

## CHAPTER 20 – BOARD OF REGISTRATION FOR FORESTERS

### SECTION .0100 - PURPOSE

#### 21 NCAC 20 .0101 PURPOSE OF PROGRAM

The rules in this Chapter shall govern the registration program for foresters.

*History Note:* Authority G.S. 89B-6;  
Eff. February 1, 1976;  
Temporary Amendment Eff. March 1, 1999;  
Amended Eff. August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

#### 21 NCAC 20 .0102 CONTACTING THE BOARD

All communications with the Board shall be through the secretary of the Board at the following address:  
Secretary of the State Board of Registration for Foresters  
P. O. Box 27393  
Raleigh, North Carolina 27611.

*History Note:* Authority G.S. 89B-6;  
Eff. February 1, 1976;  
Amended Eff. February 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

#### 21 NCAC 20 .0103 QUALIFICATIONS FOR REGISTRATION

- (a) An application may be obtained from the Board's website at [www.ncbrf.org](http://www.ncbrf.org).
- (b) An applicant shall submit an application to the Board that shall include:
  - (1) Official college transcripts, if applicable;
  - (2) Five references as required in Rule .0105 of this Section;
  - (3) Proof of professional work experience in forestry; and
  - (4) Payment of the application fee as set out in Rule .0106 of this Section.
- (c) For purposes of G.S. 89B-9(a)(1), a forestry curriculum is a curriculum that satisfies the education requirements used by the Society of American Foresters (SAF) to become a Certified Forester. The education requirements of the SAF are hereby incorporated by reference, including subsequent amendments and editions, and may be accessed at no cost at [www.safnet.org](http://www.safnet.org).
- (d) An applicant who holds a forestry or related natural resources degree from a program that is not SAF-accredited shall submit their transcript to SAF for review prior to applying to the Board. SAF shall determine if the applicant's education meets the SAF education requirements to be qualified to take the SAF Certified Forester exam. If SAF determines that the applicant's education meets the requirements to be qualified to take the SAF Certified Forester exam, SAF will issue a letter stating this determination. The applicant shall submit this letter as part of his or her application to the Board. An applicant whose education satisfies the education requirements to be qualified to take the SAF Certified Forester exam shall be deemed to have met the education requirements to take the North Carolina Registered Forester exam.
- (e) Forester-in-training certificates issued pursuant to G.S. 89B-9(b1) shall be valid for four years.

*History Note:* Authority G.S. 89B-6; 89B-9;  
Eff. February 1, 1976;  
Amended Eff. May 1, 1989; February 1, 1985;  
Temporary Amendment Eff. March 1, 1999;  
Amended Eff. August 1, 2010; August 1, 2000;  
Readopted Eff. December 1, 2018.

#### 21 NCAC 20 .0104 EXAMINATIONS

- (a) Applicants meeting the requirements of G.S. 89B-9(a)(1) shall take the Level 2 examination that focuses on the practice of forestry in North Carolina.
- (b) Applicants not meeting the education requirements of G.S. 89B-9(a)(1) shall take the Level 1 examination that tests the applicants' knowledge of forestry approximating that obtained through graduation from a four-year curriculum in forestry and focuses on the practice of forestry in North Carolina.
- (c) The Board shall offer both the Level 1 and Level 2 examination twice annually.
- (d) The Board shall notify applicants of the date, location, and time that the exam is scheduled, not less than 60 days before each scheduled examination. . Applicants must notify the Board at least 30 days prior to the exam date of his or her intent to take the exam.
- (e) The passing grade for registration shall be 70 percent on any exam. The determination by the Board as to the score on each exam shall be final.
- (f) There is no limit to the number of times that an applicant may attempt the exam. Re-examination fees shall be forty dollars (\$40.00) per examination.

*History Note:* Authority G.S. 89B-6; 89B-9; 89B-12;  
Eff. February 1, 1976;  
Amended Eff. May 1, 1989; February 1, 1985;  
Temporary Amendment Eff. March 1, 1999;  
Amended Eff. August 1, 2010; August 1, 2000;  
Readopted Eff. December 1, 2018.

#### **21 NCAC 20 .0105 REFERENCES**

- (a) Five references are required to satisfy the Board of an applicant's professional experience and moral character. Three or more shall be practicing, registered foresters in North Carolina. No more than one of the practicing forester references shall be an employee of the same firm or agency as the applicant. No member of the Board shall act as a reference for any applicant for registration.
- (b) If a majority of the references do not recommend approval, the Board shall reject the applicant.
- (c) If two of the references do not recommend approval, the Board shall request more detailed input from all references to use in evaluating the applicant.

*History Note:* Authority G.S. 89B-6; 89B-9;  
Eff. February 1, 1976;  
Amended Eff. May 1, 1989; February 1, 1985;  
Temporary Amendment Eff. March 1, 1999;  
Amended Eff. August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

#### **21 NCAC 20 .0106 REGISTRATION FEES**

Fees sent to the Board for any segment of the registration process shall be payable to the Secretary, Board of Registration for Foresters. The application fee for registration is fifty dollars (\$50.00), which shall be submitted by the applicant at the time of application. An approved applicant shall submit an additional fee of forty dollars (\$40.00) to receive a certificate of registration. Annual renewal fee is forty dollars (\$40.00). The Board shall waive renewal fees for Registered Foresters for hardship circumstances, such as military deployment, extended illness, or other similar circumstances, upon written petition by the Registered Forester or Registered Forester's agent for this exemption.

*History Note:* Authority G.S. 89B-6; 89B-10; 89B-11; 93B-15(b);  
Eff. February 1, 1976;  
Amended Eff. February 1, 1990; May 1, 1985;  
Temporary Amendment Eff. March 1, 1999;  
Amended Eff. August 1, 2010; January 1, 2005; August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

#### **21 NCAC 20 .0107 INCOMPLETE APPLICATIONS**

Any application for registration which is not complete within 12 months of the date of application shall be declared null and void and the application fee retained.

*History Note:* Authority G.S. 89B-6;  
Eff. February 1, 1976;  
Amended Eff. May 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

#### **21 NCAC 20 .0108 DELINQUENT FEES**

The Board shall notify by mail or email all foresters registered by the Board for the previous year when they become 30 days in arrears in payment of renewal fees for the ensuing year. The notifications shall remind the delinquents of the required penalty fees.

*History Note:* Authority G.S. 89B-6;  
Eff. February 1, 1976;  
Amended Eff. August 1, 2010;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

#### **21 NCAC 20 .0109 REGISTRATION CARD**

#### **21 NCAC 20 .0110 REGISTRATION SEAL**

*History Note:* Authority G.S. 89B-6;  
Eff. February 1, 1976;  
Amended Eff. August 1, 2010; May 1, 1989; February 1, 1985;  
Pursuant to G.S. 150B-21.3A, rules Expired January 1, 2015.

#### **21 NCAC 20 .0111 REGISTRATION CERTIFICATE**

- (a) Registrations issued to successful applicants will be given consecutive individual numbers. Once issued to a registrant, a number will not be assigned again.
- (b) A revoked, expired or invalid registration shall not be displayed in any public office or place of business by any registrant in connection with the practice of forestry.
- (c) Any violation of this Rule may be cause for the Board to require the custodian of said registration to surrender it to the Board.

*History Note:* Authority G.S. 89B-6; 89B-13;  
Eff. February 1, 1976;  
Amended Eff. February 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

#### **21 NCAC 20 .0112 REGISTRATION REPLACEMENTS**

*History Note:* Authority G.S. 89B-6; 89B-11;  
Eff. February 1, 1976;  
Pursuant to G.S. 150B-21.3A, rule Expired January 1, 2015.

#### **21 NCAC 20 .0113 REJECTIONS**

A person whose application for registration has been rejected shall be notified of the fact and of the basis for rejection. The applicant will be provided every opportunity to submit additional evidence and references for further consideration by the Board. Requests for reconsideration of the Board's action shall be made in writing to the Board. Failure to comply with a written request of the Board to appear for an interview or to appear for examination shall be considered as proper grounds for rejection of registration.

*History Note:* Authority G.S. 89B-6; 89B-9;

*Eff. February 1, 1976;*  
*Amended Eff. May 1, 1989;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*

## **21 NCAC 20 .0114 RE-REGISTRATION**

Re-registration and renewals, including late renewals, shall be handled by the Board in accordance with G.S. 89B-11.

*History Note: Authority G.S. 89B-6; 89B-10; 89B-11;*  
*Eff. February 1, 1976;*  
*Amended Eff. November 1, 1993; February 1, 1990; May 1, 1989; February 1, 1985;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*

## **21 NCAC 20 .0115 CODE OF ETHICS**

In their signed affidavits, all applicants shall indicate their agreement to adhere to the following Code of Ethics. The code shall be used by the Board to help govern its decisions in adjudicating flagrant misconduct in the practice of forestry under G.S. 89B-13.

### Code of Ethics

- (1) A Registered Forester shall practice forestry consistent with ecologically sound principles and all applicable laws.
- (2) A Registered Forester shall not engage in unlawful acts or business practices.
- (3) A Registered Forester shall present truthful, accurate, and complete information while practicing forestry.
- (4) A Registered Forester shall practice forest management in accordance with landowner objectives and Forestry Best Management Practices as described in the "North Carolina Forestry Best Management Practices Manual to Protect Water Quality" published by the Department of Environment and Natural Resources, or will advise landowners of the consequences of deviating from Forestry Best Management Practices.
- (5) A Registered Forester shall advertise and perform only those services for which the Registered Forester is qualified.
- (6) A Registered Forester shall indicate on whose behalf any public statements are made, and keep proprietary information confidential unless the appropriate person authorizes its disclosure.
- (7) A Registered Forester must avoid conflicts of interest or even the appearance of such conflicts. If, despite such precaution, a conflict of interest is discovered, it must be disclosed to the Registered Forester's employer or client, and the Registered Forester must attempt to resolve the conflict.
- (8) A Registered Forester shall: act in a civil and professional manner; respect the needs, contributions, and viewpoints of others, and; give credit to others for their methods, ideas, or assistance.
- (9) A Registered Forester shall not accept compensation or expenses from more than one employer for the same service, unless the parties involved are informed and consent.
- (10) A Registered Forester having evidence of violation of this code by another Registered Forester shall present the information and charges to the State Board of Registration for Foresters.

*History Note: Authority G.S. 89B-6; 89B-9; 89B-13;*  
*Eff. February 1, 1976;*  
*Amended Eff. May 1, 1989; February 1, 1985;*  
*Temporary Amendment Eff. June 1, 2001;*  
*Amended Eff. September 1, 2010; August 1, 2002;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*

## **21 NCAC 20 .0116 REVOCATION OR SUSPENSION**

(a) The registration of any registered forester may be revoked or suspended by the Board for conduct found to violate the code of ethics adopted under Rule .0115 of this Chapter or G.S. 89B-13.

(b) Before any such Board action, the registrant shall have an opportunity for a full hearing in front of the Board. The hearing shall be held in accordance with procedures found in Article 3A of G.S. 150B.

*History Note:* Authority G.S. 89B-6; 89B-13; 150B-3; 150B-38;  
Eff. February 1, 1976;  
Amended Eff. May 1, 1989; February 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

#### **21 NCAC 20 .0117 RECIPROCITY**

(a) For residents of North Carolina, within one year of establishing residency for voting purposes in North Carolina, individuals who are legally registered or licensed as foresters in another state, shall submit evidence of such registration or licensing to the Board. A statement from the Board of registration or licensing in the state in which they are legally registered or licensed attesting that they are legally registered or licensed to practice forestry in that state, and indicating the final date on which their registration or license remains valid, shall be accepted by the Board as adequate evidence. This provision does not apply unless the state in which the applicant is registered or licensed observes similar rules of reciprocity in regard to persons registered under the provisions of G.S. 89B.

(b) If the Board determines that the reciprocity applicant is qualified to practice as a registered forester in North Carolina, the Board shall issue a letter conveying this approval.

(c) The fee for obtaining such reciprocity is the same as is charged a North Carolina resident seeking to obtain registration in the state of North Carolina. (See Rule .0106 of this Section.)

*History Note:* Authority G.S. 89B-6; 89B-9;  
Eff. February 1, 1976;  
Amended Eff. May 1, 1989; February 1, 1985;  
Temporary Amendment Eff. March 1, 1999;  
Amended Eff. August 1, 2010; August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

#### **21 NCAC 20 .0118 REGISTERED FORESTERS**

(a) Persons registered as foresters under G.S. 89B are encouraged to insert the abbreviation R.F. (meaning registered forester) after their signatures.

(b) The authorized forms are:

- (1) for signatures only:  
(Name) R.F.  
official title
- (2) for certifications only:  
(Name) R.F.  
title or designation  
N. C. Registration No.

*History Note:* Authority G.S. 89B-6;  
Eff. February 1, 1976;  
Amended Eff. May 1, 1989; February 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

#### **21 NCAC 20 .0119 AMENDMENTS**

*History Note:* Authority G.S. 89B-6; 150A-5;  
Eff. February 1, 1976;  
Amended Eff. February 1, 1985;  
Repealed Eff. May 1, 1989.

#### **21 NCAC 20 .0120 CERTIFICATION OF CONSULTING FORESTERS**

Each registered forester who practices as a consulting forester shall file an affidavit with the Board each year by June 30, utilizing the proper form supplied by the Board.

*History Note:* Authority G.S. 89B-2; 89B-6;  
Eff. November 1, 1993;  
Temporary Amendment Eff. March 1, 1999;  
Amended Eff. August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

#### **21 NCAC 20 .0121 REJECTION OF CONSULTANT AFFIDAVIT**

Any applicant whose application to be certified as a consulting forester is rejected by the Board shall be notified of the rejection and the basis for it. The applicant may request reconsideration by the Board and submit additional information. Requests for reconsideration of the Board's decision must be made in writing to the Board. The reconsidered decision shall be the Board's final agency decision.

*History Note:* Authority G.S. 89B-2; 89B-6;  
Eff. November 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

#### **21 NCAC 20 .0122 HANDLING OF COMPLAINTS**

(a) The Board, upon receipt of a notarized letter identifying specific complaints of gross negligence, fraud, deceit or flagrant misconduct in the practice of forestry or incompetence by a registered forester, shall follow-up by written correspondence to the accused requesting a response to the accusation. The Board may request the complainant, the accused registrant, or both to personally appear before the Board.

(b) Following a review of the facts and verification of the violation, the Board may choose appropriate action, which may include revocation or suspension of the registered forester status of the individual as outlined in Rule .0106 of this Section.

*History Note:* Authority G.S. 89B-2; 89B-6; 89B-13; 89B-15; 150B-3; 150B-38;  
Eff. November 1, 1993;  
Temporary Amendment Eff. March 1, 1999;  
Amended Eff. August 1, 2010; August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

#### **21 NCAC 20 .0123 CONTINUING EDUCATION**

(a) All registered foresters shall attend continuing education courses annually to maintain their registration. Ten CFE (Continuing Forestry Education) credits approved by the Society of American Foresters are required each year, except as outlined in this Rule. CFE's must be SAF category 1, 2, or 3, with at least six being from category 1.

(b) Registered foresters shall verify CFE compliance to the Board with each annual renewal.

(c) Those registered foresters who provide information to the Board that verifies that they are retired from a career in forestry may qualify to continue their registration by earning a minimum of three category 1, 2, or 3 CFE's annually.

(d) The Board shall approve hardship cases, such as military deployment, extended illness or other circumstances that prevent the Registered Forester from obtaining the required CFE's upon request.

*History Note:* Authority G.S. 89B-6; 89B-11;  
Temporary Adoption Eff. March 1, 1999;  
Eff. August 1, 2000;  
Amended Eff. August 1, 2010;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.

#### **21 NCAC 20 .0124 COMPLIANCE WITH ANNUAL REPORTS REQUIREMENTS**

In the event the board's authority to expend funds is suspended pursuant to G.S. 93B-2, the board shall continue to issue and re-new licenses and all fees tendered shall be placed in the escrow account maintained by the board for this purpose.

*History Note: Authority G.S. 93B-2;  
Eff. August 1, 2010;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*

#### **21 NCAC 20 .0125 PETITION FOR RULE-MAKING**

(a) Any person may petition the State Board of Registration for Foresters (NCBRF) to adopt a new rule, or amend or repeal an existing rule by submitting a rule-making petition to NCBRF. The petition must be titled "Petition for Rulemaking" and must include the following information:

- (1) the name and address of the person submitting the petition;
- (2) a citation to any rule for which an amendment or repeal is requested;
- (3) a draft of any proposed rule or amended rule;
- (4) an explanation of why the new rule or amendment or repeal of an existing rule is requested and the effect of the new rule, amendment, or repeal on the procedures of NCBRF; and
- (5) any other information the person submitting the petition considers relevant.

(b) In making the decision to grant or deny the petition, the Board shall consider the information submitted with the petition and any other relevant information.

*History Note: Authority G.S. 150B-20;  
Eff. September 1, 2010;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*

#### **21 NCAC 20 .0126 DECLARATORY RULINGS: AVAILABILITY**

Declaratory rulings pursuant to G.S. 150B-4 shall be issued by the State Board of Registration for Foresters (NCBRF) upon request only on the validity of a rule of the State NCBRF or on the applicability of a rule or order of the NCBRF to stipulated facts. A declaratory ruling will not be issued on a matter requiring an evidentiary proceeding.

*History Note: Authority G.S. 150B-4;  
Eff. August 1, 2010;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*