



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING
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March 10, 2019

The Honorable Senator David Wilson
State Capitol Room 115
Juneau, AK 99801

Dear Senator Wilson:

You have requested additional information about the process and timelines for the professional licensing investigative process. This overview is provided below, and we are happy to offer any additional follow-up that you or other legislators may find beneficial to understanding the investigative process and how it applies specifically to the Big Game Commercial Services Board.

1. Division of Legislative Audit recommendations for division investigations

The Division of Corporations, Business and Professional Licensing supports all 21 professional licensing boards with investigative services. Our investigators are typically former police or military personnel with training in conducting interviews, handling evidence, and following administrative procedures pertaining to due process.

The concern raised by the 2018 sunset audit of the Big Game Commercial Services Board is not that there are significant delays in investigations; it is that normal delays were simply not well-documented in our case management software during the 2015-2018 audit period. Because of the high caseload managed by the investigator for this program, over time, documentation of pending cases has languished in favor of working active cases. In the fall of 2018, Chief Investigator Greg Francois adopted a policy requiring supervisory review of all cases open longer than 90 days and mandatory documentation in the file every 30-45 days. This will prevent any investigation, regardless of the profession, from falling out of sight.

Our investigators often manage dozens of cases at one time; the investigative workload of the sole investigator for the Big Game Commercial Services Board is currently 58 cases. During the three-year audit period, this investigator opened 382 cases and closed 450 cases. 139 of those cases resulted in license actions. This is an unsustainable workload, which inspired our team to actively partner with the Alaska Wildlife troopers (AWT) and criminal prosecutors to streamline the process.

2. Timelines for investigations and potential causes of delays

Investigations of potential violations of professional licensure statutes and regulations may take months or years, particularly in high-stakes professions like guiding, medicine, nursing, and midwifery. If delays occur, they are typically because of one or more of the following reasons:

- **Waiting on the resolution of a criminal investigation**

Our boards have the authority to issue civil penalties like fines and can take action on a license, including suspension, condition, or revocation. When we are notified that a criminal investigation has begun, we open a parallel case in “Monitor” status to handle the civil (licensing) discipline after the criminal process is complete. The case is checked a minimum once every 30 to 45 days and documented in the case management system.

The criminal process can take up to several years. If there is a demonstrable concern that the safety of the public is at risk, the board may issue a summary suspension of the defendant’s license while this process unfolds. This is not usually relevant to criminal matters affecting a licensed guide-outfitter, so we communicate with the AWT and await the outcome of their process.

- **Waiting on a response from the defendant**

Defendants are usually not happy about being investigated, so they may take time to respond to our questions and requests for information. They may need time to seek attorney assistance or search for documentation. They may also simply resist participating because they are upset.

- **Gathering information about the allegation**

In addition to interviewing the defendant, we also require additional information from the complainant and may need to gather documentation from agencies like the AWT, Department of Natural Resources, U.S. Forest Service, private landowners, native corporations, contracted clients, and other sources.

- **Board member reviewing the case to determine appropriate action**

One of the many assets of retaining a volunteer board is access to a ready source of knowledge in areas outside our staff’s expertise. Board members review all case documentation with an investigator and recommend an appropriate course of action. This review can take an afternoon or several weeks, depending on the complexity of the case and the availability of the volunteer. Guide-outfitters are unavailable many months of the year during hunting season, when they practice their profession. This can delay review until they are available after the close of the season.

- **Waiting on the case to be heard before the Office of Administrative Hearings**

Licensees have the option to appeal an accusation or decision of the board before an Administrative Law Judge with the Office of Administrative Hearings. This process may take weeks or months. During this period, cases are monitored in the same manner as mentioned above.

3. The Big Game Commercial Services Board’s quasi-judicial responsibility

As evidenced in the 2018 legislative audit, the board is not deficient or delinquent in their quasi-judicial responsibility. The board has demonstrated leadership in developing disciplinary guidelines and working attentively with the division to determine appropriate discipline according to the state’s administrative processes.

Administrative case law has established a professional license as a property right. It is the key to one’s livelihood, so the board and the division take very seriously the responsibility to balance one’s right to work in their chosen profession with the public interest.

Sincerely,

A handwritten signature in blue ink that reads "Sara Chambers". The script is cursive and fluid, with the first name "Sara" and last name "Chambers" clearly legible.

Sara Chambers
Division Director

cc: Henry Tiffany, Chairman, Big Game Commercial Services Board
Fred Parady, Legislative Liaison
Greg Francois, Chief Investigator