

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

2011 AUG -3 AM 10:19

WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WV Board of Registration for Foresters TITLE NUMBER: 200

CITE AUTHORITY: \_\_\_\_\_

AMENDMENT TO AN EXISTING RULE: YES  NO

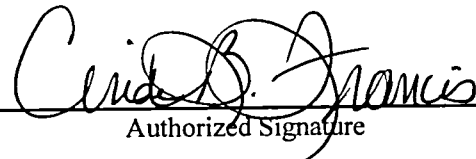
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5

TITLE OF RULE BEING AMENDED: 200-Code of Ethics

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
Authorized Signature

**QUESTIONNAIRE**

*(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)*

DATE: 7/29/11

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) WV Board of Registration for Foresters, PO Box 1032,  
Ripley, WV 25271, 304-415-3952

LEGISLATIVE RULE TITLE: Title 200 Series 5 Code of Ethics

1. Authorizing statute(s) citation Chapter 30 Article 19

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
June 28, 2011

b. What other notice, including advertising, did you give of the hearing?  
Information was posted on website to notify our registrants.

c. Date of Public Hearing(s) *or* Public Comment Period ended:  
July 29, 2011

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached \_\_\_\_\_ No comments received None received

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 1, 2011

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule: (Please type)

Cinda Francis, PO Box 1032, Ripley, WV 25271, 304-415-3952, fax:  
304-372-1957; wvborf@wirefire.com

- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

same as above

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

~~does not apply~~

b. Date of hearing or comment period:

Comment period: June 29-July 29, 2011

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

June 28, 2011

d. Attach findings and determinations and reasons:

Attached attached

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Title 200 Series 5 - Code of Ethics

Rule Title: \_\_\_\_\_

Type of Rule:  Legislative  Interpretive  Procedural

Agency: WV Board of Registration for Foresters

Address: PO Box 1032, Ripley, WV 25271

\_\_\_\_\_

\_\_\_\_\_

Phone Number: 304-415-3952 Email: wvborf@wirefire.com

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This Rule has no costs or revenues attached and therefore will have no impact on the financial resources of the Board of Foresters.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

<b>FISCAL YEAR</b>			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>	0.00	0.00	0.00

Title 200 Series 5 - Code of Ethics

Rule Title: \_\_\_\_\_

Rule Title: \_\_\_\_\_

3. **Explanation of above estimates (including long-range effect):**  
Please include any increase or decrease in fees in your estimated total revenues.

There will be no increase or decrease in the financial resources of the Board as a result of this Rule.

**MEMORANDUM**

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

n/a

Date: August 1, 2011

Signature of Agency Head or Authorized Representative

Cristina D. Francis

2011 AUG -3 AM 10:19

**TITLE 200**  
**LEGISLATIVE RULE**  
**STATE BOARD OF REGISTRATION OF FORESTERS**  
**SERIES 5**  
**CODE OF ETHICS**

OFFICE OF THE SECRETARY OF STATE

**§200-5-1. General.**

1.1. Scope. -- This legislative rule establishes the various fees that are to be submitted to the State Board of Registration of Foresters.

1.2. Authority. -- W. Va. Code §30-19-2.

1.3. Filing Date. --

1.4. Effective Date. --

**§200-5-2. Code of Ethics.**

2.1. The board recognizes that principles for professional conduct are required for registered foresters and forestry technicians to ensure confidence, respect and integrity in the forestry profession. The board adopts as a basis for its standards the national code of ethics of the Society of American Foresters. Stewardship of the land is the cornerstone of the forestry profession. The purpose of this code is to serve as the guiding principles for conduct for registered foresters and forestry technicians operating under the laws of West Virginia in their relations with each other, their employers, the public, and other professionals. All registered foresters and forestry technicians agree to abide by this code as a condition of registration.

2.1.a. A registered forester or forestry technician shall advocate and practice land management consistent with ecologically sound principles.

2.1.b. A registered forester or forestry technician's knowledge and skills shall be utilized for the benefit of society. A member shall strive for accurate, current and increasing knowledge of forestry, shall communicate that knowledge when not confidential, and shall challenge and correct untrue statements about forestry.

2.1.c. A registered forester or forestry technician shall advertise only in a dignified and truthful manner, stating the services the member is qualified and prepared to perform. The advertisements may include references to fees charged.

2.1.d. A registered forester or forestry technician shall base public comment on forestry matters

## 200CSR5

on accurate knowledge and shall not distort or withhold pertinent information to substantiate a point of view. Prior to making public statements on forest policies and practices, a member shall indicate on whose behalf the statements are made.

2.1.e. A registered forester or forestry technician shall perform services consistent with the highest standards of quality and with loyalty to the employer.

2.1.f. A registered forester or forestry technician shall perform only those services for which the member is qualified by education or experience.

2.1.g. A registered forester or forestry technician who is asked to participate in forestry operations which deviate from accepted professional standards shall advise the employer in advance of the consequences of the deviation.

2.1.h. A registered forester or forestry technician shall not voluntarily disclose information concerning the affairs of the member's employer without the employer's express permission or except as may be required by state or federal law or a court of competent jurisdiction.

2.1.i. A registered forester or forestry technician shall avoid conflicts of interest or even the appearance of such conflicts. If, despite taking precautions, a conflict of interest is discovered, it shall be promptly and fully disclosed to the member's employer and the member shall be prepared to act immediately to resolve the conflict.

2.1.j. A registered forester or forestry technician shall not accept compensation or expenses from more than one employer for the same service, unless the parties involved are informed and consent.

2.1.k. A registered forester or forestry technician shall engage, or advise the member's employer to engage, other experts and specialists in forestry or related fields whenever the employer's interest would be best served by that action, and members shall work cooperatively with other professionals.

2.1.l. A registered forester or forestry technician shall not by false statement or dishonest action injure the reputation or professional associations of another member.

2.1.m. A registered forester or forestry technician shall give credit for the methods, ideas, or assistance obtained from others.

2.1.n. A registered forester or forestry technician in competition for supplying forestry services shall encourage the prospective employer to base selection of the services on comparison of qualifications and negotiation of fee or salary.

2.1.o. Information submitted by a registered forester or forestry technician about a candidate for a prospective position, award, or elected office shall be accurate, factual, and objective.

**200CSR5**

2.1.p. A registered forester or forestry technician having evidence of violation of this section by another member shall present the information and charges to the board.

2.2. Proposed amendments to the code of ethics shall be adopted by unanimous vote of the board members at any meeting at which there is a quorum present. Proposed amendments are subject to the rule making process as set forth in W. Va. Code §29A-3-1, et seq.