

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 Registration of Foresters

Subpart 1. Generally

17 CAR § 20-101. Intent.

These rules:

- (1) Implement the requirements of the Registration of Foresters Act, Arkansas Code § 17-31-101 et seq.;
- (2) Establish the powers and duties of the Registered Forester Committee as required by Arkansas Code § 15-31-102(g);
- (3) Establish 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:

DRAFT

10/21/2025 03:09:31 PM

(1) "Practice of forestry" has the same meaning as in Arkansas Code § 17-31-102(3);

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

(3) "Uniformed service veteran" has the same meaning as in Arkansas Code § 17-4-103.

17 CAR § 20-103. Compliance.

The Arkansas Forestry Commission and Registered Foresters Committee will 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 membership and structure.

(a)(1) The Registered Foresters Committee is established under the authority of Arkansas Code § 15-31-102(g) and has seven (7) members as follows:

(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)(1) The committee will elect biannually from its membership a:

(A) Chair;

(B) Vice chair; and

(C) Secretary.

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

(3) The terms for officers begin July 1.

(c)(1) The chair will preside over all committee meetings, except as provided in subsection (d).

(2) The chair will authenticate by signature all acts, orders, and minutes approved by the committee.

(3) The chair may represent the committee before the commission.

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

(2) The chair will resume the powers and duties of the office when the chair is able.

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

(a) The Registered Forester Committee will:

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

(2) Recommend action related to applications and complaints to the Arkansas Forestry Commission.

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

(2) The department will determine:

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

(B) The agendas for committee meetings, provided that the department will place any item on the agenda that is requested by three (3) or more committee members.

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

(a) A quorum of the Registered Foresters Committee is not fewer than four (4) members, and no action of the committee is official without a majority vote in accord.

(b) The committee will conduct at least four (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) In presiding at meetings, the chair will employ reasonable and efficient procedures.

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

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

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

The Department of Agriculture is:

(1) Responsible for the administrative duties of the Registered Foresters Committee; and

(2) The custodian of the committee's records.

17 CAR § 20-108. Registration.

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

(b)(1) 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.

(2) A registered forester applicant must:

(A) Submit to the 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

(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.

(3)(A) A forester properly registered in any state of the United States or its possessions or in Canada may apply for registration as a forester in the State of Arkansas under Arkansas Code § 17-31-308.

(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 Registered Foresters exam.

(C)(i) The commission will grant automatic certification of registration as a forester to a person who holds a substantially equivalent license in another state, territory, or district of the United States and is:

(a) A uniformed service member stationed in this state;

(b) A uniformed service veteran who resides in or establishes residency in this state; or

(c) The spouse of:

(1) A person listed in 17 CAR §§ 20-108(b)(3)(C)(i)(a) or (b);

(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:

(a) Completed application;

(b)(1) Payment of the nonrefundable registration fee.

(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 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.

(c)(1)(A) All certificate of registration renewals are due by December 31 of each year.

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

(i) The renewal fee; and

(ii) Certification of completion of at least eight (8) hours of continuing forestry education per year.

(2) Expired licenses may be reinstated after the individual pays the penalty and renewal fee and certifies completion of 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. 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) A person may petition the Arkansas Forestry Commission for a prelicensure determination of whether:

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

(2) A waiver may be obtained.

(c)(1) The person must submit a completed prelicensure criminal background check petition on a form prescribed by the commission.

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

(3) The commission's 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).

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

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

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

(a) If a person was convicted of an offense listed in Arkansas Code §§ 17-3-102(a) or (e), the Arkansas 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; or
- (2) A registered forester subject to revocation because of the conviction.

(b) A request for a waiver must be in writing and accompany the completed application and fees, if applicable.

(c) The 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
- (3) State the reason or reasons for the decision.

(d) An appeal of a determination under this section 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 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 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 approved by the:

- (1) Society of American Foresters; or
- (2) Arkansas Forestry Commission.

(d)(1) The commission may waive the continuing forestry education requirement of a registered forester for any cause stated in Arkansas Code § 17-31-307(d).

(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).

17 CAR § 20-112. Complaints.

(a)(1) Any person, including members of the Arkansas Forestry Commission and the Department of Agriculture, may file a complaint against an individual for 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 prescribed by the commission, notarized, and filed with the department.

(3)(A) The department will review each complaint to confirm the commission's jurisdiction over the subject of the complaint.

(B) Only those complaints within the commission's jurisdiction will proceed through the complaint process.

(b)(1) A respondent is any person against whom a complaint is filed.

(2) The department will notify the respondent of a complaint, the nature of the complaint, and the commission's jurisdiction over the complaint and provide a copy of the complaint, response form, and instructions to respond to the complaint.

(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 Registered Foresters 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 Arkansas Forestry 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.

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