

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

OFFICE OF COMMERCIAL SERVICES

BOARD OF FORESTERS

GENERAL RULES

(By authority conferred on the board of foresters by section 308 of Act No. 299 of the Public Acts of 1980, as amended, being S339.308 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 339.18001 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 299 of the Public Acts of 1980, as amended, being S339.101 et seq. of the Michigan Compiled Laws, and known as the occupational code.

(b) "Forestry experience" means those activities demonstrating professional competence in the science, art, and practice of managing and using for human benefit the natural resources that occur on and in association with forest lands, and may include the following activities:

(i) Forest management, which includes that branch of forestry concerned with overall administration, and may include the following activities:

(A) Forest economics.

(B) Legal and social aspects.

(C) Forest mensuration.

(D) Forest utilization.

(E) Forest regulation.

(F) Forest protection.

(G) The development of access for protection and management of the resource.

(ii) Silviculture, which includes the science and practice of controlling the composition and growth of forests, and may include the following activities:

(A) Stand improvement.

(B) Forest nursery production.

(C) The techniques of seeding and planting.

(D) Regeneration.

(iii) Forest protection, which includes the prevention and control of damage to forests, and may include the following activities:

(A) The control of forest pests and diseases.

(B) The prevention and control of wildfire.

(C) The protection of soils from erosion.

(D) The reduction and repair of damage resulting from storms, freezing, drought, and other climatic agents.

(iv) Forest and watershed management planning, which is initiated and carried out in forest working plans, and may include the following activities:

(A) Forest practice standards.

(B) Management contracts, litigation reports, and testimony.

(C) Timber trespass.

(D) The development, maintenance, conservation, and protection of wildlife habitat and forest range resources.

(E) Forest recreation and environmental studies.

(F) Reconnaissance and mapping of forest and watershed lands, including the investigation of wildland soils.

(v) Other forest activities which may include the following activities:

(A) Forest products appraisal.

(B) Forestry research.

(C) Urban forestry.

(D) Teaching scientific courses in forestry.

(c) "State license fee act" means Act No. 152 of the Public Acts of 1979, as amended, being S338.2201 et seq. of the Michigan Compiled Laws.

(2) The terms defined in articles 1 and 21 of the act have the same meanings when used in these rules.

History: 1984 AACCS.

R 339.18005 Rescinded.

History: 1984 AACCS; 1998-2000 AACCS.

R 339.18007 Conduct of public meetings; "chairperson" defined.

Rule 7. (1) For the purpose of this rule, "chairperson" means the person authorized to convene and moderate a meeting of the board or any committee of the board or any other person acting temporarily as convenor or moderator.

(2) Each person present shall be provided a reasonable opportunity to address a public meeting on an agenda item or a topic relevant to the public body which is not on the agenda if the person makes a request to the board's offices or to the department prior to convening the meeting or to the chairperson prior to the conclusion of the meeting.

(3) A group of 5 or more persons may be asked to give advance notice to the chairperson or the department of its intention to attend a meeting so that an effort may be made to provide adequate space. Such advance notice is not required.

(4) The chairperson shall do all of the following:

(a) Conduct the public participation portion of the meeting in an orderly and decorous fashion.

(b) Recognize each person wishing to speak, within the time limits available.

(c) Allow for public comment on each agenda item.

(d) Allocate a specific time on the agenda for general public comments.

(e) Exclude a person from the meeting only for a breach of the peace actually committed at the meeting.

(5) The chairperson may do the following:

(a) Limit the number of persons admitted to the meeting room if necessary to comply with public safety laws and regulations.

(b) Temporarily recess and promptly reconvene the meeting in a larger meeting room if more space is necessary.

(c) Impose reasonable limitations on time allotted for public comments.

(d) Inquire as to the interest or interests, if any, represented by a person addressing the meeting.

(e) To preserve the rights of all parties, prohibit a member of the public from addressing the meeting on the subject of an administrative law case pending before a board until a disposition of the case has been voted upon by the board.

History: 1984 AACCS.

PART 2. REGISTRATION

R 339.18021 Rescinded.

History: 1984 AACCS; 1998-2000 AACCS.

R 339.18023 Education.

Rule 23. (1) An applicant for registration shall provide educational transcripts documenting completion of a baccalaureate degree from a college or university and the completion of a forestry curriculum including course work totaling not less than 30 semester hours or 45 quarter hours encompassing each of the following subjects, of which a minimum of 12 semester hours or 18 quarter hours shall be in forest ecosystem management:

(a) Forest biology.

(b) Forestry in the social context.

(c) Forest resources inventory.

(d) Forest ecosystem management.

(e) Forest resources administration.

(2) Possession of a baccalaureate degree from a program accredited by the society of American foresters, supported by a program transcript, shall constitute prima facie evidence of completion of the educational requirements of subrule (1) of this rule.

History: 1984 AACCS.

R 339.18025 Experience.

Rule 25. An applicant for registration shall submit documentation of not less than 2 years of experience in professional forestry work, including not less than 3 letters of reference from professional foresters who can attest to the applicant's experience. The

board shall evaluate experience according to the definition of forestry experience in R 339.18001, and may require additional information to make its determination.

History: 1984 AACCS.

R 339.18027 Prior registration in another state.

Rule 27. An applicant for registration who is currently registered or who has ever been registered in another state or territory shall, in addition to fulfilling the requirements of the act and R 339.18021,

R 339.18023, and R 339.18025, submit documentation from the appropriate registration agency indicating whether or not the registration is or was in good standing and whether or not disciplinary action was taken or is pending.

History: 1984 AACCS.

R 339.18029 Rescinded.

History: 1984 AACCS; 1998-2000 AACCS.

PART 3. STANDARDS OF CONDUCT

R 339.18031 Seal.

Rule 31. (1) A registrant may use a seal. The approved design of the seal is as follows:

Figure for 339.18031



(2) The seal may be obtained when a person is registered. If a seal is to be used, an imprint of the seal shall be filed with the department within 30 days. Any change in the seal shall require the filing of a new imprint within 30 days of the change.

(3) The seal may be used only as long as registration is in effect.

(4) The seal shall be used only on work which is prepared under the personal supervision of the registrant. Use of the seal by any person other than the registrant is prohibited.

(5) The use of the seal shall be validated by the signature of the registrant across the seal or adjacent to it.

History: 1984 AACCS.

R 339.18035 Representations and standards of practice.

Rule 35. (1) A registrant shall fully disclose personal or financial interests in any public and private project undertaken where there is a potential conflict of interest.

(2) A registrant shall not accept compensation or expenses from more than 1 client or employer for the same service, unless the parties involved are informed and consent.

(3) A registrant shall not make exaggerated, false, misleading, or deceptive statements in advertising, brochures, or written or verbal representations, including the valuation of individual trees, timber, or timberlands in the conduct of professional practice.

(4) A registrant shall clearly and accurately represent his or her qualifications, the extent of the services offered, and the basis for charges to be made.

(5) A registrant shall not offer or make bribes or unlawful persuasions to those responsible for letting contracts.

(6) A registrant shall not interfere with competitive bidding, including making false representations or misleading statements about bidders, prospective bidders, or competitors.

(7) A registrant shall not present the work of another person as the registrant's work and shall not endorse work not done by, or under the personal supervision of, the registrant.

(8) A registrant shall provide services in a manner that will assure the public health, safety, and welfare, and where, in the professional judgment of the registrant, any of these are endangered, the registrant shall notify the client or employer of these circumstances. If the client or employer fails or refuses to follow his or her instructions or recommendations, the registrant shall notify the regulatory responsible governmental department or agency of the problem and the possible danger that will result therefrom.

(9) A registrant shall not violate or act to conceal violations of the law, including articles 1 to 6 and article 21 of the act or these rules, and shall not knowingly permit others to do so. Violations of the act or these rules shall be reported to the department.

(10) A registrant shall not conspire or collude to restrain trade through price arrangement with other registrants or firms and shall not engage in price-fixing activities.

(11) A registrant shall not take funds under false pretenses and shall not abandon a project without notifying the client or employer.

History: 1984 AACCS.