

**A CONTESTED MATTER BEFORE THE DIRECTOR  
OF THE IDAHO STATE POLICE**

RONALD ABRAHAM, Licensee,  
d.b.a., SPORTSMAN CLUB,  
  
Applicant/Petitioner,  
  
vs.  
  
IDAHO STATE POLICE,  
ALCOHOL BEVERAGE CONTROL,  
  
Agency/Respondent.

CASE NO. 10-ABC002  
  
**DIRECTOR'S FINAL ORDER**



This matter is before the Director of the Idaho State Police on review of the Findings of Fact, Conclusions of Law and Preliminary Order (hereafter, "Preliminary Order") entered by the duly appointed Hearing Officer on December 29, 2010. The parties have been given an opportunity to submit briefing to the Director on all disputed issues and the Director has reviewed the contested case record filed in this matter. In accordance with the contested case provisions of title 67, chapter 52, Idaho Code, and IDAPA 04.11.01, the Director hereby enters this Final Order.

**I.  
INTRODUCTION**

Applicant/Petitioner, Ronald Abraham, dba Sportsman Club (hereafter "Abraham"), had been for several years the holder of a liquor license issued by Agency/Respondent, Idaho State Police, Alcohol Beverage Control (hereafter "ABC"). Liquor licenses are required to be renewed annually in accordance with a schedule for Idaho counties. Abraham's license was scheduled to expire at the end of November each year, subject to a statutory "grace period" of an additional thirty-one (31) days.

This case concerns whether Abraham renewed his liquor license for his assigned 2010 renewal year (December 1, 2009 - November 30, 2010). Abraham claims he renewed his license in a timely fashion; ABC claims that no completed application form was received prior to expiration of the grace period and, therefore, the license expired by operation of law and could not be renewed.

On or about April 12, 2010, Abraham filed a pleading requesting renewal of the license. The matter was assigned to Edward C. Lockwood, a duly appointed Hearing Officer.

Both parties moved for summary judgment before the Hearing Officer. On or about December 29, 2010, the Hearing Officer entered his Preliminary Order concluding that as a matter of law ABC was entitled to summary judgment. From this Order, Abraham filed a timely Petition, pursuant to Idaho Code § 67-5245, requesting that the Director review and reverse the Hearing Officer's decision.

Except as expressly modified below, the Hearing Officer's Findings of Fact, Conclusions of Law and Preliminary Order granting ABC summary judgment is adopted and incorporated herein in full.

## II. ISSUES

In his "Appeal Taking Exception to Preliminary Order," filed on or about February 16, 2011, Abraham does not state the grounds or basis for his appeal.<sup>1</sup> However, in a "Memorandum in Support of Appeal" (hereafter "Abraham's Brief"), filed on or about April 1, 2011, Abraham lists three (3) issues on appeal:

---

<sup>1</sup> Abraham's pleading is not in complete compliance with the Idaho Administrative Procedures Act. Idaho Code § 67-5245(4) states that, "The basis for review [of a Hearing Officer's Preliminary Order] must be stated on the petition." (Emphasis added.) No objection having been lodged by ABC and there appearing no prejudice from this technical non-compliance, Abraham's failure to follow the literal requirement of the statute is not significant or at issue in the Director's review.

1. The Alcohol Bureau failed to comply with the Administrative Procedures Act's requirements for rulemaking.
2. The Alcohol Bureau acted in excess of its statutory authority.
3. The Alcohol Bureau's failure to renew the license was arbitrary and capricious.

Each of these issues was raised by Abraham before the Hearing Officer. However, when the Hearing Officer granted ABC summary judgment based on a finding that Abraham had not filed a timely renewal application, he concluded that these issues were moot and therefore did not need to be addressed. Preliminary Order, p. 10. Because the issues were raised below and have been extensively briefed by both parties on this review, the Director will address them in this Final Order.

While not listed as a separate issue on appeal, Abraham does argue in his briefing that the Hearing Officer erred in awarding summary judgment to ABC because he claims there were disputed issues of material fact that needed to be resolved at evidentiary hearing. Whether or not summary judgment was available and properly granted does appear to be the threshold issue and will be discussed first.

### III. STANDARDS APPLICABLE FOR SUMMARY JUDGMENT

Summary judgment is proper "if the pleadings, depositions, and admissions on file, together with the affidavits, if any, show there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Rule 56(c), I.R.C.P.; *Cristo Viene Pentecostal Church v. Paz*, 144 Idaho 304, 160 P.3d 743 (2007).

In this case both parties moved for summary judgment and the trier of fact was the Hearing Officer, not a jury. In such circumstances, summary judgment can be awarded, even though there are conflicting inferences from the evidence, assuming the

parties move for summary judgment on the same evidentiary facts, and the same legal theories and issues. *AID Ins. Co. (Mut.) v. Armstrong*, 119 Idaho 897, 811 P.2d 507 (1991). Where the evidentiary facts are not disputed and the trial court, rather than a jury, will be the trier of fact, summary judgment is appropriate despite conflicting inferences because the court alone will be responsible for resolving the conflict between the inferences. *Riverside Dev. Co. v. Ritchie*, 103 Idaho 515, 650 P.2d 657 (1982). However, the mere fact that both parties move for summary judgment does not demonstrate that there is no disputed material issue of fact. *Currie v. Walkinshaw*, 113 Idaho 586, 746 P.2d 1045 (1987). When the judge is the trier of fact, although he can draw those inferences he deems most probable from undisputed facts, on a summary judgment motion he is required to view conflicting evidence in favor of the losing party. *Argyle v. Slemaker*, 107 Idaho 668, 691 P.2d 1283 (1984).

#### IV. DISCUSSION AND ANALYSIS

##### A. Summary Judgment Was Properly Granted Since There Are No Disputed Issues of "Material" Fact.

The Hearing Officer correctly and thoroughly articulated the "Uncontroverted Facts." Preliminary Order, pp. 4-5. The Hearing Officer also correctly articulated the "Disputed Allegations." Preliminary Order, pp. 5-6. The propriety of resolving this case on summary judgment turns upon whether any of those "disputed allegations" are genuine issues of material fact.

Construing the facts in the light most favorable to Abraham and drawing those inferences that are most probable from those facts (*Argyle*), yields the following:

On or about September 1, 2009, ABC license renewal applications begin requiring licensees to supply their "Idaho Seller's Permit Number" issued by the Idaho

State Tax Commission. Unless renewed, Abraham's liquor license was scheduled to expire on November 30, 2009. Idaho Code § 23-908(1) gave Abraham a thirty-one (31) day "grace period" (that is, until December 31, 2009) to file a late application.

Abraham was mailed his liquor license renewal application packet in early October 2009. The application included an affidavit section where Abraham was to state, under oath and penalty of perjury, that the responses given and the information supplied were true and correct. Abraham partially completed the application and mailed it, along with his renewal fee, to ABC on or about October 19, 2009. Missing from the application was the Idaho Seller's Permit Number and some personal information Abraham was required to supply concerning himself and his wife.

On or about October 26, 2009, the application and fee were returned to Abraham as incomplete.

On November 23, 2009, Abraham and his wife flew to Boise with the stated purpose of submitting a new or amended application. According to Abraham, upon being notified by ABC personnel that Idaho Seller's Permit Numbers were issued by the Idaho Tax Commission, Abraham went to the Commission and applied for a number. Abraham further testified that he then went back to ABC, argued with a clerk about his application, but finally prevailed upon her to accept a renewal check and a copy of his previous application with the word "Pending" written in the space reserved for disclosing his Idaho Seller's Permit Number.

There is no dispute that Abraham was issued an Idaho Seller's Permit Number by the Tax Commission on December 10, 2009. See Exhibit 8 to Abraham's Deposition. While Abraham initially claimed that he phoned ABC and spoke with and conveyed the Seller's Permit Number to an ABC employee on or about December 14,

2009, the parties stipulated to the authenticity of ABC's phone records showing that the only phone call received from Abraham on that date went to ISP's voicemail system.

ABC witnesses all testified that none of them accepted a second application from Abraham. These witnesses, without exception, further testified that they would not and could not accept an application without the required Idaho Seller's Permit Number nor would they accept any oral information over the phone to supplement or amend a written renewal application. ABC witnesses further testified that the last they saw of the original renewal application and renewal fee were when they were returned to Abraham around October 26, 2009. ABC has no record of Abraham's renewal application—original or otherwise—on file in its offices.

Abraham acknowledges that the second renewal fee he says he submitted to ABC has never been cashed.

In granting summary judgment to ABC, the Hearing Officer stated: "Given the totality of the evidence presented by the parties and the reasonable inferences that can be drawn from that evidence, the hearing officer must conclude that Abraham did not file a renewal application before the license expired by operation of law on December 31, 2009." Preliminary Order, p. 10.

It is entirely understandable how the Hearing Officer could reasonably conclude that Abraham failed to file a renewal application subsequent to the rejected incomplete application returned to him on October 26, 2009. As mentioned, without exception the evidence presented by ABC demonstrates that it is ABC policy not to accept incomplete applications; the witnesses uniformly testified that they did not accept any application from Abraham; Abraham submitted different versions of the identity of the ABC person he claims accepted his application on November 24, 2009; Abraham's testimony

regarding speaking to an ABC representative on December 14, 2009 was discredited by ABC phone records; the renewal fee check Abraham claims he submitted was never cashed by ABC; and, it is extremely unlikely that a misfiled application would not have surfaced and been discovered because Boundary County licensing files had been handled several times since Abraham claims he filed his renewal papers.

However, notwithstanding how “far-fetched” or improbable Abraham’s version of the facts appear to be, Abraham’s testimony is sufficient to create a genuine issue of fact regarding whether he submitted a renewal application on November 24, 2009.<sup>2</sup> Therefore, the question becomes: Assuming Abraham submitted another application on November 24, 2009, is this fact “material,” thereby precluding summary judgment?

According to Abraham, after applying for an Idaho Seller’s Permit Number from the Tax Commission, he wrote “Pending” on the application line for the Permit Number and convinced an ABC employee to accept the form. He then phoned-in the Permit Number within the grace period.

First, it is significant that Abraham does not claim that ABC “approved” his renewal application. Rather, he claims that after arguing with an ABC clerk, she “accepted” his application. Abraham’s Brief, p. 6. While it is strongly contested by ABC witnesses that any ABC employee accepted his application, even if one had, accepting an application to diffuse an argumentative and volatile situation is not the same as approving an application. There is no evidence that ABC approved any application.

---

<sup>2</sup> A mere scintilla of evidence is not sufficient to create a genuine issue of fact. *Edwards v. Conchemco Inc.*, 111 Idaho 851, 727 P.2d 1279 (1986). Creating a slight doubt as to the facts will not defeat a summary judgment motion; summary judgment is warranted whenever reasonable minds can not disagree as to the facts. *Snake River Equip. Co. v. Christensen*, 107 Idaho 541, 691 P.2d 787 (1984). This case may call into play these legal principles; however, it is unclear whether the Hearing Officer relied upon this case law in granting summary judgment. Therefore, for purposes of discussion, we will assume there does exist a genuine factual dispute on this issue. However, though “genuine” it also needs to be “material.”

Second, even giving Abraham the benefit of the doubt and accepting his testimony, he has failed to show that he submitted a completed written application to ABC within the requisite time-frame for renewal. Although writing "Pending" on the form might have been a truthful answer at the time it was given, it was not a sufficient, complete answer. ABC was asking for and entitled to know Abraham's Idaho Seller's Permit Number. That he did not have one was not ABC's problem—it was Abraham's.

Finally, Abraham's subjective belief or desire that leaving a verbal message on a voicemail system is adequate to modify or complete an insufficient written renewal application does not change the undisputed fact that ABC policy and procedure is to not accept oral amendments to applications.

Applications are submitted under oath; and for good reason. This requirement assures that applicants take seriously their obligation to submit complete and accurate information. Upon executing an affidavit of authenticity and compliance, that particular application cannot be amended. To supplement, correct, delete or otherwise change any information contained on a filed application, a licensee would need to supplant the filed application with a new renewal application, signed under oath attesting to the changed information. No one claims that happened here. ABC's testimony on this point is clear and unrefuted. As such, whether Abraham wants to acknowledge it or not, the evidence in the record establishes that he failed to submit a completed written application as required to renew his liquor license.

It was Abraham's responsibility and burden to submit a completed written application in a timely fashion. Even giving Abraham the benefit of the doubt the he submitted another written application on November 24, 2009, that fact, in and of itself, is not "material" since by Abraham's own admission the application did not contain an



Idaho Seller's Permit Number and therefore was not "complete." Because no complete written renewal application was received by ABC prior to the end of the grace period, it was appropriate to grant ABC summary judgment.

**B. ABC Was Not Required to Promulgate Rulemaking in Order to Require Licensees to Disclose Their Idaho Sellers Permit Number on the Renewal Application Form.**

Abraham argues that ABC could not require him to produce an Idaho Seller's Permit Number absent formal rulemaking under the Idaho Administrative Procedures Act. His argument lacks merit.

ABC correctly points out that the Director's authority to "promulgate" rules and his authority to "prescribe" forms pertaining to the sale of liquor by the drink, although found in the same statute, are distinct and separate.<sup>3</sup> In relevant part, the statute provides:

For the purpose of the administration of this act the director shall make, promulgate and publish such rules and regulations as the said director may deem necessary for carrying out the provisions of this act and for the orderly and efficient administration hereof, . . . Every licensee shall advise himself of such rules and regulations, and ignorance thereof shall be no defense. Without limiting the generality of the foregoing provisions, the said director shall be empowered and it is made his duty to prescribe forms to be used in the administration of this act, the proof to be furnished and the conditions to be observed in the issuance of licenses, . . . prescribing, subject to the provisions of this act, the conditions and qualifications necessary to obtain a license . . . .

Idaho Code § 23-932 (emphasis added).

There can be no question that ABC has the statutory authority to prescribe application forms requiring the disclosure of relevant information for purposes of

---

<sup>3</sup> ABC also cites to Idaho Code § 23-1010. In relevant part, that statute grants the Director authority to prescribe application forms for beer licenses. While a liquor licensee must also hold a retail beer license (Idaho Code § 23-910(5)), ABC has not charged Abraham with any violation pertaining to his application for or obtaining of his beer license. Therefore, Idaho Code § 23-1010 does not appear to apply in this case.

determining eligibility for a liquor license.<sup>4</sup> Notwithstanding this authority, Abraham argues that requiring a licensee to obtain and reveal his Idaho Seller's Permit Number on the application constitutes policymaking or imposing substantive obligations which can only be done by rulemaking.

ABC is not requiring a licensee to obtain an Idaho Seller's Permit Number. That obligation is imposed by the Tax Commission. IDAPA 35.01.02.070.01 mandates that all retailers and others required to collect sales tax obtain a Seller's Permit Number before they can do business in Idaho. Abraham does not argue that he is exempt from this Tax Commission requirement and, indeed, he is not. Therefore, contrary to Abraham's claim, ABC is not attempting to require some new, substantive obligation or policy on licensees. That obligation and policy was already formulated and in existence. ABC is simply requesting that Abraham, and all licensees, disclose the permit number they are already required to have under other state law prior to conducting business in Idaho.<sup>5</sup>

Obviously, ABC could not require a licensee to disclose irrelevant or immaterial information. Nor could it require information that conflicted with or clearly exceeded its statutory grant of authority. Requiring a licensee to post a million dollar bond in connection with a renewal application or to maintain a Boise office and give the address of that office on the application form would be examples of substantive requirements not authorized by existing Idaho law. However, here ABC has made a determination that requiring the disclosure of a Seller's Permit Number—a number Abraham should

---

<sup>4</sup> The statutes speak to the Director having the authority. Under IDAPA 11.05.01.011.02, the Director has delegated to ABC the authority to issue liquor licenses.

<sup>5</sup> The record indicates that Abraham was not in compliance with the Tax Commission rule for several years. However, whether or not this apparent violation is cause for additional sanction or penalty is not within the jurisdiction or purview of ABC.

already possess under the law—helps ABC establish that a licensee is properly authorized and licensed to do business in the State of Idaho for purposes of obtaining or retaining a liquor license. This is a legitimate state purpose and does not require rulemaking.

**C. ABC Did Not Exceed Its Statutory Authority.**

Abraham argues that ABC does not have the statutory authority to either: (1) ensure that liquor licensees are qualified to do business in Idaho, or (2) enforce the laws of the Idaho Tax Commission. Abraham's Brief, p. 14.

First, to argue that ABC has no ability to inquire whether a person is qualified to do business in Idaho prior to issuing or renewing a license flies in the face of both common sense and statutory provisions. As discussed earlier in this decision, pursuant to Idaho Code § 23-932, ABC has the authority to request on the application form information relevant and material to an applicant's qualifications for licensure. Furthermore, Idaho Code § 23-905 requires that prior to issuance of a license, an applicant must provide the Director (ABC) "such information and statements relative to the applicant and the premises where the liquor is to be sold as may be required by the director." Information expressly required by this statute includes a copy of the articles of incorporation and bylaws or articles of partnership. Idaho Code § 23-905(5). Obviously, this particular information is relevant to whether an applicant (or licensee) is qualified to do business in the State of Idaho.

Interestingly, the statute addressing expiration and renewal of a liquor license (Idaho Code § 23-908) does not specifically discuss what information is required on a license renewal application. However, an existing licensee submitting a renewal application is requesting the extension of his license for another year. In this context, it

is entirely reasonable and appropriate to construe the relevant provisions found at Idaho Code § 23-905 to apply to renewal applications. Information the Director deems relevant and required for an initial licensing decision could easily be just as relevant and required for a renewal application decision. Construing the statutes any other way would eviscerate the Director's authority to require information on a renewal application, would produce an absurd and incongruent result, and could potentially jeopardize public safety. *See also Vickers v. Lowe*, 150 Idaho 439, 247 P.3d 666 (2011) (State agencies have implied or incidental powers that are reasonably necessary to carry out their express powers).

Second, Abraham's contention that it is inappropriate for ABC to enforce a Tax Commission rule is misplaced and does not square with the applicable statute.

Idaho Code § 23-933(1) authorizes the Director to suspend, revoke, or refuse to renew a liquor license where there has been a violation of title 23, chapter 9, Idaho Code, or a rule of the Director or the Tax Commission promulgated pursuant to the terms of the chapter. This statute clearly grants the Director the authority to deny renewal of a license when an applicable Tax Commission rule impacting the liquor license statutes and rules has been violated. There is no question that Abraham violated the Tax Commission rule requiring an Idaho Seller's Permit Number and this violation impacted the liquor license statutes since ABC was requiring this information in processing applications. Although the Director possessed this disciplinary authority, this case never rose to the level of suspension, revocation, or denial of the license because the license expired by operation of law when Abraham failed to provide the requisite information.

**D. ABC Was Not Arbitrary and Capricious.**

Abraham's final argument in his brief on review to the Director is that ABC's conduct was arbitrary and capricious. The argument raises several sub-issues.

First, Abraham contends that there was no way he could know of the requirement to provide an Idaho Seller's Permit Number prior to receiving his renewal packet some two (2) months before his license expiration date. Abraham argues that this was insufficient notice for him to obtain a permit number and that the instructions given were misleading.

Regarding insufficient notice, this assertion is disingenuous because Abraham should have already possessed a Seller's Permit Number if he had been complying with Idaho law. This Tax Commission requirement had been in existence for several years and, absent Abraham's noncompliance, it should have been a routine matter of simply supplying his existing permit number on the application form. Abraham's failure to have a permit number was not due to any fault on the part of ABC, but rather was caused by his own negligent behavior in not securing a Seller's Permit much earlier. And, even after being notified of this requirement and receiving back from ABC his rejected application on or about October 26, 2009, Abraham apparently did absolutely nothing to secure a Seller's Permit Number for almost one month. When Abraham did obtain a permit number from the Tax Commission on December 10, 2009, he had plenty of time to submit a new renewal application form, providing the missing information, to ABC before the end of the grace-period on December 31, 2009. Instead, Abraham phoned ABC and, at most, left the number on a voicemail system. Any tardiness was the result of Abraham's own misconduct, not anything ABC did or did not do. Finally, because

Abraham was already required to hold an Idaho Seller's Permit Number, his claim that he didn't know what the number was or where he could obtain one lacks credibility.

Abraham also claims he was misled by the application instructions because they stated that failure to supply the requested information would result in delay in issuance of the license—not loss of the license. Failure to pay the renewal fee or provide your name or social security number will also delay issuance of a license. However, continued negligence and dilatory conduct in supplying any and all requested materials and information prior to the expiration date (extended through the grace-period) will ultimately result in expiration of the license. This is not only common-sense but mandated by Idaho Code § 23-908(1), and ignorance of these deadlines is no defense. See Idaho Code § 23-932.

Abraham next claims that he has supplied incomplete renewal applications in the past without suffering any negative consequences. This is a poor argument.

There is evidence in the record that on at least one such occasion, ABC required Abraham to supply the missing information on the incomplete application form. As to the other applications, just because ABC apparently waived absolute compliance in the past does not mean it is prevented from requiring complete applications in the present, or future. Despite Abraham's claim to the contrary, there is no showing on this record that ABC's conduct in the past established some sort of expectation on Abraham's part that he could routinely ignore application questions and has now somehow detrimentally relied on a pattern and practice by ABC.

Next, Abraham argues that Idaho Code § 23-933(1) requires due process and notice when the Director decides to refuse to renew a license. His assertion is correct, but misguided.

An agency cannot refuse to renew a license of a continuing nature when the licensee “has made timely and sufficient application for renewal,” unless the licensee is given notice and an opportunity for a contested case proceeding under the Idaho Administrative Procedures Act. See Idaho Code § 67-5254(1). Here, Abraham failed to submit either a timely or a sufficient application for renewal. Therefore, a contested case hearing was not required.<sup>6</sup> Furthermore, the Director did not take action to refuse to continue Abraham’s license. Rather, his license expired by operation of law pursuant to Idaho Code § 23-908(1), without any affirmative action by the Director.

Finally, to the extent that Abraham argues that ABC’s failure to renew his license after December 31, 2009 was an arbitrary and capricious action, the argument lacks merit. This argument is essentially an abuse of discretion claim. While no appellate court decision on point has been located, at least two (2) Idaho district court judges have ruled that the Director (ABC) has no discretion to renew a liquor license after the thirty-one (31)-day grace period, and, therefore, the decision not to renew cannot be arbitrary and capricious. See *Cheerleaders Sports Bar & Grill, Inc. v. State of Idaho, Dep’t of Idaho State Police*, Case No. CV-OC0814425 (Fourth Dist., November 13, 2009, Judge Sticklen presiding) and *Sagebrush Inn, Inc. v. Idaho State Police, Bureau of Alcohol Beverage Control*, Case No. CV2011-0000053 (Fifth Dist., May 10, 2011, Judge Butler presiding).<sup>7</sup>

For the foregoing reasons, there was nothing arbitrary or capricious about any action or inaction taken by ABC in this case.

---

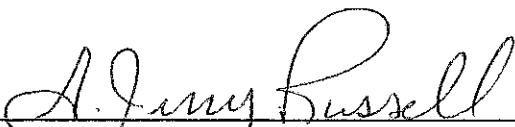
<sup>6</sup> Obviously, Abraham did receive notice and due process in this case. Although this occurred post-expiration of his license, because he did not submit a timely and sufficient renewal application he was not entitled to pre-expiration notice and continuation of the license pending ultimate resolution of the case. See Idaho Code § 67-5254(2).

<sup>7</sup> The *Cheerleaders* case is part of the record presented to the Hearing Officer. The *Sagebrush* decision was entered after this review to the Director was commenced and became part of the record pursuant to motion for official notice filed by ABC and granted by the Director on June 3, 2011.

**V.  
CONCLUSION**

In accordance with the above, the Hearing Officer's December 29, 2010 Preliminary Order, as modified herein, is affirmed. Each party shall bear its own costs and attorney fees.

Dated this 17 day of June 2011.

  
\_\_\_\_\_  
Colonel G. Jerry Russell  
Director, Idaho State Police

**DUE PROCESS AND APPEAL RIGHTS**

This is a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal this final order to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure



within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17<sup>th</sup> day of June 2011, I caused to be served, a true and correct copy of the foregoing **DIRECTOR'S FINAL ORDER** in the above-referenced matter on the following individuals by the method indicated below:

Stephanie A. Altig  
Lead Deputy Attorney General  
Idaho State Police  
700 S. Stratford Dr  
Meridian, ID 83642-6202  
[stephanie.altig@ag.idaho.gov](mailto:stephanie.altig@ag.idaho.gov)

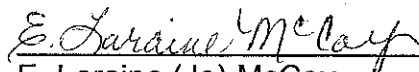
certified mail  
 first class mail  
 hand delivery  
 via facsimile  
 Statehouse mail  
 Email

Daniel Sheckler  
Attorney at Law  
Owens & Crandall, PLLC  
8596 N. Wayne Dr., Suite A  
Hayden, ID 83835  
[ds@sandpointlegal.com](mailto:ds@sandpointlegal.com)

certified mail  
 first class mail  
 via facsimile  
(208) 667-1939  
 Email

Roger L. Gabel  
Deputy Attorney General  
Office of the Attorney General  
Contracts & Administrative Law Division  
954 W. Jefferson, 2<sup>nd</sup> Floor  
Boise, ID 83720-0010  
[roger.gabel@ag.idaho.gov](mailto:roger.gabel@ag.idaho.gov)

certified mail  
 first class mail  
 hand delivery  
 via facsimile  
 Statehouse mail  
 Email

  
\_\_\_\_\_  
E. Laraine (Jo) McCoy  
Administrative Assistant 2