

**General Information**

Wyoming State Board of Outfitters & Professional Guides

Jane E. Flagg, Administrator

**Agency Contact**

Jane E. Flagg

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<http://outfitters.state.wy.us>

**Other Locations**

Glenrock, Mountain View

**Statutory References**

W.S. 23-2-406 through 23-2-418 & W.S. 33-1-201

**Clients Served**

Outfitters, Guides, Hunters, Public-at-Large, Public Land Permit Administrators

**Budget Information**

Fund 551      \$468,000

**Agency to Which Group Reports**

Governor, Department of Administration & Information (Type 3 Transfer)

**Number of Members**

Seven

**Meeting Frequency**

Five to six times per year

**Department Name:** Wyoming State Board of Outfitters and Professional Guides

**Report period:** July 1, 2010 through June 30, 2011

**Wyoming Quality of Life Result:**

Wyoming values the unique aspects of its western heritage, providing residents and visitors expanding access to cultural, historical and recreational experiences.

Wyoming state government is a responsible steward of State assets and effectively responds to the needs of residents and guests.

Wyoming natural resources are managed to maximize the economic, environmental and social prosperity of current and future generations.

**Contribution to Wyoming Quality of Life:**

- This Board values the unique aspects of its western heritage, providing residents and hunting clients by expanding access to recreational experiences through the regulation of outfitters and professional guides. The Board ensures that licensees follow state and federal regulations in relation to their outfitter permits which helps enforce the third quality listed above.

**Basic Facts:**

- The mission of the Board, in order to serve and protect the public and maintain quality and professionalism within the hunting outfitting industry in Wyoming, is to license, regulate, review and evaluate big and trophy game outfitters and guides and enforce applicable laws, rules and regulations related to the outfitting industry.
- Our investigators handle problems of illegal activity of outfitters and guides, licensed and unlicensed, in conjunction with other state and federal agencies. By enforcing these standards there are many return clients who spend millions of dollars when they come to this state.
- With the regulation of outfitters and professional guides as well as the resources they use, the land and resources are preserved for future generations.
- We have four full time personnel with a budget total of \$884,066 for FY11-12 (Trust and Agency Fund), operating on license fees only, however this amount does include a grant from Homeland Security which was used to purchase new computers, printers, and software.
- First time applicants are tested (outfitters – closed book exam; guides – open book exam). Outfitters must appear before the Board for approval and are constantly

monitored by the staff to ensure they are properly permitted in the areas in which they operate and are insured. A background check is also conducted if there is probable cause to do so. As of July 1, 2011 new applicants are also required to attend a training class before approval.

- We have two full time investigators/peace officers to patrol the entire state. Therefore we also work closely with enforcement officers from other state and federal agencies. Our compensation/overtime policy was changed, and approved by the State, to allow compensation time to be taken off during the summer months so no overtime has to be paid. This allows maximum time “in the field” for investigations and public relations. The Board investigators must also be certified peace officers and require 40 hours of certification every two years. They also receive firearms certification on a semi-annual basis and have participated in investigations from theft to drugs to homicide.

Duties of the Board’s investigators include but are not limited to investigating illegal activities and crimes, gathers and researches information; collects evidence, interviews witnesses, victims and suspects; confers with and advises law enforcement officials/agencies, other public officials and prosecuting attorney regarding investigative techniques, procedures and findings; testifies in court and administrative hearings; writes investigative reports and recommendations; trains and supervises persons in undercover and special operations; inspects camp, equipment and operations of the outfitting industry; investigates complaints against outfitters and guides, recommends disposition of complaints; promotes positive public relations for the agency and industry; and patrols wilderness areas.

### **Performance:**

Annual number served:

- 2007 – 360 outfitters and 1272 guides served 10,587 clients
- 2008 – 359 outfitters and 1205 guides served 10,335 clients
- 2009 – 355 outfitters and 1124 guides served 9,569 clients
- 2010 – 353 outfitters and 1061 guides served 9,495 clients
- The number of guides fluctuates due to the hunting license draw.
- There were 17 complaints filed against licensed outfitters and guides in 2007; 18 in 2008; 30 in 2009; and 7 in 2010. Of these total complaints, 20 were dismissed as they were beyond the Board’s jurisdiction or no violations were found, 24 were mild in nature, 26 were moderate in nature that required no disciplinary action, and 2 resulted in disciplinary action, including the issuance of probationary

licenses or suspension of the license. We believe the decrease in complaints in 2010 could be due to the training class the Board now provides to review rules, regulations and statutes.

- Office staff are required to attend all state meetings in regards to personnel, payroll, WOLFS (the state accounting system), Governor's meetings, group insurance, legislative committee hearings, and other state and federal meetings as needed and also provide information as requested.
- Professional guide licenses are issued the same day they are received and mailed the following day. The only exception to this is if the applicant lists a violation of some type that requires the application to be reviewed by an assigned committee which consists of one Board member, one investigator, and our assigned prosecuting attorney from the State Attorney General's Office.
- Outfitter renewals are usually issued the same day they are received unless an exceptional amount is received in one day. They differ from guide licenses as outfitter renewals must be post-marked no later than December 31 of each year for the next year's license. The exception to this is the same as shown above for professional guide licenses, and if proof of insurance was not attached or on file.
- Outfitter year-end reports that list all client data are entered into a database as quickly as possible to compare areas used versus areas authorized. Any discrepancy is reported to our investigators, along with the affected state and federal agencies. The reports are provided to the Wyoming Game & Fish Department and other state and federal offices if requested.
- When a client has called over a refund dispute and requests a complaint form, and the outfitter is not following their refund policy that is on file in the office, the office staff may call the outfitter to inform them they may want to take care of the situation before it becomes a formal complaint. We anticipate this saves the Board from opening several complaints a year, which in turn saves time and money.
- There are two office staff who answer 20-30 calls per day in the "off season" and 50-100 calls per day during the hunting season. This includes time worked and not paid for exempt employees on weekends and holidays. Any voice messages are returned the same day and voice mail is also checked on weekends and holidays.

**Story behind the last four years of performance:**

- Investigators are required to provide a yearly report to the Board on the number of cases investigated in regards to: complaints filed by clients, illegal outfitter complaints, and illegal actions taken by licensees, along with the adjudication of those matters.

- The adoption of the “Code of Ethics” into the Board’s rules and regulations helped reduce the number of complaints filed against outfitters and guides.
- In 2007 seven dockets were opened. Three licensees were issued conditional licenses, one license was denied, two received an advisory letter and one license was issued with no conditions. In 2008 eleven dockets were opened. Eight licensees were issued conditional licenses from two – five years; one received an advisory letter and two applicants were denied a license. Twelve dockets were opened in 2009. Four licenses were issued as conditional licenses, four received advisory letters, one license was denied, two were issued with no conditions, and one remains open. In 2010 eighteen dockets were opened. Seven licensees were issued advisory letters. Four were closed as unfounded. Three were issued conditional licenses and one is pending. Three applicants were denied and no hearing was requested. Hearings are held in accordance with the Wyoming Administrative Procedure’s Act for which expenses come from with the Board’s standard budget as approved by the legislature.

**Proposal to improve performance in the next two years:**

- The Board will continue to monitor expenses; however 97% of our budget is set by other State agencies and legislative action (Salaries, benefits, cost allocation, telecommunications, etc).
- The Board has begun to issue "cease and desist" orders to those persons believed to be operating illegally.
- We are working with other Boards and legislators to introduce a bill that would give the Board fining ability and work on a bill to recoup costs on disciplinary matters as these actions incur administrative and investigative costs for the proceedings. It is felt that the persons causing the problems should pay the costs for the administrative procedure instead of penalizing the entire industry. Fining ability could be used in lieu of suspending or revoking licenses.
- We review the “Memorandum of Understanding” (MOU) each year that has been in effect since 1990, and was revised six times since then. The MOU is between this Board, the U.S. Department of the Interior, Bureau of Land Management – Wyoming State Office, U.S. Fish and Wildlife Service, and National Park Service (Grand Teton National Park); the U.S. Department of Agriculture, U.S. Forest Service, Rocky Mountain and Intermountain Regions; the Wyoming Office and State Lands and Investments; and the Wyoming Game & Fish Commission. The MOU helps streamline the issuance of outfitters licenses and opens the lines of communication for the dissemination of information between agencies in regards to complaints, investigations, and disciplinary actions taken. The MOU is also utilized with respect to making rules of the different agencies involved easily accessible to the public, enhances the quality of life for the users and protects the

resources. We are also working with BLM regarding the issuance of outfitting permits on BLM land where the numbers of tags vs. the number of outfitters currently in the area is causing overcrowding.

- The Board will continue to meet with other state’s licensing boards to coordinate activities and work on ideas to help reduce illegal activity.
- We now require new applicants to attend a training class that reviews the Board’s statutes, rules and regulations and also covers information in regards to obtaining the proper permits from other agencies. This will help stop the use of unauthorized areas being utilized which can result in the revocation of a license and/or permit.

**Organizational Structure:**

Department of Administration & Information (Type 3 Transfer), Wyoming State Board of Outfitters and Professional Guides

