

# WYOMING GAME AND FISH COMMISSION

## CHAPTER 31

### REGULATION GOVERNING AUTHORIZED LICENSE SELLING AGENTS

**Section 1. Authority.** This regulation is promulgated by authority of W.S. §1-1-115, §11-6-305, §23-1-302, W.S. §23-1-701, §23-2-101 and §23-2-201.

**Section 2. Regulation.** The Wyoming Game and Fish Commission hereby adopts the following regulation governing the appointment and operation of license selling agents. The Commission authorizes the Department to develop and maintain policies, processes and procedures necessary to carry out the provisions of this Chapter. This regulation shall become effective January 1, 2014, and shall remain in effect until modified or rescinded by the Commission.

#### **Section 3. Purpose of Regulation.**

(a) It is the purpose of this regulation to carry out the provisions of Wyoming Statutes §23-1-302 and §23-1-701 by providing policies, procedures and processes to appoint and administer license selling agents throughout the State that enhance the Department's ability to serve the license buying public.

(b) In the appointment of these license selling agents, the Commission gives preference to sporting goods and equipment vendors because they foster the purpose and mission of the Game and Fish Commission as follows:

(i) Serve the same customer;

(ii) The public generally expects to purchase hunting and fishing licenses at sporting goods and equipment vendors;

(iii) The ownership, management and employees of sporting goods and equipment vendors are more knowledgeable in the application of hunting and fishing products, services, and related rules and regulations; and,

(iv) The ownership, management and employees of sporting goods and equipment vendors keep current with hunting and fishing issues through various information resources and networking.

**Section 4. Definitions.** For the purpose of this regulation, definitions shall be as set forth in Title 23 Wyoming Statutes, and the Commission also adopts the following definitions:

(a) "Agent of Record" means the designated individual person that shall be legally accountable for all aspects of proper transacting of specified Wyoming Game and Fish Commission business within the respective business entity. If the designated individual is not a legal representative of the business entity, an Agent of Record Authorization form shall be required to designate that individual as the Agent of Record.

(b) "Business Entity" means sole proprietor, corporation, partnership, limited liability company or any combination thereof.

(c) "Electronic License Service (ELS)" means the Department's Electronic Draw Application System, Internet Point of Sale System and Online Internet Sales System used by the Department, license selling agents and the public to apply for or purchase licenses, permits, stamps, tags, preference points and coupons.

(d) "License Selling Agent" means the business entity of record or the business entity at the physical location authorized by the Commission to act as its agent for purposes of selling and accounting for specified hunting, fishing and trapping licenses, permits, tags or stamps through the ELS.

(e) "License Selling Sub-agent" means an individual in the employ of, or responsible to, the agent of record and authorized by the Commission to sell specified hunting, fishing and trapping licenses, permits, tags or stamps. License selling sub-agents shall be accountable to the agent of record for all aspects of proper transaction of specified Wyoming Game and Fish Commission business.

(f) "Non-sporting goods and equipment vendor" means a business entity that does not demonstrate a bona fide and good faith commitment to providing the community a retail outlet for hunting, fishing, trapping and camping equipment, excluding foodstuffs and motorized vehicles.

(g) "Offline License" means a manually issued license which is only issued when the ELS system is not available for license issuance.

(h) "Out-of-State license selling agent" means the business entity of record or the business entity located in a state contiguous with Wyoming authorized by the Commission to act as its agent for purposes of selling and accounting for specified hunting, fishing and trapping licenses, permits, tags or stamps through the ELS.

(i) "Out-of-State vendor" means a business entity located outside the boundaries of the State of Wyoming that demonstrates a bona fide and good faith commitment to providing the community an outlet for nonresident Wyoming licenses.

(j) "Sporting goods and equipment vendor" means a business entity whose primary function is retail sales of sporting goods and based on visual observation and judgment of the inspecting Senior Game Warden, more than fifty percent (50%) of the physical inventory displayed is comprised of hunting, fishing and outdoor camping supplies and equipment.

(k) "Remote location" means the physical location of a business entity which is at least fifteen (15) miles from an existing Wyoming Game and Fish Commission license selling agent.

#### **Section 5. Liability.**

(a) After a license selling agent has received shipment or signed for licenses, permits, tags or stamps on a license inventory charge document, the risk of loss for licenses, permits, tags or stamps or license fees lost, stolen or destroyed shall pass to the license selling agent. The license selling agent shall be liable to the Wyoming Game and Fish Commission for the cash value of any licenses, permits, tags or stamps that are lost, stolen or destroyed. All licenses, permits, tags or stamps shall remain the property of the Wyoming Game and Fish Commission until sold or issued. The license selling agent shall be responsible for actions of any of the license selling agent's sub-agents authorized to sell hunting, fishing and trapping licenses, permits, tags or stamps.

(i) The license selling agent shall be liable to the Wyoming Game and Fish Department for lost, stolen or destroyed offline licenses calculated as the cash value of a nonresident daily fishing license for each offline license missing.

(b) The license selling agent shall be responsible for training and for actions of any of the license selling agent's sub-agents authorized to sell hunting, fishing and trapping licenses, permits, tags or stamps.

(c) The license selling agent shall be liable for the replacement value of any and all equipment issued to them by the Department for automated license sales as agreed to within the Lease Agreement executed upon receipt of said equipment.

(d) The annual bond fee as prescribed by W.S. §23-1-701 shall only be used for the recovery of outstanding account balances on closed accounts that have been determined to be uncollectible by the Department's Attorney General Representative.

## **Section 6. License Inventory.**

(a) The Agent of Record, or an employee of the business entity, shall be required to verify all offline license books or stamp books received from the Department. Such verification shall be completed on a License Inventory Charge Document furnished by the Department.

(b) The Agent of Record, or an employee of the business entity, shall sign the inventory charge slip upon verification of shipment. The inventory charge slip shall be returned to the Department within ten (10) days from receipt.

(c) The license selling agent shall be held financially responsible for the cash value of all offline license inventory and stamp book inventory that is not returned to the License Section at year end for the financial audit as described in Section 5 of this regulation.

(d) All license inventories from a prior calendar year shall be returned to the License Section by January 31 of the following year in which the inventory was valid.

## **Section 7. Issuance of Licenses, Permits, Tags or Stamps.**

(a) License selling agents and sub-agents shall ensure that all required information is documented on the offline licenses that are manually issued when the ELS is not available for license issuance. These license documents shall include all elements of a completed application per Commission Regulation.

(b) The resident licensee shall be present at the license selling agent location to purchase a license. The parent or legal guardian, in lieu of a resident youth applicant, may be present at the license selling agent location to purchase a license for the resident youth applicant.

(c) Resident licenses shall be signed at the time of purchase by the individual whose name appears on the license and in the presence of the license selling agent or sub-agent. If a youth license is being purchased by the parent or legal guardian of the youth applicant, then the signature of the parent or legal guardian shall be signed at the time of purchase in the presence of the license selling agent or sub-agent.

(d) The license selling agent or sub-agent shall witness the resident signature, or parent or legal guardian signature for a youth applicant, on the license document prior to applying their signature on the license document.

(e) All resident licenses and permits shall contain the resident applicant's original signature and when applicable, the parent or legal guardian's signature in accordance with Wyoming statute, prior to exercising the privileges of the license, permit, tag or stamp.

(f) Any person may purchase a license for a nonresident; however, nonresident licenses and permits shall contain the nonresident's signature prior to exercising the privileges of the license, permit, tag or stamp.

(g) For the purpose of conveying hunting, fishing, and trapping privileges in the State, only official Wyoming Game and Fish Commission license documents and stamps shall be sold.

(h) Under no circumstances shall a license selling agent or sub-agent alter the printed document of any license, permit, tag or stamp except as otherwise authorized in writing by the Department's License Manager. This includes adding anything other than information required by the license document. Any altered license, permit, tag or stamp shall be void.

(i) The license issue date shall not be predated or postdated. All hunting and fishing licenses, permits, tags or stamps shall be valid only during the calendar year printed on the respective document, unless the license provides for a specific period of validity.

(j) Unsold offline licenses, stamps or Electronic License Service (ELS) equipment shall not be removed from the license selling agent's authorized physical location without written authority of the Senior Game Warden, Regional Wildlife Supervisor or the Department's License Manager.

(k) Except as otherwise prohibited by regulation or from direction of the License Manager, all license selling agents shall immediately upon receipt make available for sale, during their stated business hours, all license inventory, whether electronic or manually issued, to the public.

(l) License selling agents shall not charge fees other than established fees by Wyoming Statute or Commission regulation for any service related to license, permit, tag or stamp sales including but not limited to, fees associated with the acceptance of credit cards.

(m) Under no circumstances shall the pink copy of a stamp or offline license document be removed from the book. Removal of the pink copy shall result in an automatic charge to the license selling agent as described in Section 5 of this regulation.

(n) Wildlife Damage Management Stamp. The Department shall sell the Wildlife Damage Management Stamp at the price annually established by the Animal Damage Management Board through Headquarters, Regional Offices and designated Department personnel and at designated license selling agents throughout the State.

(o) License selling agents are required to complete license documents prior to the license applicant signing the license. License applicants are not allowed to complete their own license documents.

#### **Section 8. Void Licenses, Permits, Tags or Stamps.**

(a) Licenses, permits, tags or stamps shall be voided in accordance with established Department procedure.

(b) Once removed from the business entity, offline licenses or stamps shall be voided only under the written authority from the License Manager, Regional Wildlife Supervisor or the Fiscal Division Chief.

(c) The voided license, permit, tag or stamp shall be evidenced by the signature and date on the completed void certificate attached to the original document submitted for void credit approval.

(d) Voiding stamps and offline license documents.

(i) The procedure for voiding any stamp or offline license document shall include, but not be limited to:

(A) The word "VOID" written or stamped across the face of stamp or document;

(B) A void certificate form being properly completed to include the agent account number, document number being voided, void date, reason for the void and signature of the license selling agent, sub-agent or Department employee voiding the document; and,

(C) The original stamp or document being submitted to the License Section within sixty (60) days of the original issuance to be considered for void credit approval.

(e) Voiding ELS license documents.

(i) The procedure for voiding any ELS license, permit, tag or stamp shall include, but not be limited to:

(A) The license transaction must be changed from "active" status to "pending void" status in the ELS system upon completion of the sales transaction when it has been determined the license was issued

in error. The license selling agent has until midnight the day the license was issued to verify that all voids during a business day are properly recorded in the ELS system.

(B) The word "VOID" is written or stamped across each license panel section or "VOID" is written or stamped on the first panel section and a line is drawn through the face of all other panel sections of the document.

(C) The void transaction receipt printed from the ELS system shall be attached to the license documents being submitted for void credit approval.

(D) The iPOS void certificate form shall be properly completed to include the agent account number, sportsperson information, license type being voided, license number being voided and explanation of the reason the license is being submitted for void credit approval; and,

(E) All original license panel sections must be submitted to the License Section within sixty (60) days of original issuance to be considered for void credit approval.

#### **Section 9. Oath of Office.**

(a) Approved agents of record and their designated sub-agents shall complete, sign and return the appropriate Oath of Office form to the Department's License Section. The approved license selling agent shall complete the Oath of Office form at the License Selling Agency Orientation and Training Seminar. Authorized sub-agents shall properly complete and mail to the License Section the Oath of Office form prior to issuing any licenses, permits, tags or stamps.

(i) The completion of an Oath of Office form for the Agent of Record shall be witnessed by a Notary Public, Clerk of Court, or Department personnel authorized by the Fiscal Division Chief to administer oaths and issue licenses. The completion of an Oath of Office form for a license selling sub-agent shall be witnessed by a Notary Public, Clerk of Court, Agent of Record, or Department personnel authorized by the Fiscal Division Chief to administer oaths and issue licenses.

(ii) The original Oath of Office form shall be submitted to the License Section within thirty (30) days of being executed.

(iii) The Agent of Record shall notify the License Section of any sub-agents that are no longer authorized to sell licenses for the business entity within thirty (30) days of this action.

(b) Persons who have not been approved by the Commission as prescribed in established procedure shall be prohibited from selling licenses, permits, tags or stamps.

(c) Persons shall be at least eighteen (18) years of age to be an authorized agent of record or sub-agent.

(d) To administer a residency oath for the issuing of resident licenses, permits, tags or stamps, an agent of record or sub-agent shall reside in the State of Wyoming where the licenses, permits, tags or stamps are issued.

(e) During all business hours, the agent of record or sub-agent shall be available to sell licenses, permits, tags or stamps.

(f) An individual authorized to administer oaths and witness signatures on licenses shall not be authorized to sell a license to them self.

#### **Section 10. Monthly License Reports.**

(a) Every license selling agent shall file a monthly license sales report for the preceding month and remit all monies, less commission, collected during the previous month on or before the 10<sup>th</sup> of the month.

(i) Filing a report means the ELS system generated invoice, manual stamp sales report and monies are physically received by the Department's License Section on or before the 10<sup>th</sup> of the month, not just postmarked on or before the 10<sup>th</sup> of the month.

(b) Monthly license sales report for ELS agents.

(i) Licenses, permits, tags or stamps sold through the ELS system shall be electronically invoiced to the license selling agent and not reported on monthly license sales report forms.

(ii) All automated licenses, permits, tags or stamp sales sold during the preceding month shall be included in the payment submitted to the Department on or before the 10<sup>th</sup> of the following month.

(iii) License selling agents shall be required to remit a manual sales report for any stamp sales that occurred during the preceding month. This report shall be remitted along with the monthly ELS system generated invoice. Payment shall include both the ELS system generated sales invoice amount and any manual stamp sales report amount.

(c) Notification of late reporting.

(i) Letters notifying license selling agents of their late reports shall be mailed (certified, return receipt) prior to the end of the late reporting period. Agents are required to respond to the certified notice within three (3) business days from the receipt of the certified notice. The license agent's response shall be to submit their monthly license sales report and fees, and shall be evidence by the postmark date on the envelope received from the License Section containing the late report.

(ii) Letters notifying license selling agents of three (3) occurrences of late reporting in any twelve (12) month period shall be sent by certified, return receipt mail, informing the agent that administrative suspension or cancellation proceedings have been commenced. The agent shall be informed of the requirement to request a hearing before the Wyoming Game and Fish Commission as outlined in Section 24 of this regulation.

(iii) Any late reporting may be used as cause for commencing administrative suspension or cancellation proceedings.

#### **Section 11. Monetary Remittance Issues**

(a) Any person who issues a check to the Wyoming Game and Fish Department to fulfill the requirements of this regulation, which is not paid because the check has been dishonored by the bank, shall be required to make restitution within thirty (30) calendar days following date of written demand. The written demand shall be mailed to the drawer of the check by United States postal service certificate of mailing at the address shown on the check or the last known address or personally served pursuant to the Wyoming Rules of Civil Procedure. The restitution shall be in the form of a postal money order or a cashier's check in the amount of the check and a collection fee not to exceed thirty dollars (\$30).

(b) If the license selling agent fails to pay the amount of the check and the collection fee within thirty (30) days following the date of written demand, mailed to or served upon them, they shall be assessed an additional amount equal to two (2) times the amount of the check or one hundred dollars (\$100), whichever is greater, in addition to the collection fee of thirty dollars (\$30) referenced above, and any court costs.

(c) If a license selling agent submits a second dishonored check within a consecutive twelve (12) month period of a previous dishonored check, the license selling agent shall be required to remit all subsequent payments in the form of a postal money order or cashier's check for a period of twelve (12) calendar months. Failure to do so shall be grounds for cancellation.

(d) Account shortages of less than ten dollars (\$10) incurred on an agent's monthly license report may be included with the next monthly license sales reports remittance amount.

(e) Letters notifying agents of their account balances shall be mailed after the 25<sup>th</sup> of each month. Payments for account shortages of over ten dollars (\$10) shall be remitted within ten (10) business days.

(f) Any license selling agents having account shortage balances due, that have not been received by the License Section within the ten (10) day period, shall be mailed (certified, return receipt) letters. Agents are required to respond to the letter within three (3) business days from the receipt of said letter. The license agent's response shall include their account shortage payment and shall be evidenced by the postmark date on the response envelope received from the License Section containing said payment.

(g) Unpaid account shortages may be used as cause for commencing administrative suspension or cancellation proceedings.

#### **Section 12. Duplicate License Issuance.**

(a) Duplicate license issuance.

(i) A "Duplicate License" shall be required for the replacement of lost or destroyed big or trophy game, wild turkey or wild bison licenses which are valid and have not expired.

(ii) For licenses issued through the ELS system, the duplicate license affidavit form has been incorporated within the duplicate license document and shall be signed by the license applicant and license selling agent issuing the duplicate license. This affidavit panel section of the duplicate license document shall remain intact with all other printed panel sections of the duplicate license form.

(iii) Any manually issued stamp which is valid and has not expired shall be replaced by purchasing another stamp as authorized by Commission regulation.

#### **Section 13. Examination of Agents Records.**

(a) All Wyoming Game and Fish Commission license selling agents shall be subject to a financial audit of any and all records and documents relating to licenses, permits, tags or stamp sales. These financial audits may be conducted, during normal business hours, without prior notification by a Department representative authorized by the Fiscal Division Chief. Any financial audit of records shall also extend to records, documents and other writings in possession or custody of accountants or other agents or representatives.

(b) All Wyoming Game and Fish Commission license selling agent records and documents relating to licenses, permits, tags or stamp sales shall be subject to review for law enforcement purposes by Department law enforcement personnel during normal business hours.

#### **Section 14. Appointment of License Selling Agents.**

(a) Any Department personnel required to administer oaths and sell licenses shall be so authorized by the Fiscal Division Chief.

(b) Business entities shall be evaluated and classified through an application process as either a sporting goods and equipment vendor, a non-sporting goods and equipment vendor or an out-of-state vendor based on the definitions provided in this regulation.

(c) Applications for license selling agents shall be submitted on forms supplied by the License Section.

(d) Applications from sporting goods and equipment vendors as defined in Section 4 of this regulation shall be accepted throughout the year and shall be given preference in appointment in accordance with Wyoming Statute.

(e) Upon submission of an application from either a non-sporting goods and equipment vendor or an out-of-state vendor applicant, the Senior Game Warden shall determine a need for an additional license selling agent within his/her district. If a need is determined and approved by the Fiscal Division Chief, applications shall be accepted through solicitation by public notice in statewide or local news media.

(f) Untimely applications for advertised vacancies shall not be accepted by the Department unless authorized by the Fiscal Division Chief.

(g) A license selling agent shall be appointed based upon the facts contained in the original application and Senior Game Warden evaluation.

(h) A license selling agent shall be considered appointed upon completing the following:

(i) Approval by the Commission;

(ii) Travel to the Wyoming Game and Fish Department Headquarters in Cheyenne or another Department facility as designated by the Department's License Manager, at the license selling agent expense, within ninety (90) days of written notification of approval by the Commission to attend the License Selling Agency Orientation and Training Seminar;

(iii) Payment of the annual bonding fee as prescribed by W.S. §23-1-701 within ninety (90) days of notification of approval by the Commission; and,

(iv) Receive the initial offline license book and stamp allocation within ninety (90) days of notification of approval by the Commission.

(v) Agent of Record must agree to be an ELS license selling agent.

(vi) If applicable, Agent of Record Authorization is submitted to the License Section.

(vii) Signing the Lease Agreement for the issuance of ELS equipment within ninety (90) days of notification of approval by the Commission.

#### **Section 15. Criteria for Appointment of In-State License Selling Agents.**

(a) All applications for sporting goods and equipment vendors approved by the Department shall be presented to the Commission for review.

(b) Appointment of sporting goods and equipment vendors as license selling agents shall be based upon their qualification of a sporting goods and equipment vendor as defined in Section 4.

(i) Agents shall be considered for appointment only if they are existing business entities.

(ii) Agents shall have a valid sales tax license for the respective business entity.

(c) Appointment of non-sporting goods and equipment vendors as license selling agents shall be based upon the following criteria:

(i) Applicants shall be considered for appointment on the physical location in relation to existing license selling agents;

(ii) Applicants shall be considered for appointment based on the public service provided taking into consideration the optimum period of hours, days and months of operation;

- (iii) Applicants shall be considered for appointment only if they are existing business entities.
- (iv) Agents shall have a valid sales tax license for the respective business entity; and,
- (v) Agents shall be considered for appointment based on the Senior Game Warden evaluation.

**Section 16. Criteria for Appointment of Out-of-State License Selling Agents.**

- (a) The Senior Game Warden, through the Regional Wildlife Supervisor, shall notify the Department's License Manager of the possible need to establish an out-of-state license selling agent.
- (b) The requested shall be reviewed for approval by the Fiscal Division Chief. If approved, applications may be accepted through solicitation by public notice in statewide or locals news media.
- (c) Applicants for out-of-state license selling agents shall complete the proper application form. Consideration for approval of the agent shall generally, but not necessarily, be limited to criteria set forth in Section 14 of this regulation.
- (d) Out-of-state license selling agents shall be authorized to sell the specific license types as designated by the Fiscal Division Chief.

**Section 17. License Agent Bonding, Initial License Inventory and ELS Equipment Distribution and Training.**

- (a) Within thirty (30) days of appointment, all new agents of record or their designees shall be notified of a scheduled date in which they shall be required to travel to the Wyoming Game and Fish Department Headquarters in Cheyenne, or another Department facility as designated by the Department's License Manager, at the license selling agent's expense in order to: pay the annual bonding fee as prescribed by W.S. §23-1-701; attend a License Selling Agency Orientation and Training Seminar; receive the initial offline license book and stamp allocation and receive their ELS equipment (if applicable).
- (b) At any time, an agent of record shall be required to travel at the license selling agent's expense to Headquarters or another Department facility, as designated by the License Manager, to attend remedial training at the direction of the License Manager.

**Section 18. Renewal of License Selling Agency.**

- (a) Except as provided in subsection (f), to be considered for license selling agency renewal, or for a new license agent request, all license selling agents shall use the ELS system.
- (b) If any of the following facts have changed from those listed in the license selling agent's original application approved by the Commission, the renewal of the license selling agent may not be approved:
  - (i) Appointed Agent of Record, unless an Agent of Record Authorization form has been properly completed and accepted by the License Section;
  - (ii) Business entity upon which the appointment was based;
  - (iii) Physical location of the business entity upon which the appointment was based;
  - (iv) Hours/days/months of operation;
  - (v) Continuance of a valid sales tax license for the respective business entity

(vi) Appointed Agent of Record has not maintained physical control of the offline license inventory or stamp inventory.

(vii) Appointed Agent of Record has not maintained physical control of funds collected.

(viii) Appointed Agent of Record has not maintained physical control of ELS equipment issued.

(c) Agents shall pay their annual non-refundable bond fee of fifty dollars (\$50) before December 1 preceding the year for which the bond shall be in effect to renew their license selling agency.

(d) Failure to pay the annual fifty dollar (\$50) bond before December 1 of each year shall be cause for automatic and immediate cancellation. Exceptions shall only be granted by the Fiscal Division Chief.

(e) Agents that have been cancelled for failure to pay their annual bond fee by December 1 shall be required to reapply to the Commission as a new license selling agent as outlined in this regulation.

(f) In exceptional circumstances, applicants for license selling agents may be exempted from using the ELS system. Exceptional circumstances shall be determined by the Commission on a case-by case basis in response to a written application for exemption, and may include lack of any high speed Internet service at the business location, or other circumstances that necessitate authorizing a license selling agent to issue non-carcass coupon license products without the use of the ELS computer equipment. Exempted license selling agents shall file a manual monthly license sales report form in lieu of an ELS system generated invoice, and follow all other provisions outlined in this regulation.

#### **Section 19. Transfer of Physical Location of License Selling Agents.**

A Wyoming Game and Fish Commission license selling agent may be transferred to another physical location of the same business entity only upon approval of the Fiscal Division Chief and the District Wyoming Game and Fish Commissioner. Recommendations by the Senior Game Warden, Regional Wildlife Supervisor and the Department's License Manager shall be considered by the Fiscal Division Chief and the District Game and Fish Commissioner in determining whether or not to approve a transfer of physical location. A sporting goods and equipment vendor license selling agent is exempt from this provision.

#### **Section 20. Change in Agent of Record for Business Entity.**

(a) The business entity must submit a properly completed Agent of Record Authorization form completed on their letterhead to change the Agent of Record.

(b) In addition to the Agent of Record Authorization form, the newly designated Agent of Record must also submit a properly completed Oath of Office form as the Agent of Record to the License Section.

(c) As indicated on the Agent of Record Authorization form, the newly designated Agent of Record shall agree to accept all financial liability for the business entity and accept responsibility for all actions of the sub-agents for all matters relating to license sales.

(d) If the designation of the individual to act as the Agent of Record does not change the organizational structure of the business entity that was approved by the Commission, then the License Section shall accept the Agent of Record Authorization form and change the Agent of Record for the business entity.

#### **Section 21. Transfer License Selling Agent as a Result of a Change in the Business Entity.**

(a) If the change in license selling agent results in a change in the Business Entity, then:

(i) A new owner of a currently established Wyoming Game and Fish Commission license selling agent shall immediately apply to the Commission to be considered for appointment as a license selling agent pursuant to Section 14 of this regulation.

(ii) Subject to application and appointment as a license selling agent, the new owner may apply to the Department's License Section for a temporary license selling agent authorization which shall allow the continuance of the existing license selling agent. Upon approval of the Senior Game Warden, Regional Wildlife Supervisor and the District Commissioner, the License Section shall issue a temporary license selling agent authorization to the new owner. Failure to apply for appointment as a license selling agent or apply for a temporary license selling agent authorization may result in delay of issuance.

(iii) A temporary license selling agent authorization shall remain in effect for one hundred twenty (120) days. The authorization may be extended an additional one hundred twenty (120) days by the District Commissioner.

(iv) In order to receive the temporary license selling agent authorization, the new owner shall assume all liability for the Agent of Record from whom the business was purchased. If the new owner does not agree to assume the liability of the previous Agent of Record, the existing license selling agency is immediately canceled.

(v) Until a temporary license selling agent is authorized in which the new owner assumes liability, the existing Agent of Record shall remain liable as described in Section 5.

(vi) The business entity shall be required to be an Electronic License Service (ELS) agent.

(vii) The Agent of Record may be required to attend training as outlined in this regulation.

(viii) The Agent of Record shall be required to sign a Lease Agreement (if applicable) for the Electronic License Service (ELS) equipment issued.

## **Section 22. Administrative Suspension of License Selling Agents.**

(a) A license selling agency may be suspended from license sales under the direction of the Wyoming Game and Fish Director and the Wyoming Game and Fish District Commissioner pending a hearing before the Wyoming Game and Fish Commission for any of the following reasons:

(i) Failure to submit monthly license sales report as required by state statute.

(ii) Failure to remit payment for license sales as required by state statute.

(iii) Failure to pay the amount of a dishonored check and the assessed collection fees within thirty (30) days following the date of the receipt of written notification.

(iv) Failure to notify the License Section that a transfer of license selling agent has occurred that has resulted in a change in the business entity in which the current agent of record is no longer in control of the ELS equipment issued or monies collected for license sales.

(b) The License Manager shall be directed to inactivate the license selling agent account on the ELS system so that no license sales can occur during the administrative suspension.

(c) The License Manager shall be directed to retrieve all offline licenses and stamps from the license selling agency so that no manual sales can occur during the administrative suspension.

(d) The license selling agency shall be suspended until the issue is resolved or formal Commission action is taken, whichever action occurs first.

**Section 23. Cancellation of License Selling Agents.**

- (a) A License Selling Agency may be canceled for, but not limited to, the following reasons:
- (i) Noncompliance with Wyoming statutes;
  - (ii) Noncompliance with Wyoming Game and Fish Commission Regulations or Policies;
  - (iii) Failure to follow procedures outlined in written procedures provided by the License Section;
  - (iv) Submission of late or no monthly license sales report;
  - (v) Failure to properly report all license sales and remit monies during a reporting period;
  - (vi) Three (3) occurrences of late reporting by an agent in any twelve (12) month reporting period;
  - (vii) Failure to respond to certified letters notifying agents of late reporting, dishonored checks, or account balances due;
  - (viii) Failure to remit account underpayments;
  - (ix) Issuance of insufficient or no account checks and failure to pay as provided in W.S. §1-1-115;
  - (x) Failure to pay annual bond by December 1 for succeeding year;
  - (xi) Failure to disseminate correct information to the hunting/fishing public;
  - (xii) Charging fees for any service related to license, permit, tag or stamp sales other than that established by Wyoming Statute;
  - (xiii) Failure of license selling agent or sub-agents to properly and legibly fill out completed applications for license issuance as required by Commission regulation;
  - (xiv) Failure to allow or permit a financial audit or law enforcement review of any and all records and documents relating to hunting, fishing and trapping licenses, permits, tags or stamp sales or search and rescue or access donations;
  - (xv) Illegal issuance of licenses, permits, tags or stamps;
  - (xvi) Failure to attend training as requested by the Department's License Manager;
  - (xvii) Failure to properly witness residency oaths on resident license issuance;
  - (xviii) Failure to properly use Department provided offline license books to issue licenses when the ELS automated system is not accessible;
  - (xix) Failure to properly data enter license records into the ELS system that were issued using offline license books. The licenses must be data entered by the next business day in which system access is restored;
  - (xx) Failure to review ELS license document with licensee prior to signing license documents; or,
  - (xxi) Failure to verify inventory shipments and sign and return Inventory Charge Documents.
  - (xxii) Failure to make available for sale, during stated business hours, all license inventory, whether electronic or manually issued, to the public.

(xxiii) Failure to sign a Lease Agreement (if applicable) and use the ELS system.

**Section 24. Proceedings for Administrative Suspension or Cancellation.**

(a) The Fiscal Division Chief, with concurrence of the District Commissioner, shall notify the license selling agent in writing that administrative suspension or cancellation procedures have been initiated.

(b) The administrative suspension or cancellation shall be a contested case proceeding in accordance with Wyoming Game and Fish Commission Regulation Chapter 27, Rules of Practice Governing Contested Cases before the Wyoming Game and Fish Commission, revised as of July 29, 2010, and which does not include any later amendments or editions of the incorporated matter.

(i) Cancelled or suspended license selling agents are entitled to a hearing before the Game and Fish Commission. Request for hearing shall be made in writing to the Fiscal Division Chief within ten (10) business days after receipt by the license selling agent of the notice of cancellation or suspension by the Department. Upon the Department's receipt of a request for hearing from a cancelled or suspended license selling agent, the cancelled or suspended agent shall be scheduled by the Department to appear before the Commission at the next regularly scheduled Commission meeting.

(ii) Upon cancellation of a license selling agent by the Commission or if the license selling agent fails to request hearing within ten (10) business days, the license selling agent shall be prohibited from reapplying to the Commission for a license selling agent authorization for not less than twelve (12) months.

(iii) License selling agents that fail to request a hearing before the Game and Fish Commission within ten (10) business days after receipt of notice of administrative suspension or cancellation shall be immediately canceled.

**Section 25. Issuance of Electronic License Service (ELS) equipment.**

(a) The Agent of Record shall be required to sign a Lease Agreement (if applicable) to be issued ELS equipment.

(b) The Agent of Record shall be required to sign a new Lease Agreement for any equipment that is replaced by the Department from the original issuance.

(c) Upon Transfer of Ownership of a business entity, a new Lease Agreement (if applicable) shall be executed.

**Section 26. Violation of Commission Regulations.** Failure to abide by the provisions of this regulation shall be punishable as provided by Wyoming statutes for violation of Commission regulations.

**Section 27. Savings Clause.** If any provision of this regulation shall be held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation shall be severable.

WYOMING GAME AND FISH COMMISSION

By: \_\_\_\_\_

Mike Healy, President



Dated: July 10, 2013