

MINUTES

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

April 19, 2011

**Room 210 – 2nd Floor – 1:00 p.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 1:08

ADJOURNED:4:17

Bureau Manager:

Clyde Ormond

Board Secretary:

Neena Bowen
Yvonne King

Board Members:

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

Guests:

Doyle Moss
Caryn Moss
Barry Conovir
Scott Smith
Daniel Richins
Jenni Wayment
Geoff Lanward
Aaron Curtis
Lee Howard
JMauily Whoolstenhlm
Robin Thomas
Kirk Paulsa
Kathleen Moore
Cody Warren

DOPL Staff Present:

Connie Call – Compliance Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Nomination for Board Chair

Mr. Wayment made a motion seconded by Mr.

Approve the December 7, 2010 Board Meeting Minutes

Justensen to keep Mr. Niemeyer as chairmen. Mr. Justensen seconded by Mr. Wayment made the motion to approve the December 7, 2010 Board meeting minutes. The motion carried unanimously.

APPOINTMENTS:

1:15 Subcontractor's vs Employee's

Ms. Moss from Mossback Outfitters voiced concerns about whether hunting guides should be licensed as contractors or as employees and concerns that the Outfitter has to pay unemployment taxes. The Guide is self sufficient and should be able to file a 1099 as an independent contractor. Mr. Ormond defined a hunting guide as an independent employee compensated for his time but it is not determined as to how they are compensated.

Mr. Lanward, from Workforce Services stated that there are factors to determine if an independent employee should be a contracted employee. Different determinations have occurred. Administrative rules with Workforce Service don't have specific rules under the assumption that everybody is an employee unless proven otherwise. The reasoning is to avoid employers from not paying unemployment taxes on employees. Mr. Lanward stated that the new legislation through licensing is worth making this a factor for a rule change worth pursuing.

Unemployment is a federal program and we cannot make any exempts for this. A decision can be made through a declaratory order. The Outfitter may have to go to the appeals process. Outfitters could all join together for a declaratory order. The ultimate decider would have to be an order of appeal from the Outfitters; however each individual company would have to do this appeal. Mr. Lanward has shared his concerns with the board for unemployment insurance but cannot make any recommendations to them.

Mr. Conovir and Mr. Smith from the Utah State Tax Commission discussed clarification on sales tax for the Outfitters and Guides. One of the new laws is admission into an event. If a business charges access to property or a facility then that is taxable. If an individual is allowed to hunt on property at no cost, there is no sales tax because there was no admission fee. If you are offering lodging and guide service, that

2.15 BLM changes
Aaron Curtis

is a taxable services. Private outfitters on private land is taxable if they are charging an admission. If you are doing these guides on public land and charging for a service then you must pay sales tax. A taxing statute states that anything leisure, or recreation is being taxed whether it's on private or public land, however it's only the activity itself.

Mr. Curtis, the recreation program lead for the Bureau of Land Management (BLM) discussed being able to operate on BLM administered public land. Brief updates during federal fiscal year 2010. 12 offices administered 678 permits for the state. The offices will have a recreation specialist on ever staff at every location. The BLM website is up and running. It updates daily from each office. Their link is available through the DOPL website.

The minimal annual permit fee has been increased by \$5.00. There is a new national permit application. There is a permit application and a separate permit form that demonstrates what they are authorizing. The applicant will have to sign the permit acknowledging that the applicant understands and will comply with all the requirements that go along with the permit.

The BLM in Utah has put out a special education permit guide book to assist permit holders to guide them through the process. Mr. Curtis is leaving a draft copy for review and would like the board to give their input on the simplicity of the book.

Forest Service Policies
Kathy Moore

Ms. Moore from the Forest Service, Regional Special Uses Representative. The forest service administers the permits at the district level. The Forest Service would like to bring better knowledge to the guides and outfitters of the permits for consistency. There is a new Outfitter/Guide Handbook. The book is available online. A copy will be supplied to Mr. Ormond to send to PSI for testing material.

Each district has the right to determine how many special use permits for each area can be distributed. The board voiced concerns as to the inconsistency of each area and the permits being issued. Ms. Moore stated that research has been done in a needs assessment for each area as to what needs there are for each hunt and how many permits will be issued.

2:45 p.m. Compliance Connie Call

Connie Call reviewed compliance with the board on all of the probationers

3:00 p.m. Warren, Cody

The Compliance Unit's opinion is that Mr. Warren is non compliant. He was supposed to submit a current criminal history report but has failed to do so. He was also supposed to submit client reports. He did email 2 client reports the night before his appointment. Mr. Wayment questioned Mr. Warren about the 2 hunts he guided and read the letters he had received from the clients with positive results. **Mr. Warren is out of compliance with the terms and conditions of his Order.**

APPLICATION REVIEWS

3:15 pm Turner, Slade

Mr. Ormond did an overview of Mr. Turner's application with the board, including the criminal history. Mr. Turner explained the criminal history of what had happened. Mr. Justensen made a motion seconded by Mr. Wayment to issue his license with no restrictions on his license.

3:30 p.m. Turner, Timothy

Mr. Ormond did an overview of Mr. Turner's application with the board, including the criminal history. Mr. Turner was excused from the meeting and was interviewed by phone. Mr. Niemeyer interviewed Mr. Turner. He explained his criminal history to the board. Mr. Wayment made a motion seconded by Mr. Justensen to issue his license with no restrictions. The motion carried unanimously.

DISCUSSION ITEMS:

Terms and conditions of MOU and Stipulations. (Concerns on the change of language to use when hunts are at a minimum.)

Mr. Ormond discussed requirements as to the language on the template of the Memorandum of Understanding or Stipulation and Order about the minimum number of hours that guides need to reach for their probation date. Supervision was also discussed as to what type of supervision should be allowed for a guide.

Salt Palace Wildlife Expo February 2011 (Brochures)

Mr. Ormond distributed the brochure to the board. The wildlife fish and game has been sent one for their website.

H.B. 243

Mr. Ormond explained House Bill 243 letting the

board know that they may be asked to stay on the board for up to six months after their term is up until a replacement can be made.

Mr. Ormond discussed that the Division now has the authority to issue citations for violations of 58-1-501 (1) (a) & (c).

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.

August 16, 2011

Date Approved

(SS) Paul Niemeyer

Chairperson, Hunting Guide & Outfitter Licensing Board

August 16, 2011

Date Approved

(SS) Clyde Ormond

Bureau Manager, Division of Occupational & Professional Licensing