Stricken language would be deleted from and underlined language would be added to the Code of Arkansas Rules.

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Proposed Rulemaking

Title

Promulgated by:
Department of Agriculture
Arkansas Forestry Commission

Title 17. Professions, Occupations, and Businesses

Chapter V. Arkansas Forestry Commission, Department of Agriculture

Subchapter A. Generally

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

Subpart 1. Generally

17 CAR § 20-101. Intent.

These rules:

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

(2) Establish the powers and duties of the Registered Forester Committee as required by Arkansas Code § 15-31-102(g);

(3) Establish ~~Govern the conduct of the business of the board and shall be interpreted to establish orderly, equitable, and efficient~~ procedures for registration of foresters in the State of Arkansas;

(4) Establish procedures for the receipt, investigation, and disposition of complaints related to the practice of forestry; and

(5) Establish civil penalties for violation of the Registration of Foresters Act, Arkansas Code § 17-31-101 et seq., and 17 CAR Pt. 20.

17 CAR § 20-102. Definitions.

As used in this part:

(1) ~~"Board" means the Arkansas State Board of Registration for Foresters~~ "Practice of forestry" has the same meaning as in Arkansas Code § 17-31-102(3); ~~and~~

(2) "Uniformed service member" has the same meaning as in Arkansas Code § 17-4-103; and

(3) "Uniformed service ~~Returning military~~ veteran" has the same meaning as in Arkansas Code § 17-4-103~~means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable~~.

17 CAR § 20-103. Compliance.

The Arkansas Forestry Commission and ~~State Board of~~ Registered~~ration for~~ Foresters Committee will~~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.

17 CAR § 20-104. Registered Foresters Committee ~~M~~membership and structure.

(a) ~~**Members and terms.**~~

(1) The Registered Foresters Committee is established under the authority of Arkansas Code § 15-31-102(g)~~17-31-201(b) provides that the Arkansas State Board of Registration for Foresters shall have~~ and has ~~six~~ seven (~~6~~7) members as follows~~appointed by the Governor.~~:

(A) Three (3) of the registered forester members of the Arkansas Forestry Commission designated under Arkansas Code § 15-31-102(f)(2) and the University of Arkansas at Monticello representative to the commission will be designated as members of the committee by the chair of the commission; and

(B) Three (3) registered foresters who are not members of the commission will be appointed by the chair of the commission.

(2) Members serve five (5) year terms.

(b) **Officers.**

(1) Arkansas Code § 17-31-203(a) provides that the board shallThe committee will elect biannually from its membership a:

(A) Chair;

(B) Vice chair; and

(C) Secretary.

(2) The board committee 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 will preside over all committee meetings, except as provided in subsection (d)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 will authenticate by the chair's signature all the approved acts, orders, and minutes of the boardapproved by the committee.

(63) The chair may represent the boardcommittee before the commission.

(d) **Vice chair.**

(1) The vice chair shall becomewill serve as the acting chair and temporarily shall assume the powers and duties of the chair in the event of the chair's absence or disability of the chair.

(2) The acting chair shall revert to the vice chair and the chair shallwill 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.~~

17 CAR § 20-105. Registered Forester Committee~~s~~ — General Duties.

(a) The Registered Forester Committee~~s shall~~ will:

(1) Review registered forester applications and complaints related to the practice of forestry~~issues~~; and

(2) Recommend action related to applications and complaints to ~~be taken by~~ the Arkansas ~~State Board of Registration for Foresters~~Forestry Commission.

(b)(1) ~~A~~ The committee ~~shall~~ will meet quarterly or as needed and as called by the ~~committee chair~~Department of Agriculture.

(~~c~~2) The ~~committee chair shall~~department will determine:

(~~1~~A) The schedule for committee meetings with approval of the members; and

(B) ~~Determine t~~The agendas for committee meetings, provided that the department will place any item on the agenda that is requested by the committee chair.~~;~~

~~(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.~~

17 CAR § 20-106. Meetings of the ~~board~~Registered Forester Committee.

(a) ~~**Quorum.** Arkansas Code § 17-31-203 provides that a~~A quorum of the Registered Foresters Committee ~~shall consist of~~ is not fewer than ~~three~~ four (~~3~~4) members, and no action of the committee is ~~shall be~~ official without a~~t least three (3)~~ majority vote~~s~~ in accord.

(b) **~~Regular meetings.~~** ~~Arkansas Code § 17-31-203(c) provides that the Arkansas State Board of Registration for Foresters shall~~ The committee will conduct at least ~~two~~ four (~~2~~4) regular meetings each year.

(1) Meetings are conducted in compliance with Arkansas Code § 25-19-106.

(2) The Department of Agriculture will record committee meetings and prepare meeting minutes for the committee.

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

(d) ~~**Voting.**~~

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

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

17 CAR § 20-107. ~~Public information~~Administration of the Registered Foresters Committee.

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

(1) Responsible for the ~~day-to-day affairs~~administrative duties of the ~~board~~Registered Foresters Committee; and

(2) ~~Is t~~The custodian of the ~~board's~~ committee'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.~~

17 CAR § 20-108. Registration.

(a) **~~Requirement.~~** A person must ~~be~~ hold an active certification of registration as a ~~registered~~ registered forester to lawfully engage in the practice forestry on private lands in Arkansas, except as stated in Arkansas Code §~~§ 17-31-101 and~~ 17-31-301(b).

(b) ~~**Becoming registered.**~~

~~(~~1) ~~Review~~ To qualify for registration as a forester, a person must meet the minimum education and experience requirements and pass the written examination required by Arkansas Code § 17-31-302 ~~to determine if you meet the statutory requirements for education and/or experience~~.

(2) A registered forester ~~Obtain an application form from the Arkansas State Board of Registration for Foresters.~~applicant must:

(~~3~~A) Submit to the ~~board a~~Department of Agriculture a completed application on a form prescribed by the Arkansas Forestry Commission and include:

(i)*(a)* A detailed summary of the applicant's education and technical experience.

(b) The applicant must have worked at least twenty (20) hours per week in forestry work for experience to be considered satisfactory under Arkansas Code §§ 17-31-302(2)—(5);

(ii) Names and addresses of at least five (5) references:

(a) At least three (3) references must be registered foresters who have personal or professional knowledge of the applicant's forestry experience or character and ability.

(b) Current committee members or relatives of the applicant may not be used as references; and

(iii) An official college transcript;

(B) Take and pass the Registered Foresters exam; and

~~(A) Completed application; and~~

(~~B~~C)(i) Pay to the department the required nonrefundable fees.

(ii) The schedule for application, registration, examination, and renewal fees will be made publicly available by the department and upon request.~~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~~3) ~~Reciprocal registration:~~

(A) A forester properly registered in any state or possession of the United States or in any province of Canada may apply for reciprocal registration as a forester in the State of Arkansas under~~Reciprocity is governed by~~ Arkansas Code § 17-31-308 provided that the registration requirements of the issuing state or province are substantially equivalent to the requirements of this state.~~; and~~

(B) A person seeking reciprocal registration in this state:

(i) Must submit to the department a completed application on a form prescribed by the commission;

(ii) Must pay the nonrefundable application and registration fees; and

(iii) Is not required to complete the ~~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~~ commission will~~shall~~ grant automatic certification of registration as a forester ~~licensure~~ to a person~~n individual~~ who holds a substantially equivalent license in another state, territory, or district of the United States ~~jurisdiction~~ and is:

(a) A~~n active duty military~~ uniformed service member stationed in ~~the State of Arkansas~~this state;

(b) A ~~returning military~~ uniformed service veteran who resides in or establishes residency in this state~~applying for licensure within one (1) year of his or her discharge from active duty~~; or

(c) The spouse of:

(1) ~~a~~A person listed in ~~under subdivisions~~ 17 CAR §§ 20-108(b)(~~7~~3)(C)(i)*(a)* or ~~(b)(7)(C)(i)~~*(b)*~~; of this section.~~

(2) A uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or

(3) A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

(ii) Any person meeting the requirements of 17 CAR § 20-108(b)(3)(C)(i) must submit to the department the following~~The board shall grant automatic licensure upon receipt of all the below~~:

(a) Completed application;

(b)(1) Payment of the nonrefundable registration fee~~application and registration fees;~~.

(2) The application fee is waived for an applicant applying for registration under Arkansas Code § 17-4-105;

(c) Official college transcript;

(d) Completed reference forms ~~(see subdivision (b)(5) of this section)~~as required in 17 CAR § 20-108(b)(2)(A)(ii);

(e) Evidence that the individual holds a substantially equivalent license in good standing in another state, territory, or district of the United States; and

(f) Evidence that the applicant~~ meets the requirements of Arkansas Code § 17-4-105~~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)(A) ~~Registered foresters must~~ All certificate of registration renewals are due by December 31 of each year~~pay an annual renewal fee of thirty dollars ($30.00)~~.

(~~2~~B) To renew a certificate of registration, a ~~R~~registered forester~~s~~ must, before the expiration date, submit to the department:

(~~A~~i) The renewal fee~~Annually participate in continuing forestry education~~; and

(~~B~~ii) Certification~~y to the board~~ of completion of at least ~~the minimum requirement~~eight (8) hours of continuing forestry education per year.

(~~3~~2) Expired licenses may be reinstated after the individual ~~has paid~~pays the penalty and renewal fee ~~as well as~~and certifies completion of ~~completed~~ the last calendar year's required continuing education hours.

(3) The expiration date of the certification of registration for any registered forester who is a deployed uniformed service member or his or her spouse will be extended as required by Arkansas Code § 17-4-108(a).

17 CAR § 20-109. ~~Prelicensure c~~Criminal background check and prelicensure determination.

(a) A person is not eligible to be a registered forester in this state if the person was convicted of a crime as set forth in Arkansas Code § 17-3-102 unless the person obtains a waiver under 17 CAR § 20-110.

(b) ~~Pursuant to Acts 2019, No. 990, an individual~~A person may petition the Arkansas Forestry Commission for a prelicensure determination of whether:

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

(2) A waiver may be obtained.

(~~b~~c)(1) The ~~individual~~ person must ~~obtain~~ submit a completed~~the~~ prelicensure criminal background check petition on a form prescribed by ~~from~~ the ~~Arkansas State Board of Registration for Foresters~~commission.

(c2) The board commission will respond to a completed petition within a reasonable time with a written decision stating the reason or reasons for the decisionin writing to a completed petition within a reasonable time.

(d3) The board commission's response will state the reason or reasons for the decision. will be based on:

(A) The information provided in the petition; and

(B) The factors set forth in Arkansas Code §§ 17-3-102(b)(2) and, except for convictions listed in Arkansas Code § 17-3-102(e), 17-3-102(c).

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

(f4) Any decision made by the board commission in response to a prelicensure criminal background check petition is final and not subject to appeal.

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

17 CAR § 20-110. Criminal background Wwaiver request.

(a) If an individual has been person was convicted of an offense listed in Arkansas Code §§ 17-3-102(a) , except those permanently disqualifying offenses found in Arkansas Code § 17-3-102or (e), the Arkansas State Board of Registration for Foresters Forestry Commission 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 registered forester individual holding a license subject to revocation because of the conviction.

(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, if applicable.

(~~d~~c) The ~~board~~ commission will:

(1) Base a decision to grant a waiver upon consideration of the factors set forth in Arkansas Code §§ 17-3-102(b)(2) and, except for convictions listed in Arkansas Code § 17-3-102(e), 17-3-102(c);

(2) Respond with a decision in writing; and

(~~2~~3) State the reason or reasons for the decision.

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

17 CAR § 20-111. Continuing education.

(a)(1) Except as set out in subsection (d) of this section, every registered forester ~~shall~~ must 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~~ must 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~~Forestry Commission.

(d) ~~**Waiver of continuing education requirement.**~~

(1) The commission may waive the continuing forestry education requirement of a registered forester For for the any causes set outstated in Arkansas Code § 17-31-307(d), the Executive Director may waive the continuing education requirement.

(2) The commission will grant a full or partial exemption from the continuing education requirement for any registered forester who is a deployed uniformed service member or his or her spouse as required by Arkansas Code § 17-4-108(b).The Executive Director's waiver must be ratified by the board.

17 CAR § 20-112. Complaints.

(a) **Filing a complaint.**

(1) Any person, including members of the Arkansas Forestry CommissionState Board of Registration for Foresters and the Executive DirectorDepartment of Agriculture, may file a complaint against an individual found infor violation of the Registration of Foresters Act, Arkansas Code § 17-31-101 et seq, or this part.

(2) Complaints must be made in writing on forms authorized by the boardprescribed by the commission,.

(3) All complaints must be notarizedsigned, and filed with the Executive Directordepartment.

(43)(A) The Executive Directordepartment and Registered Foresters Committee will review each complaint for to confirm the commission's jurisdiction over the subject of the complaint.

(5B) Only those complaints within the board commission's jurisdiction shall will 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) A ~~R~~respondent~~s~~ is any person against whom ~~are those individuals who have~~ a complaint is ~~brought against them~~filed.

(2)~~(A)~~ The department will notify the ~~R~~respondent~~s shall be sent a certified letter stating that~~ of a complaint, the nature of the complaint, and the commission's ~~(within the board's~~ jurisdiction~~) has been filed against them~~ over the complaint and provide a copy of the complaint, response form, and instructions to respond to the complaint.

~~(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.~~

(c)(1)(A) The department will investigate all complaints over which the commission has jurisdiction.

(B) The department will make inquiries, take statements or depositions, contact witnesses, collect records, perform inspections, and take all necessary actions necessary to investigate the complaint.

(C) Failure to cooperate with or respond to or providing false information in response to an investigation or request by the commission or department for records, statement or deposition, response, or inspection related to an investigation is grounds for action under Arkansas Code §§ 17-31-105 and 17-31-309.

(2) The committee will review all complaints, the response, and the department's investigation file and make recommendations to the commission regarding complaint dismissal or specific charges and penalty to bring against the respondent.

(3)(A) The department will present the committee's recommendation to the commission, which will vote to accept or reject the committee's recommendation.

(B) The department is authorized to make an offer of settlement to the respondent based on the commission's vote as to the charges and penalty related to a complaint.

~~(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.~~

17 CAR § 20-113. Hearings.

(a)(1) When the Registered Foresters Committee makes a recommendation to the Arkansas Forestry Commission of specific charges for violation of the Registration of

Foresters Act, Arkansas Code § 17-31-101 et seq., or this part, and the respondent does not accept an offer of settlement, the Department of Agriculture will serve a notice on the respondent stating the following:

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

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

(C) Statement of facts and law asserted; and

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

(2)(A) Hearings are conducted under the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(B) The respondent is entitled to all information required by Arkansas Code § 25-15-208(a)(3).

(3) The commission will issue a final decision including a statement of facts and conclusions of law and serve the decision on the respondent as required by Arkansas Code § 25-15-210.

(4)(A) Hearing transcriptions will be made if the commission's decision is appealed for judicial review.

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

(b)(1) If the commission determines that the respondent violated the Registration of Foresters Act, Arkansas Code § 17-31-101 et seq., or this part, it will issue a civil penalty in accordance with the Arkansas Forestry Commission Civil Penalty Matrix in Appendix A to this part and specific case criteria.

(2) A violation may also result in the suspension of, revocation of, or other disciplinary action affecting a registered forester certification under Arkansas Code §§ 17-31-309(b) and 25-15-217.

(c) Any person aggrieved by any action of the commission is entitled to judicial review under Arkansas Code § 25-15-212.

17 CAR § 20-114. Rules of Professional Conduct.

All registered foresters must abide by the following rules of professional conduct:

(1) Advertise only in a dignified manner, setting forth in truthful and factual statements the services available to prospective clients and the public.

(2) Strive for correct and increasing knowledge of forestry and the dissemination of this knowledge and discourage and condemn the spreading of untrue, unfair, and exaggerated statements concerning forestry.

(3) When serving as an expert witness on forestry matters in a public or private proceeding, base testimony on adequate knowledge of the subject matter and render opinions based on personal, honest convictions.

(4) Refrain from expressing publicly an opinion on a technical subject unless fully informed as to the related facts and will not distort or withhold data of a substantial nature for the purpose of substantiating a point of view.

(5) Protect information concerning business affairs of employers, principals, or clients that they desire to keep confidential unless express permission for disclosure is first obtained.

(6) Not have an interest in any business that may influence judgment about work for which the registered forester is engaged unless disclosing to and obtaining consent of clients or employers.

(7) Not accept compensation of any kind for the same service previously provided without full disclosure and consent of all parties involved.

(8) Engage or advise clients or employers to engage experts and specialists in forestry and related fields when the client's or employer's interest would be best served by such actions and cooperate with the expert or specialist in their work.

(9) Disclose to the Department of Agriculture the unlawful or unprofessional conduct of a registered forester and violation of laws related to the practice of forestry and cooperate with the Department in any investigation related to the practice of forestry.

Appendix A. Penalty Matrix

Appendix A

Arkansas Forestry Commission Civil Penalty Matrix

The civil penalty matrix is designed for violations of the Registration of Foresters Act, Arkansas Code § 17-31-101 et seq., and 17 CAR Pt. 20. The penalties are designed to maintain professional integrity in the practice of forestry in Arkansas. The commission has discretion to deviate within the matrix based on specific case criteria and aggravating or mitigating factors.

Penalties are assessed per violation. However, the commission may combine penalties for multiple violations arising from a single incident. In addition to civil penalties, violations may result in suspension, revocation, or other disciplinary action affecting registered forester certification under Arkansas Code §§ 17-31-309(b) and 25-15-217.

Violation Type	Description	Penalty Range	First Offense	Second Offense	Subsequent Offenses
Minor	Administrative or technical violations with no harm to public, client, or environment (e.g., unknowingly practicing without a license; expired license < 1 year; unintended professional conduct violation)	$0 – $500	Written warning	$250; formal reprimand	$500; license suspended
Moderate	Violations that pose limited harm or show negligence (e.g., negligently practicing without a license; expired license > 1 year; professional conduct violation)	$500 – $1,000	$500; written warning	$750; formal reprimand	$1,000; license suspended
Major	Purposeful, reckless, or repeated violations that endanger the public or environment or violate	$1,000 – $5,000	$1,000; license suspended	$2,500; license suspended	$5,000; license revoked

Violation Type	Description	Penalty Range	First Offense	Second Offense	Subsequent Offenses
	professional conduct (e.g., purposefully practicing without a license; reckless professional conduct violation)				

Note: Penalty values are **up to** stated amount.

Aggravating or Mitigating Factors (Adjust penalty within range):

Factor Type	Examples	Effect
Aggravating	Knowing misconduct, false representation, prior warnings, concealment of violation	Increase penalty within range
Mitigating	Self-reporting, cooperation during investigation, prompt corrective action	Decrease penalty within range

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Definitions

As used in this appendix:

"Negligence" means the failure to exercise the level of care that a reasonably prudent person would exercise under similar circumstances and results in harm or damage to another person or property.

"Professional conduct" means the professional standards set forth in 17 CAR § 20-114 that govern the conduct or registered foresters.

"Purposeful" means conduct undertaken with conscious intent or objective to cause a specific result or acting deliberately and knowingly toward a desired outcome.

"Reckless" means conduct in which a person consciously disregards a substantial and unjustifiable risk that a particular result will occur, demonstrating a gross deviation from reasonable behavior.

"Unintended" means an act or result that occurs without intent, design, or deliberate purpose by the actor.

"Violate" means to breach, infringe, or act contrary to a law, contractual obligation, or protected right.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 249

By: Senator Stone
By: Representative Beaty Jr.

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING VIOLATIONS AND PENALTIES RELATED TO FORESTRY; TO AMEND THE POWERS OF THE ARKANSAS FORESTRY COMMISSION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING VIOLATIONS AND PENALTIES RELATED TO FORESTRY; AND TO AMEND THE POWERS OF THE ARKANSAS FORESTRY COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-31-105(a), concerning violations and penalties related to forestry, is amended to read as follows:

(a)(1) ~~Any person required to be registered under this chapter shall be guilty of a Class A misdemeanor if that person~~ The Arkansas Forestry Commission may impose a civil penalty not to exceed five thousand dollars ($5,000) on a person required to be registered under this chapter if that person:

~~(1)~~(A) Practices or offers to practice forestry without a valid certificate of registration issued pursuant to this chapter;

~~(2)~~(B) Claims to be a forester certified under this chapter without being so certified;

~~(3)~~(C) In any way tends to convey the impression that he or she is a forester certified under the provisions of this chapter without being so registered;

~~(4)~~(D) Uses as his or her own the certificate of registration of another;

~~(5)~~(E) Gives false or forged evidence to the Department of Agriculture or the ~~Arkansas Forestry Commission~~ commission;

~~(6)~~(F) Uses an expired or revoked certificate; or

~~(7)~~(G) Violates any provision of this chapter.

(2) In addition to a civil penalty under subdivision (a)(1) of this section, a person who violates subdivision (a)(1) of this section upon conviction is guilty of a Class A misdemeanor.

SECTION 2. Arkansas Code § 17-31-204, concerning the powers of the Arkansas Forestry Commission, is amended to add an additional subsection to read as follows:

(d) The commission may promulgate rules to establish a penalty matrix for violations of the offenses under § 17-31-105(a).

APPROVED: 3/12/25