

MINUTES

**UTAH
HUNTING GUIDES AND OUTFITTERS
LICENSING BOARD MEETING**

January 19, 2010

**Room 210 – 2nd Floor – 1:00 p.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 1:05 p.m.

ADJOURNED: 4:05 p.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Paul Niemeyer – Chairperson
Vaughn “Rick” Woodard
Troy Justensen
Jed Wayment

Board Members Absent:

Adam Bronson

Guests:

Bryant Johnson

DOPL Staff Present:

Tony Patterson – AG Division Chief
Connie Call – Compliance Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approve the December 19, 2009 Board Meeting Minutes

Mr. Woodard seconded by Mr. Wayment made a motion to approve the December 19, 2009 Board Meeting Minutes. The motion carried unanimously.

APPOINTMENTS:

1:15 p.m. Compliance

Ms. Call explained her duties and responsibilities as they relate to licensees who are on a probationary status with this profession.

Mr. Denney was then discussed:

It was explained that the Division had received an email indicating that he may be unable to attend this meeting, due to having clients on a hunt. Ms. Call then clarified that Mr. Denney is non-compliant with his MOU (Memorandum of Understanding) due to his failure to meet with Ms. Call prior to this meeting.

Mr. Denney then appeared for his scheduled probationary appointment with the Board. Ms. Call excused herself and Mr. Denney from the meeting to conduct his pre-appointment interview.

1:30 p.m. Denney, Dale – First Probation Interview

Mr. Denney's MOU was reviewed for the benefit of Board Members who were not in attendance at the last meeting.

Mr. Denney was reminded that all letters from clients and "Verification's of Licenses" from Montana and Idaho must be submitted to the Division prior to December 1, 2010 and 2011. Mr. Denney then questioned if the letters could be submitted in July of each year, the Board agreed.

It was then determined that due to Mr. Denney appearing for his scheduled appointment, and meeting with Ms. Call he is in compliance with his MOU, and will next meet with the Board on December 7, 2010, with all required letters, and "Verifications".

Mr. Denney then questioned if "Spotters" or "Packers" must be licensed with the Division, as Hunting Guides or Outfitters. A detailed discuss ensued, during which it was explained that any individual who has direct contact with game prior to being hunted should be licensed. However, individuals who are only "Packing" the game out of an area may not need to be licensed. It was then added if the issue becomes a problem in the future Title 58 Chapter 79 may be amended to allow "Spotters" to be unlicensed if the licensed Outfitter is with the client when the game is taken.

1:45 p.m. Patterson, Tony – Board Duties and Responsibilities

Mr. Patterson explained how the Division and Boards shall conduct business:

Formal and informal proceedings;

The procedure for how Formal and Informal proceedings are conducted was clarified. Mr. Ormond then reminded the Board that during a Board Meeting, which is considered to be an informal proceeding, he is the Presiding Officer. He further added that on some occasions the Division obtains additional information after the Board has made a determination. On these occasions if the Mitigating circumstances outweigh the Aggravating, the Division may overturn a Board decision.

The Board then requested, for future cases, to resubmit the application to the Board, Mr. Ormond agreed.

Board Responsibility;

Mr. Patterson reminded the Board that the Board as a whole must make all decisions; one Board Member shall not "speak" for the Board. It was then clarified that any Board

Member, who is not adhering to this requirement, may be held liable.

It was then explained that Board business shall only be discussed during a properly scheduled/noticed Board Meeting. Mr. Patterson clarified that if the Board is at a social gathering, they need not avoid each other; they must only ensure that they are not discussing Board business. Again it was then clarified that any Board Member, who is not adhering to this requirement, may be held liable.

APPLICATIONS:

Loncarich, Christopher

Mr. Loncarich's application for licensure as an Outfitter and Hunting Guide was reviewed, as it related to his Utah Division of Wildlife Resources, Wildlife Violations Record.

After a detailed review Mr. Wayment seconded by Mr. Justensen made a motion to approve Mr. Loncarich's applications for licensure, due to the no violations having been reported while working with a client. The motion carried unanimously.

Trimmer, Mike

Mr. Trimmer's application for licensure as an Outfitter and Hunting Guide was reviewed, as it related to his Utah Division of Wildlife Resources, Wildlife Violations Record.

After a detailed review Mr. Justensen seconded by Mr. Wayment made a motion to approve Mr. Trimmer's applications for licensure, due to the length of time since the charges occurred. The motion carried unanimously.

Johnson, Bryant

Mr. Johnson appeared for the review of his application for licensure as a Hunting Guide and Outfitter as it was related to his Utah Division of Wildlife Resources, Wildlife Violations Record. A detailed discussion ensued regarding Mr. Johnson's violations.

Mr. Wayment made a motion to place Mr. Johnson on a probationary license. This motion failed due to lack of a second.

Additional discussion ensued, where Mr. Johnson explained that he has learned from this experience, and would not commit the same mistakes again. Mr. Justensen seconded by Mr. Wayment made a motion to grant full licensure to Mr. Johnson. The motion carried unanimously.

Hone, Brad

Mr. Hone's application for licensure as a Hunting Guide was reviewed, as it related to his Utah Division of Wildlife

Resources, Wildlife Violations Record, and Utah Computerized Criminal History background check.

After a detailed review Mr. Justensen seconded by Mr. Wayment made a motion to table Mr. Hone's application for licensure, until the April 1, 2010 Board Meeting, due to Mr. Hones failure to submit a complete application. The motion carried unanimously.

Warren, Cody

Mr. Warren's application for licensure as an Outfitter and Hunting Guide was reviewed, as it related to his Utah Division of Wildlife Resources, Wildlife Violations Record.

After a detailed review Mr. Woodard seconded by Mr. Wayment made a motion to place Mr. Warren on a two-year probation, which will require that he has no violations with the Utah Division of Wildlife Resources, Utah Bureau of Land Management, United States Forest Service, or any other Wildlife Agency. And must renew all appropriate licenses / certificates / registrations within the appropriate time frame. The motion carried unanimously.

Additional discussion then ensued regarding Mr. Warren's application for licensure. Mr. Woodard seconded by Mr. Justensen made a motion to amended the previous motion to include Mr. Warren must, on a yearly basis, supply documentation of no additional violations with any State, Federal, or Local Wildlife Regulatory Agency. The motion carried unanimously.

DISCUSSION ITEMS:

Proposed Rules changes to R156-79

The Board was reminded that at the last meeting on December 29, 2009 a motion was made to amend R156-79-601 and 602 to better clarify the "Content of the Hunting Guide and Outfitter Basic Training Program".

A proposal was reviewed by the Board which required for the following courses to be "Core Components" of the Hunting Guide Training Program:

- hunter ethics and attitude;
- general weapon knowledge;
- hunting guide regulations;
- an American Red Cross, American Heart Association or equivalent first aid and CPR course;
- orienteering and map reading;
- guiding skills;
- a basic off highway vehicle safety course; and
- basic survival skills.

And no more than two hours of training for any single elective component:

- game care;
- setting up camps;
- trophy judging skills;
- horsemanship;
- packing skills;
- transporting livestock;
- shoeing skills;
- use of a crosscut saw and ax; or
- use of a chain saw.

The proposal also required the following courses to be “Core Components” of the Outfitter Training Program:

- hunter ethics and attitude;
- an American Red Cross or American Heart Association first aid and CPR course;
- general weapon knowledge;
- guiding skills;
- outfitter regulations;
- supervising clientele;
- hiring and supervising personnel;
- outfitter advertising;
- booking clientele;
- going into business for oneself;
- applying federal and state land use policies;
- obtaining all necessary licenses and permits and permissions for the client; and
- basic survival skills.

And no more than two hours of training for any single elective component, to include a minimum of 15 hours:

- transporting livestock;
- a basic off highway vehicle safety course;
- game care;
- setting up camps;
- shoeing skills.

Mr. Wayment seconded by Mr. Justensen made a motion to approve the proposed amendments to R156-79-601 and 602 with the following changes:

- Amend “Core Components” to “Required Components”
- Require a minimum of fifteen hours of elective components for the Hunting Guide Program
- Require a minimum of thirty hours of required components for both the Hunting Guide and Outfitter Programs.
- Move “Game Care” to required components, for both the Hunting Guide and Outfitter.

The motion carried unanimously.

Mr. Woodard explained that the Wildlife Board is requesting for one of this Boards Members join an “Elk Committee”.

After a brief discussion it was determined that an email will be sent to each Board Member explaining what is involved with being a Committee Member. Each Member can review the requirements and respond, to this Division of their interest.

ADJOURN:

4:05 p.m.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

April 6, 2010
Date Approved

(ss) Paul Niemeyer
Chairperson, Hunting Guide & Outfitter Licensing Board

April 7, 2010
Date Approved

(ss) Clyde Ormond
Bureau Manager, Division of Occupational & Professional Licensing