

# TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

## CHAPTER 20 - BOARD OF REGISTRATION FOR FORESTERS

*Notice* is hereby given in accordance with G.S. 150B-21.2 that the NC State Board of Registration for Foresters intends to amend the rules cited as 21 NCAC 20 .0103-.0104, .0106, .0108-.0109, .0115, .0117, and .0122-.0123; and adopt the rules cited as 21 NCAC 20 .0124-.0126.

**Proposed Effective Date:** August 1, 2010

**Public Hearing:**

**Date:** June 1, 2010

**Time:** 9:00 a.m. – 11:00 a.m.

**Location:** 512 North Salisbury Street, Ground Floor Hearing Room, Archdale Building, Raleigh, NC 27604

**Reason for Proposed Action:** These rule changes and adoptions are being made to bring the rules up to date and make administrative changes in the rules.

**Procedure by which a person can object to the agency on a proposed rule:** Any person who objects to one or more of these proposed rules should send a letter to the Chairman of the Board. The letter should specify the objection and provide alternative language.

**Comments may be submitted to:** Steve McKeand, P.O. Box 27393, Raleigh, NC 27611; email [info@ncbrf.org](mailto:info@ncbrf.org)

**Comment period ends:** June 14, 2010

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**Fiscal Impact:**

- State
- Local
- Substantial Economic Impact ( $\geq$ \$3,000,000)
- None

### SECTION .0100 - PURPOSE

#### 21 NCAC 20 .0103 QUALIFICATIONS FOR REGISTRATION

- (a) An application may be obtained from the Secretary of the Board.
- (b) An applicant shall submit an application to the Secretary which shall include:
  - (1) Legible official college transcripts, if applicable;
  - (2) Five references as required in Rule .0105 of this Section;
  - (3) Proof of professional work ~~experience~~; experience in forestry; and
  - (4) Payment of application fee as set out in Rule .0107 of this Section.
- ~~(c) A school of Forestry accredited by the Society of American Foresters is an approved school or college for purposes of G.S. 89B-9. An applicant who holds a forestry degree from a university outside of the United States may qualify for registration if he/she provides verification to the Board which demonstrates that the degree is equivalent to SAF accreditation standards.~~
- ~~(d)(c) For purposes of ~~G.S. 89B-9~~ G.S. 89B-9(a)(1) a forestry curriculum means a major in forestry. is a curriculum that satisfies the Education Requirements used by the Society of American Foresters (SAF) to become a Certified Forester.~~
- (d) An applicant who holds a forestry degree from a university outside of the United States may qualify for registration if he/she provides verification to the Board which demonstrates that the degree is equivalent to SAF accreditation standards.
- (e) The Board may issue a forester-in-training certificate to an applicant who has completed the education requirement in G.S. 89B-9(a)(1). The certificate ~~shall be~~ is valid for ~~up to~~ 4 years. The time period ~~may~~ shall be extended by the Board in case of hardship beyond the control of the applicant.

Authority G.S. 89B-6; 89B-9.

#### 21 NCAC 20 .0104 EXAMINATIONS

(a) ~~Examinations~~ The comprehensive written exam required by G.S. 89B-9(a)(1), called a Level 2 examination, focuses on the practice of forestry in North Carolina and shall be offered twice annually. There is no limit to the number of times that an applicant may attempt the examination. examination no more than three times within any six year period.

(b) For applicants not meeting the education requirements in G.S. 89B-9(a)(1), a comprehensive written exam, called the Level 1 examination is required. The exam will test the applicants knowledge of forestry approximating that obtained through graduation from a four-year curriculum in forestry and will also focus on the practice of forestry in North Carolina. The exam shall be offered twice annually. There is no limit to the number of times that an applicant may attempt the examination.

~~(b)(c)~~ (c) Applicants shall be notified by certified mail, return receipt requested, not less than 30 days before the examination, as to the time and place of the examination. If the applicant fails to respond at least ten days prior to the date of the exam, it shall be assumed that the applicant does not plan to take the examination. The applicant's file shall then be considered inactive and no further action shall be initiated by the Board. The application fee shall be forfeited.

~~(c)(d)~~ (d) The passing grade for registration shall be 70 percent on any exam. The determination by the Board as to the score on each exam shall be final.

~~(d)(e)~~ (e) Re-examination fees shall be forty dollars (\$40.00) per examination.

*Authority G.S. 89B-6; 80B-9; 89B-12.*

#### **21 NCAC 20 .0106 REGISTRATION FEES**

Fees sent to the Board for any segment of the registration process ~~may shall be in the form of money orders, bank drafts, or checks~~ payable to the Secretary, Board of Registration for Foresters. The application fee for registration is fifty dollars (\$50.00), which shall be submitted by the applicant at the time of application. An approved applicant shall submit an additional fee of forty dollars (\$40.00) to receive a certificate of registration. Annual renewal fee is forty dollars (\$40.00). The Board shall waive renewal fees for Registered Foresters for hardship circumstances, such as military deployment, extended illness, or other similar circumstances, upon written petition by the Registered Forester for this exemption.

*Authority G.S. 89B-6; 89B-10; 89B-11; 93B-15(b).*

#### **21 NCAC 20 .0108 DELINQUENT FEES**

The Board shall notify by mail or email all foresters registered by the Board for the previous year when they become 30 days in arrears in payment of renewal fees for the ensuing year. The notifications ~~will shall~~ remind the delinquents of the required penalty fees.

*Authority G.S. 89B-6.*

#### **21 NCAC 20 .0109 REGISTRATION CARD**

In addition to the certificate prescribed by G.S. 89B-10, upon request and receipt of required fees, the Board shall furnish each registered forester ~~shall be furnished annually, upon the Board's receipt of required fees,~~ with a card impressed with the seal of the Board indicating that the individual is a registered forester for the period indicated.

*Authority G.S. 89B-6.*

#### **21 NCAC 20 .0115 CODE OF ETHICS**

~~The Board hereby incorporates by reference the code of ethics adopted by the Society of American Foresters on June 23, 1976 and amended November 2, 1992 as the professional code to be followed by registered foresters in their forestry practice and their conduct with clients and professional colleagues. This incorporation does not include subsequent amendments and editions. Copies may be obtained from the Board of Registration at no charge. In each individual canon the title Registered Forester (RF) shall be substituted for the word "member". The canons in the code of ethics are part of the registration application, and In their signed affidavits, all applicants shall indicate their agreement to conform adhere to the following Code of Ethics, with them in their signed affidavits. They The code shall be used by the Board to help govern its decisions in adjudicating flagrant misconduct in the practice of forestry under G.S. 89B-13.~~

##### Code of Ethics

- ~~(1) A Registered Forester shall practice forestry consistent with ecologically sound principles and all applicable laws.~~
- ~~(2) A Registered Forester shall not engage in unlawful acts or business practices.~~
- ~~(3) A Registered Forester shall present truthful, accurate, and complete information while practicing forestry.~~
- ~~(4) A Registered Forester shall practice forest management in accordance with landowner objectives and Forestry Best Management Practices, and will advise landowners of the consequences of deviating from such standards.~~
- ~~(5) A Registered Forester will advertise and perform only those services for which the Registered Forester is qualified.~~
- ~~(6) A Registered Forester will indicate on whose behalf any public statements are made, and keep proprietary information confidential unless the appropriate person authorizes its disclosure.~~
- ~~(7) A Registered Forester must avoid conflicts of interest or even the appearance of such conflicts. If, despite such precaution, a conflict of interest is discovered, it must be disclosed to the Registered Forester's employer or client, and the Registered Forester must attempt to resolve the conflict.~~
- ~~(8) A Registered Forester will: act in a civil and professional manner; respect the needs, contributions, and viewpoints of others, and; give credit to others for their methods, ideas, or assistance.~~

*Authority G.S. 89B-6; 89B-9; 89B-13.*

## 21 NCAC 20 .0117 RECIPROCITY

- (a) ~~Non-residents and~~ For residence of North Carolina, within one year of establishing residency for voting purposes in North Carolina, individuals ~~who have moved to North Carolina~~ who are legally registered or licensed as foresters in another state, shall submit evidence of such registration or licensing to the Board. A statement from the Board of registration or licensing in the state in which they are legally registered or licensed attesting that they are legally registered or licensed to practice forestry in that state, and indicating the final date on which their registration or license remains valid, shall be accepted by the Board as adequate evidence. This provision shall not apply unless the state in which the applicant is registered or licensed observes similar rules of reciprocity in regard to persons registered under the provisions of G.S. 89B.
- (b) If the Board determines that the reciprocity applicant is qualified to practice as a registered forester in North Carolina, the Board shall issue a letter conveying this approval.
- (c) The fee for obtaining such reciprocity shall be the same as is charged a North Carolina resident seeking to obtain registration in the state of North Carolina. (See Rule .0106 of this Section).

Authority G.S. 89B-6; 89B-9.

## 21 NCAC 20 .0122 HANDLING OF COMPLAINTS

- (a) The Board, upon receipt of a notarized letter identifying specific complaints of gross negligence, fraud, deceit or flagrant misconduct in the practice of forestry or incompetence by a registered forester, shall follow-up by written correspondence to the accused requesting a response to the accusation. The Board may request the complainant, the accused registrant, or both to personally appear before the Board.
- (b) Following a review of the facts and verification of the violation, the Board may choose appropriate action, which may include:
- (1) revocation or suspension of the registered forester status of the individual ~~as a registered forester~~ as outlined in Rule .0106 of this Section; and
  - (2) warning to the registrant outlining the violation and directing that it be stopped.

Authority G.S. 89B-2; 89B-6; 89B-13; 89B-15; 150B-3; 150B-38.

## 21 NCAC 20 .0123 CONTINUING EDUCATION

- (a) All registered foresters shall attend continuing education courses annually to maintain their registration. Ten CFE (Continuing ~~Forester Forestry~~ Education) credits approved by the Society of American ~~Foresters~~ ~~Foresters'~~ ~~CFE Coordinator shall be~~ are required each year, ~~beginning with the fiscal year July 1, 1999 through June 30, 2000,~~ except as outlined in ~~paragraph (c) of~~ this Rule. CFE's must be SAF category 1, 2, or 3, ~~3-or 4,~~ with at least six being from category 1.
- (b) Registered foresters shall verify CFE compliance to the Board with each annual renewal.
- (c) Those registered foresters who provide information to the Board ~~which that~~ verifies that they are fully retired from a career in forestry may qualify to continue their registration by earning a minimum of three category 1, 2, or 3 ~~3, or 4~~ CFE's annually.
- (d) Upon request, the Board shall approve hardship cases, such as military deployment, extended illness or other circumstances that prevent the Registered Forester from obtaining the required CFE's.

Authority G.S. 89B-6; 89B-11.

## 21 NCAC 20 .0124 COMPLIANCE WITH ANNUAL REPORTS REQUIRMENTS

In the event the board's authority to expend funds is suspended pursuant to G.S. 93B-2, the board shall continue to issue and re-new licenses and all fees tendered shall be placed in the escrow account maintained by the board for this purpose.

Authority G.S. 93B-2.

## 21 NCAC 20 .0125 PETITION FOR RULE-MAKING – DECLARATORY RULINGS

- (a) Any person may petition the State Board of Registration for Foresters (NCBRF) to adopt a new rule, or amend or repeal an existing rule by submitting a rule-making petition to NCBRF. The petition must be titled "Petition for Rule-making" and must include the following information:
- (1) the name and address of the person submitting the petition;
  - (2) a citation to any rule for which an amendment or repeal is requested;
  - (3) a draft of any proposed rule or amended rule;
  - (4) an explanation of why the new rule or amendment or repeal of an existing rule is requested and the effect of the new rule, amendment, or repeal on the procedures of NCBRF;
  - (5) any other information the person submitting the petition considers relevant.
- (b) The Chairman of the State Board of Registration for Foresters (Chairman) must decide whether to grant or deny a petition for rule-making within 30 days of receiving the petition. In making the decision, the Chairman will consider the information submitted with the petition and any other relevant information.
- (c) When the Chairman denies a petition for rule-making, he/she must send written notice of the denial to the person who submitted the request. The notice must state the reason for the denial. When the Chairman grants a rule-making petition, he/she must initiate rule-making proceedings and send written notice of the proceedings to the person who submitted the request.

Authority G.S. 150B-16.

**21 NCAC 20 .0126      DECLARATORY RULINGS: AVAIABILITY**

Declaratory rulings pursuant to G.S. 150B-4 will be issued by the State Board of Registration for Foresters (NCBRF) upon request only on the validity of a rule of the NCBRF or on the applicability of a rule or order of the NCBRF to stipulated facts. A declaratory ruling will not be issued on a matter requiring an evidentiary proceeding.

*Authority G.S. 150B-4.*