

Board of Forestry and Fire Protection  
Professional Foresters Registration Program



# Licensing News



Volume 26 - Issue 2

Fall 2012

## **CURRENT PROFESSIONAL FORESTERS EXAMINING COMMITTEE COMPOSITION**

*Professional Foresters Registration shall protect the public interest through the regulation of those individuals who are licensed to practice the profession of forestry, and whose activities have an impact upon the ecology of forested landscapes and the quality of the forest environment, within the State of California.*

Mr. Douglas Ferrier, Chair – RPF (Private Consultant)  
Mr. Otto van Emmerik, Vice-Chair – RPF (Industry)  
Mr. Thomas Osipowich – RPF (CDF, Retired)  
Mr. Gerald Jensen – RPF (USFS, Retired)  
Dr. Kimberley Rodrigues – Public Representative  
Mr. Raymond Flynn – Public Representative  
Mr. William Frost – CRM (Certified Specialty Representative)  
Dr. J Kieth Gilless - (Board of Forestry and Fire Protection Representative)

### **PROGRAM STAFF**

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## **CURRENT BOARD OF FORESTRY & FIRE PROTECTION COMPOSITION**

*The Board's mission is to lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands, and a fire protection system that protects and serves the people of the state.*

Mr. Stan L. Dixon, Chair (Public Representative)  
Vacant (Range-Livestock Industry)  
Mr. Richard Wade (Timber Industry Representative)  
Dr. Susan Britting (Public Representative)  
Dr. J. Keith Gilless (Public Representative)  
Mr. James Ostrowski (Timber Industry Representative)  
Mr. Bruce Saito (Public Representative)  
Mr. Michael Miles (Timber Industry Representative)  
Mr. Mark Andre (Public Representative)

### **BOARD STAFF**

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## **REGISTERED PROFESSIONAL FORESTERS & CERTIFIED RANGELAND MANAGERS**

### **RPF and CRM Rolls**

The table below indicates the known status of all current and former registrants by license type.

| <b>Status</b>  | <b>RPF's</b> | <b>CRM's</b> |
|--|--------------|--------------|
| Valid  | 1254         | 79           |
| Withdrawn  | 132          | 3            |
| Revoked for Non-Renewal<br>or by Disciplinary Action | 729          | 7            |
| Voluntarily Relinquished                             | 593          | 7            |
| Confirmed Deceased                                   | 257          | 3            |
| <b>Total</b>   | <b>2965</b>  | <b>99</b>    |

### **Welcome to New Registrants**

The following individuals passed the RPF and CRM Exams held on April 13<sup>th</sup>, 2012, and were approved for registration by the Board of Forestry and Fire Protection. Congratulations to all and welcome to the fold!

#### **APRIL 13, 2012 EXAM**

Mr. Ronald Hutchinson, RPF No. 2952  
Ms. Angeline Welter, RPF No. 2953  
Mr. Bruce Barr, RPF No. 2954  
Mr. Brian Bowles, RPF No. 2955  
Mr. Robert Birdsall, RPF No. 2956  
Mr. Jeff Oldson, RPF No. 2957  
Mr. Glen Schall, RPF No. 2958  
Mr. Tyler Geist, RPF No. 2959  
Mr. Colin Noyes, RPF No. 2960  
Mr. Kevin Young, RPF No. 2961

Mr. Kevin Kiniery, RPF No. 2962  
Mr. Jake Blaufuss, RPF No. 2963  
Ms. Ashley McClung, RPF No. 2964  
Mr. Seth Smith, RPF No. 2965  
Mr. Michael Papa, RPF No. 2966  
Mr. John Pickett, RPF No. 2967  
Mr. Nicholas Knipe, RPF No. 2968  
Mr. Todd Truesdale, RPF No. 2969  
Mr. Shawn Headley, RPF No. 2970  
Mr. Lance Criley, CRM No. 99

### **RPF and CRM Examination Announcements**

The Fall 2012 examination has been scheduled for October 12, 2012 and the deadline for NEW applications was August 17, 2012. The 2013 examinations are scheduled for April 12<sup>th</sup> and October 11<sup>th</sup>. Deadline for applications for those examination dates will close on February 11<sup>th</sup>, 2013 and October 10<sup>th</sup>, 2013 respectively. Those interested in applying for the RPF or CRM examinations are encouraged to contact the Licensing Officer, Matt Dias with any questions about qualifications prior to submitting an application and exam fee. Matt may be reached at 916-653-8031 or by email to [matt.dias@fire.ca.gov](mailto:matt.dias@fire.ca.gov).

## **In Memoriam**

With respect and condolences to family and friends, Professional Foresters Registration notes the passing of the following individuals since the last edition of the *News*. Please take a moment to honor their memory and service to the profession of forestry.

Mr. Sherman Finch RPF No. 130      Mr. James Dulitz RPF No. 692  
Mr. Howard Halverson RPF No. 992      Mr. Harold Seabring RPF No. 1247  
Mr. Haydn Reinecker RPF No. 1353      Mr. John Marshall RPF No. 2234  
Mr. Peter Thill RPF No. 1715

## **Lost in the Woods**

The individuals listed below are currently out of touch with the licensing program. If you see your name, or can help us with contact information for somebody else on the list, please contact Matt at 916-653-8031 or by email to [matt.dias@fire.ca.gov](mailto:matt.dias@fire.ca.gov). Remember, by regulation it is every registrant's responsibility to notify the licensing office within ten days of any address changes (14 CCR Section 1606, Professional Foresters Regulations).

Mr. Jack Levitan, RPF No. 1104  
Mr. Patrick Mulligan, RPF No. 2928  
Mr. John Finlay, RPF No. 2608

## **Disciplinary Actions Report**

Since the last issue of the Licensing News there has been no new disciplinary cases opened or complaints filed. The Licensing Office has one disciplinary case open as follows:

### **CASE NUMBER: 314**

#### **ALLEGATIONS:**

It is alleged that the RPF's record of violations of Forest Practice Rules indicated a pattern that displayed a gross negligence and disregard for the Forest Practices Rules of the State of California. The accused was issued thirteen (13) Notices of Violation of Forest Practice Laws and Regulations by Forest Practice Inspectors from the California Department of Forestry and Fire Protection (CAL FIRE) between August 24<sup>th</sup>, 2006 and January 28<sup>th</sup>, 2011. These Notice of Violations spanned seven (7) different timber harvesting documents and were issued as a result of professional failure directly attributable to the accused professional practice of Forestry. This case is pending a hearing before an Administrative Law Judge.

## **Meetings of Interest and Special Announcements**

### **PFEC Meeting Dates for 2012 and 2013**

The next PFEC meeting is scheduled for December 13, 2012. All 2013 meeting dates will be established at this next PFEC meeting and be provided in the next edition of the Licensing News. The public is free to attend open session meetings whether in person or by teleconference. [Agendas](#) and other information may be found at: [http://www.bof.fire.ca.gov/professional\\_foresters\\_registration/](http://www.bof.fire.ca.gov/professional_foresters_registration/).

### **Board of Forestry and Fire Protection Meeting Dates for 2012 and 2013**

The Board's next meeting is scheduled for October 9-10. The remaining 2012 Board meetings are scheduled for November 6-7, and December 4-5. The Board's Forest Practice and Resource Protection Committees meet on the first day followed by the full Board on the second day. The [2013 Board Meeting Schedule](#) has been set and can be viewed online. Please visit [http://www.bof.fire.ca.gov/board\\_business/2013\\_board\\_meeting\\_dates/boards\\_chedule\\_2013.pdf](http://www.bof.fire.ca.gov/board_business/2013_board_meeting_dates/boards_chedule_2013.pdf) for this information.

### **NorCal/SoCal Society of American Foresters ([SAF](#)) Winter Meeting**

The winter meeting for the California Chapters of SAF will be held in Sacramento on January 23th, 2013. The all day meeting will focus on forest products and service markets. For additional information on this event please contact Jane LaBoa, Executive Director at 1.800.738.TREE or via email at [ncsaf@mcn.org](mailto:ncsaf@mcn.org).

### **California Licensed Foresters Association ([CLFA](#)) Fall Workshop**

The fall workshop titled "Whiskey is for Drinking, Water is for Fighting" will be held in Anderson, CA on October 19<sup>th</sup>, 2012 at the Gaia Hotel. For additional information on this event please contact Heather Morrison, Executive Director at [clfa@volcano.org](mailto:clfa@volcano.org).

### **California Licensed Forester Association ([CLFA](#)) RPF Exam Prep Seminar**

The RPF Exam Prep Seminar is scheduled for November 2<sup>nd</sup>, 2012 at the USFA Wildfire Training Center, McClellan in Sacramento. All persons applying to sit for the RPF examination are encouraged to attend this preparation

seminar. For additional information on this event please contact Heather Morrison, Executive Director at [clfa@volcano.org](mailto:clfa@volcano.org).

### **New Feature on Board of Forestry and Fire Protection Website**

A new feature on the Board's website is the option to "subscribe" to almost any item of interest from Board meeting agendas to various proposed regulations. This allows one to receive email notifications of any changes to a particular item. For instance, if a person were to subscribe to "meeting agendas," that person would receive an email alert every time a new agenda is posted on the website. Similarly, if a person subscribed to the proposed "Road Rules, 2012" item, that person would receive an email alert every time a new rule draft or other document was posted under that item. This feature also applies to the [Licensing News](#), which is also posted online at [http://www.bof.fire.ca.gov/professional\\_foresters\\_registration/licensing\\_news\\_and\\_links/](http://www.bof.fire.ca.gov/professional_foresters_registration/licensing_news_and_links/). The Licensing Office has a goal of consistently increasing use of electronic distribution as a cost saving measure and encourages all recipients of the Licensing News to subscribe to this new feature.

## ***The View from the 15<sup>th</sup> Floor***

### ***"TIMES ARE A CHANG'IN"***

The view from the 15<sup>th</sup> floor is quiet a bit different than that provided by ridge tops within the coast ranges of California where I have spent the last 12 or so years. Sacramento is touted as the City of Trees, which from the approximate 230 feet in altitude that my office provides, is seemingly true. Yet, the City of Trees is a far cry in comparison to varied forest types provided by our State. Although I will miss the coastal forests, I do enjoy working with the Board of Forestry and Fire Protection and with the RPF/CRM communities.

The truth of the matter is that I actually grew up in Sacramento, residing here until moving to Eureka to pursue a degree in forestry from Humboldt State University. After graduating, I stayed in Humboldt County for 5 additional years working in forestry and subsequently moved to the Santa Cruz area to continue working in the industry. My return to Sacramento was as big a surprise to me as it was to many of my friends, family and peers within the forestry community.

Over the years I have had the distinct pleasure of meeting many of you in person, and through my new role, I look forward to becoming personally familiar with a greater proportion of the RPF community. Although I am conflicted on leaving the "dirt forestry" side of the profession, I am hopeful that the position as Licensing Officer may present me with opportunities to share my enthusiasm for forestry and my respect for the license. I feel privileged to be provided the opportunity to serve the RPF community from my new perch in the City of Trees.



I would like to thank the current, as well as past, staff of the Board of Forestry and Fire Protection for my introduction to my new position. Everyone on the 15<sup>th</sup> Floor has been very welcoming. My predecessor, Mr. Eric Huff, Executive Officer George "YG" Gentry", as well as Chairman of the Professional Forester Examining Committee, Doug Ferrier, have been particularly helpful in getting me up to speed on the responsibilities as Licensing Officer.

Within three months of my commencement as Licensing Officer, the Assistant to the Licensing Office, Wendy Zampardi, has decided to take a promotion to a new position within CAL FIRE. For the last several years Wendy has served within the Licensing Office and was integral in providing me support during my introduction to the position. Over her tenure Wendy was able to develop a system that provided for organized, consistent and accurate communication with the RPF/CRM communities. There are currently over 1300 RPFs and CRMs within the state and it can be a daunting task to keep up with each and everyone of you. Wendy's diligent work as the Assistant to the Licensing Office cannot be appreciated enough. She will be missed and I wish her the best on her future endeavors.

I do look forward to working with you all and make myself available for any questions or concerns that you may have in regards to licensing under the Professional Foresters Law. My contact information is available in this edition of Licensing News, so please feel free to use it at your convenience.

## **Timber Inventory and the RPF**

I have received several inquires during my initial months with the Licensing Office in regards to timber inventory work on private lands in California. Specifically, I have been asked about the role that the RPF plays in implementation and supervision of inventory projects. There are several large landowners who have recently released Requests for Proposals for timber inventory work without the requirement of having a RPF present on the staff of the consultants who are potential bidders on the contracts. As a result, I have received questions from both the landowners and consultants requesting information on the necessity of RPF involvement in this type of contract work.

These inquiries seemed reasonably straight forward, but upon further investigation and deliberation with the Professional Foresters Examining Committee (PFEC) one quickly realize that this topic is multifaceted. Through this article I will cover the various attributes of these inquiries and provide guidance as determined by the PFEC.

The first component of this question lies in the Professional Foresters Law (PFL) as well as the Registration of Professional Foresters Rules, which is the regulatory realm in which the Licensing Office as well as the PFEC have jurisdiction. Public Resources Code (PRC) § 753 defines forestry to include the application of "scientific knowledge and forestry principles in the field of fuels management and forest protection, timber growing and utilization, forest inventories, forest economics, forest valuation and finance, and the evaluation and mitigation of impacts from

forestry activities on watershed and scenic values (emphasis added)". Additionally, Title 14 California Code of Regulations (14 CCR) §1602.1 requires that "Any letter or document which offers to perform in implies the performance of any professional forestry work must identify by name and license number the forester (RPF) who will be in charge of such work when it is performed." Upon review of the language contained in statute it becomes abundantly clear that a RPF must be in charge of implementation and supervision of timber inventory work on forested lands in California and this acceptance of responsibility must be documented. Failure to comply with these standards would be construed as unlicensed practice of forestry and could ultimately result in an investigation and disciplinary actions.

It is recognized that certain rudimentary inventory work may not require an RPF. A licensed professional would not be required where the inventory specifications include simply measuring of diameters at breast height, the identification of species and/or total height of standing trees. In instances where the art and science of forestry principals are included within the parameters of the inventory, a licensed professional must be charged with and supervise the work. Some of these inventory parameters would include, but not be limited to, estimation of logs to a 6" top, merchantability of standing timber, determination of seed or site trees, or timber typing.

One of the key advantages to having a licensed professional engaged in a project is the adoption of liability that the individual professional assumes in his or her role of supervision. This role of supervision can apply to oneself, but also to another trusted individual or even crew of individuals pursuant to PRC §756. The bounds of supervision are self regulating, meaning that as long as the registrants can demonstrate that that he or she is in charge of the professional practice or documents being put forth by supervised individuals, then compliance with the PFL is met. If the RPF, is unable to demonstrate a consistent level of supervision as a result of being too far removed or trying to supply supervision to many subordinates, compliance with the PFL would become an issue, which could be followed by disciplinary measures if complaints were filed.

Although the above discussion clearly indicates the role of the RPF in timber inventory work, there is no direction by forestry related regulatory standards in regards to the employment status of the responsible RPF. This portion of the equation surpasses the authority of the Licensing Office and the PFEC, but is addressed by other government codes. The Internal Revenue Service (IRS) offers guidance on determining if work is being conducted by an employee or an independent contractor. This determination of employment status will provide clarity on who within the business arrangement should maintain the RPF license.

The IRS refers to a test of behavior control as a determining factor that indicates employment status. One must analyze the level of control that the payer/client has over the work being conducted to determine ones employment status. If the payer has the right of control over only the results of the work being conducted then the hired individual is an independent contractor. In contrast, if the payer controls not only the outcome, but also the means and methods in which the results are obtained, then the hired individual is an employee. Training offered by the payer/client further concretizes this determination of employment status. If a hired individual is determined to be an employee it becomes the responsibility of the employer to withhold income tax, Social Security and Medicare taxes, as well as paying the employer portion of Medicare and



unemployment taxes. An independent contractor is responsible for covering these withholdings and taxes on their own. Any incongruities on employment status that are discovered during an audit would result in punitive penalties being issued by the IRS.

Timber inventory work is often conducted for the purposes of determining compliance with Option A, SYP, or NTMP standards. It is the responsibility of California Department of Forestry and Fire Protection (CAL FIRE) to review and approve management documents where a significant level of compliance with the Forest Practice Rules (FPRs) is reliant upon the credibility of timber inventories. Inventories that are submitted to the Department without complying with 14 CCR §1602.1 should not be accepted by CAL FIRE as meeting mandated professional standards. Without professional credibility, the content within growth and yield documents could be construed as inaccurate or capricious. In contrast, if a particular landowner decides to conduct inventory work for solely proprietary purposes, and the contents of such work will not be utilized for purchase agreements, regulatory compliance, or other legal matters, it then becomes the purview of the landowner to discern the level of responsibility and reliability that they would prefer for their internally utilized inventory data.

Furthermore, any individual wishing to claim qualifying experience toward the RPF exam for inventory work pursuant to PRC §769 could experience difficulty in obtaining credit without direct RPF supervision, or if the responsible RPF was employed by the payer/client. In order to obtain credit toward the mandatory seven years of experience the applicant must demonstrate having charge of forestry with increasing responsibility under the supervision of a RPF, or an individual that is qualified, but exempt from the licensing requirements. If the applicant is too far removed from the RPF taking charge of the project, as previously discussed, the experience may not qualify. Again, one could question if the RPF in charge of the project supplied a sufficient level of supervision of the project as required under the PFL.

The PFL was passed by the Legislature in 1972 to “declare the existence of a public interest in the management and treatment of the forest resources and timberlands of this state.....”. The RPF license is granted as a vested right by the Board of Forestry and Fire Protection to those individuals who have demonstrated their ability to stand up to this charter. Having a licensed professional conduct the work that is within his/her professional field is simply good practice and provides the payer/client a level of confidence in the work being conducted. As discussed, there are clearly issues that can surface with the PFL, FPRs and IRS, all of which would be alleviated if payer/clients hired RPFs to provide the supervision for contract timber inventory work. It is recommended that that payer/clients continue exercising good business practices, support the statutorily imposed role of RPFs, supply CAL FIRE and the public with professionally defensible inventory data, and relieve the potential conflicts with the IRS by hiring independent contractors who are licensed to practice forestry in the State of California.

## **Professional Decorum.....a brief reminder**

The review process for timber harvesting documents can be quite challenging for all parties involved. The RPFs involved, representing either the project proponent or CAL-FIRE, often have to deal with the brunt of the stress that can be produced during this process. Problems arise when the stress of this process manifests itself in unprofessional actions. The RPF community is just that.....a community of professional peers. The taxing process that one has to endure as the representative of the landowner(s) or struggling with varied interpretations of regulatory standards of sister agencies should not result in either written or verbal actions against professional peers.

The RPF community has to remember that the review of harvesting documents that are functionally equivalent to Environmental Impact Reports are publically reviewed. All written communications are within the public domain and available for review by any public interest. Unprofessionally drafted correspondence poorly represents the professionalism that is associated with RPF's. The licensing office recommends that at times of frustration that RPFs remember that the actions of the individual may be used to represent the profession, so keep your standards high.