**PUBLIC OYSTER SEED GROUND VESSEL PERMIT APPEALS BOARD**

MEETING MINUTES

AUGUST 24, 2009 – 9 A.M.

2ND FLOOR CONFERENCE ROOM

LDWF OFFICE IN THE UNO ADVANCED TECHNOLOGY BUILDING

2021 LAKESHORE DRIVE, NEW ORLEANS, LA 70122

Board Members Present:

1. Jakov Jurisich, Chairman
2. Peter Vujnovich, Jr.
3. Wilbert Collins
4. Byron Encalade
5. Dan Coulon

Board members absent:

1. Brad Robin
2. Shane Bagala
3. Rodney Fox
4. Buddy Daisy

AGENDA

1. Approval of minutes from meeting of July 27, 2009

* Peter Vujnovich, Jr. – Motion to Accept
  + Dan Coulon – Seconded
  + MOTION CARRIED (unanimous)

1. Update from LDWF Legal
   1. Recent Ethics Board Rulings for Board Members

* Fred Whitrock, Louisiana Department of Wildlife and Fisheries (LDWF) legal counsel, gave summary of recent Ethics Board opinions concerning Peter Vujnovich, Jr. and Byron Encalade. In the case of Mr. Vujnovich, Jr., the Ethics Board stated that as long as he received nothing of economic value from past or current business partnerships that he had or has with vessel permit appellants, there is no violation of the ethics code. In the case of Mr. Encalade, the Ethics Board found there was no substantial economic interest in the outcome of an appeal by a member of the Louisiana Oyster Association, for which Mr. Encalade serves as president, and therefore there is no violation of the ethics code.
  1. Discussion of Appeal Cases by Board Members Outside of Board Meetings
* Whitrock advised board members against discussing appeals cases outside of board meetings. Members were advised they could discuss general Board procedures with an appellant but not specifics of the appellant’s case.

III. LDWF – Duration of Valid Vessel Permit

* Patrick Banks, LDWF Biologist Program Manager, told board members that LDWF Licensing, LDWF Legal, and LDWF Marine Fisheries had met concerning the Board’s question about when a vessel permit would “die.” A 2009 vessel permit can be renewed through November 14, 2010 and that the 2009 permit would “die” on November 15, 2010 if it is not renewed prior to that date. Whitrock pointed out that a 2009 permit can only be “fished” through December 31, 209. After that date, a 2009 permit can no longer be used to fish oysters from the public grounds. Jakov Jurisich, asked about contingencies for permit holders who, due to hardship, were unable to renew their permit by November 14th. Whitrock did not think the board’s authority covered that event. Jurisich suggested giving the LDWF Secretary or the Louisiana Wildlife and Fisheries Commission the authority to decide such cases. Whitrock said he would research the matter and report back to the board at the next scheduled meeting.
* It was determined that the “sunset” for renewing vessel permits is November 15, 2012.

1. Hearing of Previously Deferred Appeals
   1. Charles Connetti, Jr. (not attending)

* Has obtained permit
* Appeal will be removed as per Connetti’s request
* No action needed by board.
  1. Curtis Alfonso (not attending)
* Notified by LDWF that vessel in question, LA5113EX, will qualify for permit under new law that took affect August 15, 2009
* Wilbert Collins – Motion to Defer
  + Dan Coulon – Seconded
  + MOTION CARRIED (unanimous)
  1. Randy Alfonso (not attending)
* In process of licensing a qualifying vessel
* Peter Vujnovich, Jr. – Motion to Defer
  + Wilbert Collins – Seconded
  + MOTION CARRIED (unanimous)
  1. Paul Alfonso (not attending)
* Has obtained permit
* Appeal will be removed, as per request by Alfonso
* No action needed by board.
  1. Gary Barthelemy (not attending)
* Notified by LDWF that he will qualify for permit under new law
* Wilbert Collins – Motion to Defer
  + Byron Encalade – Seconded
  + MOTION CARRIED (unanimous)
  1. Thomas Houck (not attending)
* Has appropriate licenses, but lacks trip ticket recorded oyster landings during qualifying period; application lacks affidavits
* LDWF has been unable to reach appellant by phone, but provided a letter to appellant outlining the deficiencies in his application. Appellant had not responded to the letter.
* Peter Vujnovich, Jr. – Motion to Defer
  + Wilbert Collins – Seconded
  + MOTION CARRIED (unanimous)
  1. HVAR, Inc. (Romeo Bilcic) (not attending)
* Appellant transferred vessel to another company he owns that held a permit and secured a permit for the vessel for which he was appealing.
* Appellant asked to be removed from further consideration.
* No action by board necessary.
  1. Hiep an Cao (not attending)
* LDWF sent letter to appellant informing him of appeal application status and outlining the deficiencies in his application
* No communication from appellant since previous board meeting
* Lacks appropriate licenses and trip ticket records or affidavits
* Wilbert Collins – Motion to Defer
  + Byron Encalade – Seconded
  + MOTION CARRIED (unanimous).

* 1. Wade Nunez (not attending)
* Sent letter to appellant explaining deficiencies of his appeal application
* Held appropriate licenses in 2008 only
* Peter Vujnovich, Jr. – Motion to Defer
  + Wilbert Collins – Seconded
  + MOTION CARRIED (unanimous)

Hearing of New Appeals

1. Edward Borne (not attending)

* Lacks trip ticket recorded landings for qualifying time period
* Held appropriate licenses in all qualifying license years
* Incomplete statement explaining hardship
* Appeal application is unsigned
* Karen Foote, LDWF Administrator Marine Fisheries Division, suggested the use of all trip ticket submissions in effort to find additional contact information
* Dan Coulon – Motion to Defer pending further investigation into appellant’s ability to obtain permit by LDWF
  + Wilbert Collins – Seconded
  + MOTION CARRIED (unanimous)

1. Charles McKay (not attending)

* Asked via phone conversation with LDWF staff to remain on appellant list until he can obtain a permit on his own
* Peter Vujnovich, Jr. – Motion to Defer
  + Byron Encalade – Seconded
  + MOTION CARRIED (unanimous)

1. Robert Conklin, Jr. (not attending)

* Informed by LDWF staff via phone that he qualifies for permit under the new law based on trip ticket recorded oyster landings on May 1, 2009.
* Wilbert Collins – Motion to Defer
  + Peter Vujnovich, Jr. – Seconded
  + MOTION CARRIED (unanimous)

1. Setting next Meeting

* Patrick Banks provided board with appeal application for Nicolae Nitica (not on agenda due to recent receipt of application) to assist board in setting next meeting. That action was approved by Fred Whitrock.
* Pete Vujnovich, Jr. – Motion to accept October 13, 2009, 9am, same location for next meeting
  + Wilbert Collins – Seconded
  + MOTION CARRIED (unanimous).

1. Adjournment

* Peter Vujnovich, Jr. – Motion to Adjourn
  + Wilbert Collins – Seconded
  + MOTION CARRIED (unanimous)

Duration of Meeting: Approximately 1hr. 15min.

Minutes submitted by Ty Lindsey, LDWF Biologist