

**MISSISSIPPI BOARD OF REGISTRATION FOR FORESTERS**

**Rules and Regulations of Procedure**

**(As of June 19, 2023)**

**Title 30: Professions and Occupations**

**Part 1001: Rules and Regulations of the Mississippi Board of Registration for Foresters**

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**FOREWORD**

These Rules and Regulations shall be binding upon every person holding a Registered Foresters license and on all persons, firms, partnerships or corporations, or other legal entities that practice forestry in the State of Mississippi. Each licensee is charged with having knowledge of the existence of the Rules and Regulations and the Code of Ethics and shall be deemed to be familiar with its several provisions and to understand them. No person may practice forestry in the State of Mississippi without first being registered or licensed to do so. Any person who offers to practice forestry in the State without first being registered and licensed to do so must cease and desist immediately until such time that that person meets the requirements of the Laws of Mississippi, these Rules and Regulations and the Code of Ethics. A Registered Forester will not be allowed to Sponsor an unlicensed individual to practice forestry in the State of Mississippi. It is the understanding and position of the Board of Registration for Foresters, based upon the Law, these Rules and Regulations, and the Code of Ethics, that no individual offers to perform work or offers services free of charge and/or without compensation whether direct or indirect, and therefore offering services without compensation is not a legitimate exemption for the practice of forestry by an unlicensed or a licensed individual.

## Chapter 1: Organization, purpose, and operation of the Board

**Rule 1.1. Composition of the Board.** The Mississippi State Board of Registration for Foresters (hereinafter “the Board”) is an agency of the State of Mississippi, composed of seven (7) members appointed by the Governor with the advice and consent of the Mississippi Senate. Serving five (5) year terms, each registered forester, as defined by *Miss. Code Ann. § 73-36-11* and having a minimum of three (3) years’ experience in such field, is appointed to the Board from each of the six (6) forestry commission districts, while one registered forester, having a minimum of three (3) years’ experience, is appointed as an at-large member of the Board. The State Forester serves as an *ex officio* member.

The Board was created to benefit and protect the public and the forest resources of the State by regulating the practice of forestry and, unless otherwise exempted by *Miss. Code Ann. §§ 76-36-5* and *73-36-7*, requiring persons practicing or offering to practice forestry be lawfully registered to do so.

Source: *Miss. Code Ann. §§ 73-36-9 and 73-36-19(1)(a)*

**Rule 1.2. Official Seal.** Pursuant to *Miss. Code Ann. § 73-36-13*, the official seal of the Board is as follows:



Source: *Miss. Code Ann. §§ 73-36-13 and 73-36-19(1)(a)*

**Rule 1.3. Duties of Officers**

The **Chair** shall be the executive officer of the Board. When present, the Chair shall preside at all meetings. He or she shall appoint such committees as the Board may authorize from time to time. The Chair shall sign all certificates, the Annual Report to the Governor, and all other official documents. In the absence of a Secretary or Executive Secretary, the Chair shall sign checks. He or she shall perform all other duties usually pertaining to the office of Chair and as permitted by Law.

The **Vice-Chair**, in the absence of the Chair, shall perform the duties delegated to the Chair except only the Chair shall sign certificates, checks and the Annual Report to the Governor.

The **Secretary** shall record the minutes of each board meeting and conduct correspondence in the name of the Board except that performed by the Chair or delegated to the Executive Secretary. The Secretary shall perform those other duties as prescribed by statute.

Source: *Miss. Code Ann. § 73-36-19(1)(a)*

**Rule 1.4. Terms of Office**

Each Board Officer shall serve an annual term running concurrent with the fiscal year.

**Rule 1.5. Executive Secretary**

The Board shall hire an Executive Secretary who shall be responsible for the processing of routine operations and shall accept service of process as the Board’s designated registered agent. The duties of the Executive Secretary shall be as determined by the Board.

As an executive officer, the Executive Secretary shall serve at the pleasure of the Board. In the absence of an Executive Secretary, the Chair and Secretary shall assume the duties of the Executive Secretary.

All correspondence and submissions to the Board, including requests for information, shall be addressed to the Executive Secretary at the Board's office:

Executive Secretary  
Mississippi State Board of Registration for Foresters  
P.O. Box 1884  
Jackson, Mississippi 39215-1884

Source: *Miss. Code Ann. § 73-36-19(1)(a)*

**Rule 1.6. Vacancies**

If a vacancy shall occur in the membership of the Board, the Chair and the Secretary shall prepare a notice to the Governor asking for appointment of a new member to fill the unexpired term. If the vacancy occurs in the office of the Chair, the Vice-Chair and the Secretary shall prepare the notice to the Governor. Such notice shall include recommendations for nominees for the Governor's consideration for appointment to the Board.

If a vacancy occurs in any office, the Board will elect a new officer during any regular meeting of the Board to fill the unexpired portion of the term of office,

Source: *Miss. Code Ann. §§ 73-36-9 and 73-36-19(1)(a)*

**Rule 1.7. Notice of Meeting.** The last item of business on the agenda for each regular Board meeting shall be to schedule the date, time, and place of the next regular Board meeting. Each Member shall be mailed and e-mailed notice of the date, time, and place of the next regular meeting to his/her mailing address and e-mail address on record at least five (5) working days prior to the date of the scheduled meeting by the Executive Secretary. Notice shall be published and posted in accordance with applicable Mississippi law to afford proper public notice.

Source: *Miss. Code Ann. §§ 73-36-15, 73-36-19(1)(a)*

#### **Rule 1.8. Meetings and Attendance**

- A. Board members shall attend all regular and special meetings unless prevented from doing so by reason of court order, subpoena, and such other business with a court, the death of a family member, or illness of the Board member or the member's immediate family. An absence for any other reason constitutes an unexcused absence.
  - 1. "Immediate family" shall mean the spouse, children, parents, siblings, grandchildren, and grandparents, related by blood or marriage.
  - 2. "Family" shall mean the immediate family in addition to nieces, nephews, aunts, uncles, and cousins, related by blood or marriage.
- B. No Board member may be absent from three (3) consecutive meetings or be absent from more than three meetings during a single fiscal year unless the absence is excused for one of the above-stated reasons. In the event a Board member has three consecutive unexcused absences or has unexcused absences for more than three meetings during a fiscal year, the Board may, in its discretion, petition the Governor to remove said member in accordance with Miss. Code Ann. § 73-36-9 and appoint a successor.
- C. Special meetings may be held as needed or as called by any officer or a quorum of the Board.

Source: *Miss. Code Ann. §§ 73-36-15 and 73-36-19(1)(a)*

**Rule 1.9. Order of Business.** The order of business at all regular and special meetings shall be conducted in accordance with the Board's Agenda. No later than five (5) business days prior to the date of the next scheduled meeting, any Board Member may request items and/or issues to be placed upon the Agenda for the Board's review, consideration and/or vote. The Executive Secretary shall prepare a draft Agenda at least two (2) business days prior to any scheduled meeting for review of all Board Members. The final Agenda shall be adopted by formal Board action during each regular and special meeting.

Source: *Miss. Code Ann. § 73-36-19(1)(a)*

**Rule 1.10. Robert's Rules of Order, as revised** shall govern the proceedings of the Board.

Source: *Miss. Code Ann. § 73-36-19(1)(a)*

**Rule 1.11. Open Meetings**

In compliance with the Open Meetings Act, members of the public are welcome to attend all meetings of the Board. The Board has adopted the following rules of conduct for members of the public who attend a meeting of the Board.

- A. Members of the public are requested to register with the Executive Secretary at least ten (10) business days prior to the scheduled meeting they wish to attend. If a member of the public has not registered prior to the meeting, they are requested to register with the Executive Secretary upon entry to the meeting area. Organized groups must have one (1) designated spokesperson.
- B. Upon request and recognition of the Board Chair, an individual or spokesperson may be recognized to address the Board for ten (10) minutes, unless such time is extended by the Chair.
- C. As prescribed by law, members of the public are not allowed to attend meetings of the Board when in Executive Session. All members of the public will be asked to leave the meeting area and allowed to return only when so advised by the Board Chair.
- D. Members of the public are expected to conduct themselves in a calm, courteous and professional manner.
- E. Any member of the public who does not comply with these rules will be dismissed from the meeting.

Source: *Miss. Code Ann. §§ 73-36-19(1)(a) and 25-41-1 et seq.*

**Chapter 2: Public Records Requests**

Excluding records exempted under Mississippi law, the Board responds to public records requests pursuant to the Mississippi Public Records Act of 1983, Miss. Code Ann. § 25-61-1, *et seq.* in accordance with the following procedures:

- A. Requests for public records must be made in writing and submitted to the Mississippi Board of Registration for Foresters by mail to the attention of “Requests for Public Records,” at Post Office Box 1884, Jackson, MS 39215-1884.
- B. A request for a public record should describe in reasonable detail the records sought and, if possible, include a clear and concise description of the record desired including pertinent information such as names, date, etc. that may aid the Board in locating the requested record(s).
  - 1. The Board has no duty to create a record to respond to a public records request.
  - 2. A public records request is one for an identifiable record and is not a request for information.
- C. The Board shall either produce or deny production of the records sought within seven (7) business days after receipt of the request. In no event shall the production of documents responsive to a public records request exceed fourteen (14) business days from the date of receipt of the request.
- D. Pre-payment by the requesting party of cost estimated by the Board to review, search, duplicate and/or copy the requested records shall be required. All fees charged in advance by the Board shall be intended to reimburse the Board, and in no case, shall exceed, the actual cost incurred by the Board to research, review, duplicate, copy and/or mail, if applicable, the records responsive to the request.
- E. If the requested records are exempt or privileged under applicable law, the Board shall deny the request.
  - 1. Applications for licensure, test questions and applicant recommendations in the possession of the Board are exempt from the Public Records Act pursuant to *Miss. Code Ann. § 73-52-1*.
  - 2. If any public record contains both exempt and non-exempt material, the Board shall redact the exempted material and produce the nonexempted material for inspection, examination, copying or reproduction.
  - 3. Records provided to the Board by third parties which contain trade secrets, or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction until notice has been given to the third parties. Unless subject to other exemption(s) or privilege, said

records shall be released no later than twenty-one (21) days from the date the third parties are given notice by the Board unless the third parties have filed in chancery court a petition seeking a protective order on or before the expiration of the twenty-one-day period.

- F. In the event a public records request is denied, the Board shall provide a written explanation to the requestor stating, with specificity, the reason(s) for the denial of the production of the requested records.

Source: *Miss. Code Ann. §§ 25-61-5, 25-61-9, 73-52-1, and 73-13-19(1)(a)*

### **Chapter 3: Declaratory Opinions**

#### **Rule 3.1. Subjects Which May Be Addressed by Declaratory Opinions**

The Board will issue declaratory opinions regarding the applicability of specified facts to a statute administered or enforceable by the Board, a rule promulgated by the Board, or an order issued by the Board. The Board will not issue a declaratory opinion regarding a statute, rule, or order which is beyond the primary jurisdiction of the Board.

“Primary jurisdiction” means:

1. The Board has a constitutional grant of authority in the subject matter,
2. The Board has a statutory grant of authority in the subject matter,
3. The Board has issued specific regulations impacting upon the subject matter, or
4. The Board has issued a specific order or orders impacting upon the subject matter.

Source: *Miss. Code Ann. § 25-43-2.103(2)*

**Rule 3.2. Scope of Declaratory Opinion Request.** A request shall be limited to a single transaction or occurrence.

Source: *Miss. Code Ann. § 25-43-2.103(2)*

**Rule 3.3. Form of the Request for a Declaratory Opinion.** When a person with substantial interest, as required by Section 25-43-2.103 of the Administrative Procedures Act, requests a declaratory opinion, the requestor must submit a printed, typewritten, or legibly handwritten request on standard letter-size white paper (8 ½” x 11”).

- A. The request shall be in the form of a letter addressed to the Board or in the form of a pleading as if filed with a Court.

- B. All requests must be mailed to Post Office Box 1884, Jackson, MS 39215-1844 or hand-delivered to the Board's office. Oral and/or telephone requests for a declaratory opinion will not be accepted.
- C. Each request shall include the full name, telephone numbers, e-mail address(es) and mailing address of the requestor(s).
- D. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case, the attorney may sign the request.
- E. Each request and its correspondence envelope, if any, shall clearly state it is a request for a declaratory opinion.

Source: *Miss. Code Ann. § 25-43-2.103(2)*

**Rule 3.4. Signature Attestation.** Any party who signs the request shall attest that the request complies with the requirements set forth in these rules, including, but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any agency, administrative, or judicial tribunal.

Source: *Miss. Code Ann. § 25-43-2.103(2)*

**Rule 3.5. Request Content Requirement.** Each request shall contain the following:

- A. A clear identification of the statute, rule, or order at issue,
- B. A concise statement of the issue or question presented for the declaratory opinion,
- C. A clear and concise statement of all facts relevant to the question presented,
- D. The identity of all other known persons involved in or impacted by the facts giving rise to the request including their relationship to the facts, and their name, mailing address, e-mail address(es) and telephone number, and
- E. A statement sufficient to show that the requestor has a substantial interest in the subject matter of the request.

Source: *Miss. Code Ann. § 25-43-2.103(2)*

**Rule 3.6. Submission of Proposed Opinion and Memorandum.** The terms of a proposed opinion may be submitted to the Board together with a request for a declaratory opinion. The request likewise may contain an argument by the requestor in support of those terms of the proposed opinion. The



argument may be submitted in the form of a memorandum of authorities, containing a full discussion of the reasons, including legal authorities, in support of such position of the requestor. The Board also may request an argument and memorandum of authorities be submitted by any interested party.

Source: *Miss. Code Ann. § 25-43-2.103(2)*

**Rule 3.7. Reasons for Refusal of Declaratory Opinion Request.** The Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

- A. The matter is outside the primary jurisdiction of the Board,
- B. Lack of clarity concerning the question presented,
- C. There is pending or anticipated litigation, administrative action or anticipated administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary,
- D. The statute, rule, or order on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request,
- E. The facts provided in the request are not sufficient to answer the question presented,
- F. The request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules,
- G. The request seeks to resolve issues which have become moot or are abstract or hypothetical such that the requestor is not substantially affected by the rule, statute, or order on which a declaratory opinion is sought,
- H. No controversy exists or is certain to arise which raises a question concerning the application of the statute, rule, or order,
- I. The question presented by the request concerns the legal or constitutional validity of a statute, rule, or order,
- J. The request is not based upon facts calculated to aid in the planning of future conduct, but is, instead, based on past conduct in an effort to establish the effect of that conduct,
- K. No clear answer is determinable,
- L. The question presented by the request involves the application of a criminal statute or sets forth facts which may constitute a crime,

- M. The answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure,
- N. The question is currently the subject of an Attorney General's opinion request,
- O. The question has been answered by an Attorney General's opinion,
- P. One or more requestors have standing to seek an Attorney General's opinion on the proffered question,
- Q. The request has not been made in good faith,
- R. The request is harassing in nature,
- S. A similar request is pending before this agency, or another agency, or a proceeding is pending on the same subject matter before an agency, administrative or judicial tribunal, or
- T. The question involves eligibility for registration, a license, permit, certificate or other approval by the Board or another Agency, Board or Commission, and there is a statutory or regulatory application process by which eligibility for said registration, license, permit, or certificate or other approval may be determined.

Source: *Miss. Code Ann. § 25-43-2.103(2)*

**Rule 3.8. Board Response.** Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board shall, in writing:

- A. Issue an opinion declaring the applicability of the statute, rule, or order to the specified circumstances,
- B. Agree to issue a declaratory opinion by a specified time but no later than ninety (90) days after receipt of the written request, or
- C. Decline to issue a declaratory opinion, stating the reason(s) for its refusal.

The forty-five (45) day period shall begin on the first business day after which the request is received by the Board.

Source: *Miss. Code Ann. § 25-43-2.103(2)*

**Rule 3.9. Final Opinion.** A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of the sixty (60) days, the Board

may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious.

Source: *Miss. Code Ann. § 25-43-2.103(2)*

**Rule 3.10. Availability of Declaratory Opinions and Requests for Opinions.** Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying at the expense of the viewer during normal business hours. Declaratory opinions and requests which contain confidential information or information which is exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

Source: *Miss. Code Ann. § 25-43-2.103(2)*

## **Chapter 4. Registration and Licensure**

### **Rule 4.1. Application.**

- A. A person seeking registration as a Mississippi forester must complete an application on a printed form made available on the Board's website located at <https://www.borf.ms.gov/application>, or as may be otherwise provided by the Board. Where space on the form does not permit an applicant to adequately describe his/her record of experience or practice, the applicant may provide supplementary sheets of 8 ½" x 11" white paper. Such additional sheets shall be printed on one side only and shall be signed and dated by the applicant. Applications must be clearly typed in black ink.
- B. Each application must be accompanied by the applicant's college transcript.
- C. Five (5) references must be submitted with each application. Each reference must complete the reference form as provided by the Board on its website located at <https://www.borf.ms.gov/application>. Three (3) of the five (5) references must be provided by registered foresters. All reference information will be kept confidential.
- D. Applications shall be sworn to and subscribed before a Notary Public, or such other person authorized to administer the oath. Applications for registration of students who present for the forestry examination while enrolled at a Mississippi college or university may be witnessed by the Dean or the Dean's authorized representative, in lieu of an acknowledgement of a notary public or such other person authorized to administer the oath.
- E. Completed applications, with all necessary attachments, enclosures, and application fee, shall be mailed to the Board at Post Office Box 1884, Jackson, MS 39215-1844.

- F. An application not properly completed, not containing all required information, or not accompanied by the required fee will be returned to the applicant with a statement specifying the reason(s) for the application's return.

Source: *Miss. Code Ann. §§ 73-36-19(1)(a) and 73-36-23*

#### **Rule 4.2. Registration Pursuant to the Universal Recognition of Occupational Licenses Act**

Mississippi residents seeking registration pursuant to the Universal Recognition of Occupation Licenses Act, *Miss. Code Ann. §§ 73-50-2, et seq.*, may complete an abbreviated application available to qualifying applicants. This application, entitled "universal application," is available on the Board's website located at <https://www.borf.ms.gov/application> or as otherwise may be made available by the Board.

- A. Excluding the provision of references and a college transcript, the remaining requirements of Rule 4.1 are applicable to the completion of the universal application.
- B. Each universal application shall be accompanied by a copy of the applicant's current and valid, out-of-state license to practice forestry or such other occupation having a similar scope of practice, if applicable.
- C. If the applicant previously worked in a state which does not require or issue a license to practice forestry or such other occupation having a similar scope of practice, the universal application must contain sufficient information regarding the applicant's work experience in the field of forestry or other field for no fewer than three (3) years.
- D. Proof of residency must be submitted with the completed universal application.

Proof of residency includes, but is not limited to, a copy of a state-issued identification card, documentation of current home ownership or lease of a residence in Mississippi, documentation of current in-state employment, current Mississippi residential utility bill which contains the applicant's name and current address or any other verifiable documentation which may evidence residence.

- E. For applicants seeking licensure based upon practice or experience within a field having a similar scope of practice to forestry, it shall be within the Board's discretion to determine, on a case-by-case, whether the applicant's education, if any, and previous work experience within such field is of a scope similar to the practice of forestry. The Board also may request additional documentation, or the appearance of the applicant should the information provided by the application be insufficient for the Board to make its determination.

Source: *Miss. Code Ann. §§73-36-19(1)(a) and 73-50-2(12)*

### **Rule 4.3. Registration Pursuant to the Military Family Freedom Act**

Active members of the military, spouses and/or dependents of an active member of the military, located in Mississippi, seeking registration pursuant to the Military Family Freedom Act, *Miss. Code Ann. §§ 73-50-1, et seq.*, may complete an abbreviated application available to qualifying applicants. This application, entitled “military application,” is available on the Board’s website located at <https://www.borf.ms.gov/application> or as otherwise may be made available by the Board.

- A. Excluding the provision of references and a college transcript, the remaining requirements of Rule 4.1 are applicable to the completion of the military application.
- B. Each military application shall be accompanied by a copy of the applicant’s current and valid, out-of-state license to practice forestry or such other occupation having a similar scope of practice, or proof of the award of a military occupational specialty, completion of a military program of training, testing and/or experience performed in the occupational specialty.
- C. If the applicant previously worked in a state which does not require or issue a license to practice forestry or such other occupation having a similar scope of practice, the military application must contain sufficient information regarding the applicant’s work experience for no fewer than three (3) years.
- D. For applicants seeking licensure based upon practice or experience within a field having a similar scope of practice to forestry, it shall be within the Board’s discretion to determine, on a case-by-case basis, whether the applicant’s education, if any, and previous work experience within the field is of a scope similar to the practice of forestry. The Board also may request additional documentation, or the appearance of the applicant if the information provided by the application is insufficient for the Board to make its determination.

**Rule 4.4. Application Fee.** Each new application for registration shall be accompanied by an application fee in the amount of Fifty and No/100 Dollars (\$50.00). This application fee provides for the applicant’s first examination and, if necessary, second examination if completed within one (1) calendar year of the date of the initial application.

Source: *Miss. Code Ann. §§ 73-36-19(1)(a) and 73-36-25*

**Rule 4.5. Examinations.** All applicants for registration must take a written examination. The examination consists of one hundred (100) true/false or multiple-choice questions, and applicants

have a maximum of three (3) hours to complete. Applicants must correctly answer at least seventy (70) questions to pass the examination.

- A. Written examinations are conducted at a time and place determined by the Board. Upcoming examination dates and locations are posted on the Board's website (<https://www.borf.ms.gov/>). An application must have been submitted to the Board before the applicant may take an examination.
- B. Applicants shall abide by the examination administrator's policies and procedures.
- C. Applicants may use any desired reference material while taking the examination but there shall be no talking or discussion with others. All electronic devices are prohibited in the examination room.
- D. An applicant may be dismissed from the examination and subject to disciplinary action for misconduct including, but not limited to:
  - 1. Cheating on the examination,
  - 2. Giving assistance to, or receiving assistance from, another person,
  - 3. Compromising the integrity of the examination,
  - 4. Disruptive or abusive behavior, or
  - 5. Participating in any form of violation of exam policies or procedures during an examination.

Examination results are provided by the Board to the applicants by mail to the address as provided by the applicant within thirty (30) days of the date of examination. Results may be sent to the applicant by e-mail if a valid e-mail address was provided by the applicant.

Applicants may examine their completed and graded examination at the office of the Board under the supervision of the Board's authorized representative within thirty (30) days of receipt of their examination results. Photocopies and pictures of the completed examination is prohibited. All completed and graded examinations are destroyed ninety (90) days after each examination date.

Source: *Miss. Code Ann. §§ 73-36-19(1)(a) and 73-36-25*

#### **Rule 4.6. Licensure**

- A. Upon completion of the applicable application, verification of the information provided by the application, applicant's satisfaction of the licensing requirements of his/her granting state, if any, and successful passage of the examination, if required, an applicant shall be issued a Mississippi license to practice forestry. Every licensee shall satisfy Mississippi renewal requirements to maintain a valid Mississippi license.

- B. Upon issuance of a license, registered foresters will receive a Certificate of Registration and a wallet-sized identification card.

Source: *Miss. Code Ann. §§ 73-36-19(1)(a) and 73-36-27*

## **Chapter 5. Renewals**

**Rule 5.1. License Expiration.** Except as otherwise provided by Miss. Code Ann. § 33-1-39, all licenses expire after December 31<sup>st</sup> of odd numbered years and shall be invalid unless renewed. To avoid a late payment fee or lapse of a license, all licenses must be renewed no later than 12:00 p.m. CST on December 31<sup>st</sup> in each odd-numbered year. Subject to a late payment fee, licenses may be renewed after December 31<sup>st</sup> until 12:00 p.m. CST on March 31<sup>st</sup> of the immediately succeeding even-numbered year through the same process as set forth herein.

A renewal made by mail is deemed received upon the post-mark date as marked on the envelope. In the absence of a post-mark date on the envelope, a renewal is deemed received by the Board upon the actual date of receipt. An on-line renewal is deemed received by the Board as of the date of its electronic submission.

Source. *Miss. Code Ann. §§ 73-36-19(1)(a), (1)(c) and 73-36-29*

**Rule 5.2. Notice of Renewal.** No later than November 30 of each odd-numbered year, the Board shall mail written notice to all registered foresters advising of the December 31<sup>st</sup> expiration date of his/her license and the cost of its required two (2) year renewal. Notice shall be sent to each licensed forester's latest known address; however, the Board also may send notice by e-mail to those licensed foresters for whom the Board has a valid e-mail address. It is the responsibility of each licensed forester to update his/her mailing address and e-mail address with the Board.

The responsibility for renewal of a forester's license rests solely with the individual licensee. Failure to receive notice does not relieve a licensee from the duty to timely renew his/her license prior to its expiration.

Source: *Miss. Code Ann. §§ 73-36-19(1)(a) and (1)(c)*

**Rule 5.3. Renewal Filing.** To renew an expiring or expired license, a licensee shall complete the renewal application available on the Board's website located at <https://www.borf.ms.gov/application> and return the completed application with applicable renewal fee to the Board by mail to Post Office Box 1884, Jackson, MS 39215-1844. A license also may be renewed electronically via the Board's on-line portal located at <https://www.borf.ms.gov/renewal>. If renewing electronically, the applicable renewal fee must likewise be paid on-line by credit or debit card only.

**Rule 5.4. Renewal Fee.** Each renewal application shall be accompanied by a renewal fee in the amount of One Hundred and No/100 Dollars (\$100.00).

Source: *Miss. Code Ann. §§ 73-36-19(1)(a) and (1)(c), 73-36-29*

**Rule 5.5. Late Renewal Fee.** Licensees shall be required to pay Two Hundred and No/100 Dollars (\$200.00) for renewals made after December 31st of each odd-numbered year but prior to March 31st in the immediately succeeding even-numbered year following expiration.

Licenses which have expired on December 31<sup>st</sup> in odd-numbered years and have not been renewed by March 31<sup>st</sup> in the immediately succeeding even-numbered year are no longer valid.

A late renewal made by mail is deemed received upon the post-mark date as marked on the envelope. In the absence of a post-mark date on the envelope, a late renewal is deemed received by the Board upon the actual date of receipt. An on-line late renewal is deemed received by the Board as of the date of its electronic submission.

Source: *Miss. Code Ann. §§ 73-36-19(1)(a) and (1)(c)*

**Rule 5.6. CFE Reporting.** Hours completed of Continuing Forestry Education (CFE) are to be disclosed at the time of renewal, but no supporting CFE documents are to be submitted at that time. Supporting information or documentation need only be produced when subject to a random audit by the Board.

Source: *Miss. Code Ann. §§ 73-36-19(1)(a) and (1)(c)*

**Rule 5.7. License Reinstatement.** Upon request and a hearing, an expired license may be reinstated by the Board within two (2) years following expiration of the subject license. If the Board determines the renewal is warranted, the Board may reinstate the expired license, subject to payment of the renewal and late payment fee as well as demonstration of completed CFE hours.

A license which has been expired for greater than two (2) years following a December 31<sup>st</sup> expiration may not be reinstated. A licensee having an expired license for greater than two (2) years or who has been denied reinstatement by the Board must apply anew for registration and satisfy all requirements therefor. A licensee who has been denied reinstatement may request a hearing before the Board.

Source: *Miss. Code Ann. §§ 73-36-19(1)(a), 73-36-29*

## **Chapter 6. Continuing Forestry Education (CFE)**

**Rule 6.1. Biennial CFE Requirement.** A total number of sixteen (16) hours of continuing forestry education, inclusive of one (1) hour of ethics, must be completed by each registrant biennially.



**Rule 6.2. Category A.** Of the total number of required CFE hours, a minimum of six (6) hours must be completed through professionally organized coursework, seminars, short courses, workshops and/or technical sessions which may enhance a forester's professional development. This description of CFE coursework is referred to as Category A.

The following provides a non-exhaustive list of coursework which qualifies as Category A hours:

1. Any session qualified as Category 1 of the Society of American Foresters Continuing Education Program,
2. Programs with forestry content presented at meetings of forestry organizations such as the MS Forestry Association (MFA), county forestry associations, Society of American Foresters, and Association of Consulting Foresters (ACF),
3. Forestry courses offered by the forestry extension and/or forestry college or universities, and
4. Video and correspondence classes if an examination is given and recorded and the participant receives a certificate of completion.

A participant who completes any course listed above or pre-approved by the Board as a Category A course earns one (1) hour of CFE credit for each hour of coursework and one (1) hour of CFE credit for every three (3) hours of tour or field sessions.

Source: *Miss. Code Ann. §§ 73-36-19(1)(a) and (1)(c)*

**Rule 6.3. Category B.** The remaining hours of CFE must be completed through participation in forestry-related meetings or committees, holding an elected or appointed office in a recognized forestry organization or association, preparing and/or production of forestry publications or such other job enhancing activities. These activities which satisfy part of the CFE requirement are referred to as Category B.

The following provides a non-exhaustive list of forestry-related activities which qualify as Category B hours and the corresponding number of CFE hours which may be earned per year from each activity:

1. Holding an office or serving as a committee chair (five (5) CFE hours),
2. Serving as an active committee member (two (2) CFE hours),
3. Preparing and publishing technical forestry articles (fifteen (15) CFE hours),
4. Preparing a newspaper or magazine article (five (5) CFE hours),

5. Providing a presentation in an area of forestry education (one (1) CFE hour, and
6. Completing an hour of self-improvement study on a technical forestry subject (one (1) CFE hour).

Source: *Miss. Code Ann. §§ 73-36-19(1)(a) and (1)(c)*

**Rule 6.4. Prior Approval of Board for CFE Hours.** Additional coursework and forestry-related activities may qualify as CFE hours but require prior approval from the Board if not listed by example above. Requests for prior approval must be made in writing and should contain as much detail as possible regarding the potential coursework or activity (the agenda, topic, times, instructors). Requests for prior CFE approval may be mailed to the following:

CFE Review Committee  
MS Board of Registration for Foresters  
Post Office Box 1884  
Jackson, MS 39215-1884.

A reply will be made no later than three (3) weeks following receipt of a written request for CFE approval.

Source: *Miss. Code Ann. §§ 73-36-19(1)(a) and (1)(c)*

**Rule 6.5. CFE Audit.** The Board reserves the right to audit any CFE Certification and to disapprove any session it finds unacceptable.

Source: *Miss. Code Ann. §§ 73-36-19(1)(a) and (1)(c)*

#### **Rule 6.6. Exemptions to Continuing Forestry Education (CFE) Requirements**

A licensee may be exempt from annual CFE requirements for one of the following reasons:

1. Sixty-Five (65) years of age or older
2. Full-time college student
3. Active-duty military
4. New licensee who received his/her license since the last renewal period
5. Sickness or hardship.

Upon the written request of a licensee and a hearing held thereon, the Board may grant a waiver or exemption on a case-by-case, individual basis upon a finding of unusual or extraordinary circumstances beyond the control of the licensee which precluded his/her completion of the annual CFE requirement.

Source: *Miss. Code Ann. §§ 73-36-19(1)(a) and (1)(c)*

## Chapter 7. Reciprocity

**Rule 7.1. Reciprocal Application and Fee.** Individuals seeking reciprocity pursuant to Miss. Code Ann. § 73-36-31, who are not residents of the state of Mississippi and have no established place of business in the state of Mississippi, must complete the reciprocity application available on the Board's website located at <https://www.borf.ms.gov/application>.

- A. Where space on the form does not permit an applicant to adequately describe his/her record of experience or practice, the universal applicant may provide supplementary sheets of 8 ½ ' x 11" white paper. Such additional sheets shall be printed on one side only and shall be signed and dated by the applicant. Applications must be clearly typed in black ink.
- B. Each reciprocal application must be accompanied by a copy of the reciprocal applicant's license issued by another state having a current reciprocity agreement with the Board.
- C. Each reciprocal application must be accompanied by the reciprocal applicant's college transcript or a copy of his/her diploma.
- D. Applications shall be sworn to and subscribed before a Notary Public, or such other person authorized to administer the oath.
- E. The completed application, with all necessary attachments, enclosures, and reciprocal application fee shall be mailed to the Board at Post Office Box 1884, Jackson, MS 39215-1844.
- F. An application not properly completed, not containing the required information, or not accompanied by the required fee will be returned to the applicant with a statement specifying the reason for the application's return.

Source: *Miss. Code Ann. §§73-36-19(1)(a) and 73-36-31*

**Rule 7.2. Reciprocal License Fee.** Each reciprocal application for licensure shall be accompanied by a non-refundable reciprocal application fee in the amount of Fifty and No/100 Dollars (\$50.00).

Source: *Miss. Code Ann. §§73-36-19(1)(a) and 73-36-31*

**Rule 7.3. Substantially Equivalent Requirements.** To satisfy the substantially equivalent requirement of Miss. Code Ann. § 73-36-31, a reciprocal applicant must have graduated with a bachelor's degree or higher degree from a university or college of forestry accredited by the Society of American Foresters or have completed a forestry curriculum approved by the Board. Each

reciprocal application must be accompanied by the applicant's college transcript or copy of his/her diploma.

Each reciprocal applicant must have successfully passed a written examination equivalent to the Board's examination, administered by the granting state having a current reciprocity agreement with the Board.

Source: *Miss. Code Ann. §§73-36-19(1)(a) and 73-36-31*

**Rule 7.4. Approval of Licensure.** Upon approval of licensure, the applicant will be issued a Mississippi reciprocal license and must satisfy all Mississippi licensing and renewal requirements in future license renewal periods. The reciprocal licensee must maintain his/her license in the original granting state and remain in good standing to retain his/her Mississippi reciprocal license.

Source: *Miss. Code Ann. §§73-36-19(1)(a) and 73-36-31*

## **Chapter 8: Disciplinary Action**

**Rule 8.1. Form Complaint.** Any person who believes another is practicing forestry without a license or who believes a registrant is guilty of fraud, gross negligence or misconduct, may complete and submit the form complaint available on the Board's website located at <https://www.borf.ms.gov/complaints>, or as may otherwise be made available by the Board. Where space on the form does not permit a complainant to adequately describe his/her complaint, additional sheets of 8 ½" x 11" white paper may be attached, printed on one side only and signed and dated by the complainant. The complaint shall be signed by the complainant and by a Notary Public or such other person authorized to administer oaths.

The complaint, with any additional pages or attachments, shall be mailed to the Board at Post Office Box 1884, Jackson, MS 39215-1844. The complainant shall receive a letter from the Board acknowledging its receipt of the respective Complaint.

Source: *Miss. Code Ann. § 73-36-19(1)(b)*

**Rule 8.2. Investigative Procedures.** Upon the filing of a Complaint with the Board, the Chair shall refer the Complaint to the Chair of the Complaint Committee ("CCC"). The CCC, or such other Board member as may be designated by the CCC, shall undertake an investigation to determine whether the facts as alleged and evidence presented by the Complaint constitute a violation of applicable law, administrative rule, or the code of ethics.

During the next regular meeting of the Board scheduled after the investigation has been completed, the CCC, or such other designated Board member, shall present the Complaint and his/her findings to the Board for its consideration and vote.

- A. If the Board determines the Complaint lacks merit and therefore no action is warranted, the Complaint shall be dismissed upon a majority vote of a quorum present. Such action shall be reflected by the Board's minutes, and written notice of the Board's decision shall be sent to the complainant by mail to his/her address as provided by the Complaint.
- B. If the Board finds there are reasonable grounds to indicate that a violation has occurred of law or rule and therefore further action upon the Complaint is warranted, the Board shall, by majority vote of a quorum present, initiate the service of a formal Complaint against the respondent and schedule a disciplinary hearing.

Source: *Miss. Code Ann. § 73-36-19(1)(b)*

**Rule 8.3. Notice of Formal Complaint and Disciplinary Hearing.** The respondent shall be served with the Board's formal Complaint and Notice of Hearing by certified mail, return receipt requested, to the respondent's address of record with the Board, at least thirty (30) days prior to the date of the scheduled hearing.

- A. The formal Complaint shall state the facts which form the basis of the alleged violation of law or rule with reasonable specificity to enable the respondent to defend against the same. The Notice shall inform the respondent as to the date, time, and location of the hearing, and shall enclose a copy of these administrative rules.
- B. The respondent may respond in writing to the allegations of the Complaint within twenty (20) days from the date of service and may choose to be represented by counsel at the disciplinary hearing. The answer, as well as other documents, which may be filed with the Board related to a scheduled disciplinary proceeding shall be mailed to the Board at Post Office Box 1884, Jackson, MS 39215-1844.
- C. A motion for a continuance must be made in writing no later than five (5) business days prior to the date of a scheduled disciplinary hearing and may be granted by the Board.

Source: *Miss. Code Ann. § 73-36-19(1)(b)*

**Rule 8.4. Informal Conference.** A respondent may request an informal conference or may be requested to attend an informal conference with the Complaint Committee, the Chair, or such other Board member(s) as designated by the Chair. The respondent has the right to have counsel present at the informal conference, but he/she may only serve in an advisory capacity to the respondent. An informal conference is not an adversarial proceeding nor an administrative hearing.

- A. Informal conferences are not official meetings of the Board.
- B. Informal conferences shall be completed at least ten (10) days prior to any scheduled disciplinary hearing.

- C. An informal conference resulting in settlement of the complaint shall be affected by an order, subject to presentment and approval of the Board.
- a. Should the Board approve the order as proposed by a majority vote of a quorum present, the action shall be reflected by the Board's minutes.
  - b. Should the Board disapprove the order as proposed with no suggested amendment by a majority vote of a quorum present, the refusal to accept the proposed order shall be reflected by the Board's minutes and the complaint shall be resolved by disciplinary hearing as scheduled or rescheduled if necessary.
  - c. Should the Board disapprove the order as proposed yet suggest an amendment by a majority vote of a quorum present, the amended order shall be presented to the respondent for concurrence, in which case the Board shall approve the amended order by majority vote of a quorum present, with both votes reflected by the Board's minutes. If the respondent shall not concur with the terms of the amended order, the complaint shall be resolved by disciplinary hearing as scheduled or rescheduled if necessary.

Source: *Miss. Code Ann. § 73-36-19(1)(b)*

**Rule 8.5. Consent Order.** If, after receipt of the formal Complaint but prior to the scheduled disciplinary hearing, a respondent wishes to admit to the allegations of the Complaint and the consequent violation(s) of law and/or rule, a consent order may be entered into between the Board and the respondent, in settlement and in lieu of a disciplinary hearing. A consent order is subject to the approval of the Board, which may, in its discretion, refuse consent. A consent order is voluntarily entered into by the respondent and shall not be subject to an appeal.

Source: *Miss. Code Ann. § 73-36-19(1)(b)*

**Rule 8.6. Conflict, Bias, and Disqualification**

- A. A respondent in a disciplinary proceeding may assert conflict or bias by filing with the Board at least three (3) days prior to a scheduled disciplinary hearing an affidavit asserting a conflict or bias against any member(s) of the Board, setting forth in sufficient detail factual bias for the assertion.
- B. A Board member shall not be entitled to participate in any disciplinary action if the Board determines such Board member is personally biased against the respondent. The recusal or disqualification of Board members shall be considered on the record as a preliminary matter at the hearing before any other questions are decided.

- C. The CCC or any other member of the Board who investigates the factual basis and allegations of a complaint shall be disqualified from participating in the disciplinary action resulting from that investigation.

Source: *Miss. Code Ann. § 73-36-19(1)(b)*

**Rule 8.7. Pre-Hearing Discovery.** There shall be no pre-hearing discovery. However, at least seven (7) working days prior to the date of a disciplinary hearing, parties represented by counsel and/or producing witnesses shall provide a list of the same containing the name, address, and telephone number of counsel and/or witnesses, and further, provide a copy of all exhibits which will be produced at the hearing, to the other parties.

Source: *Miss. Code Ann. § 73-36-19(1)(b)*

**Rule 8.8. Disciplinary Hearing**

- A. The Board may conduct disciplinary hearings with its Chair, or such other member of the Board as may be designated by the Chair, acting as the presiding officer or the Board may appoint a hearing officer to preside. The presiding officer shall have the power to administer oaths, take witness testimony, receive evidence and rule upon all motions and objections. Upon calling the hearing to order, the presiding officer shall apprise the respondent of the specific law and/or rule he/she is alleged to have violated and the factual basis therefor and shall elicit testimony from the respondent confirming timely service of process of the Complaint and Notice.
- B. The Board shall have the power to compel the attendance of witnesses and the production of books, documents, records, and other papers by subpoena. Upon the request of the respondent, the Board likewise may also compel the attendance of witnesses and the production of books, documents, records, and other papers by subpoena for and on behalf of respondent.
- C. Disciplinary hearings may be recorded and/or transcribed by a court reporter.
- D. The Mississippi Rules of Civil Procedure and the Mississippi Rules of Evidence are inapplicable to the conduct of disciplinary hearings.

Source: *Miss. Code Ann. § 73-36-19(1)(b)*

## **Rule 8.9. Conduct of Disciplinary Hearing**

- A. The Board, through its counsel, and the respondent each shall be permitted to make an opening statement and closing statement.

The Board, through its counsel, shall present its evidence first, followed by the respondent. Rebuttal witnesses may be called if necessary. Each witness called may be subject to direct examination, cross-examination, re-direct examination, and re-cross examination, if necessary and in that order. Each witness may be subject to additional examination by individual members of the Board.

- B. At the conclusion of hearing, the Board shall vote to enter Executive Session during which the Board shall make its findings of fact and conclusions at law as to each charge alleged in the Complaint. The presiding officer may make recommendations to the Board as to the adjudication upon the Complaint and appropriate sanction to impose upon the respondent. The decision of the Board to suspend or revoke the license of the Registered Forester or to deny the issuance of a license or to cease and desist by a non-licensed individual shall be based on substantial evidence.
- C. Upon a finding by the Board that the respondent has violated a provision of law and/or rule, the Board may censure; reprimand; admonish; require the completion of a course in ethics and/or additional education as determined by the Board; assess a civil penalty, inclusive of, but not limited to, the cost incurred by the Board in completing its investigation and in the conduct of the disciplinary hearing; suspend the respondent's license; revoke the respondent's license to practice as a forester; or such other discipline as the Board deems appropriate in the circumstances.
- D. Following its discussion and decision during Executive Session, the Board shall vote to return to the hearing upon the record and may announce its findings of fact, conclusions at law and order. The Board's Order shall be reduced to writing not more than sixty (60) days following the date of the hearing and the respondent shall be forwarded a copy of the same by first class and certified mail, return receipt requested. If the respondent is represented by counsel, a copy of the order shall likewise be provided to counsel via first class mail.

Source: *Miss. Code Ann. § 73-36-19(1)(b)*

## **Chapter 9. Code of Ethics for the Registered Forester**

1. Foresters have a responsibility to manage land for both current and future generations. We pledge to practice and advocate management that will maintain the long-term capacity of the land to provide the variety of materials, uses, and values desired by landowners and society.



2. Society must respect forest landowners' rights and correspondingly, landowners have a land stewardship responsibility to society. We pledge to practice and advocate forest management in accordance with landowner objectives and professional standards, and to advise landowners of the consequences of deviating from such standards.
3. Sound science is the foundation of the forestry profession. We pledge to strive for continuous improvement of our methods and our personal knowledge and skills; to perform only those services for which we are qualified; and in the biological, physical, and social sciences to use the most appropriate data, methods, and technology.
4. Public policy related to forests must be based on both scientific principles and societal values. We pledge to use our knowledge and skills to help formulate sound forest policies and laws; to challenge and correct untrue statements about forestry; and to foster dialogue among foresters, other professionals, landowners, and the public regarding forest policies.
5. Honest and open communication, coupled with respect for information given in confidence, is essential to good service. We pledge to always present, to the best of our ability, accurate and complete information; to indicate on whose behalf any public statements are made; to fully disclose and resolve any existing or potential conflicts of interest; and to keep proprietary information confidential unless the appropriate person authorizes its disclosure.
6. Professional and civic behavior must be based on honesty, fairness, good will, and respect for the law. We pledge to conduct ourselves in a civil and dignified manner; to respect the needs, contributions, and viewpoints of others; and to give due credit to others for their methods, ideas, or assistance.
7. When participating in a public or private fact-finding session, we will base our opinion upon adequate knowledge of the subject and will not withhold data to substantiate our point of view.
8. We will provide only the services for which we are qualified by experience and or education, and, in practice, will not deviate from accepted professional standards without first advising the employer or client of the expected consequences.
9. We will not place ourselves within any situation giving rise to a conflict of interest or even the appearance of a conflict of interest.
10. We will not accept compensation for the same service from more than one (1) employer or client without full disclosure and consent of all parties.

11. We will engage or recommend other experts and specialists in forestry or related fields whenever the employer or client will be best served by such action and will work cooperatively with them.

12. If we have evidence of a violation of any of these canons by any Registered Forester, we will present that information to the State Board of Registration for Foresters.

Source: *Miss. Code Ann. § 73-36-19(1)(b)*

