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**IDAPA 14
TITLE 01
Chapter 01**

IDAPA 14 - BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS

14.01.01 - RULES OF PROCEDURE

000. LEGAL AUTHORITY.

These rules are adopted under the authority of Section 54-2808, Idaho Code. (7-1-93)

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 14.01.01, Rules of Procedure of the Idaho Board of Registration for Professional Geologists. These rules establish procedures for the organization and operation of the board. (7-1-93)

002. (RESERVED).

003. ADMINISTRATIVE APPEALS.

The board shall hold hearings on disputed matters or complaints as provided for in the act, in these rules of procedure, or in Title 67, Chapter 52, Idaho Code. The chairman, or a member of the board appointed by the chairman, shall act as presiding officer at all hearings. Rules of procedure for the conduct of such hearings shall be in accordance with the applicable provisions of the act, of these rules of procedure, and of Title 67, Chapter 52, Idaho Code. (7-1-93)

004. -- 009. (RESERVED).

010. DEFINITIONS.

For the purposes of these rules: (7-1-93)

01. Act. The legislation enacted by the First Regular Session of the Forty-first Legislature (Chapter 137, 1971 Session Laws) providing for registration of professional geologists. (7-1-93)

02. Applicant. Any person who has made application for registration under the act and who has neither been granted registration or had the application denied by the board. (7-1-93)

03. Board. The Idaho Board of Registration for Professional Geologists as provided for in the act. (7-1-93)

04. Geologist-In-Training. Any person who has taken and successfully passed the portion of the professional examination covering fundamental or academic geologic subjects, prior to his completion of the requisite years of experience in geologic work, as provided for in the act. (7-1-93)

05. Registrant. Any person currently registered as a professional geologist under provisions of the act. (7-1-93)

06. Responsible Position. A position wherein a person, having independent control, direction, or supervision of a geological project, investigates and interprets geologic features. (7-1-93)

011. -- 099. (RESERVED).

100. GENERAL PROVISIONS.

01. Offices. The principal office of the board shall be maintained at Room B-83, 650 West State Street, Boise, Idaho. The mailing address is Statehouse, Boise, Idaho 83720; to which all correspondence, including remittances and renewal fees, shall be directed. The telephone number of the board is (208) 334-2268. (7-1-93)

02. Meetings. The board shall meet at least once each year at the call of the chairman, within ninety (90) days following the annual examinations; the board shall elect a chairman, vice-chairman, and secretary at such annual meeting. In addition to this annual meeting, the chairman may call special meetings from time to time when, in his opinion, it is deemed necessary, or upon the written request of any three (3) members of the board. (7-1-93)

03. Order of Business. The order of business at meetings shall be as follows: (7-1-93)
- a. Reading of minutes; (7-1-93)
 - b. Financial report; (7-1-93)
 - c. Reports of officers; (7-1-93)
 - d. Reports of committees; (7-1-93)
 - e. Reading of communications; (7-1-93)
 - f. Unfinished business; (7-1-93)
 - g. New business; (7-1-93)
 - h. Consideration of applications, examinations, and fees; (7-1-93)
 - i. Consideration of petitions, complaints, suspensions, and revocations; (7-1-93)
 - j. Miscellaneous; (7-1-93)
 - k. Adjournment. (7-1-93)
 - l. Robert's Rules of Order shall govern procedure of the board except as otherwise provided by the act or these rules. (7-1-93)
04. Officers. Officers elected from the board shall be chairman, vice-chairman, and secretary. An assistant secretary may be selected who need not be a member of the board. (7-1-93)
- a. The chairman shall be the executive head of the board; shall when present preside at meetings; shall appoint committees; and shall perform all the duties pertaining to the office of chairman. (7-1-93)
 - b. The vice-chairman shall, in the absence or incapacity of the chairman, exercise the duties and possess all the powers of the chairman. (7-1-93)
 - c. The secretary shall, with assistance of an assistant secretary and staff as authorized by the board: (7-1-93)
 - i. Keep correct minutes of the board and furnish a copy to all members of the board; (7-1-93)
 - ii. Send written notice of all regular and special board meetings to each member not less than ten days in advance thereof; (7-1-93)
 - iii. Examine each application for registration and bring about necessary corrections or the supplying of missing or essential data in connection with such application prior to consideration thereof by the board; (7-1-93)
 - iv. Address inquiries, where deemed necessary, to references or applicants to verify qualifications, experience, or character; (7-1-93)
 - v. Make arrangements, as required by the board, for examinations, interviews, or hearings; (7-1-93)
 - vi. Report to the board members the result of every examination and other evidence of qualification of each applicant; (7-1-93)
 - vii. Prepare the required annual report and roster; (7-1-93)

- viii. Keep all records, including minutes, register of applicants and registrants, and roster; (7-1-93)
- ix. Receive and deposit all funds and fees, as provided by the act, and keep records of all receipts and disbursements; (7-1-93)
- x. Attend to all official correspondence of the board; (7-1-93)
- xi. Perform all other duties as prescribed by the act or which normally pertain to the office of secretary. (7-1-93)
05. Committees. Regular or special committees may be appointed by the chairman, as necessary, to perform special duties and shall present reports to the board at the time specified or at the earliest regular or special meeting of the board. (7-1-93)
06. Quorum. As provided in the act, a quorum shall be at least three members of the board legally holding office at the time of meeting. Official business of the board shall be conducted only at board meetings with a quorum present. (7-1-93)
07. Fees. (7-1-93)
- a. The fee for registration under the act shall be one hundred dollars (\$100), eighty dollars (\$80) of which shall accompany the application and the remaining twenty dollars (\$20) paid prior to issuance of the certificate. (7-1-93)
- b. The fee for reexamination, for persons failing the first examination, shall be fifty dollars (\$50). (7-1-93)
- c. The fee for replacing a lost, destroyed or mutilated certificate shall be ten dollars (\$10). (7-1-93)
- d. The fee for annual renewal of registration shall be as determined each year by the board, but shall not exceed one hundred dollars (\$100). Renewal fees are due annually by June 30. The amount of the first annual renewal fee for a registrant may, at the discretion of the board, be reduced appropriately on a prorated quarterly basis based upon the initial registration date in the preceding fiscal year. (7-1-93)
- i. The secretary shall notify each registrant by mail, to the last recorded address, not later than June 1 of each year giving date of expiration of the registrant's certificate and the amount of the renewal fee due by June 30 for the following year. (7-1-93)
- ii. Failure on the part of any registrant to renew the certificate in June shall not deprive such person of the right of renewal, but the fee to be paid for renewal after June 30 shall be increased as prescribed in the act. (7-1-93)
08. Certificates. Certificates of registration shall be issued to each registrant, as prescribed by the act, on forms adopted by the board. Certificates shall be displayed by registrants in their place of business. A new certificate may be issued by the board, to replace one lost, destroyed or mutilated. Each certificate shall bear an individual number, as assigned to that particular registrant by the board, which number shall be included in the annual roster of registrants prepared by the secretary. (7-1-93)
09. Seals. (7-1-93)
- a. The official seal of the board shall consist of a seal of the state of Idaho surrounded with the words Board of Registration for Professional Geologists. (7-1-93)
- b. The board has adopted a seal similar to that illustrated for use of each registrant. To make use of the seal valid, registrant shall first write in ink his signature and date and then stamp over same with the seal. Either impression type or rubber stamp seal shall be valid. (7-1-93)

SEE "APPENDIX A" AT END OF CHAPTER

10. Address Change. Each applicant and registrant shall notify the board within sixty (60) days of any and all changes of address, giving both old and new address. (7-1-93)

11. Annual Report. An annual report shall be published by the board and mailed to the governor, secretary of state, each registrant, and to the public (upon request). The annual report shall contain, among other things: (7-1-93)

a. Copy of the act; (7-1-93)

b. Rules of procedure; (7-1-93)

c. Annual report of the board, summarizing all transactions; (7-1-93)

d. Excerpts or summary of annual financial report; (7-1-93)

e. Roster of registrants; (7-1-93)

f. Code of ethics; (7-1-93)

g. Current fee schedules; (7-1-93)

12. Amendments. The rules of procedure may be amended by a majority vote of board membership at any regular or special meeting of the board, after prior notice by publication as may be required by the provisions of Title 67, Chapter 52, Idaho Code. (7-1-93)

101. -- 199. (RESERVED).

200. APPLICATION PROCEDURES.

01. Applications. Applications for registration shall be: (7-1-93)

a. Filed on a form or forms prescribed by the board. (7-1-93)

b. Filed at the Boise office of the board, accompanied by the required application fee. (7-1-93)

c. Received by the board, if for registration by examination, not less than ninety (90) days prior to the date of examination. (7-1-93)

d. Subscribed and certified to by the applicant under penalty of perjury as provided for by state law. (7-1-93)

e. Applications not submitted in proper form, or which are incomplete, will not be accepted by the board and will be returned to the applicant by the secretary with a statement of the reason for return. (7-1-93)

02. Board Action. Upon evaluation of the application by the board, including receipt of statements from references, each application will be: (7-1-93)

a. Approved and the applicant notified in writing of such approval and the granting of registration; or (7-1-93)

b. Approved and the applicant scheduled for examination for registration, and so notified in writing; or (7-1-93)

c. Denied with prejudice and the applicant notified in writing by certified mail stating the reason for denial. In the event of denial of application, the application fee will be retained by the board. (7-1-93)

03. Appeal. Upon notification by the board that the application has been denied or rejected, the applicant within thirty (30) days of receipt of such notice, may petition the board for a hearing, under the provisions of Title 67, Chapter 52, Idaho Code. (7-1-93)

04. Dates. The date of application shall be the date it is delivered in person to the board office or, if mailed, the date shown by post office cancellation mark. Qualifying education and experience of the applicant, for examination and registration, shall be computed from the date of application as described above. (7-1-93)

05. References. Statements from personal references, concerning the applicant's professional ability and personal character, shall be received, as prescribed by the act, prior to any action by the board to approve an application. All information received from references named by the applicant will be held in confidence by the board. No current member of the board shall be named as a reference by an applicant. (7-1-93)

06. Abandonment. In the absence of special circumstances, the board shall consider an application abandoned when: (7-1-93)

a. The applicant fails to submit the certificate fee within six (6) months after the date of the letter of notification of approval of registration; or (7-1-93)

b. The applicant fails to appear for a scheduled examination without obtaining a postponement from the board; or (7-1-93)

c. The applicant, after two (2) such postponements, fails to appear for examination at the scheduled time. (7-1-93)

d. If after abandonment of an application an applicant wishes to reapply for registration, an entirely new application shall be initiated and all previously paid application fees shall be retained by the board. (7-1-93)

201. -- 299. (RESERVED).

300. EXAMINATIONS.

01. Examination Required. Every applicant for registration shall take and pass an examination as prescribed by the board except as may be specifically exempted from such examination under the terms of the act. (7-1-93)

02. Eligibility. The following shall be considered as minimum evidence that the applicant is qualified to take an examination for registration as a professional geologist: (7-1-93)

a. Completion of thirty (30) semester units in courses in geological science leading to a degree in the geological sciences of which at least twenty-four (24) units are in third or fourth year, and/or graduate courses; and (7-1-93)

b. Have at least seven (7) years of professional geological work which shall include either a minimum of three (3) years of professional geological work under the supervision of a registered geologist, or, wherein the applicant has been under the direct supervision of an individual acceptable to the board, or, wherein the applicant has demonstrated five (5) years of progressive experience in responsible charge of geological work that is acceptable to the board. (7-1-93)

i. Each year of undergraduate study in the geological sciences shall count as one-half (1/2) year of training up to a maximum of two (2) years, and each year of graduate study or research counts as a year of training. (7-1-93)

ii. Teaching in the geological sciences at the college level shall be credited year for year toward meeting the requirement in this category, provided that the total annual teaching experience includes six (6) semester units of third or fourth year or graduate courses. (7-1-93)

iii. Credit for undergraduate study, graduate study, and teaching individually, or in any combination thereof, shall in no case exceed a total of four (4) years toward meeting the requirement for at least seven (7) years of professional geological work as set forth above. (7-1-93)

iv. The ability of the applicant shall have been demonstrated by his having performed work in a responsible position, as the term is defined in Section 010. (7-1-93)

v. The applicant shall further be of good moral character and shall have filed a complete application with the board, accompanied by the required fee, as set forth elsewhere in these rules. (7-1-93)

03. Authorization. (7-1-93)

a. After the board evaluates the qualifications of an applicant and establishes his eligibility for examination, the secretary shall assign that applicant to take the next scheduled examination for which his application qualifies him. (7-1-93)

b. The secretary shall notify each applicant in writing of the acceptance or rejection of his application, and if rejected, the reason for the rejection. (7-1-93)

c. Not less than thirty (30) days prior to the examination date, the secretary shall give written notice to each qualified applicant of the scheduled examination date, time and location, and authorization to take the examination. (7-1-93)

d. The applicant shall at least eight (8) days before an examination notify the secretary of the board whether or not he will appear for the examination. Examinations will be given only to those who have so notified the board. (7-1-93)

04. Scope of Examination. The scope of the examination and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to supervise geologic projects as to insure the safety of life, health and property. The complete professional examination for registration as a professional geologist consists of two separate written examinations. The first is the Fundamentals of Geology examination, satisfactory completion of which permits certification as a Geologist-in-Training, covering subjects as are ordinarily given in college curricula. The second is the Principles and Practice of Geology examination which will cover the practice of geology and test the applicant's fitness for such practice affecting the public health, safety and welfare. Each examination shall be not more than eight (8) hours (one day) in length, divided into four (4)-hour morning and afternoon sessions. Normally, applicants are eligible to take the Fundamentals of Geology examination upon graduation from an accredited college curriculum. Having passed the Fundamentals of Geology examination, applicants will be assigned to take the Principles and Practice examination at a later date when qualified by experience. Applicants qualified by experience to take the Principles and Practice examination, but who have not previously passed the Fundamentals of Geology examination, may take both examinations on succeeding days. The Fundamentals of Geology examination given to recent college graduates need not be the same as the Fundamentals of Geology examination given to applicants who have completed the experience requirement for registration. An oral examination, in addition to the prescribed written examination, may be required of any applicant. (7-1-93)

05. Geologist-In-Training. An applicant may be permitted to take the Fundamentals of Geology examination prior to his completion of the years of geologic experience required for registration, as provided for in the act. Upon such satisfactory passage of the Fundamentals of Geology examination, the board shall issue a certificate of completion for this portion of the complete professional examination - with designation of the applicant as a Geologist-In-Training. Such certificate of completion shall constitute a credit toward the applicant's complete professional examination for a period not to exceed ten (10) years. The Geologist-In-Training, upon completion of the required years of geologic experience for registration, may submit a record of such experience in a complete application to the board and, upon approval by the board, be assigned to take the Principles and Practice examination. The possession of a Geologist-In-Training certificate by an applicant does not entitle the applicant to practice professional geology under the appropriate provisions of the act. (7-1-93)

06. Reexamination. A candidate failing his first examination may apply for reexamination at the expiration of six (6) months without filing a new application and shall be entitled to such reexamination on payment

of an additional examination fee of fifty dollars (\$50). A candidate who fails on reexamination must file a new application before he can again be admitted to examination, and such new application shall not be filed prior to one (1) year following the date of the last examination taken by the applicant; provided, however, that it shall be unlawful for a candidate failing any examination to practice professional geology under the appropriate provisions of the act. (7-1-93)

07. Time and Place. (7-1-93)

a. The regular written examination for registration as a professional geologist shall be conducted annually between January 1 and March 31. (7-1-93)

b. The secretary shall make all arrangements necessary to provide sufficient help to conduct examinations and to provide adequate facilities at such locations throughout the state as may be required to accommodate the number of applicants to be examined. (7-1-93)

08. Examination Irregularities. (7-1-93)

a. Examinees are forbidden to receive any unauthorized assistance during the examination. Communication between examinees or possession of unauthorized matter or devices during the examination is strictly prohibited. (7-1-93)

b. Only scheduled examinees, board members, the assistant secretary and authorized examination personnel shall be admitted to the examination room. (7-1-93)

09. Grading. (7-1-93)

a. As indicated in Subsection 300.04, the entire professional examination for registration as a professional geologist consists of two separate written examinations. These examinations are referred to as the (1) Fundamentals of Geology, and (2) Principles and Practices examinations. Licensure as a professional geologist requires successful passage, as defined below, of both of these examinations. (7-1-93)

b. Every applicant receiving an overall grade of seventy percent (70%) or more on the Fundamentals of Geology examination shall be deemed to have passed the examination, is thereby eligible to take the Principles and Practices examination, and will receive certification as a Geologist-in-Training, provided that the required fees have been paid. (7-1-93)

c. Every applicant receiving a grade of seventy percent (70%) or more on each part of the Principles and Practices examination shall be deemed to have passed such examination and will be registered as a professional geologist, provided that all of the required fees have been paid. (7-1-93)

d. Every applicant receiving a grade of less than seventy percent (70%) on either the Fundamentals of Geology examination or on any part of the Principles and Practices examination, shall be deemed to have failed such examination. Every applicant having failed shall have his application denied without prejudice, but shall be allowed to retake the failed examination in accordance with Subsection 300.06. (7-1-93)

10. Inspection of Examination. (7-1-93)

a. An applicant who fails to obtain a passing grade in the written examination may inspect his examination papers at such times and locations as may be designated by the secretary. Inspection of such examination papers shall be permitted within a thirty (30)-day period after receipt of notice by the applicant of his failure to pass the examination. (7-1-93)

b. At the time of inspection, no one other than the examinee or his attorney and a representative of the board shall have access to such examination papers. (7-1-93)

11. Examination Appeal. (7-1-93)

a. Within thirty (30) days after the date notice of the results of the examination has been mailed to him, an applicant who was unsuccessful in the examination may appeal, by petition, to the board for a review of his examination papers. (7-1-93)

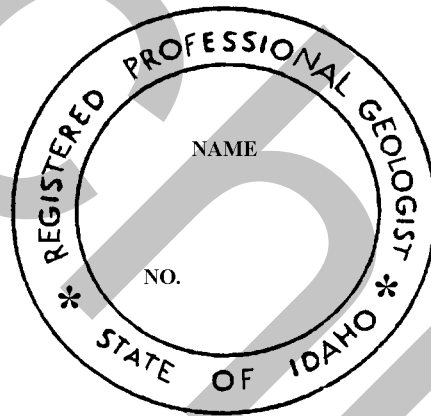
b. The petition for review shall be made in writing stating the reason for such appeal and citing the item or items against which the request is directed. (7-1-93)

c. The board shall, upon receiving such petition for review, conduct a hearing in accordance with the applicable provisions of Title 67, Chapter 52, Idaho Code. (7-1-93)

12. Retention of Examinations. The board shall retain for at least one (1) year, all written examination papers submitted by applicants. (7-1-93)

301. - - 999. (RESERVED).

999A. APPENDIX A - References From Section 14.01.01.09.b.



APPENDIX A: SEAL OF REGISTERED PROFESSIONAL GEOLOGIST
DIAMETER OF OUTER RING: 1 1/2 INCHES
DIAMETER OF INNER RING: 1 INCH