

**ALABAMA BOARD OF REGISTRATION FOR FORESTERS
ADMINISTRATIVE CODE**

**CHAPTER 380-X-5
VIOLATIONS**

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380-X-5-.01	<u>Procedure For Handling Alleged Violations Regarding The Practice Of Forestry Without A License.</u>

The State Board of Registration (SBRF) for Foresters shall use the following procedures to handle complaints regarding the practice of forestry without a license.

(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-.01c) and transmittal letter (380-X-5-.01b). Complainant must submit a properly completed 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 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 unlicensed party (UP) to "cease and desist" the alleged activity citing the pertinent sections of Chapter 12 of the Code and requiring a response within ten days of receipt affirming compliance with the law or explaining UP's position regarding the complaint. Upon receipt of an affirming response, the case will be reviewed by SBRF and provided no

additional investigation is required, the case will be closed and all parties notified of satisfactory resolution.

(5) Should UP's response be inadequate or negative SBRF may designate legal counsel (AGO) to further investigate and prefer charges accordingly in the appropriate County. Section 34-12-12(a). The results of said prosecution will be reviewed by AGO for SBRF and all parties notified in writing. Any fines collected as a result of conviction(s) shall be placed in the "professional foresters fund" by OM.

Author: H. Phillip Sasnett

Statutory Authority: Code of Ala. 1975, §§34-12-12, 34-12-35.

History: Filed October 1, 1982. **Repealed and Replaced:** Filed February 2, 1998; effective March 9, 1998. **Amended:** Filed November 6, 2013; effective December 11, 2013.

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 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 \$2,000 per violation (Section 34-12-9). 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

Statutory Authority: Code of Ala. 1975, §§34-12-9, 34-12-35.

History: New Rule: Filed February 2, 1998; effective March 9, 1998. **Amended:** Filed August 2, 2013; effective September 6, 2013.