



Certification Page Regular and Emergency Rules

Revised May 2014

Emergency Rules *(After completing all of Sections 1 and 2, proceed to Section 5 below)*

Regular Rules

1. General Information

a. Agency/Board Name Administration and Information/Board of Outfitters			
b. Agency/Board Address 1950 Bluegrass Circle Suite 280		c. City Cheyenne	d. Zip Code 82002
e. Name of Contact Person Amanda McKee		f. Contact Telephone Number 307-635-2723	
g. Contact Email Address amanda.mckee@wyo.gov		h. Adoption Date 12/21/2016	
i. Program Board of Outfitters			

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted:

c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
2	Licensing Provisions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Practice and Procedure	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

d. The Statement of Reasons is attached to this certification.

e. If applicable, describe the **emergency** which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

3. State Government Notice of Intended Rulemaking

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the **Secretary of State:** 09/16/16

b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Legislative Service Office:** 09/16/16

c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Attorney General:** 09/16/16

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. Yes No N/A

b. A public hearing was held on the proposed rules. Yes No

If "Yes:"	Date:	Time:	City:	Location:

5. Final Filing of Rules

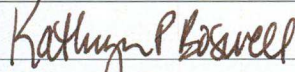
a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature:** 12/23/2016

b. Date on which final rules were sent to the **Legislative Service Office:** 12/23/2016

c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State:** 12/23/2016

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual <i>(Blue ink as per Rules on Rules, Section 7)</i>	
Printed Name of Signatory	Kathryn Boswell
Signatory Title	Board Member
Date of Signature	12/23/16

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

Attorney General: 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

LSO: 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules (PDFs) emailed to Criss.Carlson@wyoleg.gov: clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

SOS: 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

WYOMING BOARD OF OUTFITTERS AND PROFESSIONAL GUIDES
RULES AND REGULATIONS
STATEMENT OF PRINCIPAL REASONS

September 1, 2016

The following proposed rule changes are an attempt to clean up Chapter 2 and clarify requirements to better regulate the industry. The Board has also made changes to Chapter 4 that will help clarify the Board's practices regarding discipline, review, investigation and suspension of applications and licenses.

1. Chapter 2 Section 1 (a) - Eliminating the categorization of Type A Big and Trophy Game and Type B Deer/Antelope Outfitter licenses to align with the repeal of those distinctions by the Legislature in 1991 Wyoming Session Law 278. With this change, there will be only one type of Outfitter license. The Legislature did not repeal the portion of the Board's Practice Act that allows the Board to limit the areas a licensee may operate or the species for which the licensee may provide hunting services. Wyo. Stat. Ann. § 23-2-410(c)(v). Therefore, this proposed change does not affect that portion of the Board's regulations that permit it to limit the areas an Outfitter may operate and the species for which they may provide hunting services. *Rules Wyo. Bd. of Outfitters and Prof'l Guides*, Regulatory Provisions, Ch. 2 § 1(g) (March 7, 2011). The proposed rule change will not affect any area or species limitation placed on an existing or renewed license. For new applicants, the Board may still limit the areas of operation and the species for which the new licensee may provide hunting services.
2. Chapter 2 Section 1 (f) - Requiring that an amended Operation Plan be submitted with Supplemental Area Request forms. The Board recognizes that one hunt area can be significantly different from another. For example, the new area being applied for may be serviced by different emergency responders, have a different base camp, contain significantly different terrain, or move the Outfitter's operation into an area with predators. This proposed change will allow the Board to ensure public safety by requiring the Outfitter to report how they will operate within the new area, in addition to the areas that they are currently authorized to operate. Moreover, Outfitters need to keep their Operation Plan that is on file with the Board up to date. This proposed change will provide Outfitters an additional opportunity to update their entire Operation Plan.
3. Chapter 2 Section 1 (k) and Section 5 (c) - Removing the implementation date that first aid and hunter safety requirements were first required to be provided by new Outfitter and new Professional Guide applicants. The proposed change is a housekeeping matter. The requirements have been on the books for over five years and the operative date that those requirements first went into effect can be removed from the language of the rules to

align with the Governor’s objective to reduce the length and complexity of agency rules. The underlying requirement that applicants produce with their application proof of completing first aid and hunter safety courses will not be affected by this change.

4. Chapter 2 Section 5 (e)(ii) - Adding the requirement that the Outfitter list the dates that the Professional Guide is employed by or under contract with the licensed Outfitter on the Professional Guide’s license. The rules currently require Outfitters to sign the Professional Guide’s license before the Professional Guide’s license becomes valid. *Rules Wyo. Bd. of Outfitters and Prof’l Guides*, Regulatory Provisions, Ch. 2 § 5(e). And the Professional Guide’s is valid only while they are employed by or under contract with a licensed Outfitter, which may be for less than the entire hunting season. *Id.* This requirement is being added to aid in the investigation of potential unlicensed practice by Professional Guides during the time that they are not employed or under contract with a licensed Outfitter.
5. Chapter 2 Section 5 (e)(iii) – Adding that a printed copy of a Professional Guide’s license that was received by email is acceptable and removing the portion that requires the Professional Guide to then retrieve their original license as soon as practicable. Professional Guides must carry their license with them and they currently may use the original or, until they can retrieve the original, a facsimile copy. *Rules Wyo. Bd. of Outfitters and Prof’l Guides*, Regulatory Provisions, Ch. 2 §§ 5(e) and 8. This proposal is designed to update the rules to accommodate additional technological means to obtain a Professional Guide’s license from the Board’s Office. It is felt that this will help those Professional Guides who are away from home during the hunting season or need to quickly obtain a copy of their license. It is also felt that this change will reduce costs incurred by the Board. Because the Professional Guide’s license must be signed by a licensed Outfitter, the Board is not proposing to amend the rules to accept an electronic version of the license. *Id.* § 5(e). With the change, the Professional Guide could use their original license, a facsimile copy, or a paper print out of the license that they received via email.
6. Chapter 2 Section 7 – wording change from “Wyoming Statute” to “W.S.” to make uniform all citations to the statutes in the rules.
7. Chapter 2 Section 9 – Adding the requirement that Outfitters must sign their client hunter’s licenses. This proposed change is designed to complement the Wyoming Game and Fish Commission’s regulation that requires big and trophy game hunters utilizing the services of an Outfitter to legibly print the name of the Outfitter, the Outfitter’s license number and the type of Outfitter license on the back of the licensee’s big or trophy game license. *Rules Wyo. Game and Fish Comm’n*, 2016 General Hunting Regulations, Chapter 2 § 10 (June 8, 2016). The Board’s code of ethics requires Outfitters to advise their hunter clients of the Commission’s hunting license requirements. *Rules Wyo. Bd. of Outfitters and Prof’l Guides*, Regulatory Provisions, Ch. 3 § 2(a)(5) (Feb. 12, 2007). The Board believes that Outfitters are responsible for making sure that hunters comply with the Commission’s regulation and this change is proposed to make that position clear to the public and the regulated community.

8. Chapter 4 Section 2 – Removed existing Section 2 and replaced with the following new sections to better explain the Board’s authority and practices regarding discipline, review, investigations and suspensions of applications and licenses.
 - Section 2 – Statement of Purpose regarding the Board’s Authority.
 - Section 3 – Definitions
 - Section 4 – Discipline and Denial of License
 - Section 5 – Application Review and Investigation Process
 - Section 6 – Complaint Review and Investigation Process
 - Section 7 – Summary Suspension
 - Section 8 – Formal Proceedings for Disciplinary Actions

These proposed changes align with the Board’s current policies and practices and the recommendations of the Wyoming Attorney General’s Office. Codifying the Board’s current practices in the Board’s regulations should provide the public with a better understanding of those policies and practices, and give the applicants and licensees fair notice of how the Board will process applications and complaints.
9. Chapter 4 Section 6 – Renumbered to Section 9 because of proposed changes and additions to Sections 2 through 8. Removed and edited wording to simplify the language and align with other terms used in Chapter 4. Clarified that an additional purpose of the informal conference is for the Disciplinary Committee to obtain additional information on the matter being considered. Informal conferences should be an opportunity for the licensee to sit down with the Disciplinary Committee to tell their side of the story and potentially work out a settlement of the matter without need to go through a formal contested case hearing.
10. Chapter 4 NEW Section 10 – New section added to require the Disciplinary Committee to serve a Petition and Notice of Hearing on a licensee at least 30 days before the hearing. The Wyoming Administrative Procedure Act requires the Board to provide reasonable notice of a hearing and serve that notice by personal delivery or by mail. Wyo. Stat. Ann. § 16-3-107(a). This new language codifies the Board’s practice and makes clear that 30 days is deemed to be reasonable notice before the hearing. Additionally, the new section identifies the date on which the Petition and Notice of Hearing is served acts as the date that the formal proceeding was initiated.
11. Renumbering of Sections as needed because of proposed changes and additions to Sections 2 through 8, and the addition of the new Section 10: Section 7 is now 11. Section 8 is now 12. Section 9 is now 13.

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WYOMING BOARD OF OUTFITTERS AND PROFESSIONAL GUIDES
RULES AND REGULATIONS
SUMMARY OF PUBLIC COMMENT

December 22, 2016

After filing the notice of intent on September 16, 2016, public notice was printed in both a State newspaper and the Board's website. The proposed rule changes were also posted on the Board's website.

No public comment regarding the following rule changes were received either by mail, phone, verbally or electronically.

1. Chapter 2 Section 1 (a) - Eliminating the categorization of Type A Big and Trophy Game and Type B Deer/Antelope Outfitter licenses to align with the repeal of those distinctions by the Legislature in 1991 Wyoming Session Law 278..
2. Chapter 2 Section 1 (f) - Requiring that an amended Operation Plan be submitted with Supplemental Area Request forms.
3. Chapter 2 Section 1 (k) and Section 5 (c) - Removing the implementation date that first aid and hunter safety requirements were first required to be provided by new Outfitter and new Professional Guide applicants..
4. Chapter 2 Section 5 (e)(ii) - Adding the requirement that the Outfitter list the dates that the Professional Guide is employed by or under contract with the licensed Outfitter on the Professional Guide's license.
5. Chapter 2 Section 5 (e)(iii) – Adding that a printed copy of a Professional Guide's license that was received by email is acceptable and removing the portion that requires the Professional Guide to then retrieve their original license as soon as practicable.
6. Chapter 2 Section 7 – wording change from “Wyoming Statute” to “W.S.” to make uniform all citations to the statutes in the rules.
7. Chapter 2 Section 9 – Adding the requirement that Outfitters must sign their client hunter's licenses.
8. Chapter 4 Section 2 – Removed existing Section 2 and replaced with the following new sections to better explain the Board's authority and practices regarding discipline, review, investigations and suspensions of applications and licenses.

Section 2 – Statement of Purpose regarding the Board’s Authority.
Section 3 – Definitions
Section 4 – Discipline and Denial of License
Section 5 – Application Review and Investigation Process
Section 6 – Complaint Review and Investigation Process
Section 7 – Summary Suspension
Section 8 – Formal Proceedings for Disciplinary Actions

9. Chapter 4 Section 6 – Renumbered to Section 9 because of proposed changes and additions to Sections 2 through 8. Removed and edited wording to simplify the language and align with other terms used in Chapter 4. Clarified that an additional purpose of the informal conference is for the Disciplinary Committee to obtain additional information on the matter being considered. Informal conferences should be an opportunity for the licensee to sit down with the Disciplinary Committee to tell their side of the story and potentially work out a settlement of the matter without need to go through a formal contested case hearing.
10. Chapter 4 NEW Section 10 – New section added to require the Disciplinary Committee to serve a Petition and Notice of Hearing on a licensee at least 30 days before the hearing.
11. Renumbering of Sections as needed because of proposed changes and additions to Sections 2 through 8, and the addition of the new Section 10: Section 7 is now 11. Section 8 is now 12. Section 9 is now 13.

CHAPTER 2

LICENSING PROVISIONS

Section 1. Application for and Issuance of New Outfitter Licenses and Area Authorization.

(a) Any qualified person desiring to operate as an outfitter may make application for an outfitter license on forms provided by the Board (Application and Operation Plan). The application shall be completed by the applicant and returned to the Board, together with the new applicant fee. The study material for the exam will then be mailed to the applicant. This fee is non-refundable. The application and new applicant fee shall be valid for one year from date of receipt.

(b) Applicants shall indicate the hunt area(s) in which they intend to operate and shall provide all information as required on the Operation Plan. Outfitters may operate only in those areas approved on the Operation Plan, except as provided in paragraph (f) of this section.

(c) Applicants shall submit a letter of intent from an insurance company indicating they will insure the applicant if a license is approved. Insurance must be effective during the entire licensing period. If insurance is not in effect, the license is void.

(d) Prior to final approval of an outfitter license, the applicant shall secure written endorsement from the public land agency or lessor for the areas shown on the Operation Plan. A "Surface Management Status Map" shall be submitted showing all intended areas of operation for any private lands requested on the private land form. All written records of applicants involving landowner or lease permission shall remain confidential.

(e) All applicants shall appear in person before the Board, unless waived by the Board. The Board may also request an applicant to pass a camp and equipment inspection.

(f) Licensed outfitters may apply for additional area authorizations by submitting the proper Supplemental Area Request form and amended Operating Plan to the Board or a letter of intent from the controlling land agency that indicates the species and areas where the licensee may operate.

(g) The Board shall retain final authority regarding license issuance and hunt area authorization. The Board may restrict the species and the hunt management unit where an applicant may operate or outfit hunting clients based upon sound game and land use management principles and purposes based upon recommendations by the commission.

(h) All area authorization permits shall be issued in the name of the outfitter.

(i) The new application fee as set by the Board shall be submitted with the original application and operation plan.

(j) An applicant for a new outfitters license shall have experience as a licensed professional guide for not less than one (1) year or have other training, experience or education acceptable to the Board. The applicant may submit a letter of reference from a licensed outfitter and shall demonstrate knowledge of the area(s) for which application is made.

(i) Seventy (70) days in the field while guiding hunters as a licensed professional guide equals (1) year experience.

(k) All applicants for a new outfitters license shall:

(i) Be certified in first aid and submit a copy of his current and valid first aid certification card with the original application;

(ii) If born on or after January 1, 1966 possess a certificate of competence and safety in the use and handling of firearms (hunter safety card) and submit a copy of his hunter safety card with the original application; and

(iii) Attend the outfitter training course provided by the Board.

(l) The Board may deny granting a license to an applicant who is not qualified or based upon a violation of a significant state or federal law or regulation pertaining to wildlife, game or fish.

(m) No license approved by the Board will be issued unless the proper license fee and proof of insurance are received in the Board office within 60 days of the date of approval.

(n) No license will be considered for approval by the Board until all licensing requirements have been met.

Section 2. Examination for Outfitters.

(a) New applicants for outfitter licenses shall be given an examination to test the applicant's knowledge of the Act, Board rules, Game & Fish laws, Forest Service and BLM outfitting policies, and first aid. It shall also include habits of game sought, hunting techniques, care of meat and trophies and applicable firearm laws.

(b) An examination for a new outfitter license for a current year shall be given as needed January through June. The examination shall be given as needed during July through December for the following year. Applicants shall make an appointment to test

no less than fourteen (14) days in advance. The examination shall be a closed book test. Passing the examination will constitute receiving a score of at least seventy-five percent (75%). Any person failing to pass an examination may be given another examination after thirty (30) days. An applicant who fails the examination twice in a calendar year shall not be eligible to retake the examination until the following calendar year. Upon receiving a passing score, the exam shall be valid for one year from the date taken.

Section 3. Outfitters to Submit Required Report. Each licensed outfitter shall submit an Outfitter's Annual Report on the form provided by the Board covering the calendar year for which the license was held. The reported information shall be legible, accurate, completed and verified by a notary public. Reports shall be received by the Board by January 31 of each year. A license shall not be renewed until this Report has been received.

Section 4. Renewal of Outfitter Licenses.

(a) Outfitter licenses expire on December 31st of the year issued per W.S. 23-2-414(b). Therefore, outfitter renewal applications must be post-marked no later than December 31st of each year. Any application post-marked after that date shall be treated as a first time applicant except for good cause as determined solely by the Board.

(b) An outfitter license may be renewed and the same license number retained if the applicant is not applying for additional area(s) or services upon submission of the following by December 31st prior to the year for which a license is sought.

- (i) A completed outfitter license renewal application form;
- (ii) An original Certificate of Insurance if one is not on file; and
- (iii) The outfitter license fee as set by the Board under Chapter 5, Section 1.

(c) No license will be considered for renewal by the Board until all licensing requirements have been met.

Section 5. Application for and Issuance of Professional Guide Licenses.

(a) Any qualified person desiring to operate as a professional guide may make application for a professional guide license on the form provided by the Board.

(b) The application shall be completed by the applicant and returned to the Board together with the annual license fee as set by the Board under Chapter 5, Section 1.

(c) All applicants for a professional guide license shall:

- (i) Be certified in first aid and submit a copy of his valid first aid certification card with the application; and
- (ii) If born on or after January 1, 1966, a professional guide must possess a certificate of competence and safety in the use and handling of firearms (hunter safety card) and submit a copy of his hunter safety card with the application, if one is not on file.

(d) For good cause shown when the applicant applies for a professional guide license during the hunting season, these requirements may be waived. No guide shall receive more than one waiver.

(e) An applicant may receive only one fourteen (14) day permit in any twelve (12) month period.

(f) A professional guide license issued by the Board is valid if:

- (i) The professional guide is employed or contracted by a licensed outfitter;
- (ii) Signed on the back by the employing or contracting outfitter, including the outfitter's license number and the date(s) that the licensee is employed by or operating under an independent contract with the licensed outfitter; and
- (iii) It is the original license or is a facsimile or emailed copy, properly signed, which shall be valid proof of licensure.

(f) Professional guides covered under liability insurance of a licensed outfitter shall not be required to furnish a separate certificate of insurance.

(g) The Board may deny granting a license to an applicant who is not qualified or based upon a violation of a significant state or federal law, or regulation pertaining to wildlife, game or fish.

Section 6. Examination for Professional Guides. New applicants for professional guide licenses shall be given an open book examination prior to issuance of the license. The examination shall test the applicant's knowledge of the Act, Board rules, game and fish laws, Forest Service and BLM policies and first aid. It shall also include habits of game sought, hunting techniques, care of meat and trophies and applicable firearm laws.

Passing the examination will constitute receiving a score of at least seventy-five percent (75%). Any person failing to pass an examination may be given another examination after thirty (30) days. Upon receiving a passing score, the exam shall be valid for one year from the date taken.

Section 7. Renewal of Professional Guide Licenses. Professional Guide licenses expire on December 31st of the year issued per W.S. 23-2-414(b). A renewal filed after December 31st is not timely filed for purposes of W.S. 16-3-113(b). However, Professional Guides licensed in either of the prior two calendar years may submit a renewal application and are exempt from taking the exam and paying the new application fee as required for first time applicants. A professional guide license may be renewed upon submission of the following:

(a) A completed professional guide application.

(b) The annual professional guide license fee as set by the Board under Chapter 5, Section 1 and pursuant to W.S. 33-1-201.

Section 8. Proof of Licensure Required. Licensees shall carry their original license, as issued by the Board, at all times when providing outfitting or professional guide services, except as authorized by Section 5 (e) (iii) of this Chapter.

Section 9. Outfitters Required to Sign Hunter's License. All outfitters shall sign their hunter client's license before the hunt and include their outfitter license number.

CHAPTER 2

LICENSING PROVISIONS

Section 1. Application for and Issuance of New Outfitter Licenses and Area Authorization.

(a) ~~Outfitter licenses will be issued as Type A—Big and Trophy Game and Type B—Deer/Antelope.~~ Any qualified person desiring to operate as an outfitter may make application for an outfitter license ~~for the type desired~~ on forms provided by the Board (Application and Operation Plan). The application shall be completed by the applicant and returned to the Board, together with the new applicant fee. The study material for the exam will then be mailed to the applicant. This fee is non-refundable. The application and new applicant fee shall be valid for one year from date of receipt.

(b) Applicants shall indicate the hunt area(s) in which they intend to operate and shall provide all information as required on the Operation Plan. Outfitters may operate only in those areas approved on the Operation Plan, except as provided in paragraph (f) of this section.

(c) Applicants shall submit a letter of intent from an insurance company indicating they will insure the applicant if a license is approved. Insurance must be effective during the entire licensing period. If insurance is not in effect, the license is void.

(d) Prior to final approval of an outfitter license, the applicant shall secure written endorsement from the public land agency or lessor for the areas shown on the Operation Plan. A "Surface Management Status Map" shall be submitted showing all intended areas of operation for any private lands requested on the private land form. All written records of applicants involving landowner or lease permission shall remain confidential.

(e) All applicants shall appear in person before the Board, unless waived by the Board. The Board may also request an applicant to pass a camp and equipment inspection.

(f) Licensed outfitters may apply for additional area authorizations by submitting the proper Supplemental Area Request form and amended Operating Plan to the Board or a letter of intent from the controlling land agency that indicates the species and areas where the licensee may operate.

(g) The Board shall retain final authority regarding license issuance and hunt area authorization. The Board may restrict the species and the hunt management unit where an applicant may operate or outfit hunting clients based upon sound game and land use management principles and purposes based upon recommendations by the commission.

(h) All area authorization permits shall be issued in the name of the outfitter.

(i) The new application fee as set by the Board shall be submitted with the original application and operation plan.

(j) An applicant for a new outfitters license shall have experience as a licensed professional guide for not less than one (1) year or have other training, experience or education acceptable to the Board. The applicant may submit a letter of reference from a licensed outfitter and shall demonstrate knowledge of the area(s) for which application is made.

(i) Seventy (70) days in the field while guiding hunters as a licensed professional guide equals (1) year experience.

(k) ~~Beginning July 1, 2011 a~~All applicants for a new outfitters license shall:

(i) Be certified in first aid and submit a copy of his current and valid first aid certification card with the original application;

(ii) If born on or after January 1, 1966 possess a certificate of competence and safety in the use and handling of firearms (hunter safety card) and submit a copy of his hunter safety card with the original application; and

(iii) Attend the outfitter training course provided by the Board.

(l) The Board may deny granting a license to an applicant who is not qualified or based upon a violation of a significant state or federal law or regulation pertaining to wildlife, game or fish.

(m) No license approved by the Board will be issued unless the proper license fee and proof of insurance are received in the Board office within 60 days of the date of approval.

(n) No license will be considered for approval by the Board until all licensing requirements have been met.

Section 2. Examination for Outfitters.

(a) New applicants for outfitter licenses shall be given an examination to test the applicant's knowledge of the Act, Board rules, Game & Fish laws, Forest Service and BLM outfitting policies, and first aid. It shall also include habits of game sought, hunting techniques, care of meat and trophies and applicable firearm laws.

(b) An examination for a new outfitter license for a current year shall be given as needed January through June. The examination shall be given as needed during July

through December for the following year. Applicants shall make an appointment to test no less than fourteen (14) days in advance. The examination shall be a closed book test. Passing the examination will constitute receiving a score of at least seventy-five percent (75%). Any person failing to pass an examination may be given another examination after thirty (30) days. An applicant who fails the examination twice in a calendar year shall not be eligible to retake the examination until the following calendar year. Upon receiving a passing score, the exam shall be valid for one year from the date taken.

Section 3. Outfitters to Submit Required Report. Each licensed outfitter shall submit an Outfitter's Annual Report on the form provided by the Board covering the calendar year for which the license was held. The reported information shall be legible, accurate, completed and verified by a notary public. Reports shall be received by the Board by January 31 of each year. A license shall not be renewed until this Report has been received.

Section 4. Renewal of Outfitter Licenses.

(a) Outfitter licenses expire on December 31st of the year issued per W.S. 23-2-414(b). Therefore, outfitter renewal applications must be post-marked no later than December 31st of each year. Any application post-marked after that date shall be treated as a first time applicant except for good cause as determined solely by the Board.

(b) An outfitter license may be renewed and the same license number retained if the applicant is not applying for additional area(s) or services upon submission of the following by December 31st prior to the year for which a license is sought.

- (i) A completed outfitter license renewal application form;
- (ii) An original Certificate of Insurance if one is not on file; and
- (iii) The outfitter license fee as set by the Board under Chapter 5, Section 1.

~~(iv)~~(c) No license will be considered for renewal by the Board until all licensing requirements have been met.

Section 5. Application for and Issuance of Professional Guide Licenses.

(a) Any qualified person desiring to operate as a professional guide may make application for a professional guide license on the form provided by the Board.

(b) The application shall be completed by the applicant and returned to the Board together with the annual license fee as set by the Board under Chapter 5, Section 1.

(c) ~~Beginning July 1, 2011, a~~All applicants for a professional guide license shall:

- (i) Be certified in first aid and submit a copy of his valid first aid certification card with the application; and
- (ii) If born on or after January 1, 1966, a professional guide must possess a certificate of competence and safety in the use and handling of firearms (hunter safety card) and submit a copy of his hunter safety card with the application, if one is not on file.

~~(iii)~~(d) For good cause shown when the applicant applies for a professional guide license during the hunting season, these requirements may be waived. No guide shall receive more than one waiver.

~~(d)~~(e) An applicant may receive only one fourteen (14) day permit in any twelve (12) month period.

~~(e)~~(f) A professional guide license issued by the Board is valid if:

- (i) The professional guide is employed or contracted by a licensed outfitter;
- (ii) Signed on the back by the employing or contracting outfitter, including the outfitter's license number and the date(s) that the licensee is employed by or operating under an independent contract with the licensed outfitter; and
- (iii) It is the original license or is a facsimile or emailed copy, properly signed, which shall be valid proof of licensure ~~until it is reasonably practical to possess the original.~~

(f) Professional guides covered under liability insurance of a licensed outfitter shall not be required to furnish a separate certificate of insurance.

(g) The Board may deny granting a license to an applicant who is not qualified or based upon a violation of a significant state or federal law, or regulation pertaining to wildlife, game or fish.

Section 6. Examination for Professional Guides. New applicants for professional guide licenses shall be given an open book examination prior to issuance of the license. The examination shall test the applicant's knowledge of the Act, Board rules, game and fish laws, Forest Service and BLM policies and first aid. It shall also include habits of game sought, hunting techniques, care of meat and trophies and applicable firearm laws.

Passing the examination will constitute receiving a score of at least seventy-five percent (75%). Any person failing to pass an examination may be given another

examination after thirty (30) days. Upon receiving a passing score, the exam shall be valid for one year from the date taken.

Section 7. Renewal of Professional Guide Licenses. Professional Guide licenses expire on December 31st of the year issued per W.S. 23-2-414(b). A renewal filed after December 31st is not timely filed for purposes of ~~Wyoming Statute~~ W.S. 16-3-113(b). However, Professional Guides licensed in either of the prior two calendar years may submit a renewal application and are exempt from taking the exam and paying the new application fee as required for first time applicants. A professional guide license may be renewed upon submission of the following:

(a) A completed professional guide application.

(b) The annual professional guide license fee as set by the Board under Chapter 5, Section 1 and pursuant to W.S. 33-1-201.

Section 8. Proof of Licensure Required. ~~(a)~~ Licensees shall carry their original license, as issued by the Board, at all times when providing outfitting or professional guide services, except as authorized by Section 5 (e) (iii) of this Chapter.

Section 9. Outfitters Required to Sign Hunter's License. All outfitters shall sign their hunter client's license before the hunt and include their outfitter license number.

CHAPTER 4

PRACTICE AND PROCEDURE

Section 1. Overview. It is the intent of the Board through these Rules to recognize the difference between an allegation made against a licensee and the need for a formal proceeding. The Board requests the cooperation of all licensees in responding to letters of inquiry dealing with allegations as opposed to responses to formal proceedings. Responses to letters of inquiry are voluntary whereas responses to formal proceedings are mandatory to retain the rights of licensees.

Section 2. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to:

- (a) Conduct investigations, hearings, and proceedings concerning:
 - (i) Actions relating to an application for a license, including granting or denying; or
 - (ii) Alleged violations of the Act or the Board Rules.
- (b) Determine and administer appropriate disciplinary action against an applicant or licensee.

Section 3. Definitions.

- (a) "Act" means W.S. 23-2-406 to 23-2-418
- (b) "ARC" means application review committee.
- (c) "Board Rules" means the rules and regulations promulgated by the Wyoming Board of Outfitters and Professional Guides.
- (d) "DC" means disciplinary committee.
- (e) For purposes of this chapter, "license" means a license or other authorization issued by the Board.

Section 4. Grounds for Discipline and Denial of License.

- (a) Disciplinary Action. The Board may take disciplinary action or refuse to issue or renew a license for one (1) or more of the following acts or conduct:
 - (i) A violation of the Act, including any cause listed in W.S. 23-4-416(a);

(ii) A violation of the Board's Rules, including the Regulatory Provisions listed in Chapter 3; or

(iii) Failing to meet the minimum qualifications outlined in the Act or Board's Rules.

Section 5. Application Review and Investigation Process.

(a) Application Review and Investigation. In application and licensure matters:

(i) Every application for a license issued by the Board is subject to investigation to determine whether the requirements set forth in the Act and Board Rules are satisfied; and

(ii) Every application that reveals information which merits further investigation shall be assigned to the ARC.

(A) Upon completing the investigation, the Board's investigator shall make a written report to the ARC setting forth the facts discovered. The investigator may make a recommendation to the ARC as to the disposition of the application. The ARC is not bound by the investigator's recommendation.

(B) Investigation files of any application review which is pending are confidential and not public record.

(b) Application Review Committee Action. Following investigation, the ARC may:

(i) Recommend a license be issued;

(ii) Recommend approval of a settlement agreement, which may include the issuance of a license with the imposition of a reprimand, conditions, restrictions, other discipline or a combination thereof; or

(iii) Preliminarily deny the application.

(c) Notice of Preliminary Denial.

(i) The ARC shall notify the applicant that it preliminarily denied the application:

(ii) The Notice shall contain:

(A) A brief description of the facts or conduct which warrant the preliminary denial of the application;

(B) A statement of the nature of the actions which warrant the preliminary denial of the application and a citation to the applicable statutory provisions in the Act or the Board Rules; and

(C) Notice of the right to a contested case hearing if a written request is received by the Board office within thirty (30) days of the date of mailing the Notice of Preliminary Denial.

(d) Applicant's Request for Hearing.

(i) The applicant may request a hearing if the ARC preliminarily denies the application.

(ii) The applicant shall submit a written request for a contested case hearing to the Board office within thirty (30) days of the date of the Notice of Preliminary Denial.

(iii) Failure of the applicant to request a contested case hearing within thirty (30) days of the date of the Notice of Preliminary Denial shall result in a final denial of the application.

Section 6. Complaint Review and Investigation Process.

(a) Complaint Review and Investigation.

(i) All complaints against an outfitter or professional guide shall be filed with the Board in writing and shall provide at least the following information:

(A) Name and address of licensee;

(B) Name, address and telephone number of complainant;

(C) Nature of alleged violations;

(D) A short and concise statement of facts relating to the alleged violations; and

(E) Signature of complainant.

(ii) Complaints shall be investigated by the DC or the Board staff.

(A) The DC and the Board's investigator are empowered to conduct a full and complete investigation of a scope necessary to determine whether or not the allegations in the complaint, or any other information discovered during the investigation, are sufficient enough to warrant a formal proceeding.

(B) The DC and Board's investigator may review documents and interview the complainant and other witnesses. The committee shall interview the licensee only if the licensee voluntarily agrees.

(C) Upon completing the investigation, the Board's investigator shall make a written report to the DC setting forth the facts discovered. The investigator may make a recommendation to the DC as to whether there is sufficient evidence to warrant a formal proceeding. The DC is not bound by the investigator's recommendation.

(D) Investigation files of any complaint which is pending are confidential and not public record.

(b) Voluntary Surrender. A licensee may petition the Board in writing to voluntarily surrender their license. The Board shall hold an expedited hearing at its earliest convenience. The Board may accept or reject the petition for voluntary surrender and may consider whether the licensee is under investigation.

(c) Disciplinary Committee Action. Following investigation, the DC may:

(i) Recommend dismissal of the complaint;

(ii) Recommend dismissal with issuance of a notice of warning or advisory letter;

(iii) Recommend approval of a settlement agreement, which may include a reprimand, conditions, restrictions, non-renewal, suspension, voluntary surrender, other discipline or a combination thereof; or

(iv) Recommend disciplinary action which may include a reprimand, conditions, restrictions, non-renewal, suspension, revocation, other discipline or a combination thereof.

Section 7. Summary Suspension.

(a) Recommendation. If the DC recommends summary suspension, the Board shall conduct an expedited hearing to determine whether the licensee's continued practice presents a clear and imminent danger to public health, safety or welfare.

(b) Notice of Intent to Recommend Summary Suspension.

(i) The DC shall notify the licensee of its intent to recommend summary suspension.

(ii) The Notice of Intent shall contain:

(A) Copy of the complaint;

(B) Notice that a summary suspension hearing shall be set for expedited hearing at the earliest opportunity a quorum of Board members may be assembled; and

(C) Statement that failure to answer to the complaint or appear at the hearing may result in default.

(c) Notice of Expedited Hearing. Upon confirmation of the date and time of the expedited hearing, the DC shall notify the licensee of the date and time of the hearing.

(d) Default. The Board may enter an order of default in any summary suspension where the licensee or the licensee's representative has not provided an answer to the complaint and not appeared at the expedited hearing.

Section 8. Formal Proceedings for Disciplinary Action.

(a) Notice of Intent to Recommend Disciplinary Action.

(i) The DC shall notify the licensee of its intent to recommend disciplinary action.

(ii) The Notice of Intent shall:

(A) Include a brief description of the facts or conduct which warrant the intended action; and

(B) Provide the licensee an opportunity to show compliance or respond to allegations for disciplinary action within fifteen (15) days of the date of the mailing.

Section 9. Informal Procedures.

(a) A licensee may attend an informal conference with the DC. The licensee may appear either with or without counsel. Notice of the conference shall be mailed at least fifteen (15) days prior to the date of the conference. The purpose of the conference will be to obtain additional information and discuss informal settlement of the matter.

(b) At any time before or after formal disciplinary proceedings have been instituted against a licensee, the committee and the licensee may jointly submit to the Board a proposed consent agreement whereby, in lieu of a formal hearing by the Board, the licensee agrees to accept certain disciplinary actions. If the Board determines that the proposed consent agreement will adequately protect the public welfare, the Board may accept the offer and enter a decision that is consented to by the licensee and incorporates the proposed consent agreement.

Section 10. Petition. The DC shall initiate formal proceedings for disciplinary action by serving a Petition and Notice of Hearing to the licensee by certified mail, by regular mail, by electronic mail to the e-mail address indicated to be the preferred method of communication or by personal service at least thirty (30) days prior to the date set for hearing.

Section 11. Contested Case Proceedings.

The uniform rules for contested case practice and procedure adopted by the Office of Administrative Hearings shall govern all contested case proceedings.

Section 12. Incorporation by Reference.

(a) For any code, standard, rule or regulation incorporated by reference included in these rules:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome and inefficient given the length and nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section; and

(iii) The incorporated code, standard, rule or regulation is maintained at the Board's office and is available for public inspection and copying at cost at the same location.

(b) Each rule incorporated by reference is further identified as follows:

(i) Chapter 2 – Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at <http://soswy.state.wy.us/Rules/RULES/9644.pdf>.

Section 13. Appeals.

Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.

CHAPTER 4

PRACTICE AND PROCEDURE

Section 1. Overview. It is the intent of the Board through these Rules to recognize the difference between an allegation made against a licensee and the need for a formal proceeding. The Board requests the cooperation of all licensees in responding to letters of inquiry dealing with allegations as opposed to responses to formal proceedings. Responses to letters of inquiry are voluntary whereas responses to formal proceedings are mandatory to retain the rights of licensees.

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- (a) "Act" means W.S. 23-2-406 to 23-2-418
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(iii) Failing to meet the minimum qualifications outlined in the Act or Board's Rules.

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(ii) Every application that reveals information which merits further investigation shall be assigned to the ARC.

(A) Upon completing the investigation, the Board's investigator shall make a written report to the ARC setting forth the facts discovered. The investigator may make a recommendation to the ARC as to the disposition of the application. The ARC is not bound by the investigator's recommendation.

(B) Investigation files of any application review which is pending are confidential and not public record.

(b) Application Review Committee Action. Following investigation, the ARC may:

(i) Recommend a license be issued;

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(iii) Preliminarily deny the application.

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(i) The ARC shall notify the applicant that it preliminarily denied the application:

(ii) The Notice shall contain:

(A) A brief description of the facts or conduct which warrant the preliminary denial of the application;

(B) A statement of the nature of the actions which warrant the preliminary denial of the application and a citation to the applicable statutory provisions in the Act or the Board Rules; and

(C) Notice of the right to a contested case hearing if a written request is received by the Board office within thirty (30) days of the date of mailing the Notice of Preliminary Denial.

(d) Applicant's Request for Hearing.

(i) The applicant may request a hearing if the ARC preliminarily denies the application.

(ii) The applicant shall submit a written request for a contested case hearing to the Board office within thirty (30) days of the date of the Notice of Preliminary Denial.

(iii) Failure of the applicant to request a contested case hearing within thirty (30) days of the date of the Notice of Preliminary Denial shall result in a final denial of the application.

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(a) Complaint Review and Investigation.

(i) All complaints against an outfitter or professional guide shall be filed with the Board in writing and shall provide at least the following information:

(A) Name and address of licensee;

(B) Name, address and telephone number of complainant;

(C) Nature of alleged violations;

(D) A short and concise statement of facts relating to the alleged violations; and

(E) Signature of complainant.

(ii) Complaints shall be investigated by the DC or the Board staff.

(A) The DC and the Board's investigator are empowered to conduct a full and complete investigation of a scope necessary to determine whether or not the allegations in the complaint, or any other information discovered during the investigation, are sufficient enough to warrant a formal proceeding.

(B) The DC and Board's investigator may review documents and interview the complainant and other witnesses. The committee shall interview the licensee only if the licensee voluntarily agrees.

(C) Upon completing the investigation, the Board's investigator shall make a written report to the DC setting forth the facts discovered. The investigator may make a recommendation to the DC as to whether there is sufficient evidence to warrant a formal proceeding. The DC is not bound by the investigator's recommendation.

(D) Investigation files of any complaint which is pending are confidential and not public record.

(b) Voluntary Surrender. A licensee may petition the Board in writing to voluntarily surrender their license. The Board shall hold an expedited hearing at its earliest convenience. The Board may accept or reject the petition for voluntary surrender and may consider whether the licensee is under investigation.

(c) Disciplinary Committee Action. Following investigation, the DC may:

(i) Recommend dismissal of the complaint;

(ii) Recommend dismissal with issuance of a notice of warning or advisory letter;

(iii) Recommend approval of a settlement agreement, which may include a reprimand, conditions, restrictions, non-renewal, suspension, voluntary surrender, other discipline or a combination thereof; or

(iv) Recommend disciplinary action which may include a reprimand, conditions, restrictions, non-renewal, suspension, revocation, other discipline or a combination thereof.

Section 7. Summary Suspension.

(a) Recommendation. If the DC recommends summary suspension, the Board shall conduct an expedited hearing to determine whether the licensee's continued practice presents a clear and imminent danger to public health, safety or welfare.

(b) Notice of Intent to Recommend Summary Suspension.

(i) The DC shall notify the licensee of its intent to recommend summary suspension.

(ii) The Notice of Intent shall contain:

(A) Copy of the complaint;

(B) Notice that a summary suspension hearing shall be set for expedited hearing at the earliest opportunity a quorum of Board members may be assembled; and

(C) Statement that failure to answer to the complaint or appear at the hearing may result in default.

(c) Notice of Expedited Hearing. Upon confirmation of the date and time of the expedited hearing, the DC shall notify the licensee of the date and time of the hearing.

(d) Default. The Board may enter an order of default in any summary suspension where the licensee or the licensee's representative has not provided an answer to the complaint and not appeared at the expedited hearing.

Section 8. Formal Proceedings for Disciplinary Action.

(a) Notice of Intent to Recommend Disciplinary Action.

(i) The DC shall notify the licensee of its intent to recommend disciplinary action.

(ii) The Notice of Intent shall:

(A) Include a brief description of the facts or conduct which warrant the intended action; and

(B) Provide the licensee an opportunity to show compliance or respond to allegations for disciplinary action within fifteen (15) days of the date of the mailing.

~~Section 2. Complaints. All complaints against an outfitter or professional guide shall be filed with the Board in writing and shall provide at least the following information:~~

~~——(a) Name and address of licensee;~~

~~——(b) Name, address and telephone number of complainant;~~

~~_____ (c) Nature of alleged violations;~~

~~_____ (d) A short and concise statement of facts relating to the alleged violations; and~~

~~_____ (e) Signature of complainant.~~

~~Section 3. Review of Complaint.~~

~~_____ (a) Upon receiving a complaint or other documenting information the Board shall review the complaint to make one of the following determinations:~~

~~_____ (i) That the complaint does not warrant further action by the Board, and so advise both the complainant and the outfitter or professional guide named that the matter has been dismissed;~~

~~_____ (ii) That further investigation is warranted.~~

~~_____ (b) If the Board deems further investigation is warranted, a committee including one or two Board members, appointed by the Chairman of the Board, shall participate in the investigation and make recommendations to the Board concerning its findings. At this time both parties will be notified of the action taken by the Board.~~

~~_____ (c) Following review and investigation of a complaint, the committee may take any appropriate action, including:~~

~~_____ (i) File a formal complaint with the Board on its own behalf and setting the matter for formal disciplinary proceedings;~~

~~_____ (ii) Recommend to the Board that a letter of warning be issued;~~

~~_____ (iii) Recommend to the Board that the complaint be dismissed.~~

~~_____ (d) The Board may resolve any complaint at any time by:~~

~~_____ (i) Sending a written letter of warning to an outfitter or professional guide;~~

~~_____ (ii) Accepting a voluntary surrender of a license;~~

~~_____ (iii) Accepting terms for a conditional license;~~

~~_____ (iv) Dispensing with it in an informal manner; or~~

~~_____ (v) Dismissal.~~

~~Section 4. Conduct of Investigation.~~

~~————(a) The Chairman may select one or two members of the Board to work with the Board investigator in investigating the complaint to comprise a committee.~~

~~————(b) The committee is empowered to conduct a full and complete investigation of a scope necessary to determine whether or not the allegations in the complaint are sufficient enough to warrant a formal proceeding.~~

~~————(c) The committee may review documents and interview the complainant and other witnesses. The committee shall interview the licensee only if the licensee voluntarily agrees.~~

~~————Section 5. Investigator's Report.~~

~~————(a) Upon completing the investigation, the Board's investigator shall make a written report to the full committee setting forth the facts discovered. The investigator may make a recommendation to the full committee as to whether there is sufficient evidence to warrant a formal proceeding. The committee is not bound by the investigator's recommendation.~~

~~————(b) Investigation files of any complaint which is pending are confidential and not public record.~~

Section ~~6~~9. Informal ~~Compliance~~ Procedures.

(a) ~~Upon notification of the findings of an investigation, a~~A licensee may attend an informal ~~compliance~~ conference with the ~~committee~~DC. The licensee may appear either with or without counsel. Notice of the ~~compliance~~ conference shall be mailed at least fifteen (15) days prior to the date of the conference. The purpose of the ~~compliance~~ conference will be to obtain additional information and discuss informal settlement of the ~~investigative~~ matter.

(b) At any time before or after formal disciplinary proceedings have been instituted against a licensee, the committee and the licensee may jointly submit to the Board a proposed consent agreement whereby, in lieu of a formal hearing by the Board, the licensee agrees to accept certain disciplinary actions. If the Board determines that the proposed consent agreement will adequately protect the public welfare, the Board may accept the offer and enter a decision that is consented to by the licensee and incorporates the proposed consent agreement.

Section 10. Petition. The DC shall initiate formal proceedings for disciplinary action by serving a Petition and Notice of Hearing to the licensee by certified mail, by regular mail, by electronic mail to the e-mail address indicated to be the preferred method of communication or by personal service at least thirty (30) days prior to the date set for hearing.

Section 711. Contested Case Proceedings.

The uniform rules for contested case practice and procedure adopted by the Office of Administrative Hearings shall govern all contested case proceedings.

Section 812. Incorporation by Reference.

(a) For any code, standard, rule or regulation incorporated by reference included in these rules:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome and inefficient given the length and nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section; and

(iii) The incorporated code, standard, rule or regulation is maintained at the Board's office and is available for public inspection and copying at cost at the same location.

(b) Each rule incorporated by reference is further identified as follows:

(i) Chapter 2 – Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at <http://soswy.state.wy.us/Rules/RULES/9644.pdf>.

Section 913. Appeals.

Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.