

# **NEWS YOU CAN USE**

**New Office Supervisor** - Amy Ryan is our new Office Supervisor, as Lori Thomason has been promoted to Executive Director. Please feel free to contact Amy if you have any questions or concerns.

**New Idaho Repository** – On August 8, 2016, Ada and Twin Falls Counties moved to a new repository. It is the outfitter's responsibility to make sure all guide violations have been reported. The new web site is <https://mycourts.idaho.gov/>. The other forty-two counties are still on <https://www.idcourts.us/repository/start.do>. Eventually all current violations will be on the new repository.

**Idaho Tax Commission Rules on Sales & Use Tax** – The Idaho State Tax Commission has a list of rules on when outfitters should charge state tax. It is on the IOGLB website in the Statute and Rules section.

**Complete Renewal Applications** - To help expedite licensing and to avoid additional costs, it is important for Outfitters to submit complete renewal applications to IOGLB prior to January 31, 2017. The following are some considerations:

**Conducting Business With IOGLB** – Business must be conducted with IOGLB by the Designated Agent (DA) or the Sole Proprietor of the outfitter business.

**Designated Agents** - Adding or removing a DA during the outfitter license renewal period.

- ❖ Removing a DA is a minor amendment and requires submission of an (OG-21) Applicants Letter of Intent form and an Outfitter Amendment request form (OG-9). It must be submitted with a \$35 fee and with a properly completed Land Manager Statement (OG-6) in order to be complete. This can be done during the outfitter renewal cycle provided another DA is already licensed and is being renewed.
- ❖ Adding a DA is a major amendment. This requires submission of an (OG-21) Applicants Letter of Intent form, Outfitter Amendment request form (OG-9), a \$200 license amendment fee, a properly completed Land Manager Statement (OG-6), and a revised operating plan, as well as a Designated Agent application (OG-3) and application and license fees of \$210 in order to be complete. It requires more time due to the Criminal History review that must be completed by staff and the new DA applicant successfully completing the outfitter exam. This should be done after the Outfitter license is renewed.
- ❖ In the event of illness or death, where the existing designated agent or sole proprietor is no longer able to conduct business, principal members of the licensed business must submit an (OG-21) Applicant's Letter of Intent form to explain the circumstances. IOGLB staff will provide guidance using a Letter of Instruction. They also will be happy to explain the application process to the appropriate people involved.

**Designated Agents or Sole Proprietors Who Are Not Licensed To Guide** – Outfitters must have a minimum of one individual licensed as a guide in order to operate. Therefore, a Designated Agent or a Sole Proprietor who is not licensed to guide must license another individual as a guide for the upcoming license year who can provide the services the outfitter is licensed to provide. This guide application cannot be done on line, even if the outfitter submits their renewal on line because without a guide application the outfitter license renewal is not complete, so the guide application (OG-4) and license fee must be submitted by hard copy before the January 31, 2017 deadline to complete the Outfitter renewal and to avoid late charges.

**Outfitters Licensing Employees - Applicants with Criminal History** - All license applications are reviewed by staff, and those not disclosing their conviction history or providing up to date information have created a growing problem that is slowing down licensing, and that has generated a new expense that the industry itself may have to cover.

The Board's primary purpose continues to be safeguarding the health, safety, welfare and freedom from injury or danger of those persons using the services of an outfitter, and the public in general. Therefore, putting qualified, capable, and conscientious people with unknowing members of the public trusting that licensed individuals providing services to them will do the right thing every time must continue to be a concern of this Board. The Board has made numerous

improvements over the years to enhance and expedite licensure; however, there are times when it must remind the industry of its responsibility and that the industry itself can help. This is one of those times!

Existing rules require that all applicants with violations of the Outfitters and Guide Act (IC-2113), as well as all felony convictions, and those with flagrant convictions of Fish and Game laws must appear before the Board. Also, any license applicant who has misdemeanor convictions must report them. It might be pointed out that a “withheld judgment” or similar action is considered a conviction under the Outfitters and Guides Act. Applicants generating at least 50 points as scored by IOGLB Enforcement using an objective scoring system adopted in 2011 by the Board will be deferred, and must appear before the Board. The scoring system can be found in policy 4007 – 2011 on IOGLB's website. With problem applications, Board appearances by law, must be scheduled by the Executive Director with a Hearing Notice mailed a minimum of 21 days prior to upcoming meetings. The Board does not conduct special meetings for this purpose

It is important that outfitters understand that for both the on line and off line applications, the person completing the application must correctly answer the “have/have never” criminal history questions, and that the Outfitter/Designated Agent is ultimately responsible for the correct submission of applications. They can also go to the Idaho Supreme Court Data Repository (<https://www.idcourts.us/repository/start.do>) and search the applicant’s name to see if they have any misdemeanor or felony convictions in Idaho. Convictions in Idaho or any other state must be reported on the application. Outfitter/Designated Agents should be asking the applicant these questions before submitting the application and they should make sure any convictions are properly disclosed.

After reviewing a complete application, when criminal convictions are identified, applicants and their sponsoring outfitters are notified by a standard letter whether the application is to be denied or deferred to the Board, and that a special processing fee may have been assessed.

With the employing outfitter being proactive, ensuring the application is completed correctly and by not waiting until the last minute to submit it, problem applicants can be scheduled to appear before the Board in an expedited manner. When a Board meeting may be months off this may be troubling for the outfitter who wants to use a guide, and the guide who wants to work, as well for IOGLB staff trying process the guide application.

Finally, it is important to point out that providing false and misleading information on an application, including failure to disclose information, is a violation of state laws and can be subject to disciplinary action up to and including criminal prosecution. Also, for applications that are not complete at the time of submission or that require additional research and review, a re-submittal fee may be assessed.

**Current Guide Information** - IOGLB is finding that guide contact information, mailing address, email address and phone number are not correct or being kept current. This is slowing and sometimes preventing IOGLB’s ability to license these guides. If a guide applicant’s address changes after their application is submitted, please let IOGLB know.

**Use Reports** – Outfitters can renew their license on line, but until IOGLB receives use reports, the outfitter license renewal is not complete and cannot be processed. Waiting until after January 31, 2017 to submit use reports, will result in a special processing fee being assessed even if all other renewal information has been submitted. Use information can be sent via e-mail, fax, or regular mail provided they are post marked by January 31, 2017.

*It is important for outfitters to fully complete use report document(s)  
and in doing so,  
to provide both client use and user day information.*

**Liability Insurance** – Certificates of Liability need to be current and on file with the Board. Please make sure we have a current certificate of liability. Your outfitter license renewal cannot be processed until you submit proof of liability. If this is after January 31, 2017, the Outfitter will be assessed a special processing fee even if we have all other renewal information. Certificates of Liability can be e-mailed, faxed, sent in the regular mail, or the insurance agent can send it directly to IOGLB.

**Bonds** – Bonds are continuous unless we receive a cancellation notice from the bonding company. In such case IOGLB staff will contact you if we need a copy. Please make sure to get us a copy before January 31, 2017 or your license renewal will be incomplete and cannot be processed, and a special processing fee will be charged.

**User Manuals** - Our user manuals are constantly being updated. Please go online to [www.oglb.idaho.gov](http://www.oglb.idaho.gov); locate the Documents tab and then User Manuals for the most current version.

**Operating Area Descriptions and Operating Area Maps** – Please go onto our website at [www.oglb.idaho.gov](http://www.oglb.idaho.gov) and under outfitter search (first tab on your left) enter your outfitter license number in the box at the bottom of the page, click on submit and review your maps for accuracy. Due to printing costs they are no longer included in your renewal packet. It is important for outfitters to understand that they can only operate in the worded area description reflected in this information. If either the map or worded area description is incorrect, please contact the office and we will instruct you how to work with the staff to correct it.

**Forms** – Please remember to use the Applicant's Letter of Intent form (OG-21) to initiate the sale/purchase of an outfitter business or when preparing to submit any outfitter or designated agent amendment. This form has been created in order to give the Board a heads up and enables the staff to help you through the process.

You can find the form under the Licensing Tab and then Forms on the IOGLB website at [www.oglb.idaho.gov](http://www.oglb.idaho.gov).

**Enforcement** - Remember to contact our Education and Enforcement Chief Randy Wadley to report any illegal outfitting or guiding activity by completing a complaint form available at IOGLB's website [www.oglb.idaho.gov](http://www.oglb.idaho.gov) or call the enforcement line at 208-327-7167.

**Additional Outfitter Licenses** - Purchasing an existing outfitter business, being awarded a prospectus or receiving new operating areas may require a new outfitter license. If the business has allocated tags or the new business operating areas are not adjoining the existing operating areas you will need to apply for a new license. Existing bond and liability must show the additional business listed as an insured. You will be provided instructions on how to proceed in the letter of instruction sent by IOGLB after IOGLB receives the OG-21 Applicant's Letter Of Intent.

**Online Guide New Applications** – Outfitters who were starting new guide applications on the Access Idaho website and not finishing them were creating issues in the IOGLB database. It slowed down the application process considerably and cost additional money because it required IOGLB's database contractor to delete those pending/incomplete applications. Access Idaho will now only hold these applications for completion for up to 72 hours. After 72 hours the applications for new guide licenses will be deleted and will need to be re-entered. You will now see a warning in red that the application is being held for 72 hours.