

# **FILING A COMPLAINT AGAINST A REGISTERED PROFESSIONAL FORESTER**

## **Introduction**

Registered Professional Foresters in California are licensed by the State Board of Forestry and Fire Protection. This differs from most other professional licenses in the state, which are regulated by the Department of Consumer Affairs. While the governmental oversight of these licenses differ, they both share a common interest – that of consumer protection. The professional forester is licensed to assure the public of a minimum level of competence as well as assuring that the public is protected in the event of unprofessional conduct. The Board of Forestry and Fire Protection relies on the Professional Foresters Examining Committee (PFEC), a statutorily enabled committee of the Board, to facilitate this function. One of the legal mandates of the PFEC is to “Review complaints...and make disciplinary recommendations to the Board.”

To achieve that goal, the Board has established a process by which any individual may file a complaint against the license of a Registered Professional Forester. Working in concert with the Executive Officer for Foresters Licensing, the PFEC accepts, investigates, and makes disciplinary recommendations to the Board. The Board of Forestry and Fire Protection is the only statutory body that may take a disciplinary action against the license of a Registered Professional Forester. That action may range from exoneration to permanent license revocation.

## **What You Need to Consider Prior to Filing a Complaint**

Anyone who believes a Registered Professional Forester has failed to perform in a prudent professional manner may submit a formal complaint. There are specific causes of action that the Board may pursue in determining if disciplinary action is warranted. (14 CCR §1612.1) Those causes include:

- Conviction of a Felony Substantially Related to the Qualifications, Functions, or Duties of a Registered Professional Forester
- Fraud
- Deceit
- Gross Negligence
- Misrepresentation
- Material Misstatement of Fact
- Incompetence
- Fraud or Deceit in Obtaining a License
- Aiding and Abetting a Violation of, or Material Failure to Comply with, the Provisions of the Professional Foresters Law.

It is recommended that those individuals contemplating filing a complaint review [Policy Number 7 for Professional Foresters Registration](#) for guidance as to what may constitute these causes of action.

## **How to File a Complaint Against the License of a RPF**

If you believe the professional failing of a Registered Professional Forester falls within the scope of the prescribed causes of action, you may wish to consider filing a formal complaint. Your complaint should be submitted to:

Professional Foresters Registration  
P.O. Box 944246  
Sacramento, CA 94244-2460

The complaint must be in writing and contain an original signature. Electronic submissions will not be accepted. There is no prescribed form on which to file a complaint. Complaints must contain that information, to the extent known, contained in [Policy Number 9 for Professional Foresters Registration](#) and must include the verification shown in that policy as well as bear an original signature of the complainant.

A complainant may contact Professional Foresters Registration for assistance in filing a complaint. However, the Executive Officer for Foresters Licensing is unable to render legal assistance in the matter.

The complainant will receive a letter from Professional Foresters Registration acknowledging receipt of the complaint approximately 3 weeks after submittal. The complaint will then go through an initial review by the Executive Officer. You may be contacted by the Board to provide clarification or additional information. As a matter of law, the complainant's name is held in confidence. However, if a complaint results in prosecution, the complainant must be willing to testify in the case. The complainant will be notified by the Board if this is necessary. The complainant will also be notified of the final action taken on the case. Unless it is necessary, the complainant will generally not be contacted regarding the status of the complaint and investigation prior to resolution. A detailed description of the complaint process may be found in [Policy Number 8 for Professional Foresters Registration](#). Complaints are expedited as quickly as possible. However, the investigation and resolution of disciplinary cases may take from several months to several years, depending on the nature and complexity of the issues involved.

### **How to File a Complaint Against an Individual Practicing Professional Forestry without a License**

Complaints involving non-licensed persons using the title of, or acting in the capacity of a "Professional Forester" without being registered, or otherwise exempted, are acting illegally and are handled in a manner similar to [Policy Number 8 for Professional Foresters Registration](#). The Executive Officer for Foresters Licensing may hire expert witnesses to review investigation results and establish prudent standards of conduct.

If the investigation, expert witness, or Executive Officer's evaluation show sufficient cause, the appropriate local District Attorney's office may be asked to prosecute the case as a misdemeanor violation. Such prosecution may be based upon unfair or unlawful business practices, or false and misleading advertising. Action against a non-licensed person may include the Civil Code of Procedure, Section 1029.8 which governs cost recovery and punitive awards in the case of damages caused by an unlicensed person. A local District Attorney is not bound by the submission of a case from the Board to accept or prosecute that case. There is no legal avenue for the Board of Forestry and Fire Protection to take criminal action against unlicensed individuals.