

ARKANSAS REGISTER

Transmittal Sheet

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Secretary of State

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FORM 008000

Use Only:

Effective Date _____ Code Number _____

Name of Agency Board of Registration for Professional Geologists

Department Department of Labor and Licensing

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Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Kelli Black

kelli.black@arkansas.gov

5-25-2022

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CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Kelli Black

Signature

5016830150

5-25-2022

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Title

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Rules of Arkansas State Board of Registration For Professional Geologists

SECTION 1

ADMINISTRATION

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- 1-1 Nominations to the Board
- 1-2 Removal from the Board
- 1-3 Meetings
- 1-4 Secretary-Treasurer

1-1 Nominations to the Board

The Board may determine procedures whereby recommendations may be made to the Governor for geological member nominations to the Board.

1-2 Removal from the Board

The Governor may remove any member of the Board for misconduct, incompetence, neglect of duty, or any other sufficient causes. Vacancies in the membership of the Board shall be filled for the remainder of the term by the Governor as provided for herein.

1-3 Meetings

(1) The Board shall hold at least two regular meetings each year. Four members shall constitute a quorum. An affirmative vote of a majority of the members present shall be necessary to transact business. Special meetings of the Board shall be called by the Secretary upon the written request of the Chairman or any two members, by giving each member of the Board at least seven days' notice of such meetings and the time and place at which such meeting is to be held. Notice of all meetings shall be given as required by the Administrative Procedures Act.

(2) The Board shall follow Robert's Rules of Order with the exception that the Chairman and the ex-officio member shall be full voting members. However, the Chairman shall not vote unless there is a tie vote among the other Board members.

1-4 Secretary Treasurer

(1) The Secretary-Treasurer shall be the Secretary of the Board (hereinafter known as Secretary) and, in addition to his/her duties as prescribed by law, shall perform such other administrative duties as may be prescribed by the Board.

(2) The Secretary shall keep a true record of all proceedings of the Board and send copies thereof to its members. He/she shall keep a record of all examination papers and other evidence of qualification submitted by each applicant for a Certificate of Registration, an official roster of all registered geologists, and of the renewals of such registrations. He/she shall give notice in writing of the expiration of any registration to the holder and to the Board, and make a proper entry on the roster showing the expiration of such registration. He/she shall send notice of annual renewal of registration fees to registrants at least forty-five days prior to expiration. He/she shall receive all fees and costs and give receipt for the same. He/she shall give a general report at the regular Board meeting on all transactions since the previous meeting. A written financial report shall be offered to the Board at least quarterly.

SECTION 2

PURPOSE

2-1 Purpose

In order to safeguard life, health and property, and to promote the public welfare, the practice of geology in this State has been declared to be subject to oversight in the public interest. These Rules are adopted in order to introduce qualifying criteria in the professional field. Such action recommends itself through benefits to the safety, health and property of the people of Arkansas and to the promotion of the public welfare. These benefits are in the fields of geology as related to engineering, ground water, mineral exploration and development, geologic hazards, environmental geology, the further development of the science of geology, and other geologic matters of concern to the people of this State.

SECTION 3

DEFINITIONS

3-1 Definitions

The definitions used herein are as follows:

- (1) “Act” means the Registration of Geologists Act of 1987 (Act 701).
- (2) “Board” means the State Board of Geologist’s Examiners and also the Board of Registration for Professional Geologists.
- (3) “Geology” means that science which treats of the earth in general; investigations of the earth’s crust and the rocks and other materials which compose it, and the applied science of utilizing knowledge of the earth and its constituent rocks, minerals, liquids, gases and other materials for the benefit of mankind.
- (4) “Geologist” means a person engaged in the practice of geology.
- (5) “Public practice of geology” means any professional service, work, or activity and its performance requiring formal geological education, training, experience and the understanding and application of special knowledge of the mathematical, physical, and geological sciences as may be related to those services including, but not limited to, consultation, investigation, evaluation, planning, interpretation, remediation, expert technical testimony, planning the use of land and water, protection of groundwater to ensure adequate quality and quantity for present and future generations; prevention and remediation of contamination of the earth, earth materials and water from improper disposal or accidental spills; determination of the suitability and risks in containment and disposal of wastes and hazardous materials including but not limited to landfills, storage tanks, and injection wells; development and implementation of subsurface site investigation work plans associated with solid and hazardous waste sites, underground and aboveground storage tank sites, environmental site assessments, comprehensive site assessments, etc.; design and installation of groundwater monitoring systems, interpretation of groundwater data, interpretation of subsurface data collected during environmental site assessments or comprehensive site assessments; determination of aquifer flow characteristics (i.e pump test, slug test etc.); interpretations of surface and borehole geophysical surveys; sighting of boreholes, depth of wells to be drilled, depth of casing and grouting requirements for the construction of monitoring wells or other borings into the earth that may affect one or more aquifers, or other geologic phenomena; geologic surveying and mapping including making measurements and gathering data related to the physical features of the earth including subsurface data including the depiction of such information into geologic graphics, data, maps, plans, reports, descriptions, or projects and including preparing, creating, and/or modifying computerized, electronic data related to the activities contained within this section; inspection of geological or related work any of which includes or embraces any services, activities, or work public or private, which may be adversely or otherwise be affected or influenced by geological processes including but not limited to utilities, projects, communication systems, transportation systems or any other anthropogenic features, and insofar as they involve protecting and safeguarding the public’s health, safety, property, and welfare, and including such other professional services as may be necessary in the planning, progress and completion of any such geological services. A person shall be construed to practice or offer to practice geology publicly, within the meaning and intent of the Act, who practices any branch of the profession of geology and who by verbal claim, sign advertisement, letterhead, card, or in any other way represents himself to be a geologist, or through the use of some other title implies that he is a geologist or that he is registered under the Act; or who holds himself/herself out as able to perform, or who does perform any geological service or work recognized as geology.
- (6) A “qualified geologist” means a person who possesses all the qualifications specified in the Act for registration, except that he is not registered.
- (7) “Registered Geologist” means a person who is currently registered as a geologist under the provisions of the Act.
- (8) The term “responsible charge of work” means the independent control and direction by the use of initiative, skill, and independent judgment of geological work or the supervision of such work.
- (9) A “subordinate” means any person who assists a Registered Geologist or a Registered Engineer in the practice of geology without assuming the responsible charge of work.
- (10) “Geologist In Training” means a person who fulfills the academic and other requirements for registration as a geologist

and has passed Part I of the written examination required for registration, but has not had the professional experience required to qualify as a Registered Geologist.

SECTION 4

REGISTRATION TO PRACTICE UNDER TITLE OF GEOLOGIST

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4-1 Examinations

(1) Written examinations.

(a.) The regular written examination for registration as a professional geologist in Arkansas shall consist of both parts of the National Association of State Boards of Geology (ASBOG) test.

**National Association of State Boards of Geology
(ASBOG)
P.O. Box 11591
Columbia, SC 29211-1591**

(2) Examination facilities.

(a) The ASBOG exam will be administered at facilities and on dates specified by the Board, but must be offered at least once per year.

(3) Examinees of the ASBOG test must abide by all the rules and regulations of ASBOG and the rules of the Board.

(4) Requirements for passing examination.

(a) Every applicant receiving a passing score on the ASBOG exam (Part I and Part II) shall be deemed to have passed. If the test was taken for registration in another state prior to January 1, 1997, the Board may accept the test score based on applicant's submission of work history.

4-2 Reciprocity

A person registered to engage in the practice of geology, on the basis of comparable licensing requirements issued to him by a proper authority of a state, territory, or possession of the United States, or the District of Columbia, and who in the opinion of the Board otherwise meets the requirements of the Act based on verified evidence, may upon application, be registered without further examination, provided that the state or agency, presently holding licensing requirements on the applicant has similar requirements as those found at Ark. Code Ann.-§ 17-32-304 and the applicant has not had a license revoked for an act of bad faith or a violation of law, rules or ethics.

4-3 Temporary or Provisional Licensure

- (1) The Board shall issue a temporary and provisional license immediately upon receipt of an application, the required fee, and the documentation required under section 4-5 of these rules.

- (2) The temporary and provisional license shall be effective until the Board makes a decision on the application, unless the Board determines that the applicant does not meet the requirements in section 4-5 in which case the temporary and provisional license shall be immediately revoked.
- (3) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

4-4 Automatic Licensure

- (1) As used in this subsection, “uniformed service veteran” means a former member of the United States Uniformed Services who was discharged from active duty under circumstances other than dishonorable.
- (2) As used in this subsection, “automatic licensure” means the granting of occupational licensure without an individual's having met occupational licensure requirements provided under this title or by the rules of the occupational licensing entity;
- (3) The Board shall grant automatic licensure to an individual who is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the U.S. and is:
 - a) A uniformed service member stationed in the State of Arkansas;
 - b) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
 - c) The spouse of:
 - i. A person under (3) (a.) or (b.) above.
 - ii. 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
 - iii. 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.
- (4) The Board shall grant such automatic licensure upon receipt of all the below:
 - a) Payment of the initial licensure fee;
 - b) Evidence that the individual holds a license with a similar scope of practice in another state; and
 - c) Evidence that the applicant is a qualified applicant under Section (3).
- (5) The expiration date of a license for a deployed uniform service member or spouse will be extended for one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

4-5 Pre-Licensure Criminal Background Checks

- (1) Pursuant to Act A.C.A. § 17-3-101 *et. seq.*, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
- (2) The individual must obtain the pre-licensure criminal background check petition form from the Board.
- (3) The Board will respond with a decision in writing to a completed petition within a reasonable time.
- (4) The Board's response will state the reason(s) for the decision.
- (5) All decisions of the Board in response to the petition will be determined by the information provided by the individual.
- (6) Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.
- (7) The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

4-6 Criminal Background Waiver Request

- (1) If an individual has been convicted of an offense listed in A.C.A. § 17-3-102(a) or (e) the Board 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:
 - a. An affected applicant for a license; or
 - b. An individual holding a license subject to revocation.
- (2) The Board may grant a waiver upon consideration of the following, without limitation:
 - a. The age at which the offense was committed;
 - b. The circumstances surrounding the offense;
 - c. The length of time since the offense was committed;
 - d. Subsequent work history since the offense was committed;
 - e. Employment references since the offense was committed;
 - f. Character references since the offense was committed;
 - g. Relevance of the offense to the occupational license; and
 - h. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.
- (3) A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.
- (4) The Board will respond with a decision in writing and will state the reasons for the decision.
- (5) An appeal of a determination under this section will be subject to the Administrative Procedures Act §25-15-201 *et seq.*

4-7 Certificate of Registration

(1) The Board shall issue a Certificate of Registration, upon payment of the registration fee as provided to any applicant who, in the opinion of the Board, has satisfactorily met all requirements of these Rules. Certificates of Registration shall show the full name of the registrant, the date of registration, give a serial number, and be signed by the Chairman of the Board and by the Secretary under seal of the Board. The issuance of a Certificate of Registration by the Board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a Registered Geologist, as long as the certificate is not revoked or expired. Upon payment of the fee, the Board shall issue a pocket-sized Registration Card showing name, serial number, and expiration date.

(2) A new Certificate of Registration to replace any certificate lost, destroyed or mutilated will be issued upon payment of a fee of \$10.00.

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SECTION 5

PRACTICE AFTER REGISTRATION

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5-1 Roster

5-2 Address Change

5-1 Roster of Professional Geologists

A roster of registered geologists will be posted on the Board's website bi-annually. The Secretary shall publish a roster showing the names and places of business of all registered geologists. Copies of this roster may be mailed to each person so registered upon request, and will be placed on file with the Secretary of State, and furnished to the public upon request and payment of an at-cost fee established by the Board. An addendum with any new registrants and all changes with existing registrants may be sent out annually to each person that is registered upon request and will be provided to the Secretary of State bi-annually.

5-2 Address Change

Each person who is an applicant for registration, a geologist-in-training, or a holder of a Certificate of Registration from the Board shall notify the Board at its Little Rock, office within sixty (60) days of any and all changes giving both his old and new address and telephone number.

Section 6

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6-1 Explanation

A geologist who has not had the professional geologic experience required to qualify as a registered geologist may apply as a Geologist-in-Training. Upon completion of experience requirements, the applicant may then apply for registration as a geologist.

6-2 Minimum Qualifications: Education

To be eligible for obtaining a Geologist-in-Training classification, an applicant shall either have graduated from an accredited college or university with either a major in geology, engineering geology, or geological engineering, or have completed thirty (30) semester hours or forty-five (45) quarter hours or the equivalent in geological science courses leading to a major in geology, of which at least thirty-six (36) quarter hours or the equivalent were taken in the third and/or fourth year or in graduate courses.

6-3 Application

(1) Application forms for classification as Geologist-in-Training are the same as those for registration as a geologist. The applicant for Geologist-in-Training classification shall complete the entire application except for describing professional experience and shall not include professional references. Upon completion of experience requirements at a later date, the applicant shall then notify the Board. He/she will be sent another application form upon which he may detail his professional geologic experience as required for registration as a professional geologist. All reference letters as required in the application, except those pertaining to professional competence, should be forwarded for Geologist-in-Training classification. Reference letters pertaining to professional competence shall be forwarded at such time as the applicant applies for registration as a professional geologists.

(3) Application for classification as a Geologist-in-Training shall be:

- (a) filed on a form prescribed by the Board,
- (b) filed at the office of the Board, and
- (c) subscribed and certified under penalty of law.

(4) Examination

Upon passing Part I (Fundamentals of Geology) of the ASBOG test in Section 4-1, the applicant shall receive the Geologist-in-Training classification. If the applicant has taken Part I of the ASBOG test prior to January 1, 1997 for registration in another state the Board may accept the test score based on a completed application.

SECTION 7

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7-2 Expiration of Registration; Penalty Period; Reinstatement
7-3 Date of Filing Fee

7-1 Method of Payment

All fees required by the provisions of the Act and the Rules of the Board shall be transmitted by money order, bank draft or check payable to the State Board of Registration for Professional Geologists. No fees are refundable.

7-2. Expiration of Registration; Penalty Period; Reinstatement

The registration shall expire annually on July 1.

Renewal notices to registrants will be mailed 45 days prior to the date of expiration.

Late renewal application submitted during a six-month penalty period following expiration must be accompanied by a fee equal to the renewal fee plus fifty per cent penalty fee up to a maximum penalty for late renewal of five hundred dollars (\$500) per instance. The Board has the right to waive the penalty fee if in the Board's opinion the penalty fee is not warranted.

Registrations not renewed prior to the end of the six-month penalty period shall not be subject to renewal. Any consideration for registration reinstatement after the six-month penalty period would be at the discretion of the Board and requires submission of a reinstatement application with the required reinstatement fee of twice the renewal fee up to a maximum penalty for late renewal of five hundred dollars (\$500) per instance.

7-3. Date of Filing Fee.

When transmitted through the mail, fees required under provisions of this rule shall be deemed filed on the date shown by the post-office cancellation mark appearing on the envelope containing the fee.

7-4. Work Force Expansion Act Fee Waiver.

The Board shall waive the initial licensing fee if the applicant:

- 1) Is receiving assistance through the Arkansas Medicaid Program; the Supplemental Nutrition Assistance Program; the Special Supplemental Nutrition Program for Women, Infants, and Children; the Temporary Assistance for Needy Families Program; or the Lifeline Assistance Program;
- 2) Was approved for unemployment within the last twelve (12) months; or
- 3) Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

SECTION 8
STANDARDS OF CONDUCT
CODE OF ETHICS

8-1 Code of Ethics
8-2 Investigations
8-3 Discipline

8-1 Code of Ethics

(1) Geology is a profession, and the privilege of professional practice requires responsibility as well as professional knowledge on the part of each practitioner. Each Registered Professional Geologist shall be guided by the highest standards of business ethics.

(2) With high regard for the geological profession and recognizing in the Code of Ethics a set of dynamic principles to guide his services to his fellow men and to his profession, with full knowledge of the responsibility of geologists to safeguard health, safety and public welfare, a Registered Professional Geologist:

- (a) shall protect to the fullest extent the public welfare and safety;
- (b) shall not act in any manner which will tend to bring discredit to the honor and dignity of his profession;
- (c) shall not undertake any type of work with which he is not competent unless he makes full disclosure of his lack of training and/or experience to the appropriate parties prior to undertaking the work;
- (d) shall not act for his client or employer other than as a faithful agent or trustee and shall protect to the fullest the interest of his employer and/or client so far as is consistent with the law and his professional obligations and ethics;
- (e) shall not use undue influence or offer commissions or otherwise solicit professional work improperly;
- (f) shall not voluntarily disclose information concerning the lawful business affairs or technical processes of a client or employer without his consent, provided that this article does not operate to the detriment of public safety;
- (g) shall not express an opinion which is not founded upon knowledge and honest conviction nor yield to undue and improper pressure;
- (h) shall not advertise his work or merit in any manner derogatory to the dignity of the profession;
- (i) will freely give credit for work done by others to whom credit is due and will refrain from plagiarism in oral and written communications, and not knowingly accept credit rightfully due another geologist;

(3) It shall be the duty and professional responsibility of every Registered Geologist to uphold these standards of ethics and to encourage other geologists by example and counsel to adhere to this Code. A Registered Geologist found by the Board to be in violation of this Code of Ethics shall be subject to loss of registration.

8-2 Investigation

The Board shall initiate an investigation at the next Board meeting, either regular or called, of any such complaint and shall hold a hearing within three calendar months or ninety days after investigation on those complaints which it deems of sufficient merit.

8-3 Discipline

(1) The Board shall have the power to levy civil fines, suspend, revoke, or refuse to renew the Certificate of Registration of any registrant who is found to have been involved in:

- (a) the practice of any fraud or deceit in obtaining a Certificate of Registration;
- (b) any gross negligence, incompetence, or misconduct in the practice of geology as a professional geologist;
- (c) any felony or crime involving moral turpitude; or
- (d) the commission of any unlawful act as set forth in the Act.

(2) Any such action by the Board in this regard shall be after a hearing is held in accordance with the procedures set forth in the Rules, in the Act, and the Administrative Procedures Act, [AR Code Annotated § 25-15-201 et seq](#) which are hereby incorporated herein and by reference made a part hereof.