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**IDAPA 13
TITLE 01
CHAPTER 20**

13.01.20 - RULES GOVERNING SELECTION OF FISH AND GAME LICENSE VENDORS

000. LEGAL AUTHORITY.

These rules are established in accordance with Section 36-301, Idaho Code, which says in part: "The Fish and Game Commission shall prescribe by rule... (2) the criteria for authorizing a person as a license vendor. In developing the criteria, the Commission shall consider the cost to the state to install and maintain a license vendor and the public's need to be able to reasonably obtain the necessary license. The criteria should include, but are not limited to, the remoteness of the location; availability of licenses in the area; angling and hunting supplies and services at the location; distance to the next closest license vendor; and the number of licenses issued at the location." Under Sections 36-301(b) and 36-303, Idaho Code, the director is authorized to supervise the issuing of all licenses and the selection of license vendors. (3-20-97)

001. TITLE AND SCOPE.

The title of this chapter is "Rules Governing Selection of Fish and Game License Vendors." These rules establish the criteria for selecting license vendors. (3-20-97)

002. WRITTEN INTERPRETATION.

Written interpretation of these rules and documentation of compliance are available at the Department of Fish and Game's headquarters office. (3-20-97)

003. ADMINISTRATIVE APPEALS.

Administrative appeals are governed under IDAPA 13.01.01, "Rules of Practice and Procedure." (3-20-97)

004. -- 099. (RESERVED)

100. VENDOR CLASSIFICATION.

All vendor applications will be classified into a class designation for record keeping, approval and statistical purposes. The classifications are defined as follows: (3-20-97)

01. Class One. Sporting goods store carrying a complete line of hunting and fishing supplies and other sporting equipment and supplies, and open a minimum of five (5) days a week year around except for major holidays. (3-20-97)

02. Class Two. A store with a sporting goods department or section which carries a complete line of hunting and fishing supplies and other sporting equipment, and open a minimum of five (5) days a week year around except for major holidays. (3-20-97)

03. Class Three. A store which specializes in a single aspect of hunting or fishing such as gun, archery or fly fishing shops. (3-20-97)

04. Class Four. (3-20-97)

a. Strategic. A business or government agency located in an area where the Department has determined there is a need for the public to have licenses available. This may be in areas where there is no or very limited license availability within a twenty-five (25) mile radius from established license vendors. (3-20-97)

b. Exceptional Service. A business which can provide exceptional license availability in comparison to existing license vendors in the vicinity. This may include, for example, being open twenty-four (24) hours a day, seven (7) days a week, but which would not be classified as a class one, two, or three vendor. (3-20-97)

05. Class Five. A business which is not open on a twelve (12) month basis such as summer fishing resorts, but which would otherwise qualify for classes one to four, inclusive. If the business is an outfitter or guide, it must have a permanent business location open to the public for license services. (3-20-97)

06. Class Six. All other businesses which provide no special or exceptional service to the Department or public. (3-20-97)

101. APPLICATION.

01. Form. The director will develop and provide, as necessary, a license vendor application form incorporating these rules. (3-20-97)

02. Department. (3-20-97)

a. Form. The License Section will send to the applicant the vendorship application form and transmittal letter or a business may print the application form and transmittal letter from the Idaho Fish and Game website. (5-8-09)

b. Nonresponse by Applicant. The application sent out by the License Section will be considered void if the License Section has not received the application form and all other required information from the applicant sixty (60) days after the date of the transmittal letter. The applicant may request up to a thirty (30) day time extension to complete the form from the License Operations Manager. (5-8-09)

c. Application Review -- Quarterly. The License Operations Manager will quarterly evaluate vendor applications for approval or denial. The License Operations Manager will have thirty (30) calendar days after receipt of all necessary forms from the applicant and department personnel to review and investigate the application. The date received plus thirty (30) days will determine into which quarterly evaluation each vendor application will be considered. Applications from the same area will be evaluated together to determine which will best meet the needs for a vendorship in that area. The evaluations and determination of approval or denial will be made quarterly on or before March 1, June 1, September 1, and December 1. Exceptions may be made by the Department when there are overriding Department and public needs for an immediate replacement of a license vendor in an area. This will primarily occur where there would be no vendor services available to the public within a twenty-five (25) mile radius. (5-8-09)

d. Field Review. After the License Section has received the application form and all other required information from an applicant, they will contact the Regional Conservation Officer for a recommendation on the application. The Regional Conservation Officer may contact the local Conservation Officer to conduct an on-site visit of the applicants business. The Regional Conservation Officer will have ten (10) days to provide the License Section with a recommendation on the application. (5-8-09)

03. Applicant. (3-20-97)

a. Application Form. A license vendor applicant must complete the application form in its entirety. Any false or misleading response will void the application. (3-20-97)

b. Credit Rating. The applicant must submit the original copy of a current credit rating from a recognized credit bureau with the completed application form. (3-20-97)

c. Form Submission. The completed vendorship application form and credit rating must be submitted to the License Section no later than sixty (60) days after the date of the application transmittal letter. Failure by the applicant to meet these time frames will void the application. (5-8-09)

d. Approved Application. If the application is approved the required vendorship contract, agreements, deposits, and bond (if required) must be received within sixty (60) days from the date of the applicant's approval letter. Failure to meet the deadlines will void the approval except for extenuating circumstances approved by the License Operations Manager. (5-8-09)

e. Denied Application. Any applicant who has been denied a license vendorship may appeal that decision to the director. The applicant may request the director to establish a hearing in accordance with the Administrative Procedures Act. (3-20-97)

102. SELECTION.

The following factors will be considered for selecting an applicant to become a fish and game license vendor: (5-8-09)

01. Low Numbered Vendors. Applicants classified in lower-numbered vendor classifications will be given priority over applicants in higher-numbered classifications from the same general location. (3-20-97)

02. Class Six Applicants. Applicants classified as class six (6) will generally not be approved. They will be approved only when they have demonstrated a major significant public benefit to have a license vendorship at their location. (3-20-97)

03. Unsettled Debts Reported. Applicants who have unsettled debts reported and listed with a credit bureau will not be approved. Unsettled debts that are in dispute will not be considered against the applicant. (3-20-97)

04. Surety Bond Needed. Applicants who would otherwise qualify for a vendorship and have been in business less than three (3) years will be required to furnish the Department a ten thousand dollar (\$10,000) surety bond in the form and length as determined by the director. (3-20-97)

05. Applicant Cooperation Required. The applicant and its employees should exhibit a cooperative attitude toward the license issuing requirements; however, this shall not be the only rationale for denying a vendorship. (3-20-97)

06. Permanent Place of Business Required. Applicants who do not have a permanent place of business open and accessible to all segments of the public will not be approved. (3-20-97)

07. Number of Existing Vendors in Area. The number of existing vendors in the applicant's geographical area and their distance to the applicant. For the three (3) closest existing vendors, their hours and days of operation, classification, accessibility to the public, and other pertinent information, including their distance to the applicant, will be compared to the applicant. (3-20-97)

08. Incorporated City. If the applicant is in an incorporated city, the number of vendors in the city. (3-20-97)

09. Unincorporated City. If the applicant is located in an unincorporated area, the number of vendors within a twenty-five (25) mile radius. (3-20-97)

10. Minimum Sales Volume Requirement. The applicant's estimated license sales volume should meet the minimum sales volume requirements. If the applicant is seeking to replace an existing vendor at the prior vendor's location, the prior vendor's sales volume will be used to estimate the applicant's sales volume. (3-20-97)

11. Satisfactory Past Performance Record Required. If the applicant was a license vendor or the manager for a license vendor within the past five (5) years, the performance record for compliance with the requirements for license vendors must be satisfactory. (3-20-97)

12. No Fish and Game Violations Allowed. Neither the owner(s) nor store manager (if the applicant is a corporation) shall have had a fish and game violation other than an infraction within the past five (5) years. (3-20-97)

13. Remote Location. An applicant's location will be considered remote if there are no year-round vendors within a twenty-five (25) mile radius. (3-20-97)

14. The Applicant's Hours of Operation. Priority will be given in the following order: (3-20-97)

a. Seven (7) days per week, minimum fifty-six (56) hours. (3-20-97)

b. Six (6) days per week, minimum forty-eight (48) hours. (3-20-97)

c. Five (5) days per week, minimum forty (40) hours. (3-20-97)

d. Four (4) days per week, minimum thirty-two (32) hours. (3-20-97)

15. Turnover in Vendorship of Location. The number of times the location has had a turnover in the vendorship. Three (3) changes of ownership in any twenty-four (24) month period are considered excessive and the application may not be approved for this reason. (3-20-97)

16. Length of Time in Business. Except as otherwise provided in these rules, all applicants for a new license vendorship should have been established in business for at least one (1) year. The Department may waive this requirement in the case of a license vendor applicant located in a remote area if there is a Department or public need for license availability. Changes in ownership at established vendor locations will be handled on a case-by-case basis. (3-20-97)

17. Distance to Fishing and Hunting Areas. (3-20-97)

a. Distance zero (0) to ten (10) miles. (3-20-97)

b. Distance eleven (11) to twenty (20) miles. (3-20-97)

c. Distance twenty-one (21) to thirty (30) miles. (3-20-97)

d. Distance thirty-one (31) to forty (40) miles. (3-20-97)

e. Distance forty-one (41) miles and greater. (3-20-97)

18. Need Determination. Can the public reasonably obtain licenses/tags without this vendor. (3-20-97)

19. Vendor Ceiling. Qualified applications will be approved until the active vendor ceiling has been reached. (3-20-97)

103. ACTIVE VENDOR CEILING.
The number of active vendors, including approved vendor applicants, is limited to four hundred seventy-five (475). (5-8-09)

104. CONFLICT OF INTEREST.
It has been department policy since January 1, 1980, that no vendorship application will be approved if the applicant is a member of the Idaho Fish and Game Commission or a department employee unless the contract is made with a publicly-held corporation for its general benefit. (3-20-97)

105. -- 999. (RESERVED)

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