

**DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
76 Northern Avenue, Gardiner, Maine**

**BOARD OF LICENSURE OF FORESTERS
MINUTES OF BOARD MEETING
June 23, 2016**

MEMBERS PRESENT

John Ackley
Sarah Medina, Chair
Theodore Shina
Maxwell McCormack, Jr.
Steve Pelletier

OTHERS PRESENT

Karen Bivins, Administrator
Katie Johnson, Assistant Attorney General
Deborah Fales, Office Specialist I
Kim Baker, Office Specialist I
Cathy Pendergast, Education Coordinator

MEMBERS ABSENT

None

Location: Central Conference Room

Start: 9:06 a.m.

Adjourn: 11:45 a.m.

CALL TO ORDER

The meeting was called to order by the Chair, Sarah Medina at 9:06 a.m.

AGENDA MODIFICATIONS

None

OLD BUSINESS

Action on Minutes of January 21, 2016 Meeting

A motion was made by Shina and seconded by Ackley to approve the minutes of the January 21, 2016 meeting as amended. Unanimous.

NEW BUSINESS

Adjudicatory Hearing 9:00 a.m. 2015-FOR-11308 William G. Hayes

Medina, Chair of Board, recused and turned the meeting over to Board Member Ackley to act as Chair during the hearing.

The hearing was opened at 9:09 a.m. by Hearing Officer Mark Terison. Hayes was present, but was not represented by an attorney. Assistant Attorney General Katie Johnson represented the State in this matter.

Shina recused at the request of the State.

Public deliberations were conducted at the close of the hearing.

A motion was made by Pelletier, and seconded by McCormack to find a violation in Count I in violating of 10 M.R.S. § 8003(5-A)(A)(1) by representing that licensee had completed 12 contact hours of continuing forestry education meeting the requirements of Board Rules, Ch. 80, § 1 (Feb. 16, 2002), including 8 hours in Category 1, during the 2013-2014 licensing period on the renewal application submitted on or about December 29, 2014 when licensee had not completed continuing education meeting the requirements of the Board Rules. Ackley, Pelletier, and McCormack voted in the affirmative; Medina and Shina recused. Motion carried.

A motion was made by Pelletier, and seconded by Ackley to find a violation in Count II in violating 10 M.R.S. § 8003(5-A)(A) (4)-(5) for violating the Board's governing laws and/or rules, specifically 32 M.R.S. § 5515(7) and Board Rules, Ch. 80 §1 (Feb. 16, 2002), by failing to complete 12 contact hours of continuing forestry education meeting the requirements of the Board Rules in support of his renewal application submitted on or about December 29, 2014, with at least 8 of those hours from Category 1. Ackley, Pelletier, and McCormack voted in the affirmative; Medina and Shina recused. Motion carried.

A motion was made by Pelletier, and seconded by Ackley to find violation in Count III in violating 10 M.R.S. § 8003(5-A)(A)(5) for violating a Board rule, specifically Board Rules, Ch. 80 §3 (Feb. 16, 2002), by failing to provide the underlying continuing education documentation to the Board following its May 12, 2015 written request (for a timed agenda for the "Heartsaver First Aid" course; more specific course content and contact hours for the mapping, compass, and Global Positioning System (GPS) segments of the Registered Maine Guide program; and any documentation of other forestry seminars, workshops, and technical sessions that he may have taken). Ackley, Pelletier, and McCormack voted in the affirmative; Medina and Shina recused. Motion carried.

A motion was made by Pelletier, and seconded by McCormack not to find a violation in Count IV pursuant to 10 M.R.S. § 8003(5-A)(A)(10) by failing to produce any requested documents in the licensee's possession or control concerning a matter under investigation following the Board's May 12, 2015 written request for continuing education documentation. Pelletier and McCormack voted in the affirmative; Ackley abstained; Medina and Shina recused. Motion carried.

A motion was made by Ackley, and seconded by McCormack to impose a \$500.00 fine to be paid within 30 days for the violations noted above. Licensee is to provide verification of having completed the 9 missing continuing education hours for the 2013/2014 cycle and the 6 continuing education hours for the current cycle by 12/31/2016. All continuing education shall be reviewed and approved by the Board's Continuing Education officer, and the licensee shall comply with continuing education compliance audits for the next two years. Pelletier and Ackley voted in the affirmative; McCormack opposed; Medina and Shina recused. Motion carried.

Deliberations closed at 11:26 a.m.

Medina returned to the meeting as Chair and Shina returned as well.

Administrator's Report

The administrator reported that the Board's statute has been amended to eliminate references to an applicant submitting application and exam fees to the Board. The administrator asked the Board to consider adopting a Board Policy regarding the following procedures:

1. To authorize staff to review applications and issue Intern Forester licenses when all requirements have been verified;
2. To authorize a Board Member to review applications on behalf of the Board;
3. To authorize staff to issue a preliminary denial on behalf of the Board when appropriate.

A motion was made by Medina and seconded by Ackley to adopt a Board Policy as noted above. Unanimous.

Correspondence

The Board reviewed monthly reports for January through May 2016; the year to date licensing report; and recent continuing education requests.

Meeting Schedule

The next meeting is scheduled for August 25, 2016 at 9:00 a.m.

ADJOURN

Being no further board business to discuss, the meeting was adjourned at 11:45 a.m.

Respectfully submitted,
Kim Baker, Office Specialist I