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

MEETING MINUTES

JULY 27, 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. Buddy Daisy
3. Peter Vujnovich
4. Wilbert Collins
5. Byron Encalade
6. Rodney Fox
7. Dan Coulon

Board members absent:

1. Brad Robin
2. Shane Bagala

AGENDA

1. Approval of minutes from meeting of June 25, 2009

* Motion carried

1. Hearing of Appeals
   1. Jeff Howard (not attending)

* Previously deferred. Removed his appeal; obtained permit by other means.
* No action needed by board.
  1. Curtis Alfonso (not attending)
* Previously deferred.
* Wilbert Collins – Motion to Defer, Peter Vujnovich – Seconded, MOTION CARRIED (unanimous)
  1. Charles Connetti, Jr (not attending)
* Attempting to get permit by other means
* Patrick Banks suggested deferral for “cleanliness” sake until such time that the Board learns of the outcome of Mr. Connetti’s attempts to obtain a permit through other means.
* Peter Vujnovich – Motion to Defer, Wilbert Collins – Seconded, MOTION CARRIED (unanimous)

Discussion

Rodney Fox asked for clarification of law (pertaining to transferring vessel ownership to another person who qualifies for permit, then transferring ownership back to first person). Dan Coulon asked what is timeframe between transfers? Patrick Banks explained current law. Dan Coulon asked when does a permit “die”? Mr. Banks indicated that he will request that LDWF Licensing provide guidance about when a permit “dies.”

* 1. HVAR, Inc. (Romeo Bilcic)(not attending)
* Trying to obtain permit by other means.
* Wilbert Collins – Motion to Defer, Dan Coulon – Seconded, MOTION CARRIED (unanimous)
  1. Randy Alfonso (not attending)
* Buddy Daisy – Motion to Defer, Wilbert Collins – Seconded, MOTION CARRIED (unanimous)
  1. Jules Melancon (attending)
* Previously deferred.
* During previous Appeal Board meeting, Melancon had lacked two affidavits indicating previous harvest from public oyster seed grounds, which is one requirement of the appeal process. He submitted the affidavits to LDWF and the Appeals Board in fulfillment of the appeal process.
* Discussion between Rodney Fox and Melancon concerning Trip Ticket requirements. Fox asked why Melancon had no trip-tickets in LDWF records. Melancon indicated that he was never notified by LDWF or anyone that trip-tickets were required to be submitted to show landings of oysters.
* (Unclear) – Motion to Recommend Approval of Permit, Wilbert Collins – Seconded, MOTION CARRIED (unanimous)
  1. Paul Alfonso (not attending)
* Previously deferred.
* Notarized statements not “cleared up” Due to the statements not indicating the oyster harvest was specifically from the public oyster seed grounds.
* Discussion
  + Buddy Daisy asked how many times board can defer before appellant can be removed. Fred Whitrock answered the board can defer an unlimited number of times.
  + Rodney Fox asked if LDWF would contact appellant notifying them that they did not meet criteria and requested that a limit of three deferrals be set starting today.
  + Dan Coulon asked that LDWF send letter notifying appellant he will be dropped. Whitrock suggested approaching issue on case-by-case basis.
  + Wilbert Collins asked if LDWF could “hold” appeals until they are ready to be presented to the board. Patrick Banks replied yes.
  + John Roussel (LDWF Deputy Assistant Secretary) suggested having Banks draft letter to appellant giving appellant the case history including times he was scheduled to appear before the board.
  + Coulon asked that something to the effect of “lack of participation…could result in being dropped” be added to the letter.
* Peter Vujnovich – Motion to Defer, Rodney Fox – Seconded, MOTION CARRIED (unanimous).
  1. Gary Barthelemy (attending)
* Previously deferred.
* Not clear on reason for appeal; none given on appeal form.
* Discussion
  + Byron Encalade stated Trip Tickets should be on file [for Barthelemy] for 2006-2009.
  + Barthelemy provided affidavits from two fishermen.
  + Rodney Fox asked appellant if he had Trip Tickets for two [of the qualifying] years? Barthelemy stated he has held license for 30+ years. Jakov Jurisich asked to see the Trip Tickets.
  + Appellant left to retrieve Trip Tickets from his truck and returned with several pink Trip Tickets.
    - Banks reviewed the Trip Tickets and stated all were dated June 2009 and July 2009, which is dated outside of the time window provided for in the appeals rules.
  + Encalade informed Barthelemy that board was discussing his potential of qualifying under law changes that will take effect August 15, 2009.
* Byron Encalade – Motion to Defer, Dan Coulon – Seconded, MOTION CARRIED (unanimous).
* Banks asked if board is asking LDWF to determine whether or not Barthelemy qualifies. Encalade replied the board wanted to see if Trip Tickets are valid, so Barthelemy may reapply under new law.

[10 minute recess]

* 1. Thomas Houck (not attending)
* Claiming hardship
  + Has not yet satisfied criteria for appeal.
* Peter Vujnovich – Motion to Defer, Byron Encalade – Seconded, MOTION CARRIED (unanimous)
  1. Hiep An Cao (not attending)
* Did not indicate what type of appeal he is applying for on appeal form.
* Jurisich asked Banks to send letter to appellant.
* Buddy Daisy – Motion to Defer, Wilbert Collins – Seconded, MOTION CARRIED (unanimous)
  1. Wade Nunez (not attending)
* Provided two notarized statements that indicated oyster harvest from the public oyster grounds, but those statements lacked the specific years of the harvest.
* Provided no information on type of hardship he is claiming.
* Jurisich ask LDWF to send a letter to appellant. Vujnovich asked Banks to mention lack of harvest years in letter to appellant.
* Pete Vujnovich – Motion to Defer, Fox – Seconded, MOTION CARRIED (unanimous).
  1. Paul McIntyre (attending)
* Lacks one additional affidavit, but indicated he could easily obtain such if the one he currently has meets the requirements of the Board.
* The Board indicated that the one affidavit provided does meet the requirements, but asked that it also include the oyster harvester license number of the person making the statement in the affidavit.
* Buddy Daisy – Motion to Defer, Wilbert Collins – Seconded, MOTION CARRIED (unanimous).
* Fox asked McIntyre if he understood he needed one more affidavit. McIntyre responded that he did.

[after Setting of Next Meeting Date]

* McIntyre asked if board could make recommendation for approval pending his submission of a second affidavit.
* Pete Vujnovich – Motion to Reconsider Appellant Paul McIntyre, Rodney Fox – Seconded, MOTION CARRIED (unanimous). Fox impressed upon McIntyre the board’s efforts to accommodate him.
* Jurisich listed criteria for an affidavit.
* Dan Coulon – Motion to Recommend Permit Issuance Approval pending McIntyre’s submission of second affidavit to LDWF that meets all the requirements of such, Wilbert Collins – Seconded, MOTION CARRIED (unanimous)

1. Setting next Meeting

* Some discussion among board members and Al Sunseri, chairman of the Oyster Task Force (OTF), to see if board’s next meeting could coincide with next OTF meeting. Deemed that such arrangement was not feasible in order to accommodate as many appellants as possible prior to oyster season start date of early or mid-September.
* Pete Vujnovich – Motion to Accept August 24, 2009, 9am, same location for next meeting, Wilbert Collins – Seconded, MOTION CARRIED (unanimous).
* Fox asked that board members contact Banks by noon Friday, August 21, 2009 if they are unable to attend the August 24, 2009 meeting.

1. Adjournment

* Rodney Fox – Motion to Adjourn, Wilbert Collins – Seconded, MOTION CARRIED (unanimous)

Duration of Meeting: Approximately 2hrs. 15min.

Minutes submitted by Ty Lindsey