

Title 17. Professions, Occupations, and Businesses

Chapter V. Arkansas Forestry Commission, Department of Agriculture

Subchapter A. Generally

Part 20. Rules of the Arkansas State Board of Registration for Foresters

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Abolition of Arkansas State Board of Registration for Foresters.

(a) The Arkansas State Board of Registration for Foresters is abolished, and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Arkansas Forestry Commission.

(b) The Arkansas State Board of Registration for Foresters' statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Arkansas Forestry Commission.

(c)(1) The abolishment of the Arkansas State Board of Registration for Foresters does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Arkansas State Board of Registration for Foresters before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Arkansas State Board of Registration for Foresters shall continue to be in effect until they are amended or repealed under authority given by law.

(d) All funds and unexpended balances of appropriations transferred under this section shall continue to be used for the purposes for which they were designated. "

"D. Effective Date: These Rules are effective January 1, 2020 or, pursuant to A.C.A. § 25-15-204(e), 30 days after filing, whichever is later.

E. Authority: The Arkansas General Assembly established the Board and prescribed its organization, duties, and powers. A.C.A. § 17-31-101 et seq."

Subpart 1. Generally

17 CAR § 20-101. Intent.

These rules:

(1) Supplement the Arkansas State Board of Registration for Foresters' enabling legislation, State Board of Registration for Foresters Act, Arkansas Code § 17-31-101 et seq.; and

(2) Govern the conduct of the business of the board and shall be interpreted to establish orderly, equitable, and efficient procedures.

Authority. Arkansas Code § 17-31-204.

17 CAR § 20-102. Definitions.

As used in this part:

(1) "Board" means the Arkansas State Board of Registration for Foresters; and

(2) "Returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

Authority. Arkansas Code § 17-31-204.

17 CAR § 20-103. Compliance.

The Arkansas State Board of Registration for Foresters shall comply with the:

(1) Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.; and

(2) Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

Authority. Arkansas Code § 17-31-204.

17 CAR § 20-104. Membership and structure.

(a) Members and terms.

(1) Arkansas Code § 17-31-201(b) provides that the Arkansas State Board of Registration for Foresters shall have six (6) members appointed by the Governor.

(2) Members serve five-year terms.

(b) Officers.

(1) Arkansas Code § 17-31-203(a) provides that the board shall elect annually from its membership a:

(A) Chair;

(B) Vice chair; and

(C) Secretary.

(2) The board will elect officers during the final business meeting of the fiscal year.

(3) The terms for officers begin July 1.

(c) Chair.

(1) The chair shall call board meetings.

(2) The chair shall determine the schedule and agenda for board meetings, except the chair shall place items on the agenda at the request of three (3) or more members.

(3) The chair shall preside at board meetings.

(4) The chair may establish committees and appoint members.

(5) The chair shall authenticate by the chair's signature all the approved acts, orders, and minutes of the board.

(6) The chair may represent the board.

(d) Vice chair.

(1) The vice chair shall become the acting chair and temporarily shall assume the powers and duties of the chair in the event of the absence or disability of the chair.

(2) The acting chair shall revert to the vice chair and the chair shall resume the powers and duties of the office when the chair is able.

(e) **Secretary.**

(1) The secretary will record meeting minutes.

(2) The secretary will ensure all public meetings are recorded via audio recording or video recording.

(3) Recordings of the meetings will be stored for one (1) year after the meeting's date at the board's office according to Arkansas Code § 25-19-106.

Authority. Arkansas Code § 17-31-204.

17 CAR § 20-105. Committees — General.

(a) Committees shall:

(1) Review issues; and

(2) Recommend action to be taken by the Arkansas State Board of Registration for Foresters.

(b) A committee shall meet as needed and as called by the committee chair.

(c) The committee chair shall:

(1) Determine the agendas for committee meetings;

(2) Preside at committee meetings; and

(3) Report committee recommendations to the board.

(d) The committee chair shall authenticate by the chair's signature all the approved acts, orders, and minutes of the committee.

Authority. Arkansas Code § 17-31-204.

17 CAR § 20-106. Meetings of the board.

(a) **Quorum.** Arkansas Code § 17-31-203 provides that a quorum shall consist of not fewer than three (3) members, and no action shall be official without at least three (3) votes in accord.

(b) **Regular meetings.** Arkansas Code § 17-31-203(c) provides that the Arkansas State Board of Registration for Foresters shall conduct at least two (2) regular meetings each year.

(c) **Procedures.** In presiding at meetings, the chair shall employ reasonable and efficient procedures.

(d) **Voting.**

(1) Except for the chair, each member shall be entitled to one (1) vote on each matter coming before the board.

(2) The chair may vote whenever the chair's vote will affect the result.

Authority. Arkansas Code § 17-31-204.

17 CAR § 20-107. Public information.

(a) The Arkansas State Board of Registration for Foresters' Executive Director is:

- (1) Responsible for the day-to-day affairs of the board; and
- (2) Is the custodian of the board's records.

(b) The board's office is at 1 Natural Resources Drive, Little Rock, AR 72205.

(c) Please call the Executive Director at 501-225-1598 or visit the board's website at <https://www.agriculture.arkansas.gov/> for:

- (1) Information;
- (2) Schedules; and
- (3) Forms.

Authority. Arkansas Code § 17-31-204.

17 CAR § 20-108. Registration.

(a) **Requirement.** A person must be a registered forester to lawfully practice forestry in Arkansas, Arkansas Code §§ 17-31-101 and 17-31-301.

(b) **Becoming registered.**

(1) Review Arkansas Code § 17-31-302 to determine if you meet the statutory requirements for education and/or experience.

(2) Obtain an application form from the Arkansas State Board of Registration for Foresters.

(3) Submit to the board a:

(A) Completed application; and

(B) Forty-dollar nonrefundable application fee.

(4) Submit an official college transcript, showing the qualifying degree posted, to the board office.

(5)(A) Each applicant is required to have each of his or her five (5) references submit a reference form to the board's office.

(B) At least three (3) of the five (5) references must be registered foresters.

(C) Current board members or relatives of the applicant may not be used as references.

(6) Reciprocal registration:

(A) Reciprocity is governed by Arkansas Code § 17-31-308; and

(B) The Registered Foresters exam is not required for individuals seeking reciprocal registration.

(7) Reciprocal registration for military members and their spouses:

(A) Reciprocity is governed by Arkansas Code § 17-1-106;

(B) The Registered Foresters exam is not required for individuals seeking reciprocal registration; and

(C)(i) The board shall grant automatic licensure to an individual who holds a substantially equivalent license in another United States jurisdiction and is:

(a) An active duty military service member stationed in the State of Arkansas;

(b) A returning military veteran applying for licensure within one (1) year of his or her discharge from active duty; or

(c) The spouse of a person under subdivisions (b)(7)(C)(i)(a) or (b)(7)(C)(i)(b) of this section.

(ii) The board shall grant automatic licensure upon receipt of all the below:

(a) Completed application;

(b) Payment of application and registration fees;

(c) Official college transcript;

(d) Completed reference forms (see subdivision (b)(5) of this section);

(e) Evidence that the individual holds a substantially equivalent license in good standing in another state; and

(f) Evidence that the applicant is qualified under this subdivision (b)(7).

(8)(A) Sign-up for the Registered Foresters exam and pass the exam.

(B) Subsequent exam fees will be thirty dollars (\$30.00).

(9) Pay the thirty-dollar registration fee.

(c) Maintaining registration.

(1) Registered foresters must pay an annual renewal fee of thirty dollars (\$30.00).

(2) Registered foresters must:

(A) Annually participate in continuing forestry education; and

(B) Certify to the board completion of at least the minimum requirement.

(3) Expired licenses may be reinstated after the individual has paid the penalty and renewal fee as well as completed the last calendar year's required continuing education hours.

Authority. Arkansas Code §§ 17-31-204, 17-31-303, 17-31-307.

17 CAR § 20-109. Prelicensure criminal background check.

(a) Pursuant to Acts 2019, No. 990, an individual may petition for a prelicensure determination of whether:

(1) The individual's criminal record will disqualify the individual from licensure;
and

(2) A waiver may be obtained.

(b) The individual must obtain the prelicensure criminal background check petition form from the Arkansas State Board of Registration for Foresters.

(c) The board will respond with a decision in writing to a completed petition within a reasonable time.

(d) The board's response will state the reason or reasons for the decision.

(e) All decisions of the board in response to the petition will be determined by the information provided by the individual.

(f) Any decision made by the board in response to a prelicensure criminal background check petition is not subject to appeal.

(g) The board will retain a copy of the petition and response and it will be reviewed during the formal application process.

Authority. Arkansas Code § 17-31-204.

17 CAR § 20-110. Waiver request.

(a) If an individual has been convicted of an offense listed in Arkansas Code § 17-3-102(a), except those permanently disqualifying offenses found in Arkansas Code § 17-3-102(e), the Arkansas State Board of Registration for Foresters may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:

(1) An affected applicant for a license; or

(2) An individual holding a license subject to revocation.

(b) The board may grant a waiver upon consideration of the following, without limitation:

(1) The age at which the offense was committed;

- (2) The circumstances surrounding the offense;
- (3) The length of time since the offense was committed;
- (4) Subsequent work history since the offense was committed;
- (5) Employment references since the offense was committed;
- (6) Character references since the offense was committed;
- (7) Relevance of the offense to the occupational license; and
- (8) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

(c) A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.

(d) The board will:

- (1) Respond with a decision in writing; and
- (2) State reasons for the decision.

(e) An appeal of a determination under this section will be subject to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

Authority. Arkansas Code § 17-31-204.

17 CAR § 20-111. Continuing education.

(a)(1) Except as set out in subsection (d) of this section, every registered forester shall complete eight (8) hours of approved continuing forestry education during each calendar year.

(2) Of those eight (8) hours, at least one (1) hour shall be in ethics that has bearing or relationship to forestry.

(b) A registered forester may carry over to the next calendar year up to two (2) hours of continuing forestry education.

(c) The continuing education requirement must be met through courses that have been approved by the:

- (1) Society of American Foresters; or
- (2) Arkansas State Board of Registration for Foresters.

(d) Waiver of continuing education requirement.

(1) For the causes set out in Arkansas Code § 17-31-307(d), the Executive Director may waive the continuing education requirement.

(2) The Executive Director's waiver must be ratified by the board.

Authority. Arkansas Code § 17-31-204.

17 CAR § 20-112. Complaints.

(a) Filing a complaint.

(1) Any person, including members of the Arkansas State Board of Registration for Foresters and the Executive Director, may file a complaint against an individual found in violation of Arkansas Code § 17-31-101 et seq.

(2) Complaints must be made in writing on forms authorized by the board.

(3) All complaints must be notarized and filed with the Executive Director.

(4) The Executive Director will review each complaint for jurisdiction.

(5) Only those complaints within the board's jurisdiction shall proceed through the complaint process.

(b) Complaint Committee.

(1)(A) The chair shall select two (2) members of the board to serve on the Complaint Committee.

(B) Terms shall be for the duration of the member's appointment.

(2) The Executive Director is a nonvoting member of the committee.

(3) The committee shall assist the Executive Director, when needed, to establish jurisdiction.

(4)(A) The committee shall review all complaint letters within the board's jurisdiction and corresponding respondent letters.

(B) The committee shall make additional inquiries, contact outside sources, etc., as needed to investigate the complaint.

(5) The committee shall make recommendations to the board regarding complaint dismissal or specific charges to bring against the respondent.

(6) Should an offer of settlement be made, the committee shall:

(A) Review the offer; and

(B) Make a recommendation to the board as to acceptance or denial.

(c) Respondents.

(1) Respondents are those individuals who have a complaint brought against them.

(2)(A) Respondents shall be sent a certified letter stating that a complaint (within the board's jurisdiction) has been filed against them.

(B) The letter shall contain a copy of the complaint filed and a respondent form.

(C) Respondents have two (2) weeks from receipt of the letter to complete and return the respondent form.

(d) Hearings.

(1) If the board finds a complaint has probable cause, a notice shall be sent to the respondent stating the following:

(A) Time, place, and nature of the hearing;

(B) Board's legal authority and jurisdiction under which the hearing is held;

(C) Statement of facts and law asserted;

(D) Possible actions/penalties to be assessed against respondent if allegations are proven; and

(E) If requested, the board shall provide all documents as required by Arkansas Code § 25-15-208.

(2) Hearings will be made in accordance with Arkansas Code § 25-15-208.

(3) A final decision including statement of fact and conclusions of law shall be mailed to the respondent upon conclusion of the hearing.

(4)(A) Hearing transcriptions will only be made should the board's decision be appealed for judicial review.

(B) Individuals requesting a transcription from a hearing that has not been appealed must reimburse the agency all costs associated with the transcription.

Authority. Arkansas Code § 17-31-204.