

APA-1
07/04

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency Board of Registration for Foresters
Rule No. 380-X-5-.02
Rule Title: Procedure For Processing Alleged Violations Regarding The Practice of Forestry By Registered Foresters

_____ New Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? N/A

Is there another, less restrictive method of regulation available that could adequately protect the public? N/A

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Ruth C. Seawell

Date 5/20/2013

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07/04

ALABAMA STATE BOARD OF REGISTRATION FOR FORESTERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Registration for Foresters

RULE NO. & TITLE: 380-X-5-.02, Procedure for Processing Alleged Violations Regarding The Practice Of Forestry By Registered Foresters.

INTENDED ACTION: To amend rule.

SUBSTANCE OF PROPOSED ACTION:

The amendment would correct the amount allowed by the Code of Alabama 1975 §§ 34-12-9 and 34-12-12(a) for administrative fines.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, views, or arguments concerning the proposed amendment to the Board in writing through the close of business on July 5, 2013 to Alexis London, Executive Assistant, Alabama State Board of Registration for Foresters, 513 Madison Avenue, Montgomery, AL 36130; Phone 334-240-9301; Fax 334-240-9387; Email Alexis.London@asbrf.alabama.gov

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: July 5, 2013

CONTACT PERSON AT AGENCY: Alexis London, Executive Assistant, Alabama State Board of Registration for Foresters, 513 Madison Avenue, Montgomery, AL 36130; Phone 334-240-9301; Fax 334-240-9387; Email Alexis.London@asbrf.alabama.gov


Ruth C. Seawell, Chair

380-X-5-.02 Procedure For Processing Alleged Violations Regarding The Practice Of Forestry By Registered Foresters. The State Board of Registration for Foresters (SBRF) shall use the following procedures to handle complaints regarding the practice of forestry by Registered Foresters (R.F.).

(1) Upon receipt of a complaint, oral or in writing, the Office Manager (OM) will acknowledge the complaint and send the complainant a standard Complaint Form (380-X-5-.02c) and transmittal letter (380-X-5-.02b). Complainant must submit a properly complete and notarized form in order for SBRF to take action on the allegations.

(2) When a properly submitted complaint is received by the OM at the SBRF office in Montgomery, the date of receipt will be noted, a unique case number assigned and a permanent file established. OM will acknowledge receipt to complainant and send a copy to the Chairman of the Violations Committee (CVC) and the Chairman of the Board (CB).

(3) Should CVC and CB agree that no action should be taken, said decision will be noted in the file and the complainant notified in writing. Such a decision will be reviewed by SBRF at its next scheduled meeting.

(4) Should CVC and CB agree action should be taken, CVC will notify the R.F. of allegations/complaint and initiate investigation, by contacting all known parties for evidence. Upon completion of the investigation the case is reviewed by the SBRF. If the SBRF finds the allegations to be without merit the case is closed and parties are notified in writing.

(5) Should SBRF find that the allegations have merit, then charges will be preferred and a formal Hearing scheduled within three months after the date in which they have been preferred. The time and place for such Hearing shall be fixed by SBRF, and a copy shall be personally served on or mailed to the last known address of the R.F., the complainant and all witnesses at least thirty days before the date of the hearing (Section 34-12-9).

(6) At the Hearing, the accused R.F. shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

(7) Immediately following the testimony of the Hearing SBRF will deliberate and vote. Should three or more members of SBRF vote in favor of finding the accused guilty, SBRF shall revoke the license of R.F. Additionally, SBRF is authorized to discipline its licensees by the adoption and collection of administrative fines, not to exceed \$500 \$2,000 per violation (Sections 34-12-9 and 34-12-12(ba)). Subsequently, all parties will be notified in writing of SBRF's decision and the case is closed. R.F. has the right of appeal through the legal system based solely on the evidence presented to SBRF. New evidence must first be presented to SBRF.

Author: Alexis V. London