

**Board of Forestry and Fire Protection**

**INITIAL STATEMENT OF REASONS**

**“REGISTERED PROFESSIONAL FORESTER AND CERTIFIED  
SPECIALTY AMENDMENTS, 2018”**

**Title 14 of the California Code of Regulations (14  
CCR), Division 1.5, Chapter 10:  
Article 1, 2 & 4  
Amend: § 1600-1647, 1650, 1651  
Adopt: § 1611.5, 1650 (e), 1650 (f), and 1651 (d)**

**INTRODUCTION INCLUDING PUBLIC PROBLEM, ADMINISTRATIVE  
REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION  
IS INTENDED TO ADDRESS (pursuant to GC § 11346.2(b)(1))...NECESSITY  
(pursuant to GC § 11346.2(b)(1) and 11349(a))....BENEFITS (pursuant to GC §  
11346.2(b)(1))**

The Professional Foresters Law (PRC § 750, *et seq.*) declares the existence of a public interest in the management and treatment of the forest resources and timberlands of the state. Pursuant to PRC § 759, the Board of Forestry and Fire Protection (Board) is authorized to adopt rules and regulations to effect the provisions of the article (the Professional Foresters Law), including the regulation of persons who practice the profession of forestry and whose activities have an impact upon the ecology of forested landscapes and the quality of the forest environment (PRC § 751).

PRC § 772 provides for a certified specialty where “Instead of being registered as a professional forester, an applicant may request to be registered as a certified specialist in one or more fields of forestry” where “Any public agency or professional society may submit for board recognition its independent certification program as full qualification without examination for the board’s certificate of specialization. That certification as a specialist shall be granted provided the board determines the program fully protects the public interest in that area of practice encompassed by the program. Those certificants are subject to board registration and discipline with review by that specialty”.

PRC § 778 provides the scope of the Board’s disciplinary authority with respect to professional foresters and certified specialists, listing five categories under which disciplinary action may be exercised.

The proposed action was prompted by a petition for administrative rulemaking (pursuant to Government Code § 11340.6) relating to a disciplinary case involving a Certified Rangeland Manager (CRM) specialty. Within the petition, the petitioner proposed specific language to the Board for the adoption of regulations related to professional standards and the CRM certified specialty. The Board responded by denying several requests that were unrelated to the regulations or were unclear in their content, and by scheduling a public hearing pursuant to Gov Code § 11340.7(a). At the public hearing, which occurred on December 5, 2017, the Board considered the petition

to adopt proposed regulation changes, but chose not to make any regulatory changes at the time and referred the materials to the Professional Forester's Examining Committee (PFEC) for further review, requesting input back to the Board on the matter. A final decision by the Board with respect to the ultimate determination of the outstanding issues in the petition is being addressed separately from this proposed action. This proposed action does not adopt the regulatory changes suggested by the petitioner.

The **problem** is that review of the regulations by the PFEC revealed unclear rule language and omissions in the regulatory text related to disciplinary issues and certified specialty programs under PRC § 772 that require changes or revisions to the regulations to clarify (a) how specific regulatory provisions apply to both Registered Professional Foresters (RPFs) and Certified Specialists; (b) the professional standards and responsibilities required of both RPFs and Certified Specialists, and (c) how disciplinary issues are handled by the Professional Society sponsoring the certified program and by the PFEC. The Board proceeded to address these issues by examining the rulemaking documents for the 1994 Certified Rangeland Manager Specialty, relevant authorizing statutes, and existing regulations related to the proposed action. The proposed action has been developed in response to these analytical efforts.

**SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT OR REPEAL (pursuant to GOV § 11346.2(b)(1)) AND THE RATIONALE FOR THE AGENCY'S DETERMINATION THAT EACH ADOPTION, AMENDMENT OR REPEAL IS REASONABLY NECESSARY TO CARRY OUT THE PURPOSE(S) OF THE STATUTE(S) OR OTHER PROVISIONS OF LAW THAT THE ACTION IS IMPLEMENTING, INTERPRETING OR MAKING SPECIFIC AND TO ADDRESS THE PROBLEM FOR WHICH IT IS PROPOSED (pursuant to GOV §§ 11346.2(b)(1) and 11349(a) and 1 CCR § 10(b)). *Note: For each adoption, amendment, or repeal provide the problem, purpose and necessity.***

The Board is proposing action to amend 14 CCR § 1600 *et. seq.* and adopt new section 14 CCR § 1611.5, 1650 (e), 1650 (f) and 1651 (d).

The **purpose** of the proposed action is to provide clarity in the regulatory provisions applicable to both RPFs and Certified Specialists. Additionally, clarity has been improved with regards to the disciplinary process and professional standards and responsibilities for Registered Professional Foresters (RPF), the Certified Rangeland Manager (CRM) specialty and any future specialties that may be approved by the Board for a private society or public agency.

The **effect** of the proposed action is a comprehensive regulatory program for the licensing and administration of RPFs, CRMs, and potential additional Certified Specialists, as well as an efficiently facilitated disciplinary process for Registered Professional Foresters and Certified Rangeland Managers and clearly defined roles for the professional society and the PFEC in this process.

The **benefit** of the proposed action is to improve the functioning of the disciplinary

process for RPFs and CRMs and clearly define the organizational framework for any future certified specialty. The regulations will also benefit the promotion of fairness and equity through a clearly defined, efficient, and improved professional disciplinary process.

### **Aggregated Explanation**

The proposed amendments to sections 1600-1620 do the following:

- Clarify regulation by inserting “certified specialist” “certified specialty” or “certificant” where appropriate, including within the definition of Certified Specialist to clarify that “certificant” is a synonymous term.

The proposed amendments to section 1650 do the following:

- Clarify the regulation and structure of the Specialty Certificate including discipline, applications, qualifications, examination, modifications and termination of a program.

The proposed amendments to section 1651 do the following:

- Clarifies that the Certified Rangeland Manager program applies to range resources on “forested landscapes”.
- Clarifies the requirements for granting the specialty certificate by the Board.
- The Proposed adoption of new section 1651 (d) does the following: Clarifies the effectiveness of the existing CRM specialty program.

### **Amend § 1602 (c)**

The reference to the chapter of the California Code of Regulations in which the Certified Specialists is described is clarified. Additionally, previously this provision indicated that a description of services could be found within the regulatory definition of Certified Specialists, when in fact the description of services to be performed by a Certified Specialists are described elsewhere within the CCR, which is clarified through the replacement of “definition” with “description” within this provision.

### **Amend 14 CCR § 1612, 1612.1, 1612.2, 1613, 1614, 1620 and 1650.**

To add “certified specialist” to those sections where the term was omitted to clarify that the discipline regulations apply to both RPFs and CRMs.

### **Amend § 1610 (a)**

Clarified that the duties delegated within the provision are delegated to the Board’s executive officer. Given that 14 CCR § 1600 defines “executive officer” as the executive officer of Foresters Licensing, this distinction was necessary to avoid confusion.

### **Adopt § 1611.5**

To inform RPFs and CRMs of professional responsibilities and standards, and potential related liability, in addition to the responsibilities and standards under the licensing authority and programs of the Board. This section is necessary to clarify the scope of the disciplinary authority of the Board as specified by PRC

§ 778. Confusion existed among the public regarding the obligations of RPFs and CRMs under the Board's licensing programs, as well as the Board's disciplinary authority for violations of those obligations. This section helps clarify the scope of the Board's disciplinary authority by highlighting for the public, as well as RPFs and CRMs, obligations that may apply but which are outside the scope of the Board's disciplinary authority.

#### **Amend §1650**

To clarify that this section applies to all specialty programs, not just CRM.

#### **Amend § 1650 (b) and (c)**

To align the section with the requirements, language, and intent of its referenced statute, PRC § 772, to improve clarity. Additionally, clarified that subdivisions (c)(1) through (c)(4) are requirements of an independent certification program submitted to the Board by a professional society or public agency.

**Amend § 1650 (c)(1)** Included language to reflect amendments to § 1650 (c)(2), which requires that the professional society or public agency inform the PFEC of allegations of violations or misconduct received by the professional society or public agency.

#### **Amend section § 1650 (c)(2)**

To ensure that the professional society sponsoring a specialty must inform the PFEC of any disciplinary action or complaints they receive in order to maintain Board oversight of, ensure compliance with, and improve enforcement of the Board's disciplinary processes and professional standards requirements. It also makes clear that the professional society may have its own disciplinary process but does not require it. It makes clear the Board's disciplinary process applies after the Board grants the specialty certificate, not during the application and examination process which is the professional society's responsibility. It also clarifies that the Board could rescind the certificate of an applicant for a specialty certificate if they were found to have committed fraud or deceit in their application to the professional society.

#### **Amend § 1650 (c)(3)**

To provide that all changes to the program must be approved by the PFEC and that significant changes must be approved by the Board.

#### **Amend § 1650 (c)(4)**

Clarified that the report required by the paragraph is to be submitted to the executive officer of the PFEC rather than the PFEC itself, in order to help insure the program fully protects the public interest. Additionally, eliminated unnecessary language regarding actions that may result from a failure to submit the report as described. The language is unnecessary and difficult to enforce, and its removal improves clarity of the provision.

**Amend § 1650 (d)**

To make clear that the professional society may charge its own fees, which are separate from the fees payable to the Board under regulation.

**Amend § 1650 (e)**

Added subdivision (e) to clarify that the applicant must meet the requirements under the program before the Board grants the certificate and to make clear that approval constitutes “full qualification without examination” by the Board. It also makes clear the issuance of the specialty certificate is not discretionary, as PRC § 772 states the Board “shall” grant the certificate. Additionally, the terms of the program are to be made available to the public by both the professional society or public agency and the Board (via its website). This availability will aid the public in their understanding and implementation of the requirements of the certified program.

**Amend § 1650 (f)**

Added subdivision (f) to insert language that makes clear the Board may rescind or terminate an approved program in certain circumstances.

**Amend § 1651 (a)**

To clarify that the CRM program is for range resources on “forested landscapes” which is consistent with this Article of the Public Resources Code and to clarify that these regulations are not in conflict with any other regulatory schemes which may exist outside of the Board’s authority.

**Amend § 1651 (c)**

To clarify and make explicit the requirements for granting the specialty certificate by the Board. These are necessary for interpretation and implementation of the regulations by any professional society or public agency. Removed the provision which solely recognized the identified PCPRM program as the qualification for becoming a certified rangeland manager.

**Amend § 1651 (d)**

To state that the Board recognized the independent certification program submitted by CalPac-SRM pursuant to its “Program for Certification of Professional Rangeland Managers” (PCPRM) dated June 5, 1992 and amended on November 4, 1993. This is necessary to disclose the recognition and validity of the certification program to the public.

**Non-Substantive Amendments**

**Amend § 1605 (a):** Change “rules of the Board”, to “Board Rules” to maintain consistency and clarity with other Board regulations.

**Amend § 1600 and 1601**

Used the complete name of the State Board of Forestry and Fire Protection where it is referred to in full.

**Amend § 1651 (b)**

Changed “a RPF” to “an RPF” to improve grammar.

**ECONOMIC IMPACT ANALYSIS (pursuant to GOV § 11346.3(b)(1)(A)-(D) and provided pursuant to 11346.3(a)(3))**

The **effect** of the proposed action is the following:

- The clarifying amendments and the adoption of new clarifying language will have no economic impact.

There will be no effect on the creation or elimination of jobs by the proposed action.

**Summary**

The proposed action:

- (A) will not create jobs within California;
- (A) will not eliminate jobs within California;
- (B) will not create new businesses,
- (B) will not eliminate existing businesses within California
- (C) will not affect the expansion or contraction of businesses currently doing business within California.
- (D) will yield nonmonetary benefits. For additional information on the benefits of the proposed regulation, please see anticipated benefits found under the “Introduction Including Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulation is Intended to Address”.

**TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENT RELIED UPON (pursuant to GOV SECTION 11346.2(b)(3))**

The Board of Forestry and Fire Protection relied on the following list of technical, theoretical, and/or empirical studies, reports or similar documents to develop the proposed action:

1. State of California Public Resources Code (PRC) §§ 750-783
2. State of California Code of Regulations Title 14 (14 CCR) §§ 1600-1651

**REASONABLE ALTERNATIVES TO THE PROPOSED ACTION CONSIDERED BY THE BOARD, IF ANY, INCLUDING THE FOLLOWING AND THE BOARD’S REASONS FOR REJECTING THOSE ALTERNATIVES (pursuant to GOV § 11346.2(b)(4)(A) and (B)):**

- **ALTERNATIVES THAT WOULD LESSEN ANY ADVERSE IMPACTS ON SMALL BUSINESS AND/OR**
- **ALTERNATIVES THAT ARE LESS BURDENSOME AND EQUALLY EFFECTIVE IN ACHIEVING THE PURPOSES OF THE REGULATION IN A MANNER THAT ENSURES FULL COMPLIANCE WITH THE AUTHORIZING STATUTE OR OTHER LAW BEING IMPLEMENTED OR MADE SPECIFIC BY THE PROPOSED REGULATION**

Pursuant to **GOV § 11346.2(b)(4)**, the Board must determine that no reasonable alternative it considers, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**Alternative 1: No Action Alternative**

The Board considered taking no action, but the no action alternative was rejected because it would not address the problem.

**Alternative #2: Make Existing Regulation Less Prescriptive**

This action could include greatly simplifying the Registration of Professional Foresters Rules, Title 14, California Code of Regulations, Chapter 10 and create one standard regulatory section for all Registered Professional Foresters and Specialty Certificates. This alternative was rejected because the existing statutory requirements for the registration of professional foresters and certified specialists are too disparate for unification. Statute does not allow for a public agency or professional society to submit an independent certification program for professional foresters, but this is the basis of the certified specialist program.

**Alternative #3: Proposed Action**

Alternatives 1 and 2 would not be more effective or equally effective while being less burdensome or impact fewer small businesses than the proposed action. Specifically, alternatives 1 and 2 would not be less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the authorizing statute or other law being implemented or made specific by the proposed regulation than the proposed action.

Additionally, alternatives 1 and 2 would not be more effective in carrying out the purpose for which the action is proposed and would not be as effective and less burdensome to affected private persons than the proposed action or would not be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action. Further, none of the alternatives would have any adverse impact on small business. Small business means independently owned and operated, having less than 100 employees, and not dominant in their field of operations.

There are no other viable alternatives. Interested stakeholders, including the petitioner in the petition for administrative rulemaking that is being addressed separately from this proposed action, suggested other changes to the regulations. To the extent these suggested changes constituted alternatives for purposes of this proposed action, they were not more effective, less burdensome and equally effective, or more cost effective and equally effective in effectuating the purpose of the relevant statutes. Without regulatory changes, the existing regulatory language will perpetuate the confusion surrounding the certification and discipline of specialty certificants.

**Prescriptive Standards versus Performance Based Standards (pursuant to GOV §§11340.1(a), 11346.2(b)(1) and 11346.2(b)(4)(A)):**

Pursuant to **GOV §11340.1(a)**, agencies shall actively seek to reduce the unnecessary regulatory burden on private individuals and entities by substituting performance standards for prescriptive standards wherever performance standards can be reasonably expected to be as effective and less burdensome, and that this substitution shall be considered during the course of the agency rulemaking process.

The proposed action does not introduce additional prescriptive or performance based standards, it only seeks to clarify existing standards and regulations. Alternative #3 is preferred for the reasons described above and the rationales for individual provisions serves as the explanation for why a standard, if required to be prescriptive, is prescriptive.

Pursuant to **GOV § 11346.2(b)(1)**, the proposed action does not mandate the use of specific technologies or equipment.

Pursuant to **GOV § 11346.2(b)(4)(A)**, the abovementioned alternatives were considered and ultimately rejected by the Board in favor of the proposed action. The proposed action does not mandate the use of specific technologies or equipment, but does prescribe specific changes to clarify existing regulatory text and intent.

**FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE RELIED UPON TO SUPPORT INITIAL DETERMINATION IN THE NOTICE THAT THE PROPOSED ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS (pursuant to GOV § 11346.2(b)(5))**

The fiscal and economic impact analysis for these Exemption Amendments relies upon contemplation, by the Board, of the economic impact of the provisions of the proposed action through the lens of the decades of experience practicing forestry in California that the Board brings to bear on regulatory development.

There will be no fiscal impact as the result of these changes. No public comment has been provided detailing concern regarding economic impacts during the multiple Professional Foresters Examination Committee meetings that included discussion of these changes.

The proposed action will not have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**DESCRIPTION OF EFFORTS TO AVOID UNNECESSARY DUPLICATION OR CONFLICT WITH THE CODE OF FEDERAL REGULATION (pursuant to GOV § 11346.2(b)(6))**

The Code of Federal Regulations has been reviewed and based on this review, the Board found that the proposed action neither conflicts with, nor duplicates Federal regulations. There are no comparable Federal regulations for the fees associated with licensing professional foresters and specialty certificates.

**Board of Forestry and Fire Protection**

**CERTIFIED SPECIALTY DISCIPLINE AMENDMENTS**

**Title 14 of the California Code of Regulations (CCR)**

**Division 1.5, Chapter 10**

**Article 1, 2 & 4**

**Amend: § 1600 et seq.**

**§ Article 1. General Provisions**

**Amend: 1600. Definitions.**

**For the purposes of the rules and regulations contained in this chapter, the term: “Board” means the State Board of Forestry and Fire Protection.**

**“Certified Specialist” or “certificant” refers to a person who holds a valid certification in a specialty created by the Board.**

**“Code” or “PRC” refers to the Public Resources Code, unless otherwise specified.**

**“Committee” or “PFEC” means the Professional Foresters Examining Committee.**

**“Executive Officer” refers to the Executive Officer, Foresters Licensing.**

**“Forest Resources” means those uses and values associated with, attainable from, or closely tied to, forested landscapes, and includes but is not limited to aesthetics, fish, forage, recreation, soil, timber, water and watersheds, wilderness, and wildlife.**

**“Registered Professional Forester” or “RPF” refers to a person who holds a valid license as a professional forester pursuant to the provisions of the code.**

**Note: Authority cited: Section 759, Public Resources Code. Reference: Sections 752, 760.5, 762, 763 and 730, Public Resources Code.**

1  
2 **1601. Board of Forestry and Fire Protection Address.**

3 All correspondence relating to Professional Foresters Registration, including remittances and  
4 renewal fees, shall be directed to the principal offices of the State Board of Forestry and Fire  
5 Protection located in the Resources Building, 1416 Ninth Street, Sacramento, or by mail to P.O.  
6 Box 944246, Sacramento, California 94244-2460.

7  
8 **Note: Authority cited: Section 759, Public Resources Code. Reference: Section 761 Public**  
9 **Resources Code.**

10  
11 **Amend: 1602. Professional Forestry Practice Defined.**

12 (a) The phrase “act in the capacity of...a professional forester...” pursuant to Public  
13 Resources Code (PRC), Section 766 refers to any person who is working in a responsible position  
14 as an individual or through the supervision of others, and performs services on forested  
15 landscapes applicable to “forestry” as defined in PRC, Section 753 and clarified herein. Forestry  
16 requires specific knowledge of forestry principles for providing advice to, or management for,  
17 employers, clients, or others, through consultation; through conduct of investigations in forestry  
18 matters which have potential environmental effects, or are for site-specific purposes; through  
19 evaluation of forest properties; and through the planning or execution of forest programs,  
20 management, operations, and/or treatment.

21 (b) A Registered Professional Forester (RPF) shall perform forestry services only in those  
22 subjects in which he or she is competent by training or experience. Thus, for a RPF to accomplish  
23 a site-specific forestry project where the RPF’s prudent level of expertise is surpassed, that RPF  
24 may need to utilize the services of other qualified experts including but not limited to geologists,  
25 landscape architects, engineers and land surveyors, archaeologists, botanists, ecologists,

1 fisheries biologists, stream restorationists, wildlife biologists, hydrologists, range scientists, soil  
2 scientists, and certified specialists established pursuant to PRC 772.

3 (c) In carrying out PRC, Section 772, a Certified Specialist shall perform only those services in  
4 his or her specialty, as described in Chapter 10, Division 1.5, Title 14 of the California Code of  
5 Regulations defined herein. Nothing in this section shall preclude certified specialists or the other  
6 environmental professionals in subsection (b) from the application of scientific knowledge in their  
7 field of expertise outside the practice of forestry.

8  
9 Note: Authority cited: Sections 759 and 766, Public Resources Code. Reference: Sections 752, 753  
10 and 766, Public Resources Code.

11  
12 **1610. Delegation of Certain Functions.**

13 (a) The power and discretion conferred by law upon the Board to receive and file accusations;  
14 issue notices of hearings, statements to respondent and statements of issues; receive and file  
15 notices of defense; determine the time and place of hearings under Section 11508 of the  
16 Government Code, issue subpoenas and subpoenas duces tecum, set and calendar cases for  
17 hearing and perform other functions necessary to the dispatch of the business of the Board in the  
18 Government Code prior to the hearing of such proceeding; and the certification and delivery of  
19 mailing of copies of decisions under Section 11518 of said Code are hereby delegated to and  
20 conferred upon the Board's executive officer, or, if absent from the office of the Board, another  
21 person designated by the executive officer.

22 (b) Nothing herein prohibits the executive officer from re delegating duties to his subordinates  
23 as provided in Section 18572 of the Government Code.

24 (c) Unless otherwise directed by the Board, the executive officer may work directly with the  
25 committee on those matters which are pertinent to the Professional Foresters Law, Section 750 et

1 seq. of the Code. The executive officer may be designated by the committee to report to the Board  
2 on its behalf.

3  
4 **Note: Authority cited: Section 759, Public Resources Code. Reference: Section 763, Public**  
5 **Resources Code.**

6  
7 **1611.5. Professional Standards and Responsibilities**

8 **(a) In addition to other responsibilities under the Code, Registered Professional Foresters and**  
9 **certified specialists have professional responsibilities and must comply with professional**  
10 **standards in connection with their relationships with clients, employers, and the public. The**  
11 **particular standards and responsibilities depend upon the nature of the business relationship and**  
12 **associated legal obligations. It is incumbent upon the licensee or certificant to be aware of these**  
13 **responsibilities. Failure to comply with such standards and responsibilities may subject the**  
14 **licensee or certificant to legal liability.**

15 **(b) When an agency relationship exists between a client and the licensee or certificant, the law**  
16 **imposes strict and specific obligations on the part of the licensee or certificant, as the agent, with**  
17 **respect to the client, as the principal. These obligations are generally set forth in the California**  
18 **Civil Code beginning at Section 2295, and as interpreted by California courts. These obligations**  
19 **may include: (1) exercising reasonable skill and diligence in carrying out the work to be**  
20 **performed; (2) avoiding any conflict of interest without full disclosure and consent by the**  
21 **principal; and (3) acting in a fiduciary capacity with respect to the principal. Conflicts of interest**  
22 **and fiduciary responsibilities are discussed below.**

23 **(c) In general, a conflict of interest occurs in an agency relationship when the agent is in a**  
24 **situation or participates in activities that are adverse to the interest of the principal. This could**  
25 **occur, for example, where the agent has a personal interest in a business transaction, or has**

1 another client with an interest in the business transaction, such that they affect or interfere with  
2 one another. Court decisions provide a body of law pertaining to the responsibilities of agents in  
3 situations where there is a conflict of interest. Licensees or certificant acting as agents should  
4 avoid conflicts of interest, and the appearance of conflicts of interest, and fully disclose such  
5 conflicts and obtain the consent of their clients.

6 (d) A fiduciary relationship occurs when there is a relationship between parties to a transaction in  
7 which one of the parties has an obligation to act with the utmost good faith for the benefit of the  
8 other party. An agency relationship is one in which fiduciary responsibilities arise. Among other  
9 obligations, an agent as a fiduciary must give priority to the best interests of the client, keep the  
10 client fully informed of all information relevant to the subject matter of the relationship, and must  
11 account to the client.

12 (e) Failure to comply with the applicable professional standards and responsibilities may subject  
13 the licensee or certificant to legal liability, which is separate and distinct from disciplinary action  
14 under the authority of the Board.

15  
16 Note: Authority cited: Section 759, Public Resources Code. Reference: Sections 775 and 777,  
17 Public Resources Code.

18  
19 **1612. Discipline.**

20 **The committee may, upon its own motion, and shall upon motion of the Board or upon the verified**  
21 **complaint in writing of any person, cause investigation to be made of the actions of any person**  
22 **licensed as a professional forester or certified specialist. The committee shall make**  
23 **recommendations to the Board for any action provided by law.**

1 **Note: Authority cited: Section 759, Public Resources Code. Reference: Sections 775 and 777,**  
2 **Public Resources Code.**

3  
4 **1612.1 Disciplinary Guidelines.**

5 **The Board establishes these guidelines to ensure that consequences in any disciplinary action of**  
6 **a Registered Professional Forester or certified specialist are known, and to facilitate uniformity of**  
7 **penalties. While recognizing that Administrative Law Judges must be free to exercise their**  
8 **discretion in a particular case, the Board desires that these guidelines be followed to the extent**  
9 **possible, and that any departures therefrom be noted and explained in the proposed decision.**

10 **The Board further desires that matters in extenuation and mitigation, as well as those in**  
11 **aggravation, be fully considered and noted in the proposed decision. The primary importance is**  
12 **the adverse effect the Registered Professional Forester's or certified specialist's actions had, or**  
13 **will continue to have, on the protection of the public interest.**

14 **(a) If convicted of a felony as defined in Section 778(a) and governed by Section 778.5, Public**  
15 **Resources Code, the ranges of disciplinary action for conviction(s) are:**

16 **Maximum: Revocation of the license or specialty certificate.**

17 **Minimum: Revocation stayed for 2 years on the following conditions:**

18 **(1) Actual suspension for 1 year.**

19 **(2) The respondent shall obey all laws and regulations related to the practice of forestry.**

20 **(b) If found guilty of fraud, deceit, or gross negligence in his or her practice, governed by**

21 **Public Resources Code, Section 778(b), the ranges of disciplinary action for the violation(s) are:**

22 **Maximum: Revocation of the license or specialty certificate.**

23 **Minimum: 6 months suspension stayed for 1 year on the following conditions:**

24 **(1) Actual suspension for 60 days.**

25

1 **(2) Within one year of the effective date of the Board's decision, the respondent shall**  
2 **successfully complete a training program, approved in advance by the Board as being specifically**  
3 **related to the area(s) of professional failure.**

4 **(3) Respondent must practice, for up to one year, with the review of work products by a**  
5 **Registered Professional Forester, or other specialist, as approved by the Board.**

6 **(4) The respondent shall obey all laws and regulations related to the practice of forestry.**

7 **(c) If found guilty of misrepresentation or material misstatement of fact in his or her practice,**  
8 **governed by Public Resources Code, Section 778(b), the ranges of disciplinary action for the**  
9 **violation(s) are:**

10 **Maximum: Revocation of the license or specialty certificate.**

11 **Minimum: 90 days suspension stayed for 1 year with 15 days actual suspension, and one or more**  
12 **of the following:**

13 **(1) Within one year of the effective date of the Board's decision, the respondent shall**  
14 **successfully complete a training program, approved in advance by the Board as being specifically**  
15 **related to the area(s) of professional failure.**

16 **(2) Respondent must practice, for up to one year, with review of work products by a**  
17 **Registered Professional Forester or other certified specialist, as applicable, as approved by the**  
18 **Board.**

19 **(3) The respondent shall obey all laws and regulations related to the practice of forestry.**

20 **(d) If found guilty of incompetence governed by Section 778(b), Public Resources Code, in his**  
21 **or her practice, the ranges of disciplinary action for violation(s) are:**

22 **Maximum: Revocation of the license or specialty certificate.**

23 **Minimum: Revocation stayed up to 3 years with license or specialty certificate suspension until**  
24 **the completion of all of the following conditions:**

1 (1) The respondent shall successfully complete a training program, approved in advance by  
2 the Board, specifically related to the area of incompetency, and

3 (2) The respondent shall take and be notified of passing the Registered Professional  
4 Foresters examination or related certified specialty, and

5 (3) Respondent must work, at least six months full time equivalent, under the supervision of a  
6 Registered Professional Forester or certified specialist, with review of work products, as approved  
7 by the Board.

8 (4) The Respondent shall obey all laws and regulations related to the practice of  
9 forestry.

10 (e) If found guilty of fraud or deceit in obtaining a license or specialty certificate, governed by  
11 Section 778(c), Public Resources Code, the ranges of disciplinary action for violation(s) are:

12 Recommended Action: Revocation of license or specialty certificate.

13 (f) If found guilty of aiding or abetting a violation of, or material failure to comply with the  
14 provisions of the Professional Foresters Law, governed by Section 778(d) and (e), Public  
15 Resources Code, the ranges for disciplinary action for violation(s) are:

16 Maximum: Revocation of the license or specialty certificate

17 Minimum: 15 days actual suspension

18 (g) If found guilty of failure to materially comply with any provision of the Professional  
19 Foresters Law, the Board may issue a private reprimand when the respondent commits a failure of  
20 responsibility which warrants a level of discipline lesser than suspension. If the evidence is  
21 insufficient to support a private reprimand or an accusation, the executive officer may send a  
22 confidential letter expressing the committee's concerns. If there are insufficient grounds for  
23 discipline, the executive officer shall send a letter of exoneration to the respondent.  
24  
25

1 (h) In any of the above actions, the respondent shall submit such special reports as the Board  
2 may require. Said reports shall be designed to provide information as to those facets of his/her  
3 work which resulted in the disciplinary action.  
4

5 Note: Authority cited: Sections 751, 759, 775, 777 and 778, Public Resources Code. Reference:  
6 Sections 751, 759, 775, 776, 777 and 778, Public Resources Code.  
7

8 **1612.2. Notification of Disciplinary Action.**

9 (a) Conditions of staying an order which suspends or revokes a license or specialty  
10 certificate on any of the grounds for disciplinary action specified in Section 778, Public Resources  
11 Code, shall require:

12 (1) Respondent to submit to the Board, not later than thirty (30) days after the decision  
13 becomes effective, a complete list of all business and/or client names, addresses, and phone  
14 numbers with whom a current contractual or employment relationships exists. Furthermore,  
15 respondent shall notify the Board within ten (10) days of any new contractual or employment  
16 relationships over the duration of the stayed order. This information may be used to aid the Board  
17 in monitoring the performance of respondent over the period of the stayed order.

18 (2) Board to notify each business and/or client name submitted, or at its option require  
19 respondent to notify with Board approved language and proof of notification, of the offense(s),  
20 findings and discipline imposed.

21 (b) The Board shall provide public notice of disciplinary actions. The Board shall comply with  
22 the following standards when providing public notice:

23 (1) When the RPF or certified specialist is exonerated, their name and the specifics of the  
24 cases will not be made public. A summary of the case will be noticed in "Licensing News", and  
25 will include the following:

- 1 (A) Case number.
- 2 (B) Allegation: citing possible cause(s) of action under 14 CCR §1612.1.
- 3 (C) Authority: citations of applicable statutory and regulatory sections.
- 4 (D) Action: announcement of the exoneration and a general summary of the facts of the
- 5 case.

6 (2) When disciplinary action results in the issuance of a PFEC Letter of Concern or Private Board

7 Reprimand, the name of the RPF or certified specialist and license or specialty certificate number

8 and specifics of the case will not be made public. A summary of the case will be noticed in

9 “Licensing News”, and will include the following:

- 10 (A) Case number.
- 11 (B) Allegation: citing possible cause(s) of action under 14 CCR §1612.1.
- 12 (C) Authority: citations of applicable statutory and regulatory sections.
- 13 (D) Action: announcement of the disciplinary action taken and a general summary of
- 14 the facts of the case.

15 (3) When disciplinary action results in license or specialty certificate suspension or

16 revocation, the name of the RPF or certified specialist and the specifics of the case will be made

17 public. A summary of the case will be noticed in the “Daily Recorder”, “Licensing News”, the

18 meeting minutes of the Board, and announced in open session of the Board meeting at which the

19 discipline was approved. These notices will include the following:

- 20 (A) Case number.
- 21 (B) ~~Name~~RPF name and license number of RPF or certified specialist.
- 22 (C) City of business at the time of notice.
- 23 (D) Allegation: citing possible cause(s) of action under 14 CCR §1612.1.
- 24 (E) Authority: citations of applicable statutory and regulatory sections.
- 25

1 **(F) Action: announcement of the disciplinary action taken and a specific summary of the facts**  
2 **of the case.**

3 **(4) The information summarized in “Licensing News” under (b)(1), (b)(2), and (b)(3) above**  
4 **shall be available upon request to the public.**

5 **(c) The Board may provide notice to the news media of disciplinary actions. The Board shall**  
6 **comply with the following standards when providing notice to the media.**

7 **(1) Media releases shall occur in all instances when disciplinary action results in the**  
8 **following:**

9 **(A) Suspension or revocation based on any of the following cause(s):**

10 **(i) conviction of a felony as defined in Section 778(a) and governed by Section**  
11 **778.5 of the Public Resources Code.**

12 **(ii) fraud.**

13 **(iii) deceit.**

14 **(iv) gross negligence.**

15 **(v) incompetence.**

16 **(B) The PFEC has recommended revocation or a suspension greater than 30 days for any cause**  
17 **under 14 CCR §1612.1.**

18 **(2) The media release shall be approved by the by the Board, and shall contain all information**  
19 **cited in subsection (b)(3).**

20 **(3) The media release shall be submitted to a newspaper of general circulation in the**  
21 **county(ies) where the infraction(s) occurred.**

22  
23 **Note: Authority cited: Sections 708, 751, 759, 777 and 778, Public Resources Code. Reference:**  
24 **Sections 708, 730, 751, 759, 775, 776, 777 and 778, Public Resources Code.**

1 **1613. Felony Substantial Relationship Criteria.**

2 **For the purposes of denial, suspension or revocation of a license pursuant to Division1, Chapter**  
3 **2.5, Article 3, Sections 774, 775, and 778 of the Public Resources Code (PRC), a felony shall be**  
4 **considered to be substantially related to the qualifications, functions, or duties of a registered**  
5 **professional forester (RPF) or certified specialist, if, to a substantial degree, it evidences present**  
6 **or potential unfitness to perform the functions authorized by Article 3 of the Public Resources**  
7 **Code.**

8 **Such felonies may include, but not be limited to; felony convictions which demonstrate**  
9 **dishonesty or breach of fiduciary responsibility or which involve any of the following:**

- 10 **(a) violations of PRC 778, or felony sections of the Business and Professions Code, Health**  
11 **and Safety Code, and Public Contracts Code;**  
12 **(b) damage to natural resources including, but not limited to, arson;**  
13 **(c) violations related to:**  
14 **(1) Division 1, Chapter 2.5, Article 3 of the Public Resources Code or**  
15 **(2) Division 4, Part 2, Public Resources Code, or**  
16 **(3) Division 1.5, Title 14, California Code of Regulations.**

17  
18 **Note: Authority cited: Section 778.5, Public Resources Code. Reference: Section 778.5, Public**  
19 **Resources Code.**

20  
21 **1614. Criteria for Rehabilitation.**

22 **When considering the specified conditions of denial or reinstatement from suspension or**  
23 **revocation of a license or specialty certificate, the board, in evaluating the rehabilitation of the**  
24 **applicant and present eligibility for a license or specialty certificate will consider the following**  
25 **criteria:**

1 (a) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial  
2 or reinstatement.

3 (b) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration  
4 for grounds for denial or reinstatement which also could be considered as grounds for denial or  
5 reinstatement.

6 (c) The time that had lapsed since the commission of the act(s) or crime(s).

7 (d) The extent to which the applicant, ~~or licensee,~~ or certified specialist has complied with  
8 any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the  
9 applicant.

10 (e) Evidence, if any, of rehabilitation submitted by the applicant.

11  
12 **Note: Authority cited: Sections 759, 774, and 777, Public Resources Code. Reference: Sections**  
13 **774 and 777, Public Resources Code; and Section 11522, Government Code.**

14  
15 **Article 2. Applications.**

16  
17 **1620. Applications.**

18 (a) Applications for registration as a professional forester or as a certified ~~forestry~~ specialist  
19 shall be:

20 (1) Filed on a form prescribed by the Board

21 (2) Filed at the Sacramento office of the Board, and accompanied by the required application  
22 fee.

23 (3) Subscribed and certified to “under penalty of perjury” as provided by Section 2015.5, Code  
24 of Civil Procedure.

25

1 **(4) Typewritten, except that applicants located without access to typewriters, may so state, and**  
 2 **submit applications printed legibly by hand.**

3  
 4 **Note: Authority cited: Sections 759 and 772, Public Resources Code. Reference: Sections 767 and**  
 5 **772, Public Resources Code.**

6  
 7 **Article 4. Miscellaneous.**

8 **1650. Specialties.**

9 **(a) As an alternative to being registered as a RPF, any person qualified pursuant to this Article is**  
 10 **eligible for certification in a specialty. Both RPFs and non-RPFs are eligible for certification in a**  
 11 **specialty. Only a person registered as a Certified Specialist may use the title of that specialty.**

12 **A certificate in each specialty created will be issued by the Board pursuant to ~~the standards~~**  
 13 **~~contained in Section 772 of the Code. Specialties will be created by regulation as the need arises.~~**

14 **(b) ~~The~~To protect the public interest, the following certified specialties shall be implemented and**  
 15 **overseen by the Executive Officer, with the assistance of the PFEC~~Examining Committee~~:**

16 **(1) Certified Rangeland Management Specialty**

17 **(c) For independent certification programs submitted to the Board by a professional society or**  
 18 **public agency pursuant to Section 772 of the Code, to protect the public interest the following**  
 19 **process and requirements shall apply:**

20 **(1) When a professional society or public agency establishes an internal certification panel**  
 21 **for any or all of the following purposes: reviewing an applicant's qualifications;<sup>;</sup> administering an**  
 22 **examination to evaluate an applicant's professional understanding;<sup>;</sup> awarding certifications;<sup>;</sup>**  
 23 **reviewing or advising the PFEC regarding allegations of misconduct;<sup>;</sup> ~~and administering~~**  
 24 **~~discipline~~; the panel members shall have first been certified by the Board as meeting the**  
 25 **professional qualifications and standards for that Certified Specialty before undertaking their**

1 responsibilities pursuant to this ~~§~~section. The certification of the panel members may be done by  
 2 a subcommittee of the PFEC appointed by the Board and composed of resource professionals in  
 3 good standing representing a broad cross section of employment and expertise in that specialty.  
 4 All subsequent panel members shall also be certified in this manner.

5 (2) The PFEC shall be notified by the ~~professional~~appropriate society or public agency of  
 6 any Certified Specialist who is guilty of violations of professional standards and is issued  
 7 discipline pursuant to the respective certification program, if applicable. Subsequent to being  
 8 granted the specialty certificate by the Board, theThe Certified Specialist shall be subject to  
 9 disciplinary actions by the Board ~~as defined in this chapter for violation of those standards, or for~~  
 10 ~~violation of those standards promulgated by the Board pursuant to Sections 775 through 778 of~~  
 11 the Code, and any regulations promulgated thereunder. For disciplinary action pursuant to  
 12 subsection (c) of Section 778 of the Code, the professional society or public agency establishing  
 13 the independent certification program shall provide such information to the PFEC as reasonably  
 14 requested. The professional society or public agency shall inform the PFEC of all complaints of  
 15 violations or other misconduct relating to any Certified Specialist.

16 (3) The PFEC shall be notified of any proposed actions to be taken by a professional  
 17 society or public agency which may affect the specialty certification program of the society or  
 18 public agency, including but not limited to modification of the requirements for certification or  
 19 professional accountability. Any modifications to a specialty certification program must be  
 20 approved by the PFEC prior to implementation. ~~or the program may be rejected by the Board.~~  
 21 ~~The m~~Modifications that~~shall not~~ significantly alter the qualifications and accountability within the  
 22 recognized certification program must be approved by the Board.~~original certification.~~

23 (4) Prior to March 1 of each calendar year, those P~~professional~~ ~~S~~societies and public  
 24 agencies with approved independent certification programs shall submit to the executive officer  
 25 of the PFEC a report which describes the previous calendar year accomplishments of the

1 certification program, including but not limited to the number of applicants for certification, the  
2 approvals, denials, copies of examinations, and a summary of disciplinary actions, to insure the  
3 program fully protects the public interest. Failure to submit the report may result in a full review  
4 which may result in the rejection of the Ccertification program by the Board.

5 (d) All Certified Specialists are subject to annual registration and fees for renewal of Sspecialty  
6 Ccertificates pursuant to 14 CCR, Sections 1605 and 1607. Additional fees may be required by the  
7 professional society or public agency responsible for the independent certification program.

8 (e) The professional society or public agency shall submit for Board recognition its independent  
9 certification program, and any other information reasonably requested by the Board, as full  
10 qualification without examination for the Board's certificate of specialization. Upon determination  
11 by the Board that the program fully protects the public interest in the area of practice  
12 encompassed by the program, the certification as a specialist shall be granted, provided the  
13 specialist has met the requirements under the program. Upon recognition by the Board of an  
14 independent certification program, the terms of the program shall be made publicly available by  
15 the professional society or public agency and posted on the Board's website.

16 (f) The Board may, from time to time, review an independent certification program which it has  
17 recognized pursuant to PRC § 772 to ensure the program fully protects the public interest. The  
18 Board may rescind its recognition of the independent certification program if it determines that  
19 the program fails to comply with the requirements of this Chapter. The Board shall rescind its  
20 recognition of the independent certification program if it determines that the program does not  
21 fully protect the public interest.

22  
23 Note: Authority cited: Sections 759 and 762, Public Resources Code. Reference: Sections 762 and  
24 772, Public Resources Code.

1 **1651. Certified Rangeland Management Specialty**

2 **(a) A “Certified Rangeland Manager (CRM)” is a person who provides services pursuant to Title 14**  
3 **California Code of Regulations (CCR) 1602, at the request of the landowner or hiring agent,**  
4 **relating to the application of scientific principles to the art and science of managing rangelands**  
5 **and range on forested landscapes, as defined in California Public Resources Code § 754. A**  
6 **CRM Certified Rangeland Manager shall perform professional services only in those subjects in**  
7 **which he or she is competent by training and experience.**

8 **(b) When a CRM is providing range management services related to the production of forage and**  
9 **livestock on forested landscapes, an RPF shall be consulted if there are potential impacts on**  
10 **related forest resources.**

11 **(c) Qualifications as a CRM Certified Rangeland Manager may be achieved by submitting to the**  
12 **Board evidence of certification by the professional society or public agency recognized under**  
13 **Public Resources Code § 772 California Section of the Society for Range Management (CA-SRM)**  
14 **as a Certified Rangeland Manager, subject to 14 CCR § 1650. The Board shall grant a specialty**  
15 **certificate upon (i) receiving satisfactory evidence that the applicant has met the CRM**  
16 **qualifications, has successfully completed the written examination, has paid all fees due to the**  
17 **professional society or public agency, if any, and upon (ii) payment of all applicable fees to the**  
18 **Board pursuant to 14 CCR §§ 1605 and 1607. pursuant to its “Program for Certification of**  
19 **Professional Rangeland Managers” (PCPRM) dated June 5, 1992 and amended on November 4,**  
20 **1993.**

21 **(d) The independent certification program submitted by CalPac-SRM pursuant to its “Program for**  
22 **Certification of Professional Rangeland Managers” (PCPRM) dated June 5, 1992, and amended on**  
23 **November 4, 1993, as recognized by the Board, shall remain in effect until amended or until**  
24 **recognition is otherwise rescinded by the Board.**

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**Note: Authority cited: Sections 759 and 762, Public Resources Code. Reference: Sections 762 and 772, Public Resources Code.**

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