

ALABAMA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS
ADMINISTRATIVE CODECHAPTER 364-X-14
PROFESSIONAL CONDUCT (CODE OF ETHICS)

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364-X-14-.01 Preamble.

(1) In order to meet the intent of the Title 34, Chapter 41, Code of Ala. 1975, to safeguard the life, health, property, and welfare of the public and to establish and maintain a high standard of integrity, skill and practice in the profession of geology, the following Rules of Professional Conduct shall be binding upon:

(a) every person holding a license as a Professional Geologist in the State of Alabama,

(b) all partnerships or corporations or other legal entities who offer or perform geologic services in the State of Alabama, and

(c) every certified Geologist-in-Training.

(2) Professional Geologists licensed under Chapter 41, Title 34, Code of Ala. 1975, are charged with having knowledge of the existence of the Rules of Professional Conduct (Code of Ethics), Rules 364-X-14-.02 through 364-X-14-.08, shall be deemed to be familiar with the several provisions and to understand them. Such knowledge shall encompass the understanding that the practice of geology is a privilege, as opposed to a right, and the licensee shall be forthright and candid in his/her statement or written response to the Board or its representatives on matters pertaining to professional conduct.

Author: Thornton Neathery

Statutory Authority: Code of Ala. 1975, §34-41-5.

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364-X-14-.02 Conflict Of Interest.

The professional geologist shall avoid conflict of interest and shall exercise independent judgments, decisions and practices on behalf of his/her clients and employers as follows:

(1) The professional geologist shall conscientiously avoid conflict of interest with his/her employer or client, but, when unavoidable, the geologist shall forthwith disclose the circumstances to his/her employer or client of any business association, interest, or circumstances which might tend to influence his/her professional judgments, decisions or practices of the quality of his/her services.

(2) The professional geologist shall not accept compensation financial or otherwise, from more than one, party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all those parties involved.

(3) The professional geologist shall not solicit or accept financial or other valuable consideration from any party for specifying their material, equipment, supplies, products, or services.

(4) The professional geologist shall not solicit or accept substantial gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his/her client or employer in connection with work for which he/she is responsible.

(5) When in public service as a member, advisor, or employee of a governmental body or department, the professional geologist shall not participate in considerations or actions with respect to services provided by him/her or his/her organization in private geological practice.

(6) The professional geologist shall not solicit or accept a geologic contract from a governmental body on which a principal or officer of his/her organization serves as a member.

(7) The professional geologist shall not attempt to supplant another professional geologist in a particular employment after becoming aware that the other professional geologist has been selected for employment.

(8) The professional geologist shall conduct his/her practice in order to protect the public health, safety and welfare. The professional geologist shall at all times recognize his/her

primary obligation to protect the safety, health, and welfare of the public in the performance of his/her professional duties. If his/her geologic judgment is overruled under circumstances where the safety, health, and/or welfare of the public are endangered, he/she shall inform his/her employer of the possible consequences and notify other proper authority of the situation, as may be appropriate.

Author: Thornton Neathery

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364-X-14-.03 Qualified By Education And Experience.

The professional geologist shall act competently and use proper care in performing geologic services for clients or employers and shall perform his/her services only in areas of his/her competence as qualified by education and experience as follows:

(1) The professional geologist shall undertake or perform geologic assignments only when qualified by education or experience in the specific technical field of geology involved.

(2) The professional geologist may accept an assignment requiring education or experience outside of his/her own field of competence, but only to the extent that his/her services are restricted to those phases of the project in which he/she is qualified. All other phases of such project work shall be performed by qualified associates, consultants, or employees.

(3) The professional geologist shall not affix his/her signature and/or seal on any document dealing with subject matter to which he/she lacks competence by virtue of education or experience, nor to any such plan or document not prepared under his/her direct supervisory control except that the professional geologist may affix his/her seal and signature to drawings and documents depicting the work of two or more professionals provided he/she designates by note under his/her seal, the specific subject matters for which he/she is responsible.

(4) The professional geologist shall be completely objective and truthful in all professional reports, statements or testimony. He/she shall include all relevant and pertinent information in such reports, statements or testimony.

(5) The professional geologist, when serving as a expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon background

of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his/her testimony.

(6) The professional geologist will issue no statements, criticism, or arguments on geologic matters connected with public policy which are inspired or paid for by an interested party, or parties, unless he/she has prefaced his/her comment(s) by explicitly identifying himself/herself, by disclosing the identities of the party or parties on whose behalf he/she is speaking, and by revealing the existence of any pecuniary interest he/she may have in the instant matters.

(7) The professional geologist shall not engage in any professional matter for which a specific license is required without first being licensed in that profession.

Author: Thornton Neathery

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364-X-14-.04 Confidences Of Clients And Employers.

The professional geologist shall safeguard and preserve the confidences and private information of clients and employers as follows:

(1) Except as permitted by Rule 364-X-14-.04, the professional geologist shall not knowingly:

(a) reveal a confidence or private information regarding or in possession of his/her client or employer, current or former.

(b) use a confidence or private information regarding or in the possession of his client or employer, current or former, to the disadvantage of such client or employer.

(c) use a confidence or private information regarding or in the possession of his client or employer for the advantage of a third person, unless the client or employer, current or former, consents after full disclosure.

(d) nothing in this Article shall relieve a professional geologists from complying with Rule 364-X-14-.03(e).

(2) The professional geologists may reveal confidences or private information under the following circumstances:

(a) when he/she has obtained the consent of the client or clients, employer or employers, current or former, affected but only after full disclosure to them.

(b) when required by law or court order.

(c) when necessary to establish legal proof of his/her relationship with a client or employer, current or former, in a court action to recover salaries, fees, or other compensation due him/her as a result of his/her employment or association with such a client or employer, current or former.

(d) when necessary to defend himself/herself or his/her employee or associates in a legal action alleging wrongful conduct.

(3) The professional geologists shall exercise reasonable care to prevent unauthorized disclosure or use by his/her employees and associated or private information or confidences regarding or in the possession of a client or employer, current or former.

Author: Thornton Neathery

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364-X-14-.05 Practice.

The professional geologists shall solicit or accept work only on the basis of his/her qualifications, and shall endeavor to build his/her practice and professional reputation on the merit of his/her services as follows:

(1) The professional geologist shall not offer to pay, either directly or indirectly, any compensation, political contribution, or gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.

(2) The professional geologists shall compete for professional employment on the basis of qualifications and competence for proper accomplishment of the work. He/she shall not solicit or submit proposals for professional services containing false, fraudulent, misleading, deceptive, or unfair statements or claims regarding the cost, quality, or extent of his/her services to be rendered.

(3) The professional geologist shall not falsify or permit misrepresentation of his/her or his/her associate's academic or professional qualifications. He/she shall not misrepresent

or exaggerate his/her degree or responsibility in or for the subject matter or prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employee, associates, joint ventures, or his/her or their past accomplishments with the intent and purpose of enhancing his/her qualifications and his/her work. Prohibitions listed above include but are not limited to:

(a) the use of statements containing a material misrepresentation of fact or omitting a material fact necessary to keep the statement from being misleading;

(b) statements intended or likely to create an unjustified expectation;

(c) statements containing prediction of future success;
or

(d) statements containing an opinion as to the quality of services.

(4) Consistent with Rule 364-X-14-.05(c) above, the Licensed Professional Geologist may advertise for recruitment of personnel and may prepare articles for lay or technical press; such articles shall not imply credit to the author for work performed by others.

(5) The professional geologist shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another professional geologist, nor shall he/she indiscriminately criticize another's geologic work public. If he/she believes that another geologist is guilty of misconduct, misrepresentation, or illegal practice, he/she shall present such information to the proper authority for action.

Author: Thornton Neathery

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364-X-14-.06 Ethics.

A professional geologist shall contribute to the maintenance, integrity, independence and competency of the geologic profession as follows:

(1) The professional geologist shall not:

(a) violate any provision of the Alabama Law regulating the practice of geology or the Administrative Code of the Alabama Board of Licensure for Professional Geologists;

(b) participate, directly or indirectly, in any plan, scheme or arrangement attempting or having as its purpose the evasion of any provision of the Alabama Law regulating the practice of geology in Alabama;

(c) fail to exercise reasonable care or diligence to prevent his/her partners, associates, and employees from engaging in conduct which if done by him/her, would violate any provision of the Alabama Law regulating the practice of geology;

(d) engage in any illegal conduct involving moral turpitude; or

(e) engage in any conduct that discredits or tends to discredit the profession of geology;

(f) permit or allow himself/herself, his professional identification, seal, firm, or business name, or his/her services to be used or made use of, directly or indirectly, or in any manner whatsoever, so as to make possible or create the opportunity for unauthorized practice of geology by any person, firm or corporation in Alabama;

(g) perform any acts, allow omissions or make any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever tend to create a misleading impression;

(h) knowingly associate with or permit the use of his/her name or firm name in a business venture by any person or firm which he/she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent, deceitful, or dishonest nature;

(i) knowingly associate with or permit the use of his name, professional identification, seal, firm or business name in connection with any venture or enterprise which he/she knows, or has reason to believe, is engaging in trade, business or professional practice of a fraudulent, deceitful or dishonest nature;

(j) injure or attempt to injure or damage the professional reputation of another by any means whatsoever; provided and except, however, that this shall not relieve a professional geologist of the obligation to expose unethical or illegal conduct to the proper authorities or preclude a frank but private appraisal of

geologists or other persons or firms considered for employment;

(k) aid and abet, directly or indirectly, any unlicensed person in connection with the unauthorized practice of geology; or any firm or corporation in the practice of geology unless carried on in accordance with the provisions of Section 34-41-1 of the Code of Ala. 1975, regulating the practice of geology;

(l) place his/her seal and/or signature and license number on a document constituting a certification that the document was prepared by the licensee, unless that document was prepared by a licensed geologist or under his/her direct supervision or unless the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for the work or report prepared or done by another licensed geologist; and

(m) review the certified work of another geologist, except with the knowledge or consent of such geologist, unless the connection of the geologist with such work has been terminated.

(2) The professional geologist shall be personally and professionally responsible and accountable for the care, custody, control and use of his/her professional geologist seal, his/her professional signature and identification. The professional geologist whose seal has been lost, misplaced or stolen shall, upon discovery of its loss, report same immediately to the Board. The Board may invalidate the stolen registration number of said seal, if it deems this necessary, and issue another registration number to said geologist. The cost of replacement shall be borne by the professional geologist.

(3) When in public service as a member or employee of any governmental body, agency or department, or institution, the professional geologist shall not participate, directly or indirectly, use or make use of property, facility or service of such governmental body, agency or department, or institution for the benefit of any private business or activity in which such professional geologist also may be engaged, unless prior, proper authorization is obtained in writing. Such written authorization must be made available to the Board upon request.

(4) The professional geologist shall not, directly or indirectly, use or make use of any property/facility or service of his/her client or employer for the benefit of said geologist, unless prior and proper approval is obtained in writing.

(5) The professional geologist shall not practice or offer to practice geology in any governmental jurisdiction in which to do so would be in violation of the laws regulating the practice of professional geology in that jurisdiction.

Author: Thornton Neathery

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364-X-14-.07 Responsibility Of Conduct.

A company, corporation, partnership, firm, or professional association shall be held responsible for the conduct and acts of its agents, employees, officers, partners, or owners, licensed or non-licensed.

Author: Thornton Neathery

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364-X-14-.08 Convictions.

The revocation, suspension, or denial of a license to practice geology in another jurisdiction, for reasons or causes which the Board finds would constitute a violation of the Alabama Law regulating the practice of Geology or any rule, regulation or code promulgated by the Board shall be sufficient cause for the denial, suspension or revocation of a license to practice geology in the State of Alabama.

Author: Thornton Neathery

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