

MINUTES

**UTAH
HUNTING GUIDES AND OUTFITTERS
LICENSING BOARD MEETING**

November 10, 2009

**Room 474 – 4th Floor – 1:00 p.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 1:04 p.m.

ADJOURNED: 3:54 p.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Paul Niemeyer - Chairperson
Vaughn “Rick” Woodard
Adam Bronson
Troy Justensen
Jed Wayment

Board Members Absent:

Guests:

George McQuiston – Flying J Outfitters
Alesha Williams – Flying J Outfitters

DOPL Staff Present:

Judge Steve Eklund
Ray Walker, Regulatory and Compliance Officer
Kent Barnes, Compliance Supervisor

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of the August 4, 2009 Board Meeting Minutes

Mr. Woodard seconded by Mr. Justensen made a motion to approve the August 4, 2009 Board Meeting minutes. The motion carried unanimously.

HEARING:

1:00 p.m. Rules Hearing

Judge Eklund conducted the Rules Hearing.

During the Rules Hearing Mr. Ormond explained that the Division had received written comments regarding

R156-79-302b the qualifications for licensure - Education Requirements, R156-79-302e the qualifications for licensure Experience Requirements.

Mr. McQuiston express the same concerns and recommended:

- Requiring the Licensees to hold the appropriate permits from the Division of Natural Resources, Bureau of Land Management, or the United States Forest Service; for the area within this State in which they intend to offer Outfitting and Hunting Guide services, prior to licensure with this Division.

Mr. Ormond explained that R156-79-502 Unprofessional Conduct sections (12) and (13) address this issue, he then added that the other agencies will enforce their laws and rules while this Division will enforce ours. Mr. Bronson then added that a licensee would not be issued a BLM permit without State Licensure.

- Reducing the Educational requirement to a basic first aid course and must be at least 18 eighteen years of age.

This recommendation was not well received by the Division or the Board.

- Reducing the Experience requirement for the Hunting Guide to 10 days of guiding experience in any one specific area of the State.

This recommendation was also not well received by the Division or the Board. Mr. Ormond and Mr. Walker explained that 58-1-501 (2)(i) Considers unprofessional conduct to include practicing or attempting to practice an occupation or profession regulated under this title beyond the scope of licensee's competency, abilities, or education. Also the Outfitter is responsible to ensure that the Hunting Guide has the appropriate experience, education, and training. This issue was later discussed and the requirements were amended, to better define the training requirement for the Hunting Guide and the Outfitter.

- Amend the Hunting Guide application to require an Outfitter to authenticate the education, and training. And attach the Hunting Guide to the Outfitter, to ensure appropriate supervision.

This recommendation was well received by the Division and the application was amended as suggested.

- Mr. McQuiston questioned if packers needed to be licensed as well.

Mr. Ormond reminded Mr. McQuiston that 58-79-304 exemptions from licensure does not require licensure of an employee or subordinate of a hunting guide or outfitter if:

- (a) the employee or subordinate does not use the title of hunting guide or outfitter or is not directly represented to the public to be legally qualified to engage in the practice of being a hunting guide or outfitter before the public in this state; and
- (b) the employee's or subordinate's duties do not include responsible charge.

Mr. Niemeyer recommended licensing all employees to protect the Outfitter from any liability.

The Board then explained that this is a “work in progress” the intention of the Statute is to minimize the inappropriate activity in this profession. It was then added that the Board and the Division are open to suggestions to improve the professionalism of this profession and others similar to it.

- It was recommended to remove the “National Outfitters & Guides Association” from the Divisions website based on its lack of assistance to this profession. It was also recommended to provide a link to all licensed Outfitters.

Mr. Ormond explained that 58-79 defines an Outfitter as an individual not an entity; the public will have access to a list of licensed Outfitters and Hunting Guides on the Division Website.

- It was then questioned if individuals who have gone through a Criminal History check for other professions would be “grandfathered” out of the requirement for this license.

Mr. Ormond explained that a Background Check is only valid for 30 (thirty) days and the information is not transferable from one profession to another nor is it transferred from one Division to another. It was further added that 58-79 does not allow for any grandfathering, all licensees must meet all requirements prior to a license being issued. Including a complete application, passing of the examination, and clear criminal/wildlife records.

BUSINESS FROM PREVIOUS MEETING:

Application Review

Mr. Ormond explained that the Division will be attempting to obtain verification of licenses from other states, in the hope to minimize the application processing time.

Examination scores will be downloaded to the Divisions database nightly, the applicant will not need to supply this information to the Division.

For initial licensure all applications will be reviewed by the Board to ensure that the Division is in full understanding of how the Board anticipates the Division will interpret the experience, education, and criminal/wildlife background requirements. Additionally it was added that any application with a Criminal/Wildlife history will submit a complete Court Document and/or Police Report for the Boards review.

The Board reviewed that application and made the following changes:

Require a Hunting Guide to be attached to an Outfitter and for the Outfitter to attest to this.

The Board reviewed the current form for the certification of wildlife violation record. It was further explained that this document will be submitted directly to the Division and to the licensee via email.

R156-79-302b (1) (a) was then reviewed to ensure that the current wording is appropriate for this profession. Mr. Ormond explained that while R156-79 was being written Representative Vickers had been contacted and he had agreed with the current wording. After a detailed discussion it was determined that the current wording is appropriate to protect the public and the profession. All licensees must meet the minimum requirement of a High School Diploma, GED, or its equivalent prior to licensure.

R156-79-302b (1) (b) was then reviewed. It was determined that this requirement is vital to this profession to ensure the safety of the public, and the licensee.

It was requested to add BCI (Bureau of Criminal Identifications) contact information.

It was questioned what type of documents the Division would accept as proof of experience, and if the experience included physical days preparing for a hunt or only the hours spent with a client. It was determined that physical days preparing for a hunt in addition to the days spent with the client on a hunt should be allowed to meet this requirement.

The CIB (Candidate Information Bulletin) was reviewed, not changes were recommended.

R156-79-302e was then reviewed to ensure that the Experience/Training requirement is appropriate for both the Outfitter and the Hunting Guide. Due to the Boards concern that 100 days of experience was excessive for the Hunting Guide. Additionally the Board was concerned that due to the current wording an individual would be unable to obtain the required experience, without violating 58-79.

Redefine Experience as Equivalent Training, as required in 58-79.

An Division approved form will be added to the application to assist in the documentation of the obtained days of training. The document will outline the area of training, name and contact information of Outfitter who instructed the training, and dates the training occurred.

Mr. Bronson seconded by Mr. Wayment made a motion to amend the R156-79-302e to require 100 days training, or its equivalent for both the Outfitter and Hunting Guide, additionally no more than 15 (fifteen) days of training may be permitted from any given item listed under R156-79-601 or 602. The motion carried unanimously.

The recommended changes to R156-79 will be implemented and sent to the Board prior to the end of November, for their approval. Also PSI will be notified of the proposed changes to ensure that all examination questions are appropriately worded.

Next Board Meeting Dates

Ms. Adams explained that due to the need for the Board to review all applications to ensure all licensees meet the Education, Training, and Background History requirements, prior to licensure this Board will next meet on December 29, 2009. They will also meet on January 19, 2010 for the same purpose.

It was further explained that no application will come before this Board for review unless it appears to meet all licensure requirements except passing of the approved examination. Additionally Mr. Ormond explained that both meetings may need to begin at 9:00 a.m. to ensure that all business is completed.

ADJOURN:

3:54 p.m.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

December 29, 2009

Date Approved

(ss) Paul Niemeyer

Chairperson, Hunting Guide & Outfitter Licensing Board

December 30, 2009

Date Approved

(ss) Clyde Ormond

Bureau Manager, Division of Occupational & Professional Licensing