

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
FROM THE BIG GAME COMMERCIAL SERVICES BOARD**

IN THE MATTER OF:)
)
BYRON LAMB) OAH No. 07-0166-GUI
) Agency No. 1700-05-010
_____)

DECISION AND ORDER ON SUMMARY SUSPENSION

I. Introduction

This case involves a disciplinary action against Byron Lamb, a guide-outfitter licensed in Alaska. On March 15, 2007, the Division of Corporations, Business and Professional Licensing (Division) filed a Petition for Summary Suspension with the Alaska Big Game Commercial Services Board (Board), requesting summary suspension of Mr. Lamb's guiding license pursuant to AS 08.01.075(c). On March 20, 2007, the Board issued an order suspending Mr. Lamb's guide-outfitter license for 30 days pursuant to AS 08.54.710(i).

On March 27, 2007, Mr. Lamb appealed the suspension order and requested an expedited hearing, as provided in AS 08.54.710(i). The matter was referred to the Office of Administrative Hearings. The administrative law judge conducted an expedited hearing on April 2, 2007. In attendance were Mr. Lamb, Brian K. Howes, Senior Investigator for the Division, and Robert C. Auth, Assistant Attorney General. Mr. Lamb, Mr. Howes and Robert R. Fithian, Executive Director of the Alaska Professional Hunters' Association, presented testimony.

Based on the evidence in its entirety and after due consideration, the Board's March 20, 2007, Order Granting Petition for Summary Suspension is vacated. The Division did not meet its burden of proving by a preponderance of the evidence that Mr. Lamb constitutes a "clear and immediate danger to the public health and safety," such that his license should be summarily suspended. Mr. Lamb's guide-outfitter license is returned to active status subject to further proceedings in a hearing on the merits of the accusation for imposition of disciplinary sanctions filed by the Division. In the absence of further proceedings, Mr. Lamb's license remains active until it expires on December 31, 2007.

II. Factual Background¹

Edward Byron Lamb is a 38 year-old registered guide-outfitter in Alaska. He holds license no. 1010, which is set to expire of its own terms on December 31, 2007.² For ten years, Mr. Lamb has owned and operated a small family guide business in which his wife and former father-in-law participate as assistant guides.³ He has lived in Dillingham for 15 years and hunts exclusively in that area. His guiding business focuses primarily on bear and moose; they formerly guided caribou hunters but do not any longer because the herd has been depleted.⁴

On December 19, 2006, after a jury trial, Mr. Lamb was convicted in Dillingham Superior Court of eight counts of Assault in the 3rd degree, which are Class C felonies, and one count of Assault in the 4th degree, which is a Class A misdemeanor.⁵ The charges arose from a series of incidents that occurred on two days in September 2005 in which Mr. Lamb, with his airplane, dived at and chased several individuals on the ground and in another plane in the vicinity of his hunting camp near Dillingham.

The first incident occurred on September 4, 2005.⁶ During an overflight of their camp in the Kemuk Mountain area near Dillingham, Mr. Lamb and his hunting client, Jacob Ervin, discovered another hunting camp approximately 2 ½ miles away from theirs. While Mr. Ervin was still in the aircraft, Mr. Lamb flew over the separate camp and observed three individuals walking across an open meadow. Mr. Lamb flew so low over the three men that they had to “hit the deck” to avoid being hit. He chased the men into some nearby woods and then made several low passes over them, swearing at them and making rude gestures out of the airplane window as he went by.

The second incident, which is actually a series of related incidents, occurred on September 15, 2005. On that day, Douglas Brewer, owner of Alaska West Air, located in Kenai,

¹ The Division provided a copy of the agency record that is stamped with consecutive page numbers GUI001 through GUI057. This is the documentary record being relied upon in this decision; neither party filed any other documents.

² GUI006.

³ Testimony of Byron Lamb.

⁴ *Id.*

⁵ GUI043-GUI057.

⁶ GUI012 – GUI030. The facts stated herein are taken primarily from the narrative report found in the “Information,” a charging document signed by the prosecutor on February 6, 2006, and submitted to the grand jury. Mr. Lamb did not dispute the facts described in the Information.

was transferring clients and guide-outfitter Mike Mroczynski to and from a small staging lake near Mr. Lamb's hunting camp.⁷ During Mr. Brewer's operations, Mr. Lamb repeatedly flew tight circles over Mr. Brewer's floatplane and prevented him from taking off. After Mr. Brewer eventually took off, Mr. Lamb followed him at a distance of approximately 200 to 300 feet behind Mr. Brewer's airplane.⁸ On Mr. Brewer's last flight, he was shuttling a freight load without passengers to the larger staging lake. He discovered Mr. Lamb was flying so close behind him that he was frightened Mr. Lamb would hit him with his airplane, or shoot at him. This caused Mr. Brewer to land his airplane at cruise speed directly on the lake so as to avoid a collision with the other pilot.⁹

Mr. Brewer then refueled and headed for Kenai with a passenger, guide Todd Walter. Mr. Lamb chased them at a close distance and repeatedly harassed Mr. Brewer on the radio. At times Mr. Lamb flew so close to Mr. Brewer that the latter could not see the other aircraft. This incident caused Mr. Brewer to contact his chief pilot on their company channel and request assistance. The chief pilot radioed he would meet Mr. Brewer with a trooper or Park Service law enforcement, but Mr. Lamb broke off the pursuit.¹⁰

As a result of the above incidents, the prosecutor in Dillingham initially charged Mr. Lamb with 19 separate criminal offenses.¹¹ He was subsequently indicted by the grand jury on March 25, 2006, and went to trial in December 2006. Based on the incident of September 4, 2005, Mr. Lamb was convicted of four counts of assault in the 3rd degree: recklessly placing his own client, Jacob Ervin, and the three men on the ground, guide-outfitter Mike Mroczynski, and his clients, Thomas Gannon and Andrew Burish, in fear of imminent serious physical injury by means of a dangerous instrument, pursuant to AS 11.41.220(a)(1)(A).¹²

Based on the incidents that occurred on September 15, 2005, Mr. Lamb was convicted of another four counts of assault in the 3rd degree: recklessly placing Douglas Brewer (three

⁷ GUI022.

⁸ *Id.*

⁹ *Id.*

¹⁰ GUI023.

¹¹ GUI012-GUI029.

¹² Of the original 19 charges, Mr. Lamb was convicted of eight felony and one misdemeanor assault charges and acquitted of four misdemeanor assault charges. *Id.* The results of the remaining six charges, two for felony assault against other hunters and four game violations, are unknown. *See, for example*, GUI051 and GUI052, jury verdict forms for Counts IX and X, Assault in the 4th degree, which were inexplicably left blank.

counts) and Mike Mroczynski in fear of imminent serious physical injury by means of a dangerous instrument, pursuant to AS 11.41.220(a)(1)(A). Also based on the last incident, Mr. Lamb was convicted of one count of assault in the 4th degree: recklessly placing Todd Walter in fear of imminent serious physical injury. Mr. Lamb is scheduled to be sentenced on April 24, 2007, in Dillingham Superior Court.¹³

In 2006, Mr. Lamb voluntarily surrendered his pilot's license for a period of 6 months.¹⁴ Although there are no current FAA encumbrances on his pilot's license, Mr. Lamb remains under a court order not to operate an aircraft as a condition of his release in the criminal case.¹⁵

Mr. Lamb operated his guide-outfitter business during the 2006 season, spending a total of 100 days in the field actively guiding clients with the assistance of a local pilot he employed.¹⁶ There were no complaints filed about Mr. Lamb's behavior and no reports of problems.¹⁷

The Division contemplated, but did not pursue, a licensing action against Mr. Lamb in 2006, preferring instead to wait for the criminal trial to be completed.¹⁸ The Division suggested a summary suspension hearing in 2006 would have been lengthy because of the number of witnesses who would have been involved, so it chose to give Mr. Lamb the benefit of the doubt until after he was convicted.

While looking at Mr. Lamb's website in early 2007, the Division learned that Mr. Lamb was scheduled to participate in the spring 2007 bear hunt and provide guiding services to clients during from the end of March 2007 through early May 2007.¹⁹ The Division filed the summary suspension petition at the Board's regular March 2007 meeting "[t]o prevent any further assaults by [Mr.] Lamb during that hunt, and in order to protect the public health and safety"²⁰ The petition contained a copy of the Information and Indictment issued by the grand jury in his criminal case on March 25, 2006, and the jury verdict forms convicting him of eight counts of

¹³ Mr. Lamb had a spot-free record prior to 2005. Testimony of Byron Lamb.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Testimony of Byron Lamb.

¹⁷ *Id.*

¹⁸ Testimony of Brian K. Howes.

¹⁹ See affidavit of Brian Howes, GUI010.

²⁰ GUI008.

assault in the 3rd degree and one misdemeanor count of assault in the 4th degree. No other evidence or witness testimony was presented to the Board, which issued the summary suspension order on March 20, 2007.

Mr. Lamb appealed the summary suspension and the hearing was held on April 2, 2007. The Division presented two witnesses. Investigator Brian K. Howes testified as to the circumstances of the Division's investigation and the process of obtaining the initial summary suspension order. The other witness, Robert R. Fithian, is the Executive Director of the Alaska Professional Hunters' Association, and a registered guide-outfitter.²¹ Mr. Fithian stated that the State has not been able to fulfill its stewardship role regarding game resources or the industries that rely on those resources, such as guide-outfitters, and the result has been overcrowding and the problems seen in this case. Even so, Mr. Fithian maintained that Mr. Lamb's actions in September 2005 were "unusual, unethical and unprofessional," and constituted a "clear and immediate danger to the public health and safety" at that time. However, Mr. Fithian admitted he did not know that Mr. Lamb had spent over 100 days in the field during the 2006 season, with no reported problems, and as a result, he acknowledged it is possible Mr. Lamb does not pose a "clear and immediate danger to the public health and safety" at the present time.

III. Discussion

A. Legal Framework

1. Board authority and procedures

The Big Game Commercial Services Board has a broad range of enforcement options available under its statutes to discipline licensed guide-outfitters. Usually, disciplinary actions are initiated upon the filing of an "accusation" by the Division, after which the licensee may file

²¹ The Division retained Mr. Fithian as an expert witness in early 2006 regarding Mr. Lamb's case. Mr. Fithian reviewed the Division's file regarding Mr. Lamb and prepared a report in March 2006 stating, among other things, that "there has been a considerable failure in industry and wildlife stewardship that has divided user groups, created opportunity for conflicts in the field and contributed significantly to the problems and actions described within the documentation" he had reviewed. GUI032. Mr. Fithian noted that "[t]he proximity of the new camp established by Alaska West Air within a half mile of Mr. Lamb's historic camp, the cutting of a number of trees to establish float plane access to the new camp, the additional guide effort in the local area, transported drop off hunt activity versus guided hunt activity, [and] long term established service provider versus new service provider" were factors that added up to "significant impacts" on the atmosphere of the area and created "the window for failure of human ability to deal with them." *Id.* Mr. Fithian determined that although it appeared that Mr. Lamb had had a notably "substandard" season due to the injury of an assistant guide and other problems, none of these issues were related to the new camp established by Alaska West Air. GUI033. Mr. Fithian concluded, "I cannot find the latitude to suggest that [Mr. Lamb's] employees, clientele, the public, other commercial service providers or the State of Alaska would not be at serious risk without significant sanctioning of his guide-outfitting privileges." *Id.*

a notice of defense and request a hearing on the proposed discipline.²² The process may take several months to complete, during which time the licensee may continue to operate. In matters requiring urgent action, the Board is authorized to summarily suspend the license of a licensee, if the Board finds that the individual poses a "clear and immediate danger to the public health and safety."²³ Upon the licensee's request, a hearing must be provided within seven days.²⁴ Even if the Board orders summary suspension, the Division must file an accusation to initiate a regular enforcement action and obtain permanent revocation of the license.²⁵

At a hearing on summary suspension, the Division has the burden of proving, by a preponderance of the evidence, facts sufficient to support a finding of a clear and immediate danger to the public health and safety. After the hearing, the administrative law judge issues a proposed decision that is acted upon by the Board and becomes its final decision.²⁶ The Board must act on the proposed decision "within 45 days after the date the proposed decision is served or at the next regularly scheduled meeting that occurs at least 45 days after the proposed decision is served."²⁷ If the Board does not take action on the proposed decision within that period of time, the administrative law judge's proposed decision becomes the final agency decision by

²² AS 44.62.360; AS 44.62.390.

²³ AS 08.54.710(i). The statute appears to limit the suspension to 30 days. The Division stated in post-hearing briefing that it so construes the statute.

²⁴ *Id.* In this case, Mr. Lamb's remote location caused a delay in him receiving the suspension order, so he did not submit the request for a hearing until March 27, 2007. The parties did not object to the seven day period beginning as of that date. A hearing was held on April 2, 2007, six days after his request.

²⁵ *Id.* The Administrative Procedure Act (APA) specifies that a hearing in an enforcement action is initiated by the filing of an "accusation" against the respondent. The Division may rely on the petition for summary suspension as the "accusation" for purposes of a holding a summary suspension hearing if the document meets the standards for an accusation as set out in AS 44.62.360. *See, e.g., In re Cho*, Memorandum and Order on Motion to Dismiss Petition, at 2-3 (DCED No. 1200-98-002 *et al.*, December, 2001) (charging document in summary suspension case under AS 08.01.075(c) must comply with AS 44.62.360). The petition for summary suspension filed by the Division in this matter meets the requirements of AS 44.62.360. As to the underlying enforcement action, the Division indicated at the hearing that it had served an accusation on Mr. Lamb and he said he was preparing to submit a notice of defense and request for hearing.

²⁶ AS 44.64.060(e).

²⁷ *Id.*

operation of law.²⁸ To obtain further review, the Board's final decision must be appealed to the Superior Court.²⁹

2. Board must be consistent

The Board is required to be consistent in its decisions.³⁰ The Big Game Commercial Services Board was recently reconstituted in 2005.³¹ In this short period of time, there have not been any summary suspensions, nor have there been any disciplinary actions that have gone to hearing, only negotiated settlements. Thus, there are no "prior decisions" with which the Board must be consistent.

The criminal courts have imposed discipline on guide-outfitters. For example, in *Baum v. State*,³² a guide who had been convicted of possessing and transporting unlawfully taken game was prevented from applying for a guide license during the 10 year period of probation. In older cases, disciplinary action taken against guide licenses after convictions based on game statutes was upheld.³³

B. Analysis

The issue to be decided here is whether the immediate suspension of Mr. Lamb's license the Board issued on March 20, 2007, should remain in place or be vacated. If Mr. Lamb does constitute a "clear and immediate danger to the public health and safety," the summary suspension should be affirmed. If he does not, it should be vacated.

²⁸ AS 44.64.060(f).

²⁹ AS 08.54.710(i). A hearing on summary suspension is an interim hearing limited to the summary suspension, subject to review by petition to the superior court. *See Renwick v. State, Board of Marine Pilots*, 936 P.2d 526, 530 n. 5 (Alaska 1997). The hearing on summary suspension may be consolidated with the hearing on the accusation for imposition of a disciplinary sanction. In this case, consolidation of the issues was not ordered because Mr. Lamb expressly requested an expedited hearing on the summary suspension issues in an effort to reach resolution on the issues in time to salvage at least part of his spring bear hunt guiding season.

³⁰ AS 8.01.075(f).

³¹ AS 08.54.591.

³² 24 P.3d 577 (Alaska Ct. App. 2001).

³³ *See, Herscher v. State, Dept. of Commerce*, 568 P.2d 996 (Alaska 1977) (valid basis existed for Board of Fish and Game to revoke guide's license based on convictions for transferring a bear from an unregistered camp and for transporting a bear hide without the skull); *Alaska Board of Fish and Game v. Loesche*, 536 P.2d 1122 (Alaska 1975) (violations relating to the taking of game, which could have subjected guide to potential criminal penalties, was sufficient to support Board of Fish and Game's revocation of guide's license).

The Alaska Supreme Court has not defined the phrase “clear and immediate danger to the public health and safety.” Neither is the phrase defined in the statutes or regulations that apply to big game guides,³⁴ nor in the centralized licensing statutes.³⁵

In the context of a dentist’s license, the Division has interpreted the phrase “immediate danger” to mean that:

the dentist is presenting an immediate and clear danger of causing further irreparable harm to his or her patients as a result of the dentist’s incompetence or improper conduct. Thus, summary suspension should only be used when the board determines it is probable that unless the board suspends the dentist’s license immediate patient harm will occur.^[36]

Thus, a determination that Mr. Lamb poses a clear and immediate danger must contemplate the immediacy of that danger and the risk it will result in irreparable harm.

The Division, relying on the facts summarized in the narrative section of the charging documents in the criminal case, argues Mr. Lamb poses a clear and immediate danger to the public health and safety based on his eight felony (and one misdemeanor) convictions involving his own client, another guide-outfitter, the other guide’s clients and a pilot working with the other guide. The Division asserts the nature of Mr. Lamb’s actions was very serious and he has shown he cannot act in a civilized manner while out in the field. Further, the Division points out that Mr. Lamb has not shown any remorse or made any statement to the effect that he has changed his behavior, so as a result, he has not learned from his mistakes and his summary suspension should be affirmed by the Board.

Mr. Lamb argues he does not constitute a clear and immediate danger to the public health and safety because the conduct that resulted in his convictions occurred in September 2005, yet he operated as a guide-outfitter during all of the 2006 hunting season with no problems or complaints about his behavior. He asserts the Division could have moved to revoke his license at any time in 2006, so the summary suspension entered just before his 2007 spring bear hunt is an attempt to punish him rather than to prevent any harm to the public.

³⁴ See AS 08.54.790.

³⁵ See AS 08.01.110.

³⁶ Inf. Op. Att’y Gen. No. 663-93-0361 (September 21, 1993) (Felix, S., AAG).

Mr. Lamb has been convicted of eight felonies and one misdemeanor in a criminal action. Pursuant to the big game guide statutes, the convictions constitute grounds to deny Mr. Lamb renewal of his license under AS 08.54.605(a)(1)(B), which states a person may not receive or renew a license under AS 08.54 if he or she has been convicted of a felony “within the last five years.” Also, AS 8.54.605(a)(1)(C) states a person may not receive or renew a license under AS 08.54 if he or she has been convicted of a felony offense against a person “within the last 10 years.” Therefore, unless his convictions are overturned on appeal, Mr. Lamb will not be able to renew his guide-outfitter license for a period of 10 years after it expires on December 31, 2007.

The very limited and narrow question currently before the Board in this summary suspension action is whether, given all the evidence in the documentary record and the hearing testimony, the Division has proven by a preponderance of the evidence that Mr. Lamb constitutes a “clear and immediate danger to the public health and safety” at the present time. The issue is not whether Mr. Lamb should be punished for his actions, which is the court’s responsibility in the criminal action, nor whether his license should be revoked, which will be decided by the Board after a hearing on the merits of the accusation.

Mr. Lamb operated as a guide-outfitter for the entire 2006 season, spending at least 100 days in the field. He had no reported problems with any clients or other guides or hunters, nor any complaints about his behavior. Mr. Lamb apparently has a trouble-free history operating as a guide, as there also is no evidence in the record of any problems or complaints about him prior to the events of 2005. This suggests Mr. Lamb’s actions in 2005 constituted a solitary and impulsive, although poorly-conceived, attempt to scare off interlopers rather than a pattern of behavior from someone who is prone to such behavior on a regular basis.

Mr. Lamb committed all of the acts for which he was convicted while flying his airplane. Sometime prior to his summary suspension he voluntarily surrendered his pilot’s license for a period of six months and that time period has been completed. Mr. Lamb is no longer under FAA sanctions against his license, but he remains under court order not to fly an airplane as a condition of his release pending sentencing, and, if he files an appeal, that condition would remain intact until the appeals court issued its decision.³⁷ Mr. Lamb’s guiding activities are currently limited to operating snow machines or hiring a local pilot, both of which he has done

before. Since he cannot operate an aircraft at this time, there is little risk that Mr. Lamb would engage in conduct similar to the actions that resulted in his convictions, because they all involved the use of an airplane.

The Division contemplated pursuing disciplinary sanctions against Mr. Lamb in 2006, but chose to wait until the trial in his criminal case. The Division explained it sought summary suspension of Mr. Lamb's guide-outfitter license prior to his spring 2007 bear hunt, which was his first opportunity to work as a guide after his felony convictions. The Division said it did not seek summary suspension of Mr. Lamb's license prior to the spring hunting season because the 30-day suspension would have expired before the bear hunt began.

The practical effect of the Division's choice not to pursue any sanctions, temporary or permanent, against Mr. Lamb's guide-outfitter license until after his trial was concluded is that he was free to operate as a guide during the entire 2006 season. This effectively defeats the Division's argument that Mr. Lamb is a "clear and immediate danger to the public health and safety" in March and April of 2007. Eighteen months have passed since Mr. Lamb's conduct in September 2005, and, significantly, he worked as a guide during much of that time. The purpose of a summary proceeding is to provide the State a mechanism with which to take immediate action to suspend a professional's activities while the underlying licensing action is being initiated. Using the language from the dentist case, discussed above, the Division must be able to show that "it is probable that unless the board suspends the [guide's] license immediate . . . harm will occur."³⁸ There has been no showing of a danger of an imminent threat to the public in this case.

The fact that Mr. Lamb was convicted in December 2006 did not instantly make Mr. Lamb a clear and immediate danger to the public health and safety. Any clear and immediate danger Mr. Lamb presented would have arisen as a result of his actions in 2005. Notably, the Division's expert, master guide-outfitter Robert Fithian, concluded in early 2006 that Mr. Lamb constituted a serious risk to others at that time, but his opinion wavered at the hearing. Mr. Fithian stated that given Mr. Lamb's 2006 operations, he could not state with certainty that Mr. Lamb currently constitutes a clear and immediate danger to the public health and safety.

³⁷ The court in his criminal case may subject Mr. Lamb to additional restrictions on operating aircraft, but that won't be known until his sentencing on April 24, 2007.

³⁸ Inf. Op. Att'y Gen. No. 663-93-0361 at 3.

IV. Conclusion

The Division did not meet its burden of proving by a preponderance of the evidence that Mr. Lamb constitutes a "clear and immediate danger to the public health and safety," such that his license should be summarily suspended. Therefore, the Board's March 20, 2007, Order Granting Petition for Summary Suspension should be vacated. Mr. Lamb's guide-outfitter license should be returned to active status subject to further proceedings on the merits of the accusation for imposition of disciplinary sanctions filed by the Division. In the absence of further proceedings, Mr. Lamb's license remains active until it expires on December 31, 2007.

V. Order

The Board's March 20, 2007, Order Granting Petition for Summary Suspension is vacated. Mr. Lamb's guide-outfitter license is returned to active status subject to further proceedings on the merits of the accusation for imposition of disciplinary sanctions filed by the Division. In the absence of further proceedings, Mr. Lamb's license remains active until it expires on December 31, 2007.

DATED this 18th of April, 2007.

By: Signed
Kay L. Howard
Administrative Law Judge

Non-Adoption Options

1. The undersigned, in accordance with AS 44.64.060, declines to adopt this Decision and Order, and instead orders under AS 44.64.060(e)(2) that the case be returned to the administrative law judge to

take additional evidence about _____;

make additional findings about _____;

conduct the following specific proceedings: _____.

DATED this _____ day of _____, 2007.

By: _____

Signature

Name

Title

2. The undersigned, in accordance with AS 44.64.060 (e)(3), revises the enforcement action, determination of best interest, order, award, remedy, sanction, penalty, or other disposition of the case as follows:

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 25.27.210 within 30 days after the date of this decision.

DATED this _____ day of _____, 2007.

By: _____

Signature

Name

Title

3. The undersigned, in accordance with AS 44.64.060(e)(4), rejects, modifies or amends one or more factual findings as follows, based on the specific evidence in the record described below:

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 25.27.210 within 30 days after the date of this decision.

DATED this _____ day of _____, 2007.

By: _____
Signature

Name

Title

4. The undersigned, in accordance with AS 44.64.060(e)(5), rejects, modifies or amends the interpretation or application of a statute or regulation in the decision as follows and for these reasons:

The Board hereby rejects the ALJ's interpretation of the summary suspension statute and finds that Lamb's felony assault convictions involving his own client, another guide-outfitter, that guide-outfitter's clients, and a pilot working for that guide-outfitter, along with Division expert Robert Fithian's testimony, demonstrate that Lamb poses a clear and immediate danger to the public health and safety pursuant to AS 08.54.710(i). The Board affirms our previous order of Summary Suspension of March 20, 2007. Further, the Board adopts the introduction (except for the last paragraph), factual background and the legal framework sections of the Proposed Decision.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 25.27.210 within 30 days after the date of this decision.

DATED this 1st day of June, 2007.

By: Signed _____
Signature
Paul V. Johnson _____
Name
BGCSB Chairperson _____
Title

[This document has been modified to conform to technical standards for publication.]