

APA-1
07/04

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency Board of Registration for Foresters
Rule No. 380-X-5-.01
Rule Title: Procedure For Handling Alleged Violations Regarding The Practice of Forestry Without A License.

_____ New Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? N/A

Is there another, less restrictive method of regulation available that could adequately protect the public? N/A

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Ruth C. Seawell
Date 8/2/13

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07/04

ALABAMA STATE BOARD OF REGISTRATION FOR FORESTERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Registration for Foresters

RULE NO. & TITLE: 380-X-5-.01, Procedure for Handling Alleged Violations Regarding the Practice of Forestry Without a License.

INTENDED ACTION: To amend rule.

SUBSTANCE OF PROPOSED ACTION:

To bring the administrative rule into compliance with the board's records retention schedule.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, views, or arguments concerning the proposed amendment to the Board in writing through the close of business on October 4, 2013 to Alexis London, Executive Assistant, Alabama State Board of Registration for Foresters, 513 Madison Avenue, Montgomery, AL 36130; Phone 334-240-9301; Fax 334-240-9387; Email Alexis.London@asbrf.alabama.gov

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: October 4, 2013

CONTACT PERSON AT AGENCY: Alexis London, Executive Assistant, Alabama State Board of Registration for Foresters, 513 Madison Avenue, Montgomery, AL 36130; Phone 334-240-9301; Fax 334-240-9387; Email Alexis.London@asbrf.alabama.gov


Ruth C. Seawell, Chair

380-X-5-.01 Procedure For Handling Alleged Violations Regarding The Practice Of Forestry Without A License. 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 ~~permanent~~ 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.