

General Information

Wyoming State Board of Outfitters & Professional Guides

Jane E. Flagg, Occupational Licensing Administrator

Agency Contact

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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 \$380,559

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, 2007 through June 30, 2008

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:

- We have 4 full time personnel with an appropriation total of \$782,213 (Trust and Agency Fund) for FY07-08, operating on license fees only.
- The Board licenses and regulates hunting outfitters and professional guides to ensure the public (clients) of a quality and safe hunt and are provided the services that were contracted for. We ensure the licensee is insured and possesses the necessary equipment, vehicles, tack and livestock, and has proper area authorizations to run a professional licensed outfitting business. 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. In this manner the Board serves and protects the public.
- 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 two full time investigators/peace officers to patrol the entire state. Therefore we work closely with enforcement officers from other state and federal agencies. We could easily utilize at least two more peace officers. 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 which saves on the Board's expenses. This allows maximum time "in the field" for investigations and public relations. The investigator's presence in the field is a significant deterrent to illegal activity. The Board investigators must be certified peace officers and require 40 hours of certification every two years.
- Duties of the Board's investigators include but are not limited to investigating illegal activities and crimes, gather and research information; collect evidence, interview witnesses, victims and suspects; confer with and advise law enforcement officials/agencies, other public officials and prosecuting attorneys regarding investigative techniques, procedures and findings; testify in court and administrative hearings; write investigative reports and recommendations; train 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.

Annual number served:

- 2004 – 361 outfitters and 1210 guides served 10,188 clients.
- 2005 – 355 outfitters and 1189 guides served 10,378 clients.
- 2006 – 370 outfitters and 1207 guides served 10,570 clients.
- 2007 – 360 outfitters and 1272 guides served 10,587 clients.
- The number of guides fluctuates due to the hunting license draw.

Performance:

- There were 13 complaints filed against licensed outfitters and guides in 2004 (1%); 19 (5%) in 2005; 14 (4%) in 2006 and 17 in 2007 (1%). Of these total complaints, 6 were dismissed as they were beyond the Board's jurisdiction or no violations were found, 19 were mild in nature, 33 were moderate in nature that required no disciplinary action, and 5 resulted in disciplinary action, including the issuance of probationary licenses or suspension of the license.
- Office staff is 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 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 of applications are 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 is not 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.
- The investigators open cases of reported illegal outfitting activity. Many of the cases can remain open for a lengthy period of time due to the various circumstances of the case. Others are closed as unfounded or closed with a letter of warning. Some are presented to the county attorney for prosecution. The Board has received federal grants from the Office of Homeland Security because of the investigators' POST certification which has allowed the purchase of equipment.

Story behind the last four years of performance:

- We believe that due to more intense investigations of illegal activity, particularly on those operating on private lands, the number of licensed outfitters and guides has increased. 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.

- There were no disciplinary hearings in 2004 however seven docket numbers were opened. Four licensees received public letters of reprimand; two received conditional licenses; and one accepted a suspended license for 2005. There were no disciplinary hearings in 2006 however fourteen docket numbers were opened regarding complaints/applications assigned to an investigative committee. Nine licensees were placed on probation, three dockets were dismissed, one licensee voluntarily surrendered his license, and one license was denied. Seven dockets were opened in 2007 that resulted in two advisory letters, three conditional licenses, one license denial and one closed with no action taken. Hearings are held in accordance with the Wyoming Administrative Procedure's Act for which expenses come from within the Board's standard budget as approved by the legislature.
- License fees were increased in 2008 to cover the operating expenses of the Board. The fee was not as great as anticipated due to measures taken by this Board to reduce costs, such as changing the phone service, obtaining a new state lease for the copier, changed internet service, copying forms in the office, renegotiating the office lease, cutting travel expenses by holding more meetings in Cheyenne, and cutting the multi-state meeting until a later date. However, the Board has increasing expenses due to legislative changes in employee benefits and cost allocation charges. The Board did request general fund money in their FY 09-10 budget, however the request was denied as the funding is not allowed under the Board's statutes.
- The Board's main focus of attention is on the safety and welfare of the clients utilizing outfitter/guide services and continually strives to ensure clients are treated in a professional manner and are outfitted as stated in their contracts.

What has been accomplished?

- The Board has continued to monitor expenses so another fee increase may not have to occur in the future, however 97% of our budget is set by other State agencies (salaries, benefits, cost allocation, telecommunications, data services, etc).
- Complaints filed by clients, along with applications for outfitter/guide licenses with violations or other problems listed, are assigned to an investigative committee who review the allegations and applications for recommendation to the Board. These instances are thoroughly investigated by the committee, who also meet with the affected licensee to discuss any issues or changes that person might want to make in the operation of their business. This helps to reduce the number of complaints filed each year and can avoid future game and fish violations.
- The Board has issued "cease and desist" orders to those persons believed to be operating illegally and have been working with various outfitter associations to update the Board's statutes, rules and regulations.

- The “Memorandum of Understanding” (MOU) that has been in effect since 1990, has been revised six times and has been extremely helpful in issuing licenses and sharing information in regards to violations and reports of alleged illegal outfitters. 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
- Due to an Attorney General Opinion regarding landowners operating on their own land, however may have state or other private land intermingled, and who may have been operating illegally, have come forward to obtain a license. This in turn has helped with the Board’s budget.

Organizational Structure:

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

