



RANDOM PLOTS



NEWSLETTER
of the
N. C. STATE BOARD OF REGISTRATION FOR FORESTERS
Post Office Box 27393
Raleigh, NC 27611
919-847-5441

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Annual Renewal Fee Notice

Your current registration expires on June 30, 2006. To renew your registration, please complete the attached renewal form and CFE Activity Report and remit the annual renewal fee of **\$40.00**. Checks should be made payable to "State Board of Registration for Foresters". Please **DO NOT** send cash. The Board must receive your registration renewal **NO LATER THAN JUNE 30, 2006.**

Failure to submit your renewal form will result in the suspension of your registration.

Continuing Education Requirements

Registered Foresters who do not have "retired" status must obtain **at least 10 hours of CEs per year**. At least six CE credits must be SAF Category 1. The remaining four credits can be SAF Category 1, 2, 3, or 4. These credits must be earned during the fiscal year July 1, 2005-June 30, 2006. Retired foresters who want to remain registered must obtain at least 3 credit hours per year. **RFs are required to submit their CE credits when they renew their registration.** Any CEs earned prior to July 1, 2005 cannot be used toward the June 30, 2006 requirements.

Failure to obtain the necessary credit hours will result in loss of your registration until the required hours are satisfied. A late fee of \$3.25/month (maximum of \$40.00) will also be assessed for renewal. There is no time limit on this obligation. However, the RF has the option to become "re-registered" by submitting a new application for registration, and passing the registration exam(s).

CFE Activity Report

A copy of the CFE Activity Report is included with this newsletter. Please list the programs attended,

the sponsoring organization, date(s) attended, number of contact hours, and the SAF category (1-4) where designated on the form. **You must attach of a copy of the CFE Certificates for all Category 1 Hours** for each Continuing Education course you attended. CFE Certificates are **NOT** required for CFEs credits earned in Categories 2, 3, or 4. You must retain copies of all documentation for a period of two years in the event of an AUDIT by the Board.

Please do not send information unless you have all of your CFEs. CFE credit reports should **ONLY** be submitted with your registration renewal. Please do not send them individually.

Those Registered Foresters still needing CE credit hours may wish to check the Board website ([HTTP://MEMBERS.AOL.COM/NCBRF/](http://MEMBERS.AOL.COM/NCBRF/)) for more information on programs being offered. Additional links with information on available programs throughout the South are also listed on the site.

Disciplinary Policy

In an effort to maintain a clear and consistent policy when reviewing complaints, the Board has developed four levels of action that it may take with respect to complaints filed against a Registered Forester:

Pre-Disciplinary Action: Pre-disciplinary actions will not be transmitted to other agencies or boards (i.e., it will not be listed as "disciplinary action" when applying for reciprocity).

1. Letter of Concern: A letter to an individual identifying inappropriate actions or omissions of the individual. The intent is to encourage the individual to take corrective action. Warning

letters may also be issued when complaints with merit are informally resolved or voluntarily withdrawn. Persons receiving warning letters will not be listed in the newsletter, but the general circumstances of the complaint may be used for educational purposes in newsletter articles.

Disciplinary Action: When a complaint is filed and sufficient question exists, the Board will conduct a disciplinary hearing in accordance with Administrative Rules and applicable General Statutes to determine whether the code of ethics was violated. If a violation is determined, the appropriate action could constitute any of the following:

1. Probation. Probation is issued for a fixed time period when an inadvertent violation of the code of ethics has occurred.
2. Suspension of Registration. The registration is suspended for a fixed time period for inadvertent gross negligence, fraud, deceit or flagrant misconduct has occurred.
3. Revocation of Registration. The registration of an RF is revoked when flagrant and willful gross negligence, fraud, deceit or flagrant misconduct has occurred.

All disciplinary actions by the Board will be published in the newsletter.

All communications with the Board and an RF are part of the RF's file (permanent record).

New Registrants

Since February four new Registered Foresters have been added to the roster. They are:

Leslie S. Chadwell	#1586
Chris J. Childers	#1587
Jason P. Hewitt	#1588
Ashley T. Miller	#1589

Forester Examinations

The most recent examination for registration was given on February 24, 2006, in Kinston. The results are provided below:

	<u>Pass</u>	<u>Fail</u>
Pre-Qualifying (Level I)		0
0		

Qualifying (Level II) 9 6

To become registered, all graduates with a forestry degree from a SAF-accredited school must pass the comprehensive Qualifying Examination.

Individuals without a forestry degree must pass both the Pre-Qualifying (Level I) and Qualifying (Level II) Examinations. The Pre-Qualifying examination is a closed book exam designed to test the knowledge approximating that obtained through graduation from a four-year curriculum in forestry.

The Board offers both examinations twice a year. The examination will be offered next on August 28, 2006, in Morganton, NC.

2006 ASBORF Meeting

The 2006 annual meeting of the Association of Southeastern Boards of Registration for Foresters (ASBORF) was held April 21-22 in Columbia, SC. Board members Mike Thompson, Buddy Tate, and Cliff Lewis attended, as did Administrative Assistant Sara Koch.

Some of the issues discussed included a review of the draft of the CFE guidelines and approval procedures proposed by the Society of American Foresters (SAF). Virtually all of the ASBORF member states use the SAF to certify the number and category of credits that are given to CE courses. Both the SAF and the state boards of registration want to be sure the system is administered properly and equitably.

At the ASBORF meeting each state presented a short report on its current registration law and issues that it confronted. Topics included CE requirements, registration exam content and administration, and registration renewal procedures. Several states, including North Carolina, are in the process of considering possible changes to their existing registration laws.

NCBRF Chairman Mike Thompson, who currently serves as the Secretary-Treasurer of ASBORF, was elected as Chairman of ASBORF. He will serve until 2007. The 2007 ASBORF meeting will be held in Mississippi. North Carolina will host the 2008 meeting.

CFE Audit

The Board will continue to audit continuing education classes attended by registered foresters. The Board cross-references the CFE credit sheets submitted with registration renewals with the attendance records provided by the course administrators. A minimum of five courses is

selected each renewal period. Past audits have not revealed any discrepancies.

Braham and Lewis Step Down

Dr. Richard Braham and Clifford Lewis will leave the Board of Registration when their current terms expire June 30, 2006. Braham and Lewis were appointed to their first terms in July 2000 and re-appointed in July 2003. Braham currently serves as Vice-Chairman and Exam Administrator. Lewis serves as Secretary-Treasurer.

The Governor is scheduled to name two new Board members, but no announcement has been made at this time.

Meet The Board

As new individuals are appointed to the Board, we want to take the opportunity to introduce them to you. Charles L. "Buddy" Tate, Jr. was appointed by Governor Easley in 2005. His term will expire in July 2008. Mr. Tate graduated from North Carolina State University in 1962 and 1963 respectively, with degrees in Forest Management and Soil Science. Professionally, his work experience began as the Lincoln County Forester for the North Carolina Forest Service, and a Management Forester for Riegel Paper Corporation, which later merged into Federal Paper Board, Inc. Since 1973, Mr. Tate has been self-employed as *Charles L. Tate, Jr. & Associates, Consulting Forester & Real Estate Broker*, located in Lake Waccamaw where he resides with his wife. Outside of several forestry organizations, Mr. Tate serves as president of the Coastal Area Health Education Center; vice-chairman of the Columbus County Board of Health; and trustee & treasurer of The Holden Beach Chapel By The Sea. In his spare time Mr. Tate enjoys working with his bird dogs, and hunting deer and quail with friends.

SAF Certified Forester Program and State Forester Registration Laws

One of the issues that generated a lot of discussion at the ASBORF meeting was the SAF Certified Forester program. The SAF Certified Forester program and individual state forester registration laws have sometimes been seen as redundant efforts. There are, however, some very important differences. The SAF CF program is a voluntary national professional credentialing effort. While the program helps identify foresters who achieve a particular level of professional training or expertise, the SAF CF program does not have the "Force of Law". In the event of improper or unethical conduct, the only action the SAF can take against a

member is to revoke his /her membership in the SAF. In states that license or register foresters, individuals are **required** to meet certain educational and experience requirements. Foresters who are registered or licensed under state registration programs **must maintain their registration and adhere to an adopted Code of Ethics**. Violations of these laws can result in civil and/or criminal prosecution. While programs like the SAF CF program help to recognize an individual's professional credentials, the objective of state forester licensing or registration laws is to protect the public by ensuring that those individuals who are responsible for the management of their forests have achieved a minimum level of training and competence and are required to adhere to an accepted code of ethics.

Professional Corporations

A number of registered foresters who also hold a real estate license have found themselves caught in conflicting requirements of North Carolina corporation law. Certain services were designated by the General Assembly as "professional services" (G.S. 55B-2). The practice of forestry is one of those designated services. **If an individual forms an entity for the purposes of providing forestry services, then the entity MUST be a professional corporation (PC), a professional limited liability company (PLLC), or a professional association (PA).**

The problem arises because the practice of real estate is NOT one of the designated "professional services". Consequently, the business of real estate brokerage CANNOT be conducted by a business entity such as a professional corporation or a professional limited liability corporation. The NC Real Estate Commission will not knowingly issue a corporate real estate license to PCs or PLLCs.

The Forester Registration Law states "Registration shall be determined upon the basis of individual personal qualifications. No firm, company, partnership, corporation, or public agency shall be registered as a registered forester" (G.S. 89-B-9). Unlike the NC Real Estate Commission, the NC Board of Registration for Foresters does not issue corporate forester registrations.

To avoid possible conflicts, a registered forester who provides both forestry and real estate services should do so as TWO SEPARATE business entities. For instance, forestry services would be provided under a PC or PLLC while real estate

services would be provided as a sole proprietor, regular corporation, LLC, or LLP.

Warning: Real estate commissions can be paid only to licensed real estate brokers or business entities that possess a real estate license. If a real estate commission is paid to a PC or PLLC, it is a violation of NC Real Estate law!

This issue is addressed in the recent 2005-2006 mandatory Real Estate Update Course (pages 34-36).

The Board of Registration for Foresters strongly recommends that all registered foresters who possess a real estate license and offer both real estate and forestry services review their situation carefully.

Your Role as a Registered Forester

As a Registered Forester, you possess a certain level of professional training and experience. You have committed yourself to a professional standard that has high public expectation. You have agreed to adhere to a specific code of ethics. By virtue of your registration, the public places a specific trust in your professionalism. In essence, the citizens of North Carolina extend to you a fiduciary relationship, trusting you to properly manage their forests.

There are several canons in the North Carolina Code of Ethics that help define this relationship. Canon 5 states, "A Registered Forester will perform services consistent with the highest standards of quality and with unqualified loyalty to the employer." Canon 9 addresses the concern for potential and perceived conflicts of interest: "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 promptly and fully disclosed to the Registered Forester's employer and the Registered Forester must be prepared to act immediately to resolve the conflict." Canon 10 requires that a Registered Forester not accept compensation or expenses from more than one employer for the same service, unless the parties involved provide informed consent. As an example, a Registered Forester hired by a landowner to make an herbicide prescription and procure the services should not also receive a commission or benefit from the chemical company or applicator.

This fiduciary relationship is often defined by the employment status of the Registered Forester. The

best interests of the landowner, not the consultant's, should govern a forestry consultant who is employed by a landowner. The fiduciary relationship for a procurement forester is different. The best interests of the procurement forester's employer should govern the Registered Forester's activities. The relationship between a procurement forester and a landowner is that of a buyer and seller. The landowner is a customer, not a client.

Frequently, the best way to avoid possible conflicts of interest is to establish open and honest communication with all parties. Registered Foresters need to fully explain their roles and responsibilities. Many landowners are not familiar with the various roles of Registered Foresters and can be easily confused about these relationships. As a Registered Forester, **YOU** know the difference and it is part of **YOUR** responsibility to see that the landowner fully understands his/her relationship with you.

Note: Portions of this column are paraphrased from an article written by Al Lyons for the Alabama Board of Registration for Foresters.

Board Meeting Schedule

The Board schedules regular quarterly meetings in January, April, July, and October. Dates of Board meetings are posted on the website. The next Board meeting will be on July 6, 2006 in Asheboro.

Board Web Page

The web site of the State Board of Registration for Foresters provides RFs with instant access to various forms, current roster, registration information, past newsletters, Board member information, exam information, and continuing education opportunities.

<http://members.aol.com/ncbrf/>
E-mail address: ncbrf@aol.com

We encourage all RFs to take advantage of this service.

The Board welcomes any comments or suggestions that you may have regarding the administration of the registration law.

If the Board or its members can be of assistance, please contact them directly or through the Board office.