

MINUTES

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

December 29, 2009

**Room 474 – 4th Floor – 1:00 p.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 1:05 p.m.

ADJOURNED: 5:29 p.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Paul Niemeyer - Chairperson
Vaughn “Rick” Woodard
Adam Bronson
Jed Wayment

Board Members Absent:

Troy Justensen

Guests:

Jake Bess – Timber Mountain Outfitters
Randall D Calliccoat – Calico Kennel
Dale Denney – Bearpaw Outfitters
Derris Jones – Two R Ranch
David Ferguson

DOPL Staff Present:

Tony Patterson – Attorney General Representative
Ray Walker – Regulatory and Compliance Officer
Mark Steinagel – Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of the November 10, 2009 Board Meeting Minutes

Mr. Woodard seconded by Mr. Bronson made a motion to approve the November 10, 2009 Board Meeting minutes. The motion carried unanimously.

APPLICATIONS:

Outfitter / Hunting Guides – Complete applications

Randy Nielson

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Nielson's applications for licensure as an Outfitter and Hunting Guide. The motion carried unanimously.

Evonna Behrman

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Ms. Behrman's applications for licensure as an Outfitter and Hunting Guide. The motion carried unanimously.

Randall D Callicoat

After a detailed review Mr. Wayment seconded by Mr. Woodard made a motion to approve Mr. Callicoat's applications for licensure as an Outfitter and Hunting Guide. The motion carried unanimously.

Steve Clark Mahler

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Mahler's applications for licensure as an Outfitter and Hunting Guide. The motion carried unanimously.

Doyle Moss

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Moss's applications for licensure as an Outfitter and Hunting Guide. The motion carried unanimously.

Derris Jones

After a detailed review Mr. Wayment seconded by Mr. Woodard made a motion to approve Mr. Jones's applications for licensure as an Outfitter and Hunting Guide. The motion carried unanimously.

John Hiskey

After a detailed review Mr. Bronson seconded by Mr. Wayment made a motion to approve Mr. Hiskey's applications for licensure as an Outfitter and Hunting Guide, contingent upon submittal of a signed "Verification of Training/Experience" form. The motion carried unanimously.
The requested documentation was later submitted, and Mr. Hiskey's licenses were issued.

Alton Leeder

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Leeder's applications for licensure as an Outfitter and Hunting Guide. The motion carried unanimously.

Boyd Pallesen

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Pallesen's applications for licensure as an Outfitter and Hunting Guide. The motion carried unanimously.

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Pilling's applications for licensure as an Outfitter and Hunting Guide. The motion carried unanimously.

Hunting Guides – Complete Applications

Richard Nielson

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Nielson's application for licensure as a Hunting Guide, contingent upon approval of his associated Outfitter. The motion carried unanimously.

Mr. Nielson's license was later issued.

Kleigh Hirschi

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Hirschi's application for licensure as a Hunting Guide, contingent upon approval of his associated Outfitter. The motion carried unanimously.

Mr. Nielson's license was later issued.

Seth James Norton

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Norton's application for licensure as a Hunting Guide, contingent upon approval of his associated Outfitter. The motion carried unanimously.

Mr. Norton's license was later issued.

Jacob Johnson

After a detailed review Mr. Woodard seconded by Mr. Wayment made a motion to approve Mr. Johnson's application for licensure as a Hunting Guide, contingent upon submittal of a complete application and approval of his associated Outfitter. The motion carried unanimously.

Mr. Johnson's license was later issued.

Randy J Swenson

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Swenson's application for licensure as a Hunting Guide, contingent upon approval of his associated Outfitter. The motion carried unanimously.

Mr. Swenson's license was later issued.

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Oldham's application for licensure as a Hunting Guide, contingent upon approval of his associated Outfitter. The motion carried unanimously.

Mr. Oldham's license was later issued.

Outfitter / Hunting Guides – Incomplete applications

Brian Denney

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Denney's applications for licensure as an Outfitter and Hunting Guide. The motion carried unanimously.

Adam R Bronson

After a detailed review Mr. Wayment seconded by Mr. Woodard made a motion to approve Mr. Bronson's applications for licensure as an Outfitter and Hunting Guide. The motion carried unanimously.

Anthony Neidlinger

After a detailed review Mr. Wayment seconded by Mr. Woodard made a motion to approve Mr. Bronson's applications for licensure as an Outfitter and Hunting Guide, contingent upon submittal of a passing score on the "Utah Outfitters Examination". The motion carried unanimously.

The requested document was later submitted, and Mr. Neidlinger's licenses were issued.

William Kinross

After a detailed, closed meeting, review of Mr. Kinross's applications for licensure as an Outfitter and Hunting Guide; this included documentation of Wildlife Violations. Mr. Wayment seconded by Mr. Bronson made a motion to deny Mr. Kinross's application's due to his failure to appropriately answer the "Qualifying Questionnaire" questions. The motion carried unanimously.

Jacob Bess

After a detailed review, of Mr. Bess's applications for licensure as an Outfitter and Hunting Guide; this included documentation of a Wildlife Violation. Mr. Wayment seconded by Mr. Woodard made a motion to approve Mr. Bess's applications for licensure. The motion carried unanimously.

David Allen Ferguson

After a detailed review Mr. Bronson seconded by Mr. Wayment made a motion to approve Mr. Ferguson's

applications for licensure as an Outfitter and Hunting Guide, contingent upon submittal of a complete application. The motion carried unanimously.

The requested documentation was later submitted, and Mr. Ferguson's licenses were issued.

William Kinross

After a detailed, closed meeting, review of Mr. Kinross's applications for licensure as an Outfitter and Hunting Guide; this included documentation of Wildlife Violations. Mr. Wayment seconded by Mr. Bronson made a motion to deny Mr. Kinross's application's due to his failure to appropriately answer the "Qualifying Questionnaire" questions. The motion carried unanimously.

Jesse M Hatch

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Hatch's applications for licensure as an Outfitter and Hunting Guide, contingent upon submittal of a complete application. The motion carried unanimously.

Kim E Payne

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Payne's applications for licensure as an Outfitter and Hunting Guide, contingent upon submittal of a complete application. The motion carried unanimously.

Scott J Swenson

After a detailed review Mr. Bronson seconded by Mr. Wayment made a motion to waive the required thirty (30) day waiting period, after the failure of the examination, due to computer malfunctions while Mr. Swenson was attempting to take the "Utah Outfitter Examination". Additionally, contingent upon submittal of a passing score on the examination Mr. Swenson will be granted licensure. The motion carried unanimously.

Hunting Guides – Incomplete Applications

Cameron Glade Gillman

After a detailed review Mr. Wayment seconded by Mr. Bronson made a motion to approve Mr. Gillman's application for licensure as a Hunting Guide, contingent upon passing the "Utah Hunting Guides Examination", and approval of his associated Outfitter. The motion carried unanimously.

After a detailed review Mr. Wayment seconded by Mr. Bronson made a motion to approve Mr. Sorenson's application for licensure as a Hunting Guide, contingent upon submittal of a completed application and approval of his associated Outfitter. The motion carried unanimously.

Curt Dalley

After a detailed review Mr. Bronson seconded by Mr. Wayment made a motion to approve Mr. Dalley's application for licensure as a Hunting Guide, contingent upon submittal of a completed application and approval of his associated Outfitter. The motion carried unanimously.

Travis Pendleton

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Pendleton's application for licensure as a Hunting Guide, contingent upon approval of his associated Outfitter. The motion carried unanimously.

Mr. Pendleton's license was later issued.

Kalan Lemon

After a detailed review Mr. Wayment seconded by Mr. Bronson made a motion to approve Mr. Kalan Lemon's application for licensure as a Hunting Guide, contingent upon submittal of a completed application and approval of his associated Outfitter. The motion carried unanimously.

3:45 p.m. Closed Meeting

Mr. Woodard seconded by Mr. Wayment made a motion to close the meeting to discuss the Utah Division of Wildlife Resources, Wildlife Violation Record and/or Utah Computerized Criminal History Record for the following individuals:

Dale Denney
Billie Joe Robb
Shawn Bess Robb
Paul C Robb
Wade Lemon
William Kinross

The motion carried unanimously.

4:49 p.m. Opened Meeting

Mr. Bronson seconded by Mr. Woodard made a motion to reopen the meeting. The motion carried unanimously.

Dale Denney

Mr. Denney's application's for licensure as a Hunting Guide and Outfitter was reviewed in a closed meeting,

due it containing documentation of disciplinary actions from Idaho and Montana.

In an open meeting, Mr. Bronson seconded by Mr. Woodard made a motion to issue Mr. Denney a two year probationary license, which requires that on or before December 1st of each year he submit documentation of good standing with Idaho and Montana, and submit letters from at least five (5) Utah clients documenting their experience. The motion carried unanimously.

Mr. Denney's MOU (Memorandum of Understanding) was later signed, and his probationary licenses were issued.

Billie Joe Robb

Mr. Billie Joe Robb's application's for licensure as a Hunting Guide and Outfitter was reviewed in a closed meeting, due it containing documentation of Wildlife Violations.

In an open meeting, Mr. Bronson seconded by Mr. Wayment made a motion to approve Mr. Billie Joe Robb's applications for licensure. The motion carried unanimously.

Shawn Bess Robb

Mr. Shawn Bess Robb's application's for licensure as a Hunting Guide and Outfitter was reviewed in a closed meeting, due it containing documentation of Wildlife Violations.

In an open meeting, Mr. Bronson seconded by Mr. Wayment made a motion to approve Mr. Shawn Bess Robb's applications for licensure. The motion carried unanimously.

Paul C Robb

Mr. Paul C Robb's application's for licensure as a Hunting Guide and Outfitter was reviewed in a closed meeting, due it containing documentation of Wildlife Violations.

In an open meeting, Mr. Bronson seconded by Mr. Wayment made a motion to approve Mr. Paul C Robb's applications for licensure. The motion carried unanimously.

Wade Lemon

Mr. Wade Lemon's application's for licensure as a Hunting Guide and Outfitter was reviewed in a closed

meeting, due it containing documentation of Wildlife Violations.

In an open meeting, Mr. Woodard seconded by Mr. Bronson made a motion to place Mr. Lemon on a two year probationary license, which required that he remain in good standing with the BLM (Bureau of Land Management), DWR (Division of Wildlife Resources), USFS (United States Forest Service, and this Division. The motion carried unanimously.

After a review of the Aggravating and Mitigating issues involved in this case, the Division determined that Mr. Lemon may have been misled to believe he held the appropriate documentation of the 2006 issue. As a result the Board's recommendation was overturned and a full license with no restrictions was issued.

William Kinross

Mr. William Kinross's application's for licensure as a Hunting Guide and Outfitter was reviewed in a closed meeting, due it containing documentation of Wildlife Violations.

In an open meeting, Mr. Wayment seconded by Mr. Bronson made a motion to deny Mr. Kinross's application's due to his failure to appropriately answer the "Qualifying Questionnaire" questions. The motion carried unanimously.

Unofficial Review:

Randy Johnson

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Johnson's applications for licensure as an Outfitter and Hunting Guide, contingent upon submittal of a complete application. The motion carried unanimously.

Shawn Labrum

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Labrum's applications for licensure as an Outfitter and Hunting Guide, contingent upon submittal of a complete application. The motion carried unanimously.

Dennis Ingram

After a detailed review Mr. Woodard seconded by Mr. Bronson made a motion to approve Mr. Ingram's application for licensure as a Hunting Guide,

contingent upon approval of his associated Outfitter.
The motion carried unanimously.

Mr. Ingram's license was later issued.

DISCUSSION ITEMS:

Review of R156-79-601 and 602 – Content of the Hunting Guide and Outfitter Basic Training Program

Mr. Ormond explained that the Attorney General's Representatives are concerned with the current wording of R156-79-601 and 602.

Mr. Patterson clarified that the current wording would be difficult to defend, if an applicant appeals the denial of their licensure. It was then recommended:
Changing the wording from "may" to "shall",
Implementing minimum standards of training,
Implementing "Core" and "Elective" areas of training,
and
Removing R156-79-601 (18) and R156-79-602 (28).

It was then determined to table this issue until the January 19, 2010 meeting for further discussion.

Discussion regarding Concealed Weapons Permits as they are related to Background Checks

Mr. Niemeyer questioned if it was acceptable for a licensee who holds a current CCP (Concealed Carry Permit), to be exempted from needing to submit the UCCH (Utah Computerized Criminal History) Background check. Mr. Ormond explained that he had contacted the Bureau of Criminal Identification regarding this issue.

It was explained that the requirements to hold the CCP are stricter than this profession's licensure requirements. It was then determined, due to the need to amend R156-79 to table this issue until the January 19, 2010 meeting for further discussion.

It was recommended to include the following amendments:

1. Licensee must notify the Division, within a specific time frame, if they lose the ability to have a CCP.
2. Licensees must report any convictions within seventy-two (72) hours.
3. For it to be considered Unprofessional conduct if a licensee fails to meet the above stated requirements.

Mr. Niemeyer expressed his concern that an Outfitter license does not allow the licensee to act as a Hunting Guide.

A detailed discuss was conducted, it was explained that Representative Vickers may be proposing changes to Title 58 Chapter 79. To allow an exemption from licensure for individuals who are conducting business on a CWMU (Co-operative Wildlife Management Unit).

Additionally it was recommended:
To change the "Scope of Practice" for an Outfitter to include the Hunting Guide duties.

What issues Criminal / Wildlife History could cause the Division to deny a license?

It was determined that any:
Felony less than five years old;
Misdemeanor Wildlife violations which are less than ten years old;
Plea in Abeyance which is less than ten years old;
Any issues which cause the applicant/licensee to lose the privilege to hunt, with in this State or any other State.

ADJOURN:

5:29 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.

January 19, 2010
Date Approved

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

January 25, 2010
Date Approved

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