Rohrer suggested that the Board stop fooling around and pass what has already been approved especially in Kodiak. Mr. Johnson stated that DNR asked the Board to wait until December to see whether or not the GUAs will need to be changed to coincide with the new concession area boundaries. Mr. Rohrer expressed his frustration with how long this mapping project has been taking but understands the complexities of the arctic boundary changes.

Mr. Maiquis discussed options for passing the maps which have been approved so far as opposed to waiting on the whole project, then asked what the Board would like. Mr. Johnson explained that there could be more changes to all of the maps this December and directed Mr. Maiquis to re-public notice everything. Mr. Spraker asked if GMU 23 was included in map #5. Staff clarified that GMU 23 was part of map #5. Mr. Rohrer asked where DNR was on funding and whether this could hold up everything? Mr. Johnson explained that DNR will be meeting about the funding soon. Mr. Rohrer suggested pushing for resolution if funding was not forthcoming. Mr. Spraker pointed out that the Unit 23 Working Group was considering asking the Board to eliminate guiding in some parts of GMU 23. Mr. Maiquis pointed out that the original public notice was broad enough that the Board would not be required to re-public notice the maps. Mr. Johnson stated that Kevin Saxby disagreed since this is a huge case and could be taken to court at some time. Mr. Maiquis stated that he would re-public notice the maps closer to the December Board meeting.

Mr. Spraker asked about the John Katzeek case. Mr. Johnson explained that Mr. Mumford had been working with Mr. Warren on this case and since he was unable to attend today that this would have to wait until December.

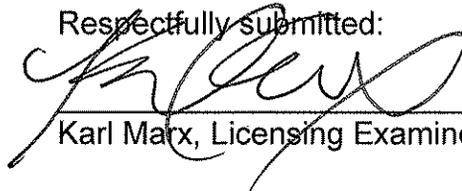
Mr. Wilson wanted to follow up on his attempts to contact Mr. Bill Trembley who has been on leave.

On a motion duly made by Richard Rohrer, seconded by Leif Wilson, and approved unanimously, the Board meeting was adjourned.

Mr. Johnson and staff expressed their thanks to everyone who took time to attend the teleconference.

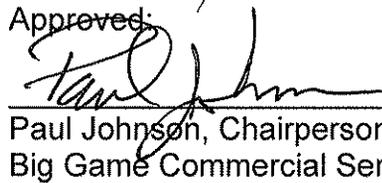
The Board adjourned at 10:44 a.m.

Respectfully submitted:



Karl Marx, Licensing Examiner

Approved:



Paul Johnson, Chairperson
Big Game Commercial Services Board

Date: 12-14-09