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

MEETING MINUTES

OCTOBER 12, 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 Jurisic, Chairman
2. Shane Bagala, Vice-Chairman
3. Wilbert Collins
4. Dan Coulon
5. Byron Encalade
6. Rodney Fox
7. Brad Robin
8. Peter Vujnovich, Jr.

Board members absent:

1. Buddy Daisy

Meeting called into order by Chairman Jurisic at 9:07am

AGENDA

1. Approval of Minutes from Meeting of August 24, 2009
* Peter Vujnovich, Jr. – Motion to Accept
	+ Dan Coulon – Seconded
	+ MOTION CARRIED (unanimous)
1. LDWF Legal Counsel Guidance – Appeals of Renewal and Re-issuance Permits

[LDWF legal counsel, Fred Whitrock, was unable to attend meeting.]

* Dan Coulon – Motion to Defer until next Meeting
	+ Brad Robin – Seconded
	+ MOTION CARRED (unanimous)
1. Hearing of Previously Deferred Appeals
	1. Curtis Alfonso (not attending)
* Has obtained permit on his own under new law
	+ Requested previously to LDWF staff via phone that the Board remove his appeal application from appellant list
* Dan Coulon – Motion to Remove Appeal
	+ Peter Vujnovich, Jr. – Seconded
	+ MOTION CARRIED (unanimous)
	1. Robert Conklin, Jr. (not attending)
* Has obtained permit on his own
	+ Requested previously to LDWF staff via phone that the Board remove his appeal application from appellant list
* Shane Bagala – Motion to Remove Appeal
	+ Peter Vujnovich, Jr. – Seconded
	+ MOTION CARRIED (unanimous)
	1. Thomas Houck (not attending)
* Appellant likely deceased (based on T-P newspaper article)
* Vessel listed in appeal application issued a permit under name of appellant’s girlfriend/common law wife
* Shane Bagala – Motion to Remove Appeal
	+ Dan Coulon – Seconded
	+ MOTION CARRIED (unanimous)

[Board Member Wilbert Collins arrived during hearing of Houck case]

* 1. Randy Alfonso (not attending)
* In process of properly registering a qualifying vessel
* Peter Vujnovich, Jr. – Motion to Defer
	+ Byron Encalade – Seconded
	+ MOTION CARRIED (unanimous)
	1. Gary Barthelemy (not present at time of initial consideration of appeal)
* Vessel listed in appeal application qualifies for a permit under new law
	+ No permit issued as of late last week
* Byron Encalade inquired about possibility of board members contacting Barthelemy to encourage him to obtain permit
	+ Encalade informed board that he will contact Barthelemy to prompt him to obtain a license
* Wilbert Collins – Motion to Defer
	+ Byron Encalade – Seconded
	+ MOTION CARRIED (unanimous)

[Barthelemy arrived shortly after Motion to Defer carried]

* + - Byron Encalade – Motion to Reconsider Appeal
	+ Peter Vujnovich, Jr. – Seconded
	+ MOTION CARRIED (unanimous)
* Patrick Banks (LDWF staff) explained to the Board that the vessel Barthelemy gave in his appeal application qualifies for a permit under the new law
	+ Jakov Jurisic verified with Barthelemy that he understood he qualified for a permit
		- Barthelemy confirmed that he did understand
	+ Rodney Fox told Barthelemy that he needed to obtain a permit before the end of the year as the law prohibits issuance of new permits after December 31, 2009.
* Dan Coulon – Motion to Defer
	+ Peter Vujnovich, Jr. – Seconded
	+ MOTION CARRIED (unanimous)

* 1. Wade Nunez (not attending)
* Brad Robin will contact Nunez to have him contact LDWF
* Brad Robin – Motion to Defer
	+ Wilbert Collins – Seconded
	+ MOTION CARRIED (unanimous)
	1. Hiep an Cao (not attending)
* Peter Vujnovich, Jr. – Motion to Defer
	+ Wilbert Collins – Seconded
	+ MOTION CARRIED (unanimous)
* Rodney Fox inquired as to whether or not appeal applications will be removed from list after December 31, 2009 [deadline for issuance of “new” permits]
	+ Patrick Banks, LDWF staff, said LDWF legal counsel was needed to answer that question and they would be contacted to provide guidance at next Board meeting.
	1. Edward Borne (not attending)
		+ No communication from appellant since last meeting
* Rodney Fox inquired as to how LDWF staff contacts appellants
	+ Patrick Banks responded that appellants are sent letters via return receipt certified mail
* Peter Vujnovich, Jr. – Motion to Defer
	+ Rodney Fox – Seconded
	+ MOTION CARRIED (unanimous)
	1. Charles McKay (not attending)
* No communication from appellant since last meeting
* Peter Vujnovich, Jr. – Motion to Defer
	+ Wilbert Collins – Seconded
	+ MOTION CARRIED (unanimous)
1. Hearing of New Appeals
2. Nicolae Nitica (attending)
* Claiming a hardship based on medical issues that have prevented him from participating in oyster harvesting activities during the qualifying period
* Provided information in his appeal application pertaining to his medical issues
* Held Certified Fisherman and Oyster Harvester licenses in each of the qualifying license years
* Lacks trip ticket recorded oyster landings for qualifying time period and lacks any proof he legally harvested oysters from the public grounds during at least two of the years 2004-2008 (as required under Commission rule that governs the appeal process).
* Peter Vujnovich, Jr. verified with Patrick Banks that appellant lacks only Trip Ticket recorded oyster landings or affidavits
* Nitica provided two photos of a vessel to the board
	+ Byron Encalade verified with Nitica that photos were of the vessel for which he is seeking a permit
* Wilbert Collins reminded Nitica that the Secretary of WLF will make final decision on issuance of a permit
* Brad Robin – Motion to Recommend Permit Issuance and stated that if there was ever a true hardship case, this was it
	+ Shane Bagala – Seconded
	+ MOTION CARRIED (unanimous)
* Patrick Banks explained to Nitica how process will take place
* Nitica’s CPA, Beejay, asked board if Nitica will be notified before end of the year of the final decision
	+ Banks said such cases are typically concluded in 2 – 3 weeks
1. Set next meeting date
* Wilbert Collins – Motion to meet same day Oyster Task Force (OTF) meets
	+ Discussions among board members lead to a “modified” motion to meet December 7, 2009 at 10am unless the OTF meets prior to December 31, 2009. If the OTF does meet prior to December 31, 2009 the board will meet on the same day at 10am.\*

[The OTF was scheduled to meet later this same day]

[Unable to identify a second of the motion]

* + MOTION CARRIED (unanimous)
1. Adjournment
* Brad Robin – Motion to Adjourn
	+ Wilbert Collins – Seconded
	+ MOTION CARRIED (unanimous)

Meeting adjourned at 10:10am

Duration of Meeting: 1hr. 3min.

Minutes submitted by Ty Lindsey, LDWF Biologist

\*The OTF met as scheduled and set Monday, December 7, 2009 as their next meeting date. Therefore, the next Public Oyster Seed Ground Vessel Permit Appeals Board meeting will be at 10am on Monday, December 7, 2009 at the LDWF offices on the UNO campus.