



STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION  
**BOARD OF LICENSURE OF FORESTERS**  
35 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0035

Janet T. Mills  
Governor

Anne L. Head  
Commissioner

**Public Board Meeting**  
**Thursday, September 28, 2023**  
**Agenda**

**Location:** 221 State Street, Augusta ME 04330-Central Conference Room

**Time:** 9:00 a.m.

**I. CALL TO ORDER**

**II. AGENDA MODIFICATIONS AND APPROVAL**

**III. MINUTES REVIEW AND APPROVAL**

- Review and Approval of August 11, 2023 Minutes

**IV. COMPLAINTS**

None

**V. RULE REVIEW**

A. Presentation of Basis Statement and Summary and Response to Comments and Small Business Impact Statement for proposed rulemaking:

- Chapter 70: Qualifications for a Forester License (Amended)
- Chapter 70-A: Licensure by Endorsement (New)
- Chapter 100: Code of Ethics (Repeal and Replace)

Potential to vote to adopt.

**VI. ADMINISTRATOR'S REPORT**

- Limited Delegation of Authority- 10 Day Reporting

**VII. PUBLIC COMMENT**

*Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board. While the Board cannot take action on any issues presented, the Board will listen to comments and may ask staff to place the issue on a subsequent agenda. At the discretion of the Board Chair, a time limit on comments may be set.*

**VIII. MEETING SCHEDULE**

- Next meeting is currently scheduled for Thursday, January 25, 2024

**IX. ADJOURNMENT**



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**DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION  
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
221 State Street Augusta, ME 04330**

**BOARD OF LICENSURE OF FORESTERS  
MINUTES OF IN PERSON BOARD MEETING  
August 11, 2023**

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<b>MEMBERS PRESENT</b>	<b>OTHERS PRESENT</b>
John Ackley, Chair	Catherine Pendergast, Director
Sarah Medina	Betsy Stivers, Assistant Attorney General
Keith Kanoti	Regina Ritchie, Professional Licensing Supervisor
Steve Pelletier	Shara Chesley, Office Specialist 1
Theodore Shina, Complaint Officer	Jen Maddox, Office Specialist I
<b>MEMBERS ABSENT</b>	

**Location:** Marquardt Building  
32 Blossom Lane, Augusta

**Start:** 9:01 a.m.

**End:** 9:34 a.m.

**CALL TO ORDER**

The meeting was called to order by the Chair, John Ackley at 9:01 a.m.

**MINUTES REVIEW AND APPROVAL**

A motion was made by Shina and seconded by Medina to approve the July 27, 2023 minutes. Unanimous.

**RULE REVIEW**

- Chapter 70: Qualifications for a Forester License (Amended)
- Chapter 70-A: Licensure by Endorsement (New)
- Chapter 100: Code of Ethics (Repeal and Replace)

A motion was made by Ackley and seconded by Shina to put changes made to the previously advertised proposed Chapter 100: Code of Ethics out for public comment and hearing. Unanimous.

**ADMINISTRATOR'S REPORT**

The public rulemaking hearing is scheduled for Friday, September 15, 2023 at 1:00 p.m. at 221 State Street, Augusta, ME.

**PUBLIC COMMENT**

One person from the public made a comment on rule review (Eric Grove).

**ADJOURNMENT**

A motion was made by Pelletier and seconded by Medina to adjourn the meeting at 9:34 a.m. Unanimous.

## Board for Licensure of Foresters

### Limited Delegation of Authority to the Board's Administrator to Prepare Letters of Guidance for Resolving Complaints Involving Failing to Report Criminal Convictions and/or Disciplinary Action Within 10 Days

**Effective Date:** December 14, 2023

**Expiration Date:** December 13, 2025

#### **Applicable Law**

Pursuant to 10 M.R.S. § 8003(5-A)(A)(11), the Board has the authority to impose discipline against a licensee for “[a]ny violation of a requirement imposed pursuant to section 8003-G.” Pursuant to 10 M.R.S. § 8003(5-A)(F), “[t]he...board...may issue a letter of guidance or concern to a licensee as part of the dismissal of a complaint against the licensee. A letter of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations or express concern over action or inaction by the licensee that does not rise to the level of misconduct sufficient to merit disciplinary action.”

Pursuant to 10 M.R.S. § 8003-G(2) all licensees and applicants who are convicted of a crime or who have disciplinary action taken against an occupational or professional license must report such an event to the Office of Professional and Occupational Regulation no later than 10 days after the occurrence of the event.

#### **Ongoing Issue**

Licensees are required to report in writing to the Board any criminal conviction or disciplinary action against a professional license within 10 days of the conviction or the disciplinary action. Licensees sometimes fail to make appropriate reports to the Board during the specified timeframe. A licensee may make the required disclosure as part of the license renewal application when responding to various questions in the application. Very often that disclosure is being made more than 10 days after the event requiring the report to the Board.

Because the Board uniformly resolves these complaints by dismissing the matter along with issuing a letter of guidance reminding the licensee of the requirements described above, the Board believes that it would be appropriate and more efficient to delegate its authority to the Board Administrator to prepare letters of guidance for signature by the Board chair. The practical effect of this delegation of authority will be to avoid having to wait until the next Board meeting to resolve these complaints, thereby shortening the complaint resolution time and reducing the number of matters that the Board must address at its regular meetings.

**Limited Delegation of Authority to Board Administrator**

The Board delegates to the Board Administrator the authority to prepare a letter of guidance for signature of the Board chair, to be sent to a licensee when all of the following circumstances are present:

1. The licensee has reported to the Board a criminal conviction or professional discipline more than 10 days after either the conviction or the imposition of the discipline;
2. The only alleged violation of law is a failure to report the matter within 10 days as required by 10 M.R.S. § 8003-G(2); and
3. The licensee has not previously failed to report a conviction or discipline within 10 days.

The letter of guidance is to be placed in the licensee’s file for a period of three (3) years from the date of the letter.

This limited delegation of authority will expire on the Expiration Date indicated above, at which time the Board shall review the actions taken pursuant to this Limited Delegation of Authority and determine whether to renew or modify this delegation.

**Adoption**

Adopted by the Board on September 28, 2023, by a vote of [redacted] in favor ( [redacted] ) and [redacted] opposed.

Dated: \_\_\_\_\_

\_\_\_\_\_  
John W. Ackley, Chair