



# THE REGISTERED FORESTER

Spring 2005

## Protecting The Public: Will landowners benefit from forester "agency disclosure"?

We have all heard the old saying "Buyer beware!" There was a time when that admonition was the only protection consumers had. Today there is a much more sophisticated climate of consumer awareness, and issues such as privacy, responsibility and fraud are being addressed from doctor's offices to Wall Street and back again. Where do forestry professionals and the Alabama State Board of Registration for Foresters (ASBRF) fit into this movement?

For years landowners have been properly advised by the forestry community to seek professional assistance about managing their forests. And ASBRF, the Society of American Foresters, and the Association of Consulting Foresters all have strong codes of ethics to enhance the opportunity for fair and honest dealings between foresters and landowners. But is this enough? Landowners are still frequently confused about whether their forest "adviser" is a forester, and if this person is working for them - or for a timber buyer or wood supplier. Since forestry encompasses far more than the selling of timber, perhaps initial classifications can be explored and broadened as needed to describe the various relationships between forestry professionals and landowners.

If a landowner enters into a timber sale transaction with a forestry professional, there are four basic business relationships:

1. A non-forester working to buy the owner's timber.
2. A non-forester working to sell the owner's timber.
3. A registered forester working to buy the owner's timber.
4. A registered forester working to sell the owner's

timber.

These seem like simple and clear cut designations, but for the average landowner this may not be so. Their first dilemma is to know if they are dealing with a forester or not. This is tough since some forestry professionals are confused about this themselves! Registration laws are clear, but are not widely read. Some aspects of forestry can be learned on-the-job and many people are working in forestry, but may not be registered foresters. These professional loggers, technicians, and non-registered forestry graduates may all be faced at some time with interacting with landown-

*Please see Disclosure page 5*

### **The Perils and Responsibilities: Allowing an Unlicensed Forester to Work Under Your Supervision**

Under the Alabama Code governing the practice of forestry, it is allowable to practice forestry on the land of others if you are licensed to do so or if you are under the direct supervision of a licensed forester. There is an increasing trend today in Alabama for licensed foresters to "cover" the work of unlicensed foresters by asserting that they are working under their supervision, essentially letting them borrow their license. Unless the "borrower" is indeed under the direct supervision of the licensed forester, he or she is in violation of the law. Not only does the licensed forester "lending" his or her license contribute to this violation, but he or she also accepts responsibility for the actions of the other. If an illegal act or an act that violates the ethical principles which guide our profession occurs, the licensed

*Please see Supervision, page 5*

## Board Adjusts Late Fees Only

At their last meeting, the Board passed fee increases for 2006. The new fees are listed in the table below. Please note that the only fees the Board increased were the penalties for late renewals. This is an effort to encourage Registered Foresters to help reverse a recent trend of tardiness when it comes to paying these fees. More timely payment of fees will improve the efficiency of the Board staff and help the Board focus on providing other services to Registered Foresters.

	2005 Fees	2006 Fees
Application Fee	\$50	\$50
Renewal Fees		
Active	\$75	\$75
Inactive	\$30	\$30
Late Penalty (Paid in addition to the appropriate renewal fee)	\$50	\$100
Reinstatement Fee (paid in addition to the renewal fee)	\$125	\$150
Reexamination Fee	\$100	\$100
Lost License	\$10	\$10
Reciprocal Fee	Same as Charged for Alabama Applicants in reciprocal states	

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## Some Common Questions Asked of the Board of Registration

1. How many CFEs do I need each year? In our rules I see one place that mentions 10 hours during 2 years. Elsewhere it says I need 10 hours each year. Which is correct?

Both are correct. You must turn in 10 hours of proper Continuing Education credit (CFE) to renew your license at the end of every year. But, those 10 hours can be from classwork taken the "two year period immediately preceding the renewal date."

Example:

Say you take 14 hours of CFE during 2004. At the end of the year, turn in 10 hours to renew your license. Then save the extra 4 hours to turn in at the end of 2005, and you will only need to take an additional 6 hours in 2005 to meet your 10 hours of CFE for that year.

2. That sounds great! What if I get busy and take 30 hours in one year? Will that keep me up to date for 3 years?

No. You can only "harvest" CFEs from the current or immediately previous year.

Example:

You say you've taken 30 hours of CFE in 2004. Submit 10 hours at the end of 2004. Submit 10 hours at the end of 2005. Then in 2006 you will have to get more CFEs, since the remaining hours from 2004 have by then "expired".

Board members are currently working to revise our license renewal form. Hopefully, this will make this concept clearer.

*Written by Board Member Melisa V. Love, RF*

## In Memorium, Van Gillem

The forestry community lost a trusted friend, true professional, and dedicated Christian on September 20, 2004. A man devoted to his God, wife, son and family. Van O. Gillem, R.F. # 1591 was a man committed to serving his community in a variety of ways. Van was a member of the First United Methodist Church of Greenville. He sang in the church choir and was the Boy Scout Troop 520 leader for the Methodist Church sponsored troop. Under his leadership and guidance, Van saw four boys attain the rank of Eagle Scout. He loved the boys in his troop and took pride in introducing them to the outdoors. Camping, hiking, rappelling, canoeing and rainy night campouts are some of the memories that will last them the rest of their lives.

Van was also Vice-Chair of the Butler County Forestry Planning Committee and gave unselfishly of his time and talents to help promote Alabama and Butler County's natural resources through landowner field days, forestry workshops, school field days, and the committee's annual Natural Resources Youth Camp. Van's commitment to forestry extended to the Alabama Tree Farm State Committee where he served as Longleaf District Chair.

Van was a true professional forester. He owned his own forestry consulting business and prided himself in giving the landowner the best.

The Butler County Forestry Planning Committee is accepting memorial gifts on behalf on Van. These gifts

will be used to make a donation to the new School of Forestry building and the Solon Dixon Forestry Education Center. Anyone wishing to contribute to the memorial fund can send their donations to the following address:

Butler County Forestry Planning Committee  
59 Firetower Road  
Greenville, AL 36037

## 2006 Renewals Procedures

Notices for 2006 renewals will be sent out the first week of July. As mentioned in the previous newsletter, our on-line renewal process should be up and running by July 1. Part of the on-line renewal includes completion of your 2006 Continuing Education Form. This will make it much easier and faster for you to renew! While we encourage you to use the on-line renewal, you still have the choice of printing a CFE form out, attaching a check and mailing it in also.

For some reason, the majority of foresters registered by this Board waited until the middle of September to send their 2005 renewals/CFE forms. This caused a major problem in getting forms processed, checks deposited, and ID cards mailed out. Let's try to renew as soon as notices are received if possible.

It is important that you remember the completed renewal form must have your renewal check attached

Please see *Renewals*, page 4

## ACES Continuing Education for 2005

Date	Course	Location	Contact
June 24	Wetland Delineation	Tuscaloosa	Kathryn Flynn flynnka@auburn.edu
July 14	Forestry Herbicides	Camden	Ken Mc Nabb mcnabb@auburn.edu
August 25	Cut-to-length logging	Auburn	Mathew Smidt smidtmf@auburn.edu
Sept. 15	Urban Tree Appraisal	Birmingham	Brenda Allen ballen@aces.edu
Sept. 15	Nuisance Wildlife Management	TBA	Jim Armstrong armstjb@auburn.edu
October 27	Forest Law	Auburn	Robert Tufts tuftsra@auburn.edu
November 9	Forestry Herbicides	Tuscaloosa	Ken Mc Nabb mcnabb@auburn.edu



## Renewals, continued from page 3

to be processed. Any incomplete renewal that is received, will be returned to you and it could mean that a late fee be assessed if the completed package is not returned or postmarked by the September 30 date.

Just to remind you 1975 Code of Alabama, 34-12-8 states as follows:

s34-12-8. Licenses--Expiration; renewal.

(a) Licenses shall expire on the thirtieth day of September next following their issuance or renewal and shall become invalid on that date unless renewed.

This means the grace period is only an extension of time for the licensee to renew their license without having to go through the entire licensing process again; it is not a period extending their license to practice. If a licensee fails to renew their license by the end of the last day of the licensing period (i.e. September 30 if that is the day the license expires) then that licensee does not have a valid license. The grace period does not extend the validity of the license - it only extends the period in which the license can be renewed with only a penalty instead of having to go through the entire licensing process again.

If you have any questions or comments, please con-

## CFE Opportunities for Foresters

In an effort to help make foresters aware of the continuing educational opportunities available we have a new section on the web site to keep you up to date on such offerings. Go to the Board's web site at [www.asbrf.alabama.gov](http://www.asbrf.alabama.gov) and click on the "continuing education" button. You will find information about seminars and meetings that the Board is aware of to provide you with the continuing education hours.

We will post any educational opportunities that we are informed of on this site. Please contact the Board of Registration for Forester's Executive Assistant, Pam Sears to get your course(s) listed on the web site.

To have CFE credit assigned to an event, please contact the chairman of the Board's Continuing Education Subcommittee, David Wright, at [dwright@scotchlumber.com](mailto:dwright@scotchlumber.com) or 334-636-4424. Ken McNabb will also assign Category 1 credit based on the SAF guidelines. He can be reached at [kmcnabb@aces.edu](mailto:kmcnabb@aces.edu) or 334-844-1044.

tact Pam Sears through email at [Pam.Sears@asbrf.alabama.gov](mailto:Pam.Sears@asbrf.alabama.gov) (if you have trouble with that email, use [Pam.Sears@alsbrf.alabama.gov](mailto:Pam.Sears@alsbrf.alabama.gov)).

## New Registered Foresters

Dickens, Dale F. #1975  
Albany Technological College  
40 Harold Ragan Road  
Blakely, GA 39823  
(229) 724-2110  
[ddickens@albanytec.edu](mailto:ddickens@albanytec.edu)

Erwin, Christopher B. #1978  
Alabama Forestry Association  
555 Alabama Street  
Montgomery, AL 36104  
(334)265-8733  
[cerwin@alaforestry.org](mailto:cerwin@alaforestry.org)

Ford, Victor L. #1976  
MeadWestvaco  
1000 Broad Street  
Phenix City, AL 36868  
(334) 448-6336  
[victor.ford@meadwestvaco.com](mailto:victor.ford@meadwestvaco.com)

Forgey, John D. #1980  
Sizemore & Sizemore, Inc.  
1 Twin Creeks Drive, Ste 6  
Tallasse, AL 36078  
(334) 283-3611  
[dforgey@sizemore1949.com](mailto:dforgey@sizemore1949.com)

Moorman, Robert M. #1981  
Sizemore & Sizemore, Inc.  
1 Twin Creeks Drive, Ste 6  
Tallasse, AL 36078  
(334) 283-3611  
[moorman@sizemore1949.com](mailto:moorman@sizemore1949.com)

Pitcherale, Joseph D. #1979  
Meadwestvaco  
1000 Broad Street  
Phenix City, AL 36867  
(334) 448-6304  
[jdp9@meadwestvaco.com](mailto:jdp9@meadwestvaco.com)

Torbert, John L. #1977  
Meadwestvaco  
P.O. Box 5  
Phenix City, AL 36868  
(334) 448-6328  
[jlt6@meadwestvaco.com](mailto:jlt6@meadwestvaco.com)

Watkins, Sarah L. #1974  
Luce Packing Company  
4636 A Bit & Spur Road  
Mobile, AL 36608  
(251) 343-3311  
[slwatkin@bellsouth.net](mailto:slwatkin@bellsouth.net)

**Disclosure, Continued from Page 1**

ers during timber sales or elsewhere.

Traditionally in Alabama there are many workers employed in category #1, non-foresters working to buy a landowner's timber. This should not confuse the landowner as long as these workers do not attempt to "practice forestry" as they buy someone's trees. The landowner must clearly understand that a) the buyer is not representing them in the sale, and b) the buyer is not a forester and thus can not give them advice about what "needs" to be cut, disease problems, management planning, etc.

Category #2, a non-forester working to sell the owner's timber, is now a small group. Selling timber is an integral part of practicing forestry and thus only registered foresters- or those legally exempt from registration- can legally perform this task. Exceptions include landowners selling their own timber, government employees selling government timber, and employees selling their company's timber.

Category #3 will hold a large number of foresters who are working as industry representatives or wood suppliers, buying timber from landowners or managing timber that their company may one day purchase. Since these are registered foresters, they can give the landowner advice about forest management and practices. But in a timber sale transaction, the landowner must understand that he is this forester's customer, not their client. The landowners must assess the forester's information and offers, and negotiate for and represent themselves as any deal transpires.

The last category, #4, is the traditional consulting forester who works directly for the landowner. This forester can give practical forestry advice and assist the landowner with the timber sale transaction. To fairly represent his or her client, the consulting forester must represent only the landowner - which typically means seeking to get him/her the highest possible price and best possible terms.

These roles have long been in practice in Alabama, but landowners and foresters alike have not always been fully aware of the part they play as the timber sale transactions develop. Perhaps it is time for the forestry community to be more accountable to the true wood suppliers in Alabama, our private landowners.

ASBRF has established an Ad Hoc Committee con-

sisting of Phillip Sasnett, Keville Larson, Jack Fillingham, Chris Isaacson, and ASBRF member Melisa Love to review and consider this issue and to find practical ways to reduce landowner confusion. It is important that all Registered Foresters consider how formalizing the above-mentioned four professional players in timber sales will affect their working relationships with landowners. Feedback is needed about how to facilitate any changes that should be made.

Please contact Pam Sears or any Board Member with your comments and ideas. Initial comments will be taken and reviewed at the Board's meeting in July 2005.

*Written by Board Member Melisa V. Love, RF*

**Supervision, Continued from Page 1**

forester puts his or her own license in jeopardy. Further, if direct supervision is not exercised, then there would be little incentive to obtain a license of one's own, when one or two willing foresters might be willing to loan their credentials to many with only courtesy oversight. The primary purpose of licensing is to protect the public by warranting that those foresters registered in the state have demonstrated professional competence and may be trusted to do work at professional standards. "Loaning" a license violates the public's trust.

To address this issue, the Board has decided to require the submission to the Board of a letter, signed by both parties, acknowledging the relationship between the two parties, i.e., the licensed and unlicensed foresters, in which the registered forester accepts responsibility for direct supervision and the work of the unlicensed forester. This letter would not be required in employer-employee situations, where it is assumed that direct supervision occurs. It would be triggered when no such relationship exists. This requirement is scheduled to take effect on July 31, 2005. Comments are welcomed and should be addressed to Pam Sears or to Rhett Johnson. Addresses are indicated elsewhere in this newsletter. An example letter will be posted on the ALSBRF website at [www.albrf.org](http://www.albrf.org) by that date. Failure to inform the Board of these relationships may result in censure of the registered forester and a "cease and desist" order for the unlicensed forester.

*Written by Board Member Rhett Johnson, RF*

## 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 complaint investigations is presented below in tabular format.

Complaint Number	Alleged Violation(s)*	Status
2002-002 Updated	5	Pending: The Assistant Attorney General Counsel assigned to the Board has evaluated an attorney request for a temporary stay of action. Case was on hold pending availability of accused, is now being pursued. Civil action between accused and plaintiff in process. No further Board action anticipated until civil action concluded.
2003-Informal-2 Updated	1	Pending: Accused notified to cease and desist and confirm corrective action w/Board. Ongoing dialogue to achieve corrective action. Counsel action requested.
2003-Informal-3 Updated	1	Pending: Dialogue initiated to clarify policy in response to possible attempt to establish business. Confirmed that proposed business venture terminated. Action closed.
2004 -Formal-1 Added	1,2	Pending: Formal complaint form filed, investigation initiated. Individual responded to Board's initial inquiries and Board will follow up with personal visit to clarify response and assure compliance.
2004-Formal-2 Added	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. Referred to Counsel for action.
2004-Formal-3 Added	1,2	Pending: Formal complaint form filed, investigation initiated. Individual informed of complaint but has failed to respond to Board's request. Counsel action requested.
2004-Formal-4	5	Pending: Formal complaint form filed; investigation initiated. Individual informed of charges against but has not responded. Board action pending.
2004-Formal-5	1	Pending: Formal complaint filed; notification by Board. Further action pending response. Board action initiated to clarify similar relationships.
2005-Informal-1	1,2	Pending: Informal complaint filed; notification by Board. Further action pending response. Board action initiated to clarify similar relationships.

\*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.

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