



**STATE OF COLORADO
CASE REPORT**

Reporting Agency: Colorado Parks & Wildlife	Case Report No: AHR-12-0039809
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Location: Dvoraks-Centerville		County: Chaffee	Connecting Cases: AHR-12-0039121 AHR-12-0039814 Referral: P132804
Date Reported: 7/20/2012	Time Reported: 13:07	Date - Time Occurred (on or between) Begin Date: 7/20/2012 Begin Time: 13:07 End Date: End Time:	
Case Components: (1) Title 33			
Officer No: 678	Officer Name (First, Middle Initial, Last): Andrew Maddox	Park Area: Arkansas Headwaters	Date: 7/20/2012
Park Address: 307 W Sackett Ave Salida, CO 81201		Park Phone: 719-539-7289	

SUBJECT SECTION:

Subject Code(s): D			Juvenile: <input type="checkbox"/>
Name (Last, First, Middle): Dvorak, William D		Alias:	Classification:
Sex: Male	Race: W	Age: 67	Date of Birth: 9/28/1949
Height: 6'2"	Weight: 210	Hair: Gray	Eye: Blue
Occupation: Owner		Business Name: Dvorak Expeditions	
Address: 17921 Hwy 285 Nathrop, CO 81236 USA			Phone: (719) 539-6851
Business Address: 17921 Hwy 285 Nathrop, CO 81236 USA			Business Phone: (719) 539-6851

VEHICLE SECTION:

No vehicles found.

EVIDENCE SECTION:

No evidence found.

PROPERTY SECTION:

No property found.

NARRATIVE:

On July 20th 2012 I Andrew Maddox and Neil McNutt both duly sworn Peace Officer's for Colorado Parks and Wildlife conducted a River Outfitter Licensing guide records inspection on Dvoraks Expeditions (ROL# [REDACTED]). Outfitters are typically given one to two weeks advanced notice of our inspection plan when they are due for a routine inspection. I made a telephone call to their place of business approximately fifteen minutes prior to our arrival informing them that we would be stopping by. I talked to Bobbi whom I believe is their office manager. Dvoraks was due for their routine inspection but this inspection was initiated because of Dvorak's inability to provide Officer McNutt with proper documentation that they had used a qualified guide on June 30th 2012. This regulated trip resulted in a boat accident. Officer McNutt was conducting this accident investigation. This regulated trip was guided and trip lead by Matthew Thomas. Officer McNutt contacted Dvorak's via phone on July 16th 2012 asking them to send or fax Matthew Thomas's minimum guide qualifications and current first aid and CPR cards to the Arkansas Headwaters Recreation Area. Later that day Officer McNutt was passing by the Dvoraks office, so he and Officer Wyatt stopped in to see if they had Mr. Thomas's records available to confirm his qualifications. Jackie Dvorak talked to Officer McNutt and gave him a copy of Mr. Thomas's CPR card and a Dvorak's Expeditions brochure. Officer McNutt informed Mrs. Dvorak that more documentation was needed to prove Mr. Thomas's qualifications. Officer McNutt asked Mrs. Dvorak to fax in the missing documentation. On July 20th at approximately 13:00hrs no fax had been received from Dvoraks prompting their inspection with limited notice.

At the completion of the records inspections Dvoraks was unable to produce Mr. Thomas's minimum guide qualification records and his first aid card. They were also unable to produce first aid and CPR cards for another guide Eric Robbins, which we had documentation that he trip lead a regulated trip on July 2nd 2012. CRS 33-32-103 Reg. 301-4 states that a trip leader, assigned by the river outfitter, shall accompany every regulated trip. CRS 33-32-103 Reg. 302-5(c) states to be qualified as a trip leader written documentation that the individual has logged a total of at least five hundred river miles as a qualified guide. At Arkansas Headwaters Recreation Area trip leaders are contacted by AHRA staff to complete a spot check at either the put-in or take-out. These spot checks ask for the total number of people on the trip the number of boats the location of their trip and a signature from the trip leader.

William Dvorak was cited for two counts of operating a regulated trip without a qualified guide. I gave Mr. Dvorak the option to prove up on this by providing me with proof that Mr. Thomas and Mr. Robbins where qualified to guide regulated trips in Colorado. On July 30th 2012 copies of this documentation were delivered to our office and I voided citation (P132803).

Mr. Dvorak was also cited for failure to maintain adequate guide records (P132804) CRS 33-32-103 Reg. 302-4. Per this regulation a river outfitter shall maintain all guide, trip leader and guide instructor qualifications records during the period of such employees employment and for a period of three years after his/her termination. The river outfitter or any employee having access to such records, shall provide them at all reasonable times to any peace officer enforcing the provisions of Article 32 of title 33, CRS and these regulations, upon request.

I contacted Mr. Dvoraks after receiving Mr. Thomas and Mr. Robbins guide qualification records to confirm with him that I would be voiding the citation for two counts of operating a regulated trip without a qualified guide. Mr. Dvoraks asked if I would be voiding the other citation. I told him that I would not be voiding that citation for failure to maintain adequate guide records. Mr. Dvoraks told me that he thought I should void that citation because I didn't give him any warning that we would be conducting an inspection. Mr. Dvoraks then told me that he planned on take this citation to court.

CITATION SUMMARY - P132804

Case #: AHR-12-0039809	Violation Type: PA
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Defendant's Name (Last, First, Middle): Dvorak, William, D	County: Chaffee	Date of Birth: 9/28/1949
Defendant's Address: 17921 Hwy 285	City: Nathrop	State: Zip: CO 81236
Date Issued: 7/20/2012	Date of Offense: 7/20/2012	Time of Offense: Location: 13:07 Dvoraks-Centerville

OFFENSE(S):

Park Reg: 302-4	Statute: 33-32-103	Description: Failure to maintain adequate guide qualification records.	V-Code: 6288H
Disposition Date: 11/7/2012	Paid: <input type="checkbox"/>	Dismissed: <input type="checkbox"/> Not Guilty: <input type="checkbox"/> Guilty: <input type="checkbox"/> Other: Deferred Judgement	Jail Time (Days): Fine: \$50 Susp. Fine: Surcharge: Points

DNA Citation Surcharge: \$2.50

Office No: 678	Officer Name (First, Middle Initial, Last): Andrew Maddox	Park Area: Arkansas Headwaters	Date: 7/20/2012
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The People of the State of Colorado VS
DEFENDANT

Defendant (Last Name) Dvorak (First) William (Middle) D

ADDRESS 17921 Hwy 285 HOME PHONE (719) 539-6851

CITY, STATE Nathrop, CO ZIP 81236

DATE OF BIRTH MO DAY YR 9/28/1949 AGE 67 SEX M WEIGHT 210 HEIGHT 6'2" HAIR Gray EYES Blue RACE W

DRIVERS LICENSE NO. AND TYPE STATE CO SOCIAL SECURITY NO. LICENSE NO. AND TYPE

VEHICLE/VESSEL LICENSE NO. AND TYPE STATE VIN/VIN YEAR

VEHICLE/VESSEL COLOR (TOP/BOTTOM) MAKE TYPE OR BODY STYLE REGISTERED OWNER NAME

VIOLATION

DATE 7/20/2012 APPROXIMATE TIME 01:07 PM

COUNTY Chaffee NO. 31

APPROXIMATE LOCATION/PARK AREA, STATE OF COLORADO
 Dvoraks-Centerville

Accident Involved Yes () No (x) Injuries Involved Yes () No (x)

YOU ARE HEREBY NOTIFIED TO APPEAR IN Chaffee **COUNTY COURT AT** 142 Crestone

CITY Salida COLORADO ON 9/19/2012 AT 01:30 PM **TO ANSWER CHARGES OF VIOLATION OF**

CRS AS AMENDED	VIOL. CODE	FINE	POINTS
1] CRS AS AMENDED		\$0.00	0
2] CRS AS AMENDED		\$0.00	0
3] 302-4 PARKS BOARD REGULATION # WILDLIFE COMMISSION REGULATION # PURSUANT TO TITLE 33-32-103 CRS AS AMENDED	6288H	\$50.00	0

Failure to maintain adequate guide qualification records.

SUMMONS AND COMPLAINT PENALTY ASSESSMENT CASH RECEIPT NO.

Without admitting guilt, I hereby promise to appear at the time and place indicated above.

I hereby agree to pay the total penalty assessment.

DEFENDANT X

TOTAL FINE & SURCHARGE DNA Surcharge \$2.50 \$52.50

NOTE: SEE INSTRUCTIONS ON REVERSE SIDE.

THIS PENALTY ASSESSMENT MUST BE PAID WITHIN TWENTY (20) DAYS FROM DATE OF ISSUE. IF NOT PAID, IT BECOMES BY LAW A SUMMONS AND COMPLAINT AND REQUIRES AN APPEARANCE IN COURT AT THE PLACE, DATE AND TIME INDICATED ABOVE.

FAILURE TO APPEAR CONSTITUTES A SEPARATE OFFENSE AND WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

JUVENILE - PARENT MUST APPEAR Yes () No (x)

CUSTODIAL ARREST YES () NO (x) FINGERPRINTED YES () NO (x)

The undersigned has probable cause to believe that the defendant committed the offense(s) against the peace and dignity of the People of the State of Colorado and affirms that a copy of this summons and complaint or penalty assessment was duly served upon the defendant.

OFFICER-PRINT LAST NAME Andrew Maddox

DATED THIS 20 DAY OF July 2012 OFFICER NO 678