

TONY R. PATTERSON (U.S.B. 5128)  
Assistant Attorney General  
SEAN D. REYES (U.S.B. 7969)  
Attorney General  
Commercial Enforcement Division  
Heber M. Wells Building  
Box 140872  
Salt Lake City, UT 84114-0872  
TEL: (801) 366-0256

---

**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

---

IN THE MATTER OF THE LICENSE OF )  
**GEORGE JAY SIMON, II** ) **STIPULATION AND ORDER**  
TO PRACTICE AS AN OUTFITTER )  
IN THE STATE OF UTAH ) **CASE NO. DOPL 2014-394**

---

GEORGE JAY SIMON, II (“Respondent”) and the **DIVISION OF OCCUPATIONAL  
AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah  
 (“Division”) stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action.
2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.
3. Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent’s signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent’s right to counsel in this matter.
4. Respondent understands that Respondent is entitled to a hearing before the State of Utah’s Hunting Guide and Outfitter Licensing Board (“Board”), or other Division Presiding

Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing.

Respondent understands that by signing this document Respondent waives all rights to any administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R156-46b-12 through R156-46b-15. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G4-102(4).

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondent understands that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license, to other persons and entities.

7. Respondent admits the following facts are true:

- a. Respondent was first licensed to practice as an outfitter and hunting guide in the State of Utah on or about February 23, 2010. Respondent's hunting guide license expired on May 31, 2014.
- b. On or about July 11, 2011, Respondent pleaded no contest to one count of unlawful taking of protected wildlife, a Class B misdemeanor, in Sixth District Court, Garfield County, Utah.
- c. On or about December 6, 2012, the Department of Natural Resources of the State of Utah entered a Decision and Order in Case No. 2010-000659, wherein

Respondent's privileges conferred by a big game hunting license or permit were suspended for six years, until December 13, 2017.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and (c), and Utah Administrative Code R156-79-302d(g). Respondent agrees by engaging in such conduct the Division is justified in taking disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a). Respondent agrees that an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2), may be issued in this matter providing for the following action against Respondent's license:

- (a) Respondent's license shall be suspended until December 13, 2017.
- (b) Respondent shall maintain a license at all times and not allow his license to expire during the period of suspension.
- (c) Respondent may not request his license be removed from suspension early or submit an application to act as a hunting guide in the State of Utah until December 13, 2017.
- (d) Respondent may retain ownership interest in High Top Outfitters, LLC. (High Top).
- (e) Respondent may not render any outfitting services that requires a license.
- (f) Respondent may not render hunting guide services that requires a license.
- (g) Respondent may not have responsible charge for a client.
- (h) Respondent may not use the title of "Outfitter" or "Hunting Guide" while the license is suspended and he shall remove all such references or language that states, implies, or infers that he is an "Outfitter" or "Hunting Guide" including, but not limited to, stationary, signage, advertisements, contracts, business cards, emails, or internet. While acting for the benefit of or on behalf of High Top, Respondent may not give the impression or allow individuals to infer or believe he is an "Outfitter" or "Hunting Guide."
- (i) Respondent, whether or not in the field, may not assist Outfitters, Hunting Guides, or clients in the hunting wildlife, including but not limited to being a spotter.
- (j) Respondent may not negotiate hunting contracts with potential clients of High Top or enter into hunting contracts on behalf of the High Top with hunting clients. Respondent may market High Top, including manning a booth at events, if Respondent makes reasonable efforts to ensure that he does not give the

impression or allow individuals to infer or believe that he is a licensed Outfitter or Guide.

- (k) Respondent may not direct or supervise High Top's sub guides or those having responsible charge of clients while they are in the field.
- (l) Respondent may not have any violations of federal or state wildlife laws or rules or engage in any conduct that constitutes unprofessional or unlawful conduct.

9. Upon approval by the Director of the Division, this Stipulation and Order shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. Respondent shall abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's suspension shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved. If the allegations are determined to be unfounded, any period of time that the suspension was tolled while the Order to Show Cause was unresolved will be rescinded and applied retroactively.

11. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. Respondent agrees not to

take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Board members during a meeting of the Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

12. The accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent shall comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall comply with and timely complete all the terms and conditions of probation. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board or Division. Failure to comply with and timely complete a term or condition shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

13. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

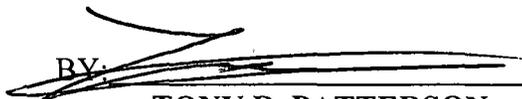
14. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY:   
APRIL ELLIS  
Bureau Manager

DATE: 7/18/14

SEAN D. REYES  
ATTORNEY GENERAL

BY:   
TONY R. PATTERSON  
Counsel for the Division

DATE: 7-18-14

RESPONDENT

BY:   
GEORGE JAY SIMON, II  
Respondent

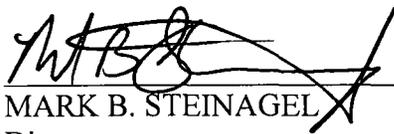
DATE: 7-18-14

**ORDER**

THE ABOVE STIPULATION, in the matter of **GEORGE JAY SIMON, II**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter including, but not limited to, those Findings of Fact and Conclusions of Law referenced in paragraph 7c. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 18 day of July, 2014.

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
\_\_\_\_\_  
MARK B. STEINAGEL  
Director

Investigator: Wayne Jeppson