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CHAPTER 27.

 REGISTRATION OF FORESTERS

**SECTION 48‑27‑10.** Definitions.

 (1) "Registered forester" shall mean a person who has registered and qualified under this chapter to engage in professional forestry practices as defined in this section.

 (2) "Forestry" or "practice of forestry" shall mean any professional service relating to forestry, such as consultation, investigation, evaluation, planning or responsible supervision of forest management, protection, silviculture, measurements, utilization, economics, education, or other forestry activities in connection with any public or private lands.

 (3) "Board" shall mean the State Board of Registration for Foresters, provided for by this chapter.

HISTORY: 1962 Code Section 29‑31; 1961 (52) 608.

**SECTION 48‑27‑20.** Creation of State Board of Registration for Foresters.

 A State Board of Registration for Foresters is created whose duty it is to administer the provisions of this chapter. The Board shall consist of five registered foresters, recommended by the Foresters Council of South Carolina and two nonforester members recommended by the South Carolina Forestry Association, appointed by the Governor. The Governor shall also consider nominations from any other individual, group, or association. Each member of the Board must be commissioned by the Governor and, before beginning his term of office, shall file with the Secretary of State his written oath or affirmation for the faithful discharge of his official duty. On the expiration of the term of any member of the Board, three nominees for each position recommended by the designated group must be submitted to the Governor from which he shall appoint for a term of five years a Board member having the qualifications required by Section 48‑27‑30 to take the place of each member whose term on the Board is expiring. Any vacancy occurring for a reason other than the expiration of office must be filled by the Governor from three nominees recommended by the designated group to fill the unexpired term of the member. If the Governor fails to make appointment in ninety days after expiration of any term, the Board shall make the necessary appointment. Each member shall hold office until the expiration of the term for which he is appointed and until a successor is duly appointed and qualifies.

HISTORY: 1962 Code Section 29‑32; 1961 (52) 608; 1985 Act No. 156, Section 2.

**SECTION 48‑27‑30.** Qualifications of board members.

 Each member of the Board must be a citizen of the United States and a resident of this State. Each registered forester member must have been engaged in the practice of forestry for at least ten years.

HISTORY: 1962 Code Section 29‑33; 1961 (52) 608; 1985 Act No. 156, Section 4.

**SECTION 48‑27‑40.** Compensation and expenses of board members.

 Every member of the Board shall receive a per diem allowance when actually attending to the work of the Board or any of its committees and for the time spent in necessary travel and, in addition thereto, shall be reimbursed for all actual traveling, incidental and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

HISTORY: 1962 Code Section 29‑34; 1961 (52) 608.

**SECTION 48‑27‑50.** Removal of board members.

 The Governor may remove any member of the Board for misconduct, incompetency, or neglect of duty.

HISTORY: 1962 Code Section 29‑35; 1961 (52) 608.

**SECTION 48‑27‑60.** Meetings of board; officers.

 The Board shall hold at least two regular meetings each year. Special meetings shall be held at such time and place as the bylaws of the Board may provide. Notice of all meetings shall be given in such manner as the bylaws may provide. The Board shall elect or appoint annually the following officers: A chairman, a vice‑chairman, and a secretary.

HISTORY: 1962 Code Section 29‑36; 1961 (52) 608.

**SECTION 48‑27‑70.** Bond and salary of secretary.

 A secretary to the board shall give a surety bond to the State in such sum as the Director of the Department of Labor, Licensing, and Regulation may determine. The premium on such bond shall be regarded as a proper and necessary expense of the board and shall be paid out of the fund of the Board of Registration for Foresters. The secretary shall receive such salary as the Director of the Department of Labor, Licensing, and Regulation shall determine in addition to the expenses provided for in Section 48‑27‑40.

HISTORY: 1962 Code Section 29‑37; 1961 (52) 608; 1993 Act No. 181, Section 1229.

**SECTION 48‑27‑80.** Bylaws of board; rules of procedure.

 The Board may adopt and amend all bylaws and rules of procedure, not inconsistent with the Constitution and laws of this State, which may be reasonably necessary for the proper performance of its duties and the regulation of the proceedings before it.

HISTORY: 1962 Code Section 29‑38; 1961 (52) 608.

**SECTION 48‑27‑90.** Board seal.

 The Board shall adopt and have an official seal.

HISTORY: 1962 Code Section 29‑39; 1961 (52) 608.

**SECTION 48‑27‑100.** Power of board to subpoena witnesses and documents and to administer oaths; compensation of witnesses.

 In carrying into effect the provisions of this chapter the Board may, under the hand of its chairman and seal of the Board, subpoena witnesses and compel their attendance and may also require the production of books, papers, and documents in a case involving the revocation of a license or practicing or offering to practice without a license under the title of registered forester. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board. Such witnesses officially called by the Board shall receive the same compensation and shall be reimbursed for expenses as is provided for witnesses in the court of common pleas in the county in which this Board may sit.

HISTORY: 1962 Code Section 29‑40; 1961 (52) 608.

**SECTION 48‑27‑110.** Records of board; annual report.

 The Board shall keep a record of its proceedings and a register of all applications for registration, which register shall show (a) the name, age, and residence of each applicant, (b) the date of the application, (c) the place of business of such applicant, (d) his educational and other qualifications, (e) whether or not an examination was required, (f) whether the application was rejected, (g) whether a license was granted, (h) the date of the action of the Board and (i) such other information as may be deemed necessary by the Board. The records of the Board shall be prima facie evidence of the proceedings of the Board set forth therein, and a transcript thereof duly certified by the secretary of the Board under seal shall have the same force and effect as if the original were produced. Annually, as of June thirtieth, the Board shall submit to the Governor a report of its transactions of the preceding year.

HISTORY: 1962 Code Section 29‑40.1; 1961 (52) 608.

**SECTION 48‑27‑120.** Licensing and registration as registered foresters; exceptions.

 (1) No person shall use in connection with his name or otherwise assume, use or advertise any title or description tending directly or indirectly to convey the impression that he is a registered forester, without first having been licensed and registered as a registered forester as provided in this chapter.

 (2) Except as specifically authorized in this section, no person shall engage in the practice of professional forestry as defined in this chapter or in any manner advertise or hold himself out as engaged in such practice without first being licensed as a registered forester under this chapter.

 (3) Notwithstanding subsection (2) of this section or any other provision of this chapter, nothing herein may be construed as preventing or prohibiting any person from managing or otherwise conducting forestry practices on land owned by him, nor shall anything herein prohibit any regular employee from engaging in professional or other forestry practices on lands owned by the person. Also, notwithstanding subsection (2) of this section or any other provision of this chapter, nothing herein may be construed as preventing or prohibiting professional employees of public agricultural agencies from rendering forestry information, education, demonstration, and conservation planning in line of duty if the employees do not represent themselves to be registered foresters unless properly licensed or registered under the provisions of this chapter.

 (4) It is the purpose of this chapter to protect the public by improving the standards relative to the practice of professional forestry, and the provisions of this chapter apply to foresters employed by the State.

 (5) Nothing herein provided shall prohibit any forestry work by unlicensed persons working under the supervision of a registered forester.

HISTORY: 1962 Code Section 29‑40.2; 1961 (52) 608; 1985 Act No. 156, Section 5.

**SECTION 48‑27‑130.** Requirements for qualification as registered forester.

 (A) The following are minimum evidence satisfactory to the board that the applicant is qualified for registration as a registered forester:

 (1) graduation from a curriculum in forestry of four years or more in a department, school, or college approved by the board and a specific record of an additional two years' or more experience in forestry of a character satisfactory to the board and indicating that the applicant is competent to practice forestry; or

 (2) successfully passing a written examination designed to show knowledge and skill approximating that obtained through graduation from an approved four‑year curriculum in forestry and a specific record of six years or more of practice in forestry of a character satisfactory to the board and indicating that the applicant is competent to practice forestry.

 (B) The board shall issue licenses only to applicants who meet the requirements of this section. However, no person may register as a forester who has been convicted of a felony or crime involving moral turpitude. However, the applicant may be licensed by the board if:

 (1) At least five years have passed since he was convicted, sentenced, or released from incarceration, whichever is later.

 (2) No criminal charges are pending against him.

 (C) The completion of the junior year of a curriculum in forestry in a school or college approved by the board is equivalent to two years of practice. The completion of the senior year of a curriculum in forestry, without graduation, in a school or college approved by the board is equivalent to three years of practice.

 (D) Beginning June 1, 1991, applicants shall take the examination for registration.

HISTORY: 1962 Code Section 29‑403; 1961 (52) 608; 1985 Act No. 156, Section 6; 1991 Act No. 76, Section 1.

**SECTION 48‑27‑140.** Application and fee for registration.

 Applicants for registration shall make application on forms prescribed and furnished by the Board. The applications shall contain statements made under oath showing the applicant's education and a detailed summary of his technical work and shall include not less than five references, of whom three or more must be foresters having personal or professional knowledge of his forestry experience. The registration fee for a license as a registered forester must be set by the Board by regulation. Should the Board deny the issuance of a license to any applicant, the initial fee deposited must be retained by the Board as an application fee.

HISTORY: 1962 Code Section 29‑40.4; 1961 (52) 608; 1985 Act No. 156, Section 7.

**SECTION 48‑27‑150.** Examinations and re‑examinations.

 When written examinations are required, they shall be held at such time and place as the Board shall determine. The methods of procedure shall be prescribed by the Board. A candidate failing on examination may apply for re‑examination at the expiration of six months and will be re‑examined without payment of an additional fee. Subsequent examination will be granted upon payment of a fee to be determined by the Board.

HISTORY: 1962 Code Section 29‑40.5; 1961 (52) 608.

**SECTION 48‑27‑160.** Issuance and contents of licenses.

 The Board shall issue a license upon payment of a registration fee as provided for in this chapter to any applicant who, in the opinion of the Board, has satisfactorily met all of the requirements of this chapter. Licenses shall show the full name of the registrant, shall have a serial number and shall be signed by the chairman and the secretary of the Board under seal of the Board. The issuance of a license by the Board shall be evidence that the registrant is entitled to all the rights and privileges of a registered forester while his license remains unrevoked or unexpired.

HISTORY: 1962 Code Section 29‑40.6; 1961 (52) 608.

**SECTION 48‑27‑170.** Only individuals to be licensed.

 Registration shall be determined upon a basis of individual personal qualifications. No firm, company, partnership, or corporation shall be licensed.

HISTORY: 1962 Code Section 29‑40.7; 1961 (52) 608.

**SECTION 48‑27‑180.** Registration of persons licensed by other states or countries; criminal convictions.

 A person licensed to practice forestry by a state or country whose requirements are commensurate with the requirements of this State, upon payment of the fee established pursuant to Section 48‑27‑140, may be registered and licensed to practice forestry in this State, with renewal privileges set forth in Section 48‑27‑190. The board shall deny licensure to a person convicted of a felony or crime involving moral turpitude. However, the applicant may be licensed by the board if:

 (1) At least five years have passed since he was convicted, sentenced, or released from incarceration, whichever is later.

 (2) No criminal charges are pending against him.

HISTORY: 1962 Code Section 29‑40.8; 1961 (52) 608; 1985 Act No. 156, Section 8; 1991 Act No. 76, Section 2.

**SECTION 48‑27‑190.** Expiration and renewal of licenses; renewal fees.

 Licenses expire on the last day of June following their issuance or renewal and are invalid on that date unless renewed. The secretary of the board shall notify, at his last registered address, every person registered under this chapter of the date of the expiration of his license and the amount of the fee required for its renewal for one year. The notice must be mailed at least one month in advance of the date of the expiration. The board shall set the annual renewal fee by regulation. Renewal of licenses for the following year may be effected during June of the year in which the license has been issued or renewed by the payment of the renewal fee. The licenses also may be renewed during the ensuing three months by the payment of an additional fee for each month or portion of it that payment is delayed beyond June. The fee must be set by the board by regulation. The board shall make an exception to the renewal provisions for a person who is in the Armed Services of the United States. The board shall develop regulations for continuing education or other assessment of continued competence.

HISTORY: 1962 Code Section 29‑40.9; 1961 (52) 608; 1985 Act No. 156, Section 9; 1991 Act No. 76, Section 4.

**SECTION 48‑27‑195.** Registered forester's escrow account; recordkeeping requirements.

 Any registered forester shall place, as soon as practically possible, any deposit money or other money received by him in a forestry transaction in a separate trust or escrow account maintained by him in a banking institution authorized to do business in the State, where the funds must be kept until the transaction has been consummated or otherwise terminated, at which time a full accounting must be made by the registered forester. Records relative to the deposit, maintenance, and withdrawal of the funds must be properly maintained and be made available to a representative of the South Carolina State Board of Registration for Foresters upon request.

HISTORY: 1985 Act No. 156, Section 10.

**SECTION 48‑27‑200.** Procedure for revocation of licenses; reissuance; appellate review.

 The board may, upon proof that grounds exist that the licensee has committed fraud, deceit, gross negligence, incompetency, or other misconduct in connection with any forestry practice, order the revocation or suspension of a license, publicly or privately reprimand the holder of a license, or take any other action short of revocation or suspension, such as requiring the licensee to undertake additional professional training subject to the direction and supervision of the board. The board may also impose such restraint upon the practice of the licensee as circumstances warrant until the licensee demonstrates to the board adequate professional competence. The board may designate a person to investigate and report to it upon any charges of fraud, deceit, gross negligence, incompetency, or other misconduct in connection with any forestry practice against any registrant as may come to its attention. Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct in connection with any forestry practice against any registrant. The charges must be in writing and must be filed with the secretary of the board. All charges, unless dismissed by the board as unfounded or trivial, must be heard by the board as soon as a thorough investigation may be made and a hearing scheduled. The time and place for the hearing must be fixed by the board, and a copy of the charges, together with a notice of the time and place of the hearing, must be personally served on or mailed to the last known address of the registrant at least thirty days before the date fixed for the hearing. At any hearing the accused registrant may appear personally and by counsel, to cross‑examine witnesses appearing against him, and to produce evidence and witnesses in his own defense. Any registrant whose license has been sanctioned may apply for a review of the proceedings with reference to the sanction of his license before an Administrative Law Judge as provided under Chapter 23 of Title 1. The review must be upon the record made before the board. Petition for review of this act of the board must be served upon the board within thirty days from the date of the service of the order or the decision of the board upon the person. Upon service upon it of a petition for review, the board shall within thirty days certify the record made before it to an Administrative Law Judge as provided under Chapter 23 of Title 1.

HISTORY: 1962 Code Section 29‑40.10; 1961 (52) 608; 1985 Act No. 156, Section 11; 1993 Act No. 181, Section 1230.

**SECTION 48‑27‑210.** Replacement of licenses; replacement fee.

 A new license to replace any license revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the Board. A charge of three dollars shall be made for such issuance.

HISTORY: 1962 Code Section 29‑40.11; 1961 (52) 608.

**SECTION 48‑27‑220.** Roster of registered foresters.

 A roster, showing the names and places of business of all registered foresters qualified according to the provisions of this chapter, shall be prepared by the secretary of the Board during the month of July of each year. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of State, and furnished to the public on request.

HISTORY: 1962 Code Section 29‑40.12; 1961 (52) 608.

**SECTION 48‑27‑230.** Endorsement of documents by registrants; illegal endorsements.

 Plans, maps, specifications, and reports issued by a registrant must be endorsed with his name and license number. It is unlawful for a person to endorse any documents after his license has expired or has been revoked. It also is unlawful for a registered forester to endorse any plan, specification, estimate, or map unless he has actually prepared the plan, specification, estimate, or map or has been in actual charge of its preparation.

 A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than two years, or both.

HISTORY: 1962 Code Section 29‑40.13; 1961 (52) 608; 1993 Act No. 184, Section 242.

**SECTION 48‑27‑240.** Receipts and expenditures by board.

 The secretary of the Board shall receive and account for all moneys derived under the provisions of this chapter and shall pay them to the State Treasurer, who shall keep such moneys in a separate fund to be known as the fund of the State Board of Registration for Foresters. Such fund shall be kept separate and apart from all other moneys in the State Treasury and shall be paid out only by warrants regularly drawn by the chairman and secretary of the Board. All moneys in the fund of the State Board of Registration for Foresters are hereby specifically appropriated for the use of the Board. Under no circumstances shall the total amount of warrants issued by the Comptroller General in payment of the expenses and compensation provided for in this chapter exceed the amount of the examination, registration, and renewal fees collected as provided in this chapter.

HISTORY: 1962 Code Section 29‑40.14; 1961 (52) 608.

**SECTION 48‑27‑250.** Penalties.

 Except as specifically provided in this chapter, a person who violates the provisions of this chapter is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years.

HISTORY: 1962 Code Section 29‑40.15; 1961 (52) 608; 1993 Act No. 184, Section 243.

**SECTION 48‑27‑260.** Injunctive relief and civil fines.

 The Board may, either before or after the institution of criminal proceedings, institute civil action in the circuit court, in the name of the State, for injunctive relief against any person violating the provisions of this chapter, or the regulations or orders of the Board. For each violation, the court may, in its discretion, impose a fine of no more than ten thousand dollars and order restitution to injured persons.

HISTORY: 1985 Act No. 156, Section 12.