



# THE REGISTERED FORESTER

## ***Why Do We Have a Registration Law and How Does It Work?***

The State Board was visited during our October meeting by a group of registered foresters regarding their concern about how well the registration law is working. They were particularly concerned that non-registered foresters were practicing forestry and that the practice was widespread and not being adequately addressed. More specifically, most complaints centered around the conduct of timber sales by non-registered foresters or non-foresters. We had a very productive discussion, with both groups learning something from the other.

Central to the discussion was the very reason for having a registration law in the first place. The

### **Changing of the Guard**

*Incoming Board Chairman Rhett Johnson presents an award to Kenneth Day in recognition of his contributions to the Forestry community and service to the Board. Ken's term on the Board ends January 6th.*



intent of the law is pretty clear. It is to provide the public some assurance that they will be protected from unqualified, inept or unscrupulous forestry assistance. It is not intended to protect the profession, except to maintain its reputation with the public by setting forth a set of standards for professional competence and behavior and maintaining a roster of foresters who meet those standards. Like the United Labs (UL) tag on the electrical cords of household appliances, the Registered Forester (RF) designation says to the public, "this forester has met our educational and ethical standards, has passed a qualifying examination, and continues to educate himself to improve his ability to serve you professionally". It also says that, should that Registered Forester fail to meet the requirements of the Board of Registration, the Board has the responsibility to discipline him, suspend his license to operate, or rescind his license altogether.

The Board also has the responsibility to protect the public's interests by preferring charges against individuals, firms, partnerships or corporations, practicing forestry, offering to practice forestry, or advertising as a forester without being registered with the Board, except as exempted by the law itself. Those exemptions are listed in the article on page six of this newsletter that outlines "supervising situations."

The Board sets the standards prescribed by the law, administers appropriate comprehensive examinations, monitors compliance with continuing education requirements, and maintains a roster of qualified and licensed foresters in the state available to the general public. The Board investigates complaints that non-registered persons are acting in violation of the law, and if there is merit to the complaint, proceeds accord-

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ingly. In a typical instance, the Board will generate a "cease and desist" letter to the violator and ask for evidence that the offense has been halted or offer the recipient an opportunity to contest the Board's finding. If the person or persons do not comply with the Board's cautionary letter, the case is turned over to the Attorney General's office in the person of the Assistant Attorney General assigned to the Board. Follow-up varies, but typically a contact from the Attorney General's office is sufficient to affect change. If not, then criminal proceedings may be initiated and formal charges filed in compliance with the provisions of the licensing law. Persons in violation of the provisions of the law may be charged with a misdemeanor by the Board, and, upon conviction thereof, fined not less than \$500 and not more than \$2,000 for each offense. The law states that it is the duty of all duly constituted officers of the law of this state, or any political subdivision thereof, to enforce the provisions of the licensing law and to prosecute any violators. In practice, it is unrealistic to expect the county sheriff, local state trooper, or police chief to make an arrest of an alleged violator of the forestry registration statute.

If a complaint is received about a registered forester, it is investigated in much the same way. Because those complaints are in regard to a violation of the law or the Rules of Profession Conduct for Registered Foresters, the first action is typically to inform the person charged of the complaint and to invite them to appear before the Board to present a defense. If no satisfactory explanation is offered and if the complaint has merit, the Board may attempt to arbitrate a solution between the two parties. If that is not appropriate or possible, the Board then has several options. If an ethical violation has occurred, the Board can issue a reprimand, temporarily suspend the license, or revoke the license of the offending forester. If a criminal offense has taken place, the Attorney General's office will also pursue a criminal case against the defendant.

The Registration Board has no investigative arm. The five Board Members are dependent on the public and particularly on Registered Foresters themselves to inform them of violations of either the law or the Rules of Professional Conduct for Registered Foresters. These complaints must be signed and the violation described before the Board can take action.

## State Board of Registration for Forester

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There is a standard form for complaints, a copy of which is available for downloading from the Board's website. The complainant is kept informed of the progress of the investigation and actions of the Board by letter from either the Chairman of the Board or the Chair of the Violations Committee of the Board.

Obviously, enforcement of the law is an important role of the Board, but will not prevent abuse of the

*Please see Law, page 4*

## Dates to Remember

### 2006 Board Meeting Dates

January 25

April 26

July 26

October 25

### 2006 Written Examination Dates

January 11

April 12

July 12

October 11

# FREQUENTLY ASKED QUESTIONS

**Question--***My area has been impacted by a natural disaster, can I get a time extension on completion of Continuing Education Units (CEU's) or relief from payment of late fees?*

**Answer--**In both instances the answer is no.

Due largely to the recent series of tropical storms that have impacted parts of the Gulf Coast, the Board has been asked to grant time extensions to allow completion of CEU's or to provide relief from payment of late fees. While keenly aware of the devastation and the many personal tragedies resulting from recent storms the Board is unable to grant relief from statutory licensing requirements.

By law, licenses expire on the thirtieth day of September. Technically, a Registered Forester who has not renewed his or her license by September 30th must cease to practice forestry on October 1st to stay within the bounds of law. While the law allows for reinstatement of the license upon payment of a late renewal fee between September 30 and December 31, no relief is provided from the requirement that no person shall practice or offer to practice forestry, unless he or she is registered by the Board or is specifically exempted

on. The law further prescribes that no one may have an active license renewed unless the minimum continuing annual education requirements are met.

The only exception recognized by statute is in the case of a person who is in the armed services of the United States.

Reference Code of Alabama 1975 Chapter 12:

Section 34-12-8. Licenses--Expiration; renewal

Section 34-12-2. Registration required; exceptions.

*Submitted by Board Member Kenneth Day*

## Reminder!

You have until December 31st to renew your license for a fee of \$175. After that you have to re-apply for registration (that means taking the exam again!) which costs \$225.

The easiest and quickest way to renew is to go to the Board's web site and do it on line! Go to <http://www.asbrf.alabama.gov> and do it now.

## New Registered Foresters

### **Brantley, William H. #1995**

Ala. Department of Conservation & Natural Resources  
64 Union Street  
Montgomery, AL 36130  
(334) 242-5502  
will.brantley@dcnr.alabama.gov

### **Burton, Aaron James #1993**

International Paper  
P. O. Box 4230  
Opelika, AL 36801  
(334) 745-5514  
aaron.burton@ipaper.com

### **Meyers, Mark Kenneth #1996**

MeadWestvaco  
1000 Broad Street  
Phenix City, AL 36867  
(334) 448-6327  
mkm8@meadwestvaco.com

### **Crim, Sarah #1997**

Auburn University School of Forestry & Wildlife Sciences  
108 M. White Smith Hall  
Auburn University, AL 36830  
(334) 844-1050  
crimsar@auburn.edu

### **Pritchard, Jonathan Blake #1998**

Boise  
307 West Industrial Blvd  
Jackson, AL 36545  
(334) 246-8201  
blakepritchard@boisepaper.com

### **Shostak, David Ira #1994**

DRMP, Inc.  
100 Beckrich Road, Suite 120  
Panama City, FL 32407  
(850) 236-4868  
dshostaK@drmp.com

### **William, Gregory Wyatt #1992**

Hancock Forest Management  
20492 Thompson Hall Road  
Fairhope, AL 36532  
(251) 928-1795  
gwilliams@hnr.com

Please note the Board's new  
phone number is

**(334) 240-9301**

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law. The key to the success of the law as it was intended is to firmly implant in the public's consciousness the importance of using a Registered Forester in its forestry transactions. It is patently clear that, legal or illegal, the public would not willingly employ a chiropractor or a plumber to perform gall bladder surgery, yet there is little evidence of a similar aversion to asking a non-registered forester or a non-forester for forestry advice or services. It is imperative that we Registered Foresters work every day to give the RF designation after our names the same cachet that the UL tag or Good Housekeeping seal have for the products to which they are affixed. Every document we sign and every place our names appear in our professional capacity should include the designation Alabama Registered Forester #XXXX. When we see public documents like timber sale solicitations, Yellow Page ads, etc. without that designation, an inquiry might be in order. When we see violations of the law, we should report them without hesitation. Although we receive many complaints that violations are common, we receive only 5 or 6 formal complaints per year. We now require that non-registered foresters working under the direct supervision of a registered forester submit a letter signed by each party detailing the nature of the working relationship, the term that relationship is to be in effect, and asserting that the registered forester assumes responsibility for the actions of the non-registered forester.

It speaks well of our profession that we receive so few complaints about Registered Foresters. There have been only two in the 5 years I have served on the Board and one of those was dropped and the other is still pending action. Keeping that reputation while protecting and serving the public well is our responsibility. Help your Board by advertising the fact that you are a registered forester, report violators to the Board, and educate the public at every opportunity to the importance of using a registered forester. The Board will help in the public education process by adding a landowner link on its webpage as well as on the PFMT webpage main-

tained by the School of Forestry and Wildlife Sciences. This page will stress why it is advantageous for landowners to protect themselves by employing registered foresters and by having an advocate in timber sale transactions. The Board is also preparing an article stressing the importance of working with a Registered Forester and reminding the public of the forestry registration law and its intent. This article will be placed in appropriate popular publications and in local newspapers where it is likely to be seen by forest owners.

*Submitted by Board Member Rhett Johnson*

## **We Need Your Help!**

Please make sure your contact information is up to date. If you have a change of address, new phone numbers or email addresses, please go to the Board's web site at:

<http://www.asbrf.alabama.gov>

Click on the "forms" tab, and you will find a change of address form. Fill in your new information and hit "submit." That will automatically update our database.

## **Your State Board of Registration for Foresters**



*From left to right: Al Lyons, Pamela Sears Arbogast, Lisa Love, Ken Day, Rhett Johnson and David Wright.*

## Summary Of Board Enforcement Activities

The philosophy of the Board is that educating and seeking voluntary compliance best serve the public interest. Therefore enforcement actions first seek to correct and rehabilitate before pursuing punitive measures. A summary of ongoing investigations is presented below in tabular format. The information is sanitized to protect the identity of the principals.

Complaint Number	Alleged Violation(s)*	Status
2002-002 Updated	5	Pending: Accused requested to appear before Board at first available opportunity. Complainant advised to seek civil action.No further Board action anticipated until civil action concluded or accused appears before Board.
2003-Informal-2 Updated	1	Pending: Accused notified to cease and desist and confirm corrective action w/Board. Ongoing dialogue to achieve satisfactory corrective action. Counsel action requested.
2004-Formal-2 Updated	1,2	Pending: Formal complaint form filed, investigation initiated. "Cease and desist" request issued by Board. Individual has responded through legal counsel and has asked for more specific information on charges against. Referred to Counsel for further action.
2004-Formal-3 Updated	1,2	Pending: Formal complaint form filed, investigation initiated. Individual informed of complaint but has failed to respond to Board's communication. Counsel action requested.
2004-Formal-4	5	Pending: Formal complaint form filed; investigation initiated. Individual informed of charges against and has not yet responded to Board. Board action pending.
2004-Formal-5 Updated	1	Pending: Formal complaint filed; notification by Board. Further action pending response. No response to date-third letter to be sent - counsel advised of non-response.
2005-Formal-3	1	Pending: Formal complaint filed. Notification by Board and "cease and desist" request issued on November 29. Board awaits response.

\*Summary of Violations

1. Practice or offer to practice the profession of forestry without being registered or exempted.
2. Use in connection with name or otherwise assume, use, or advertise any title or description tending to convey the impression that one is a registered forester, without being registered or exempted in accordance with Code of Alabama 1975 Chapter 12, s34-12.
3. Present or attempt to use as one's own the license of another; or any person who shall give any false or forged evidence of any kind to the board or any member thereof in obtaining a license.
4. Attempt to use an expired or revoked license.
5. Violate any of the provisions of Code of Alabama 1975 Chapter 12, s34-12.

### SAF Newsflash!

## 2006 SESAF Meeting to be in Auburn

Alabama Division to host 2006 SESAF meeting. Please make a note on your calendars for September 24-26 at the Auburn Conference Center. Your Program Committee has been meeting since August and is putting together timely topics with value for you today.

The theme is: Forestry: A Changing Environment Today and Tomorrow:

Laser technology, genetic engineering, TIMOs and REITs... as forestry enters the fast lane, learn what you need to keep up! What are the skills we need to manage the forest now and over the next two decades? What will our management objectives be? What new ethical challenges will we face?

Stay tuned for updates throughout the year.

*Submitted by Phillip Sassnet*

## **Form Available on Web to help with “Supervisor Situation”**

Section 34-12-2 (b) of Chapter 12 of the Alabama Code lists those who are permitted to practice forestry in the state without being registered. This section of the law reads in its entirety:

"This chapter shall not be construed to prevent or to affect:

- (1) The practice of any other legally recognized profession or trade.
- (2) The application of forestry principles and procedures on any timberlands, woodlands, or forest in which any person, firm, partnership or corporation owns an interest; or persons, firms, partnerships and corporations having the right to manage and administer forestlands in any legal manner.
- (3) The work of an employee or a subordinate of any forester holding a license under this chapter; provided, that such work is under the direction, supervision and responsibility of a person holding a license under this chapter.
- (4) The practice of forestry by officers and employees of the United States government on federally owned lands.
- (5) The practice of forestry by officers and employees of the state of Alabama on state-owned lands.
- 6) Employees of the federal government and educational institutions of the state of Alabama who, in the exercise of their assigned duties, conduct forestry education programs and/or provide free forestry advice and assistance to timberland owners.

Subparagraph (3) permits employees or persons under the direct supervision of a licensed forester to work without being registered. In most cases, these

are straightforward relationships and cause no concern. An employee of a consulting firm or wood products company who reports to a licensed forester is logically and clearly exempted by the law. The reasoning behind the exemption is that the supervision by a licensed forester provides the public with a reasonable guarantee that the work performed will professional.

Occasionally, however, the relationships between the licensed forester and the unlicensed forester are not so clear. Temporary or informal relationships sometimes strain the intent and purpose of the law. The Board has adopted a policy, announced in this newsletter earlier in 2005, to require notification of the Board when an unregistered forester works "under" the license of another on a temporary basis or when the direct supervision by the licensed forester is not clearly evident in the relationship.

A form for this purpose is now posted on the Board's website under the Forms "tab". This form will state the nature of the relationship, its anticipated length, acknowledgement by the registered forester that he is accepting the responsibility for the work of the other, and must be signed by both parties. These forms should be submitted to the Board and kept on file.

The vast majority of these working relationships are legitimate and in full compliance with the law. A few, however, are either relationships of convenience or attempts to circumvent the law. It is hoped that this policy will minimize the occurrence of the latter, serving the profession and the public well in the process.

