| 1 | Board of Forestry and Fire Protection |
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| 2 | Registered Professional Forester and Certified Specialty Amendments, 2019" |
| 3 | "Title 14 of the California Code of Regulations (CCR) |
| 4 | Division 1.5, Chapter 10 |
| 5 | Article 1, 2, , 3, & 4 |
| 6 | Amend: §§ 1600, 1601, 1602, 1610, 1612, 1612.1, 1612.2, 1613, 1614, 1620, 1650, 1651, |
| 7 | Adopt: §1611.5 |
| 8 | § Article 1. General Provisions |
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| 10 | Amend: 1600. Definitions. |
| 11 | For the purposes of the rules and regulations contained in this chapter, the term: "Board" means |
| 12 | the State Board of Forestry and Fire Protection. |
| 13 | "Certified Specialist" or "certificant" refers to a person who holds a valid certification in a |
| 14 | specialty created by the Board. |
| 15 | "Code" or "PRC" refers to the Public Resources Code, unless otherwise specified. |
| 16 | "Committee" or "PFEC" means the Professional Foresters Examining Committee. "Executive |
| 17 | Officer" refers to the Executive Officer, Foresters Licensing. |
| 18 | "Forest Resources" means those uses and values associated with, attainable from, or closely tied |
| 19 | to, forested landscapes, and includes but is not limited to aesthetics, fish, forage, recreation, soil |
| 20 | timber, water and watersheds, wilderness, and wildlife. |
| 21 | "Registered Professional Forester" or "RPF" refers to a person who holds a valid license as a |
| 22 | professional forester pursuant to the provisions of the code. |
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| 24 | Note: Authority cited: Section 759, Public Resources Code. Reference: Sections 752, 760.5, 762, |
| 25 | 763 and 730, Public Resources Code. |
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1601. Board of Forestry and Fire Protection Address.

All correspondence relating to Professional Foresters Registration, including remittances and renewal fees, shall be directed to the principal offices of the State Board of Forestry and Fire

Protection located in the Resources Building, 1416 Ninth Street, Sacramento, or by mail to P.O.

Box 944246, Sacramento, California 94244-2460.

Note: Authority cited: Section 759, Public Resources Code. Reference: Section 761 Public Resources Code.

Amend: 1602. Professional Forestry Practice Defined.

- (a) The phrase "act in the capacity of...a professional forester..." pursuant to Public Resources Code (PRC), Section 766 refers to any person who is working in a responsible position as an individual or through the supervision of others, and performs services on forested landscapes applicable to "forestry" as defined in PRC, Section 753 and clarified herein. Forestry requires specific knowledge of forestry principles for providing advice to, or management for, employers, clients, or others, through consultation; through conduct of investigations in forestry matters which have potential environmental effects, or are for site-specific purposes; through evaluation of forest properties; and through the planning or execution of forest programs, management, operations, and/or treatment.
- (b) A Registered Professional Forester (RPF) shall perform forestry services only in those subjects in which he or she is competent by training or experience. Thus, for a RPF to accomplish a site-specific forestry project where the RPF's prudent level of expertise is surpassed, that RPF may need to utilize the services of other qualified experts including but not limited to geologists, landscape architects, engineers and land surveyors, archaeologists, botanists, ecologists,

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

- (c) In carrying out PRC, Section 772, a Certified Specialist shall perform only those services in his or her specialty, as described in Chapter 10, Division 1.5, Title 14 of the California Code of Regulations. defined herein. Nothing in this section shall preclude certified specialists or the other environmental professionals in subsection (b) from the application of scientific knowledge in their field of expertise outside the practice of forestry.
- Note: Authority cited: Sections 759 and 766, Public Resources Code. Reference: Sections 752, 753 and 766, Public Resources Code.
- 1610. Delegation of Certain Functions.
- (a) The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearings, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code, issue subpoenas and subpoenas duces tecum, set and calendar cases for hearing and perform other functions necessary to the dispatch of the business of the Board in the Government Code prior to the hearing of such proceeding; and the certification and delivery of mailing of copies of decisions under Section 11518 of said Code are hereby delegated to and conferred upon the Board's executive officer, or, if absent from the office of the Board, another person designated by the executive officer.
- (b) Nothing herein prohibits the executive officer from redelegating duties to his subordinates as provided in Section 18572 of the Government Code.
- (c) Unless otherwise directed by the Board, the executive officer may work directly with the committee on those matters which are pertinent to the Professional Foresters Law, Section 750 et

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

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Note: Authority cited: Section 759, Public Resources Code. Reference: Section 763, Public Resources Code.

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1611.5. Professional Standards and Responsibilities

(a) In addition to other responsibilities under the Code, Registered Professional Foresters and certified specialists have professional responsibilities and must comply with professional standards in connection with their relationships with clients, employers, and the public. The particular standards and responsibilities depend upon the nature of the business relationship and associated legal obligations. It is incumbent upon the licensee or certificant to be aware of these responsibilities. Failure to comply with such standards and responsibilities may subject the licensee or certificant to legal liability. (b) When an agency relationship exists between a client and the licensee or certificant, the law imposes strict and specific obligations on the part of the licensee or certificant, as the agent, with respect to the client, as the principal. These obligations are generally set forth in the California Civil Code beginning at Section 2295, and as interpreted by California courts. These obligations may include: (1) exercising reasonable skill and diligence in carrying out the work to be performed; (2) avoiding any conflict of interest without full disclosure and consent by the principal; and (3) acting in a fiduciary capacity with respect to the principal. Conflicts of interest and fiduciary responsibilities are discussed below. (c) In general, a conflict of interest occurs in an agency relationship when the agent is in a situation or participates in activities that are adverse to the interest of the principal. This could

occur, for example, where the agent has a personal interest in a business transaction, or has

Minimum: Revocation stayed up to 3 years with license or specialty certificate suspension until

the completion of all of the following conditions:

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

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

1612.2. Notification of Disciplinary Action.

- (a) Conditions of staying an order which suspends or revokes a license or specialty certificate on any of the grounds for disciplinary action specified in Section 778, Public Resources Code, shall require:
- (1) Respondent to submit to the Board, not later than thirty (30) days after the decision becomes effective, a complete list of all business and/or client names, addresses, and phone numbers with whom a current contractual or employment relationships exists. Furthermore, respondent shall notify the Board within ten (10) days of any new contractual or employment relationships over the duration of the stayed order. This information may be used to aid the Board in monitoring the performance of respondent over the period of the stayed order.
- (2) Board to notify each business and/or client name submitted, or at its option require respondent to notify with Board approved language and proof of notification, of the offense(s), findings and discipline imposed.
- (b) The Board shall provide public notice of disciplinary actions. The Board shall comply with the following standards when providing public notice:
- (1) When the RPF <u>or certified specialist</u> is exonerated, their name and the specifics of the cases will not be made public. A summary of the case will be noticed in "Licensing News", and will include the following:

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

Note: Authority cited: Sections 759 and 772, Public Resources Code. Reference: Sections 767 and 772, Public Resources Code.

Article 4. Miscellaneous.

1650. Specialties.

- (a) As an alternative to being registered as a RPF, any person qualified pursuant to this Article is eligible for certification in a specialty. Both RPFs and non-RPFs are eligible for certification in a specialty. Only a person registered as a Certified Specialist may use the title of that specialty. A certificate in each specialty created will be issued by the Board pursuant to the standards contained in Section 772 of the Code. Specialties will be created by regulation as the need arises. (b) TheTo protect the public interest, the following certified specialties shall be implemented and overseen by the Executive Officer, with the assistance of the PFECExamining Committee:
- (c) For independent certification programs submitted to the Board by a professional society or public agency pursuant to Section 772 of the Code, to protect the public interest the following process and requirements shall apply:

(1) Certified Rangeland Management Specialty

(1) When a professional society or public agency establishes an internal certification panel for any or all of the following purposes: reviewing an applicant's qualifications; administering an examination to evaluate an applicant's professional understanding; awarding certifications; reviewing or advising the PFEC regarding allegations of misconduct; and administering discipline; the panel members shall have first been certified by the Board as meeting the professional qualifications and standards for that Gertified Sepecialty before undertaking their

 responsibilities pursuant to this <u>Ssection</u>. The certification of the panel members may be done by a subcommittee of the PFEC appointed by the Board and composed of resource professionals in good standing representing a broad cross section of employment and expertise in that specialty.

All subsequent panel members shall also be certified in this manner.

- (2) The PFEC shall be notified by the <u>professional appropriate</u> society or public agency of any Certified Specialist who is guilty of violations of professional standards and is issued discipline pursuant to the respective certification program, if applicable. Subsequent to being granted the specialty certificate by the Board, the The Certified Specialist shall be subject to disciplinary actions by the Board as defined in this chapter for violation of those standards, or for violation of those standards promulgated by the Board pursuant to Sections 775 through 778 of the Code, and any regulations promulgated thereunder. For disciplinary action pursuant to subsection (c) of Section 778 of the Code, the professional society or public agency establishing the independent certification program shall provide such information to the PFEC as reasonably requested. The professional society or public agency shall inform the PFEC of all complaints of violations or other misconduct relating to any Certified Specialist.
- (3) The PFEC shall be notified of any proposed actions to be taken by a professional society or public agency which may affect the specialty certification program of the society or public agency, including but not limited to modification of the requirements for certification or professional accountability. Any modifications to a specialty certification program must be approved by the PFEC prior to implementation. or the program may be rejected by the Board.

 The mModifications that shall not significantly alter the qualifications and accountability within the recognized certification program must be approved by the Board original certification.
- (4) Prior to March 1 of each calendar year, those Pprofessional Ssocieties and public agencies with approved independent certification programs shall submit to the executive officer of the PFEC a report which describes the previous calendar year accomplishments of the

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772, Public Resources Code.

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| 1 | Note: Authority cited: Sections 759 and 762, Public Resources Code. Reference: Sections 762 and |
| 2 | 772, Public Resources Code. |
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