

KENTUCKIANA

HUNTER



KENTUCKIANA CHAPTER - SAFARI CLUB INTERNATIONAL

SECOND QUARTER 2020

Peyton Whitworth 2020 Sam Monarch Scholarship Award Winner



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Visit: kentuckianasci.com & kysci-lac.com

President's Message

By Larry Richards, Chapter President
Phone: (502) 727-7700



Larry's Colorado River Cutthroat

Welcome to my house! Hopefully, I get to say those words again very soon! This isolation is getting on my nerves! I been doing some fishing at Cumberland and on the Colorado River and have made a couple unproductive White Bass trips to my old favorite, Dix River but that run has not occurred as of today, 10 April. I'm going to keep at it, as I hope you are all finding ways to get out in the woods

or on the water to rejuvenate yourselves. There are only so many guns to clean and knives to sharpen and my honey-do list is really getting a work out.

As you will read in this newsletter, your Legislative Action Committee, Ivan Schell, Mike Abell and myself, working in concert with the **League of Kentucky Sportsmen**, have been trying to put the legal apple cart right side up once again. It seems as if politicians and diapers have a lot in common these days. This latest round is just Round 1 in the ongoing struggle to put the sportsmen and women of the state back in rightful charge of the **Kentucky Department of Fish and Wildlife**. There will be lots of follow on and fallout after the dust settles, but be assured, we are in this to win it.

On a much happier note, our February fundraiser was a **RE-SOUNDING SUCCESS!!** Congratulations to all who participated and were there in person and online! We again had a marvelously fun filled evening being ourselves and doing what we do best: being First for Hunters!

Great hunts and a multitude of wonderful other live and silent auction items were won and funds were raised to carry on the programs we have founded, fostered and nourished these past 25 years and it looks like we are good to go for another 25 years! Congratulations and kudos to the Board of Directors whose hard work and experience put all this together. It takes the whole village to put this event on folks and we encourage everyone to step up and help make it even better next year with your suggestions, comments and help.

Our 2020 **Sam Monarch Memorial Scholarship** went to Peyton Whitworth. She has certainly become one of our shining stars! We look forward to her leadership one day in the chapter!

Thanks must again be heartily given to Elizabeth Monarch and Lonnie Gann for their gracious donation of their time and experience in once again being the "Best Auctioneers in the World!" There is no way we could have done this well without them at the helm.

Please be reminded and encouraged to put some thought into our upcoming elections this summer. I am "termed out" as it were and will not be eligible for another term at this time. It has been one of my greatest honors to have been able to lead this wonderful organization for the past few years and I have thoroughly enjoyed the opportunity to give back in some small way to you guys. Please consider helping us with your participation in the process if you can serve on the board, or want to take a leadership role with us, please step up and volunteer. It is one of the most rewarding things you can do to further our aims and goals and immensely satisfying personally when you do.

Mallory and I are looking forward to the IbeX hunt I won at the Fundraiser, and I hope you are looking at this fall with that kind of excitement in mind! Please get out there and have FUN! We've earned it!

About The Cover

The cover photo is of this year's **Sam Monarch Memorial Scholarship** winner, Peyton Jewell Whitworth, who is an avid hunter. Each year, members of the Breckinridge County High School Senior Class select one photo that best represents them to be featured as their "Senior Photo" and Peyton proudly chose this hunting scene!

The photo to the right, taken in 2017, is of Peyton and Sam Monarch who was helping her prepare for her then upcoming safari to Africa with her father. Peyton holds the unique honor of



being able to submit a glowing letter of recommendation that was written for her in 2017 by Judge Monarch when she was selected as the **SCI & Cabela's Young Hunter of the Year**.



OFFICERS & BOARD OF DIRECTORS

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President - Larry Richards - LRichards@cobaltventures.com
Vice President - Cheri Miller - montanaelkgirl@aol.com
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Ivy Stevens - lowell.stevens4@icloud.com
Lowell Stevens - lowellstevens@me.com
Youth Director Kris Miller - KrisMiller938@gmail.com

NOTICE TO KYSCI MEMBERS

Nominations Open for Chapter President, Vice President, Youth Director & 3 Directors

If you wish to nominate a member or yourself or if you wish to serve on a committee, please contact a member of the

Nominating Committee:

Ivan Schell, Mike Ohlmann or Larry Richards

Peyton Whitworth Awarded Sam Monarch Memorial Scholarship

By Sherry Maddox

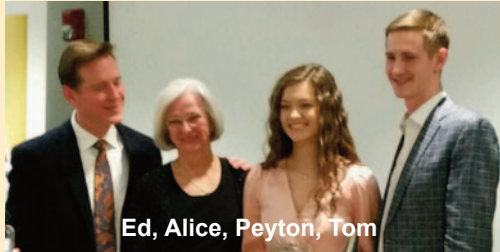


Peyton & Sherry

January 21, 2018, Peyton Whitworth was honored as the **SCI & Cabela's Young Hunter of the Year** at the SCI Convention in Las Vegas, and I was honored to share the stage and be part of this prestigious presentation.

Having known Peyton for a few years, I knew she was a dedicated young hunter, a devoted humanitarian and an outstanding student. It was an exciting event as family and friends joined in the celebration.

We now move forward to the Chapter Fundraiser, February

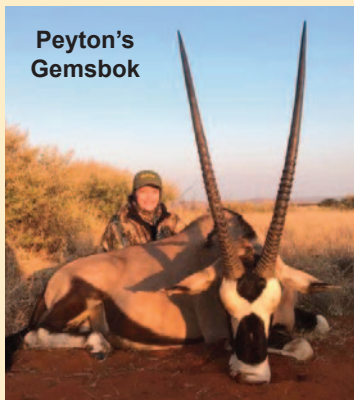


Ed, Alice, Peyton, Tom

22, 2020, when I was honored to share the stage with Alice Monarch, Ed Monarch and Tom Monarch to introduce the newest recipient of the **Sam Monarch Memorial Scholarship**, Peyton Jewell Whitworth! I could not have been prouder to be part of this presentation.

For those readers who did not have the honor of knowing Circuit Judge Sam Monarch, he was a dedicated outdoorsman, conservationist, hunter and educator who believed educating our youth in these important endeavors was our investment in securing our hunting heritage. To be considered for the **Sam Monarch Memorial Scholarship**, a comprehensive application to include a 500-word essay and letters of recommendation from teachers, counselor or community leaders was submitted. In addition, each candidate documented his or her academic accomplishments, community service, extra-curricular activities and conservation/hunting/outdoor experiences.

An honor student, Peyton will graduate this spring from Breckinridge County High School where she is a member of the National Honor Society, Volleyball Team, SADD, HOSA, FBLA, Pep Club, Principal's Student Council and Kentucky Youth Assembly. Peyton lives by the standards by which she was reared, continuing to hunt with her Dad and Papaw, mentoring her younger sister, friend to her older brother and loving daughter to her mother. The daughter of Jared and Stefanie Whitworth and granddaughter of Kenny and Suellen Whitworth, Peyton is an accomplished athlete, scholar and hunter. Among her varied humanitarian services volunteer works is her volunteering to help Animal Friends, Salvation Army, Homework Helpers, Church Youth Group and Bible School Services, Samaritan's Purse, Cancer funding, nursing homes volunteer and more. Peyton's contributions to our



Peyton's Gemsbok

chapter include participation in the "SCIF Blue Bag" humanitarian program, "KYSCI Day in the Country" volunteer, KYSCI banquet volunteer, Hunters for the Hungry donor, SCI Record Book participant, and KYSCI newsletter article contributor.

Peyton's remarks at the Chapter Fundraiser in February revealed what an amazing young lady she is in the hunting community. After thanking the Kentuckiana Chapter and the Monarch Family, Peyton shared her appreciation for this KYSCI sponsored scholarship. She began by stating, "I am very blessed to receive this Scholarship in honor of the man who changed my life 5 years ago. Sam Monarch was one of the greatest mentors the world has to offer. I will always be thankful for the time I spent with him and will carry his teachings with me forever. Sam and Alice are like grandparents to me." Peyton went on to say, "God has given me the love and opportunity to hunt with the best and I'm grateful for each experience I've had."

Growing up hunting, her Dad and Papaw took her on her first hunt when she was 6 and she continues to love hunting and the outdoors. Her love of adventure has led her to harvest dangerous game like mountain lion, black bear, cape buffalo, and alligator as well as African plains game, deer, turkey and other local game. This past week, her love of the outdoors found her catching frogs, fishing and preparing for turkey season. When you listen to Peyton talk about each adventure, it is evident that she understands the role hunting plays in the conservation of wildlife habitat and herd populations.

Peyton is planning to attend Western Kentucky University, where she is considering her major with an open mind; but regardless, I know the "Hilltoppers" will have a great hunter and student on their campus. At the closing of her acceptance speech, she thanked KYSCI, "All of you mean so much to me and I'm so proud and thankful to be part of such an amazing group of people."

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Papaw & Peyton Mountain Lion

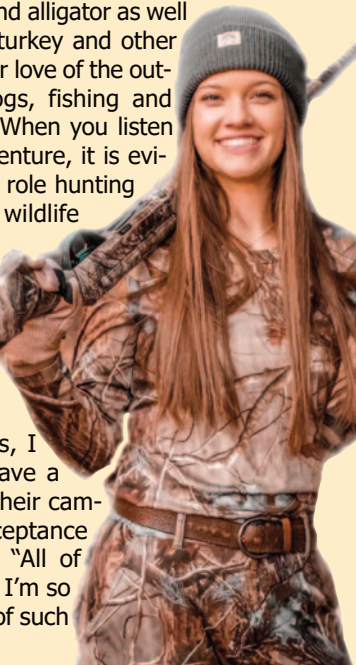
Dad & Peyton Cape Buffalo



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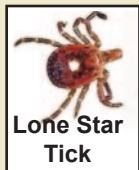




Common Tick Species & Disease In Kentucky

By Christome Casey DVM, MPH, MS

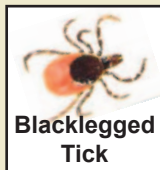
As spring approaches and outdoor recreation increases, it is important to keep tick prevention in mind. There are over 90 tick species that occur in the continental United States. However, only a small subset is known to bite and transmit disease causing pathogens to humans. In Kentucky, the American dog tick (*Dermacentor variabilis*), blacklegged tick (*Ixodes scapularis*), and lone star tick (*Amblyoma americanum*) are the three main tick species which transmit disease to humans (Table 1). There are a few other less common species, like the brown dog tick (*Rhipicephalus sanguineus*) which rarely bites humans but can transmit disease. Historically, the Gulf Coast tick (*Amblyoma maculatum*) was not known to occur in Kentucky, however, in recent years the tick's range has expanded. A recent study of ticks collected from wildlife in Kentucky, detected Gulf Coast tick in both eastern and western counties (Lockwood et al., 2018). In addition to native ticks, a new invasive tick, the Asian longhorned tick (*Haemaphysalis longicornis*) which poses a threat to both human and animal health has been detected in Kentucky. Lastly, the winter tick (*Dermacentor albipictus*) which feeds primarily on wildlife species poses minimal risk for humans but can have significant impacts on wildlife in different areas of the country.



Lone Star Tick



American Dog Tick



Blacklegged Tick

Due to the fairly wide geographic distribution of these ticks anyone recreating outdoors could potential encounter one or more of these tick species. Additionally, the incidence of disease associated with the three main tick species American dog tick, blacklegged tick, and lone star tick has also increased. The American dog tick is the primary vector for spotted fever rickettsiosis also known as Rocky Mountain spotted fever. Kentucky has seen a dramatic increase in the number of annual cases of spotted fever rickettsiosis. Currently, Kentucky Department of Public Health in collaboration with researchers at the University of Kentucky is conducting a study. Their preliminary findings suggest that approximately 30% of American dog ticks were infected with a spotted fever rickettsiosis pathogen and 20% of blacklegged ticks were infected with the causative agent of Lyme disease. Historically, Lyme Disease cases were predominately from New England states, however, since its initial discovery the number of new cases has increased dramatically nationwide. In Kentucky, the annual cases of Lyme disease increased 57% from 2012 to 2018 (source KDPH). Lone star tick is the primary vector for ehrlichiosis as well as the source for an emerging allergy to red meat, known as alpha-gal syndrome. The annual cases of human monocytic ehrlichiosis increased 158% from 2012 to 2018 in Kentucky (source KDPH). Unfortunately, less is known about the incidence of alpha-gal syndrome but it is becoming increasing more common.

In addition to the previously known ticks, there are now new tick species in Kentucky which can transmit potential pathogens

to humans and animals. The Gulf Coast ticks' range has expanded and they have become established in Kentucky. One study reported that 14% of Gulf Coast ticks collected in Kentucky and Tennessee were positive for the spotted fever rickettsiosis pathogen (Pagac et al., 2014). The Asian longhorned tick is native to Southeast Asia and was introduced into the United States. It was first detected in 2017 from a sheep in New Jersey. This detection prompted an immediate response including a retrospective study of archived tick collections. This investigation revealed it had been previously misidentified on several occasions. The earliest known detection was actually from a West Virginia deer in 2010. This tick is unique in that some females can reproduce without a male. This adaption allows it to readily invade new environments and become established. In its native range, this tick can transmit multiple pathogens of both human and animal significance. To date, Asian longhorned ticks tested in the United States have not harbored any human pathogens. However, a recent detection of a foreign cattle pathogen, *Theileria orientalis*, which has been associated with this tick was reported from Virginia in the same vicinity where this tick has been identified.

The implications for these ticks on wildlife populations varies dramatically depending on the species and time of year. The winter tick does not pose a threat to human health but can have devastating impacts on moose. In the Northeast moose are dying due to winter tick infestations, referred to as ghost moose syndrome. We do not have moose in Kentucky and while winter ticks do feed on elk and deer this syndrome has not been observed in these species. Often wildlife plays an important part in the life cycle of ticks. For example, white-tailed deer are essential for reproduction of the blacklegged ticks but do not actually acquire the pathogen from them. Therefore controlling deer populations is essential for managing blacklegged tick populations. Lastly,

Habitat Improvement Checklist

By KDFWR

"Spring Checklist"

- Prescribe burn in preparation to eradicate fescue
- Strip disk to promote bare ground & new forb growth
- Sow Clover or lespedeza
- Sow cool season grasses
- Apply lime & fertilizer per soil test to wildlife food plots

April-May

- Begin preparation of dove fields
- Plant tree & shrub seedlings
- Spray herbicide **to eradicate fescue**
- Conduct timber stand improvement & Create brush piles
- Establish wildlife mineral licks

May-June

- Plant annual grain food plots/dove fields (Do not plant in same location as last year)
- Sow warm season grasses & wildflowers
- Hinge-cut cedar trees for living brush piles

(For more info, call KDFWR (800) 858-1549)

season has a significant impact on tick activity. Traditionally, people have thought that ticks are not active in the colder months. However, species like blacklegged tick and the winter tick are commonly recovered from wildlife in the winter months. Additionally, on warm winter days other species like the lone star and Gulf Coast tick have been known to become active and quest for blood meals.

Disregarding this preconceived notion that ticks are only active during warmer months is essential to protecting human and animal health. Ticks can be found year round and therefore we should take the necessary precautions to prevent tick bites and disease transmission whenever we adventure into the outdoors. This includes wearing clothing that covers extremities, tucking pants into boots, using tick-repellents, and performing regular

tick checks. If you have pets keeping them on a monthly preventive will help protect their health as well as yours. Additionally, reducing tick habitat around your home can also minimize your risk of exposure significantly. There are many reliable resources like the CDC and Kentucky Department of Public Health websites that provide more details about how you can protect yourself. Encountering ticks in the outdoor is unavoidable but with a few simple modifications you can reduce your risk of tick-borne illness and still enjoy the great outdoors.

References:

Lockwood, B. H., Stasiak, I., Pfaff, M. A., Cleveland, C. A., & Yabsley, M. J. (2018). Widespread distribution of ticks and selected tick-borne pathogens in Kentucky (USA). *Ticks and tick-borne diseases, 9*(3), 738-741.
 Pagac, B. B., Miller, M. K., Mazzei, M. C., Nielsen, D. H., Jiang, J., & Richards, A. L. (2014). *Rickettsia cparkeri* and *Rickettsia montanensis*, Kentucky and Tennessee, USA. *Emerging infectious diseases, 20*(10), 1750.

Table 1: Tick species of concern in Kentucky

Common Name	Latin Name	Potential Pathogens	Distribution
American dog tick	<i>Dermacentor variabilis</i>	Tularemia and spotted fever rickettsiosis	Widely distributed throughout KY
Blacklegged tick	<i>Ixodes scapularis</i>	Lyme disease, Anaplasmosis, Erlichiosis, Babesiosis, Powassan virus	Widely distributed throughout KY
Lone star tick	<i>Amblyoma americanum</i>	Ehlichiosis, STARI, tularemia, Heartland virus, Alpha-gal	Widely distributed throughout KY
Gulf Coast tick	<i>Amblyoma maculatum</i>	Spotted fever rickettsiosis	Widely distributed throughout KY
Brown dog tick	<i>Rhipicephalus sanguineus</i>	Spotted fever rickettsiosis	Widely distributed throughout KY
Asian longhorned tick	<i>Haemaphysalis longicornis</i>	None detected in US but many pathogens in other countries	Martin county
Winter tick	<i>Dermacentor albipictus</i>	Ghost moose syndrome	Widely distributed throughout KY

Breckinridge County 4-H Youth Donates Deer To KHFH

By Alex Bryant Popham
 UK 4-H Youth Development Agent

In 2019, the Breckinridge County 4-H program participated in the **Kentucky Hunters for the Hungry** program, with the support and partnership of the **Kentuckiana Chapter of Safari Club International**. The **KHFH** provides a unique opportunity for youth to complete a service-learning project related to hunting, shooting sports, and the great outdoors. Youth can hunt, harvest, and donate deer to support families in need in their community by providing lean and nutritious protein sources for food in local households.

We are incredibly proud to announce that Breckinridge County 4-H Member, Vance Pickering, donated a deer to support

Kentucky families. This 12-year-old from Union Star, Kentucky, shared that he “was happy to help those in need!” and the reason he harvested the deer was “solely to donate it to others!”

One of the pillars of 4-H youth development is developing caring citizens that will serve in leadership roles and give back to their community. Vance Pickering is a positive role model for others and we are so proud of his generosity. Vance is the son of Scott and Tiffany Stull and Luke and Heather Pickering. Breckinridge County 4-H hopes to continue this wonderful partnership with the **KYSCI** and provide this unique service-learning project for local youth annually.



Renew Your KYSCI, SCI & NRA Memberships Today!
mysafariclub.org & home.nra.org & www.kentuckianasci.com

Beyond My Wildest Dreams Wild Sheep Foundation Honors Lowell Stevens

By Lowell Stevens



Nancy, Lowell & Ivy

As a post-script to my article in the 1st Quarter 2020 *Kentuckiana Hunter*, I wanted to share with the chapter that the Bighorn Sheep I took in Alberta received an Honorable Mention award at the 2020 *Wild Sheep Foundation* convention in Reno, Nevada this past January. Any sheep that makes *Boone & Crocket* is eligible to receive a *Wild Sheep Foundation* award; and fortunately, my sheep was honored as he made *B&C*.

During preparation for that hunt, my goal was to put myself in a position to see, stalk and take a legal ram – that’s all I wanted, and I knew my chances for that to happen were 50/50. As I mentioned in



the article, I controlled every moving part I could to put the odds in my favor. My equipment, physical condition, mental and emotional support were things I addressed. It was beyond my wildest dreams that I would be walking across the stage at the *Sheep Show* to receive an award for my hunt! Upon receiving notice from the *Foundation* in December that my sheep and I would be honored, Nancy (my wife) and Ivy (our older son) made reservations in Reno for the convention.

The *Wild Sheep Foundation* is an amazing organization dedicated to “Put and Keep Wild Sheep on the Mountain”®. During the show we attended, approximately \$4.2 million dollars was raised through the sale of conversation permits sponsored by state, local, tribal and private organizations of which 85-100% of the proceeds go directly back to conservation programs. We had a ball, met new friends and Ivy even booked an elk hunt in Idaho for he and Slade (our younger son). We’re looking forward to hopefully reading that elk hunt article in a future newsletter and to returning to the *Sheep Show* next year.



Keep up with the latest KYSCI happenings!

Join Chapter Members on Facebook!

Visit us at sci.kentuckiana



Joyce’s Roasted Brussels

Juice of 1 lemon 1/8 tsp each of pepper, paprika and garlic salt
1 T olive oil 1 lb Brussel Sprouts (cut in half or quartered)

Combine ingredients in a gallon size zip bag, seal bag and toss around until well coated. Refrigerate overnight. When ready to roast, preheat oven to 400, place Brussels on baking sheet and bake for 15-20 minutes. They are AMAZING!!!



CALENDAR OF UPCOMING EVENTS

All Chapter Events Are On Hold Due To COVID-19

February 3-6, 2021 – **SCI Convention**

- Las Vegas, Nevada
- Contact: www.safariclub.org

February 20, 2021 - **SCI Chapter Fundraising Banquet**

- Audubon Country Club, Louisville, KY
- Contact: Sherry Maddox explorer111749@aol.com

**To Join or Find Other
Outdoor Friends Events Contact:**

- **Friends of NRA Events**
Contact: John LaRowe at jlarowe@nrahq.org
- **League of Kentucky Sportsmen Events**
Contact: Bob Edwards at bedwardslouky@insightbb.com
- **QDMA Events**
Contact: Pete Blandford at pete_blandford@yahoo.com
- **RMEF Events**
Contact: Bill Carman at 859-489-1593 or Bcarman@rmeff.org
- **Quail Forever**
Contact: Jack Dahl at j.dahljr@att.net

“LEGAL BRIEFS”

By Ivan Schell, Esquire



National and State:

The Coronavirus COVID 19 has seemingly precipitated a major run on gun vendors these last few weeks. I personally visited *Cabelas/Bass Pro* and a local brand store last weekend and was confronted with lengthy (non-socially distanced) lines at the gun counters. Clerks were calling ATF with inquiries as fast as they could complete the buyers' Form 4473s. Most instant-checks had turned into 3 day waits. I wondered what was behind this panic buying and then I remembered Katrina. You may recall that from August 29 to December 31, 2005, local police in New Orleans roamed the city confiscating firearms from law-abiding citizens on the premise that somehow they would create civil unrest. In the meantime, armed gangs roamed the city victimizing these same citizens who became defenseless at the hands of law enforcement officers because the officers could not maintain civil order.

When this nightmare ended, the NRA successfully sued the city of New Orleans for its abuse of the Second Amendment rights of the disarmed citizens seeking an injunction against this action in the future and for the return of all confiscated guns to identifiable owners. These same kinds of abuse happen from time to time in the wake of natural disasters (hurricanes and tornadoes) and during civil unrest like the riots in St. Louis, Detroit, Los Angeles and Philadelphia.

Now we have the Coronavirus. Could the virus cause the deterioration of civil order? Millions of citizens have lost their jobs and have no income. Except for the largess of many public and private programs, these people would be without food. Clearly if a natural disaster disrupted the flow of government financial assistance and food availability, these employed folks might have no real alternative to taking what they need by force. This has already happened in China and southern Italy. The fact that it could also happen here in the US is demonstrated by the sporadic fights that are now occurring in grocery stores in some places in the US. The fear of this disintegration of civil order seems in my view to be what is driving the demand for firearms.

Interestingly the President and the Department of Homeland Security have, in the March 19, 2020 DHS Cybersecurity & Infrastructure Security Agency (CISA) Memo and under pressure from the NRA, identified manufacturers of firearms and ammunition, gun stores and shooting ranges as “Essential Services” which should be allowed to remain open. As might be expected, the Brady group has vigorously opposed this characterization on the premise that this is a public health issue rather than a Second Amendment issue.

The action of DHS is not a mandate to the states, and some, notably California, Delaware, Michigan and New York have not followed the guidelines. However, both Indiana and Kentucky have followed the guidelines. The Kentucky Governor, Andy Beshear, has issued executive order 2020-246 which provides in part: “Consistent with KRS 39A.100(1)(h) nothing in this order should be construed to interfere with the lawful sale of firearms and ammunition.” Those businesses although are still required to follow social distancing rules.

Indiana has also adopted the DHS guidelines, but covertly, probably to keep the press from making a big issue of it. In executive order 20-08, the governor defined essential businesses to include the list included in the March 19, 2020 CISA memo. As mentioned above that memo conveniently defines gun stores as an essential service. However, Hoosiers must do some research to find this in the small print.

The efforts of the NRA in New Orleans, in Washington, D.C., and in states like Indiana and Kentucky, to have governments recognize the Second Amendment rights of law abiding citizens, have provided these citizens the tools to protect themselves in the event that entirely foreseeable civil disorder grips the land.

VISIT THE CHAPTER WEBSITE

www.kentuckianasci.com &

LEGISLATIVE ACTION COMMITTEE WEBSITE

www.kysci-lac.com

AG Confirms Governor's Abuse Of The KDFWR Commission Process

By Ivan Schell, Esquire

On August 4, 2019, Governor Bevin appointed Karl Clinard and Paul Horn to represent their respective districts on the KDFWR Commission. Those appointments were confirmed by the Kentucky Senate on February 13, 2020. Just 8 days later Governor Beshear purported to remove them on the premise that their political party affiliation upset the statutory balance of party representation on the Commission. These newly minted and then newly disenfranchised Commissioners took issue with their removal and sought an opinion from Attorney General Daniel Cameron to declare the Governor's Action illegal and to seek reinstatement to their Commission positions. Both the Kentuckiana Chapter of SCI and the League of Kentucky Sportsmen submitted letters of support for Clinard and Horn and demanded their reinstatement.

What follows is the full text of the letter formulated by the Chapter Legislative Committee and signed by President Larry Richards. Also reprinted on the following page is the full text of the Attorney General's meticulously researched and well-reasoned opinion reinstating Commissioners Clinard and Horn. The AG's opinion is worth the read because it stands as a testament to the rule of law and to the strength and influence of Kentucky's sportsmen and women in their effort to protect their legitimate interests reflected in the statutes and regulations they have rigorously worked to establish.

Honorable Daniel Cameron
Attorney General
Commonwealth of Kentucky

Attorney General Cameron:

I am writing to you as the President of Kentuckiana SCI (Safari Club International) and the representative of its 200 members. The subject of my letter is the unlawful removal of Chairman Karl Clinard and Commissioner Paul Horn in February 2020 from the Kentucky Department of Fish and Wildlife Resources Commission by Governor Beshear.

The Kentucky statutes, KRS 150.020, et seq., requires the existence of specific bases for removal of Commissioners and provides a specific procedure for the removal. The statute provides that a sitting Commissioner may be removed by the Governor for inefficiency, neglect of duty or misconduct in office provided that the governor deliver to the member a copy of all charges in writing and afford to him an opportunity to be publicly heard in person or by counsel in defense of the charges, upon not less than 10-days notice. If the member shall be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against the member and his findings thereon, together with a complete record of the proceedings. Our interviews of the Commissioners removed by Governor Bershear indicate that none of the above itemized procedures were followed.

Further, KRS 150 provides a specific method for replacement of a Commissioner who has been removed, which does not involve the Governor's individual choice, beyond his selection of a replacement from the original slate of Commissioner candidates presented at the time of the Commissioner's original confirmation. The Governor must choose from that list. The Governor cannot select individuals who were not on the original slate.

In short, the Governor has ignored the very clear language of the statute and has repudiated the clear preference of thousands of sportsmen and women, who did follow the requirements of the statute in identifying the candidates for these Commission positions. Accordingly, the members of the Kentuckiana SCI request that you investigate this illegal activity and take whatever action may be necessary to correct these illegal actions, to include (if required) the filing of an action in the appropriate court to force the reinstatement of Commissioners Clinard and Horn.

We look forward to hearing from you.

Sincerely yours,
Larry Richards, President



Commonwealth of Kentucky
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April 7, 2020

OAG 20-07

Subject: Whether Executive Order 2020-178 validly removed two commissioners from the Department of Fish and Wildlife Resources Commission.

Requested by: Karl Clinard and Paul Horn
Kentucky Fish & Wildlife Commission

and

Edwin Nighbert
League of Kentucky Sportsmen

Written by: Carmine G. Iaccarino, Executive Director
Office of Civil & Environmental Law

Syllabus: Because the Governor may remove members of the Commission in only limited circumstances, the purported removal of Commissioners Clinard and Horn in Executive Order 2020-178 is without legal effect.

Opinion of the Attorney General

On February 21, 2020, Governor Andy Beshear issued Executive Order 2020-178 (the "Executive Order"), which purported to rescind the appointments of two members of the Department of Fish and Wildlife Resources Commission, Karl Clinard

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and Paul Horn.¹ For the reasons that follow, it is the opinion of this Office that the Executive Order is void and without any legal effect. Commissioners Clinard and Horn remain members of the Commission.

The Department of Fish and Wildlife Resources Commission is established by KRS 150.022 and is, among other duties, charged with keeping a "watchful eye upon the Department of Fish and Wildlife Resources[.]" KRS 150.023. Under KRS 150.022(1), the Commission consists of "nine (9) members, one (1) from each wildlife district . . . and not more than five (5) of the same political party." The Governor appoints these members subject to confirmation by the Senate. KRS 150.022(2).

On August 5, 2019, Commissioners Clinard and Horn were appointed under Executive Order 2019-590.² On February 13, 2020, the Senate confirmed both Commissioners Horn and Clinard.³ On February 21, 2020, Governor Beshear purported to rescind those two appointments and declare them "null and void" on the basis that the Commission was composed of "seven (7) Republicans and two (2) Independents." Thus, the Executive Order claims those appointments were "void ab initio." The Executive Order states no further reason or authority for removing the two Commissioners.

On the date the Governor issued the Executive Order, however, the Commission was comprised of five individuals registered as Republicans and four individuals registered as Independents.⁴ Thus, there were "not more than five (5) [members] of the same political party" when the Governor issued the Executive Order. Even assuming that the Governor has the authority to remove commissioners for the reason stated in the Executive Order, it is this Office's opinion that there is no factual basis to support the purported removal of Commissioners Clinard and Horn, memorialized in the Executive Order, because the Commission's composition complied with KRS 150.022(1) on the date each of the Commissioners was appointed, the date on which the Senate confirmed them, and on the date of their attempted

¹ Executive Order 2020-178, available at <http://apps.sos.ky.gov/Executive/Journal/execjournalimages/2020-MISC-2020-0178-266195.pdf> (last accessed April 7, 2020).

² Executive Order 2019-590, available at <http://apps.sos.ky.gov/Executive/Journal/execjournalimages/2019-COMM-262286.pdf> (last accessed April 7, 2020).

³ Senate Resolution 95, available at <https://apps.legislature.ky.gov/record/20rs/rs95.htm>; Senate Resolution 106, available at <https://apps.legislature.ky.gov/record/20rs/rs106.html> (last accessed April 7, 2020). Both Commissioners were confirmed unanimously.

⁴ With their request for an opinion, Commissioners Clinard and Horn provide the most recent voter registration of each of the members of the Commission. This Office also requested and was provided records from the State Board of Election that confirmed that information.

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removal.⁵ This Office's analysis could conclude here, but—in addition to the inaccurate factual premise relied upon by the Governor—there are also legal impediments to his action.

Importantly, the Governor's power to appoint commissioners under KRS 150.022(2) does not confer the power to remove. *McChesney v. Sampson*, 23 S.W.2d 584, 587 (Ky. 1930) ("In all jurisdictions where appointment to office is regarded as an executive function, as here, an appointment to office once made is incapable of revocation or cancellation by the appointing executive in the absence of a statutory or constitutional power of removal. . . . The fact that the title to the office, and the tenure of the officer, are yet subject to the action of the Senate, does not render incomplete the act of the chief executive in making the appointment. The appointment alone confers upon the appointee for the time being the right to take and hold the office, and constitutes the last act respecting the matter to be performed by the executive power."); *Bell v. Sampson*, 23 S.W.2d 575, 580 (1930) ("It was plainly the purpose of the Legislature to provide by this section that, unless otherwise provided, the title to office of one appointed to such office by the Governor finally vests in the appointee when his appointment has been confirmed by the Senate."); *Votteler v. Fields*, 23 S.W.2d 588, 590 (Ky. 1926) ("It is perfectly clear from the history of our state and an examination of our Statutes, that the people, as a fundamental proposition, did not mean to vest their Governor with the right to remove from office those appointed thereto in the manner prescribed by the people acting through their Legislature, unless and until such power was expressly or by the clearest implication given to the Governor."); *Commissioners of Sinking Fund v. Byars*, 180 S.W. 380, 381 (Ky. 1915) ("[I]t is the law of this state, and the generally accepted doctrine, that in the case of a state or other officer whose term is fixed by statute, the right of removal, even for cause, is not an incident of the power of appointment, in the absence of a statute conferring such right."). Rather, the General Assembly may vest in the Governor the authority to remove commissioners, as it did in KRS 150.022(7). See *Johnson v. Laffoon*, 77 S.W.2d 345, 350 (Ky. 1934).

In KRS 150.022(7), the General Assembly provided the specific set of preconditions that must be met and procedures that must be followed before the Governor may invoke his or her limited authority to remove a Commissioner from the Department of Fish and Wildlife Resources Commission:

The Governor shall remove any member of the commission for cause under subsection (2) of this section and may remove any member of the

⁵ Because a decision may be reached on narrow grounds due to the applicable facts, this Opinion does not address whether a Governor may rescind an Executive Order appointing a member to a board or commission on grounds that the order is purportedly "void ab initio" after the Senate has taken action to confirm the member.

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commission for inefficiency, neglect of duty, or misconduct in office; but shall first deliver to the member a copy of all charges in writing and afford to him an opportunity of being publicly heard in person or by counsel in defense of the charges, upon not less than ten (10) days' notice. If a member shall be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against the member and his findings thereon, together with a complete record of the proceedings.⁶

Here, Commissioners Clinard and Horn were appointed by the Governor on August 4, 2019, and confirmed by the Senate on February 13, 2020. The February 21, 2020 Executive Order does not rely upon nor reference any of the specific statutory bases for which a commissioner may be removed, namely "inefficiency, neglect of duty, or misconduct in office." And there is no indication that the Governor complied with the procedural requirements to afford the "member[s] a copy of all charges in writing" and "an opportunity of being publicly heard" with "not less than ten (10) days' notice." KRS 150.022(7).

Because the Governor has no authority to remove a commissioner apart from the specific circumstances listed in KRS 150.022(7) and none of the procedural requirements under KRS 150.022 were observed, the Executive Order is void and without any effect. *McChesney*, 23 S.W.2d at 587 ("Such power as flows from the act of the Governor in making the appointment is invested by the statute in the appointee, and may not thereafter be recalled or bestowed upon another unless the consent of the Senate is withheld. No valid appointment can be made to an office in possession of an incumbent whose tenure has not terminated.").

For these reasons, this Office finds that Executive Order 2020-178 is void and without any legal effect.

Daniel Cameron
ATTORNEY GENERAL

Carmine G. Iaccarino, Executive Director

⁶ There is no suggestion that "subsection (2)," which addresses felony convictions, is relevant to the analysis in this matter. KRS 150.022(2).

KYSCI Earns Prestigious SCI Awards

Each year, based on information gathered about the many SCI Chapters around the world, SCI selects one chapter to honor as the best in the world in specific areas in each size category! This year, our chapter was honored as the **SCI Chapter of the Year, SCI Newsletter of the Year, SCI Program Publication of the Year, and SCI Website of the Year** in our size category. The Kentuckiana Chapter of SCI has sponsored numerous youth, adult, military & humanitarian services projects & programs at the local, regional, state & national levels. KYSCI enjoys the unselfish support of all our volunteers and members; thus, congratulations go to each and every Chapter member!

KYSCI Honored As SCI Chapter Of The Year!

Each year, based upon information gathered about the many SCI Chapters from around the world, Safari Club International selects one chapter as the best in the world in each size category! For the third year in recent times, our Kentuckiana Chapter of SCI was selected as the "SCI Chapter of the Year" in our size category of 51 to 100 members. The criteria established for this honor includes a having a history of full compliance with SCI Bylaws, Policies and Procedures plus working to advance the cause of wildlife conservation and protecting the future of hunting which we have done extensively through our websites, youth programs, chapter events and Humanitarian Services outreach.

Kentuckiana Hunter Wins SCI Newsletter Of The Year Award!

Our chapter newsletter, the *Kentuckiana Hunter*, recently received notice that, for the 15th year in a row, it has been selected by SCI as the best chapter newsletter in the world in our chapter category of 12 pages or less with 51 to 100 members. The *Kentuckiana Hunter* highlights chapter activities, member hunt reports, conservation highlights, current legal issues affecting hunters, humanitarian services, educational projects and programs to name a few. In each issue you will find valuable information about the programs and activities in which our chapter is involved. Thank you to all who contribute information and articles to our newsletter.

KYSCI Safari After Dark Wins Outstanding SCI Program Publication Award!

For the second year in a row, the KYSCI Fundraiser Program Publication *Safari After Dark* was selected as "Outstanding Fundraiser Program" for our chapter size. Fundraiser program criteria include visual appeal, design presentation, reference to drawings or auctions, presentation of donors, chapter information and membership development. The award is likewise grouped by chapter membership size.

KYSCI's Website Wins SCI Website Of The Year Award!

KYSCI is delighted to announce that, for the first time, our NEW chapter website won the "Website of the Year" award for our chapter size. Last year, your KYSCI Board decided it was time for our chapter to further fulfill our mission to be *First for Hunters*. With that goal in mind, a Legislative Action Committee was formed and through Colonel Mike Abell, Ret.'s leadership, www.kysci-lac.com was formed as an arm of KYSCI to keep sportsmen informed of sportsmen's issues/legislative actions that were in front of our lawmakers. In addition to this new arm of the chapter website, www.kentuckianasci.com one can keep up to date with the latest chapter happenings: Fundraiser Info, Newsletters, Membership, Events, Awards, Legal Briefs, Links to Donors/Sponsors, Contact Info, Facebook Page, and much more!!!

Alice Monarch Is A SCI Major Award Recipient!

SCI Major Awards are selected from thousands of record book entries received the previous award year from around the world. The Top 20 entries in each sub-category are sent, anonymously, to adjudicators, who are accomplished hunters who have traveled internationally and are considered experts for the category they judge to select the Top 5 animals in the world or the Top 10 animals (by area harvested) in each category. Each year at the SCI convention, SCI recognizes those Top 5 or Top 10 best animals harvested by method of take category and/or area of harvest. Alice Monarch's World Record Vaal Rhebok measuring 21 6/8 inches that was harvested in South Africa with Vlam Myburg of Madubula Safaris was chosen as the 4th best animal taken in the world with a muzzleloader last year. The Vaal Rhebok, a small wary antelope native to the mountains of South Africa, is considered by many to be among the most difficult animals to take with a muzzleloader.



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We sincerely hope that you will remember these donors & sponsors in the future.

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