

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
April 24, 2014

MEMBERS PRESENT

Maxwell McCormack, Jr.
Sarah Medina, Chair
Theodore Shina
Steven Pelletier

MEMBERS ABSENT

John Ackley

OTHERS PRESENT

Carol Leighton, Administrator
Michael Miller, Assistant Attorney General
Deborah Fales, Office Specialist I
Kim Baker, Office Specialist I
Catherine Pendergast, Licensing Supervisor
Karen Bivins, REC Deputy Director

Location: Central Conference Room

Start: 9:03 a.m.

Adjourn: 1:00 p.m.

CALL TO ORDER

The meeting was called to order by the Chair, Sarah Medina at 9:03 a.m.

AGENDA MODIFICATIONS

A motion was made by Pelletier and seconded by Shina to correct item IV C 1. under the Administrator's Report, from L.D. 1765 to L.D. 1735; and to add under Correspondence, item 3. Letter from Ralph Dunn received 04/07/2014; Request to Revise Consent Agreement. Unanimous.

OLD BUSINESS

Action on Minutes of February 27, 2014 Meeting

A motion was made by Shina to approve the minutes of the February 27, 2014 meeting as written; seconded by Pelletier. Unanimous.

NEW BUSINESS

License Denial Hearing – Edward L. Dube

The hearing was called to order at 9:55 a.m. by Hearing Officer James McKenna, Esq. Dube was present but was not represented by counsel. The Board was represented by Assistant Attorney General Michael Miller. Public deliberations were conducted at the close of the hearing.

A motion was made by Shina and seconded by Pelletier to uphold the license denial in case number 2014-FOR-9952 pursuant to 32 M.R.S. §5514(2) and Board Rules Chapter 50(2). Unanimous.

Adjudicatory Hearing – Thomas Henderson

The hearing was called to order at 9:55 a.m. by Hearing Officer James McKenna, Esq. Henderson was not present and was not represented by counsel. The Board was represented by Assistant Attorney General Michael Miller. Public deliberations were conducted at the close of the hearing.

A motion was made by Pelletier and seconded by Shina to find a violation of 10 M.R.S. §8003(5-A)(A)(10) for failure to produce requested documents in your possession or under you control concerning a pending complaint or proceeding or any matter under investigation. Unanimous.

A motion was made by Shina and seconded by Pelletier to find a violation of 10 M.R.S. §8003(5-A)(A)(1) for the practice of fraud, deceit or misrepresentation in obtaining the renewal of your license. Unanimous.

A motion was made by Shina and seconded by Pelletier to find a violation of 10 M.R.S. §8003(5-A)(A)(5) for violating Board rules, specifically, Board Rule Chapter 80, §3. Unanimous.

A motion was made by Pelletier and seconded by McCormack to revoke the license. Unanimous.

A motion was made by Shina and seconded by McCormack not to impose a civil penalty in this matter. Unanimous.

Administrator's Report

The Board discussed L.D. 1735 (P.L. 527), "An Act to Amend Forester Licensing Requirements" and the impact to current Board rules and the current state specific exam. The Board will establish an exam subcommittee to review the current exam, exam topics and recommend changes to the Board. Ted Shina volunteered to chair this subcommittee. The Board also discussed the need to begin the rulemaking process to bring the current rules into compliance with the new law.

Disclosure of Criminal Conviction – Randy Shaw

A motion was made by Pelletier and seconded by Shina to renew the license and send a letter to the licensee reminding him of the Title 10 requirements to notify the Board of any criminal convictions within ten days. Unanimous.

A motion was made by Pelletier and seconded by Shina to establish a Board policy to authorize the administrator to evaluate licensee criminal disclosures and act on the Board's behalf without further Board action. The administrator will report any actions taken to the Board at its next regularly scheduled meeting after any such action. Unanimous.

A motion was made by Pelletier and seconded by Shina to establish a Board policy to authorize the administrator to evaluate licensee disclosure of professional discipline and act on the Board's behalf without further Board action. The administrator will report any actions taken to the Board at its next regularly scheduled meeting after any such action. Unanimous.

Correspondence

The Board discussed the letter from Ralph Dunn that requested a revision to a consent agreement he signed with the Board on 03/28/2014. In the letter Mr. Dunn requested the \$350.00 fine payment be removed.

A motion was made by Shina and seconded by Pelletier to modify the consent agreement by suspending the \$350.00 fine for two years if the licensee does not commit any further violations of Board statute or rules. Unanimous.

Review and Action on Applications

A motion was made by Medina and seconded by Pelletier to accept the issuance of Intern Forester licenses for: Lauren R. Calbi, Mark L. McLellan, James A. VanDeventer, and Jeremy A. Shay. Unanimous.

Maxwell McCormack recused and left the room.

A motion was made by Shina and seconded by Pelletier to accept the issuance of a Forester license for Robert R. Nelson. McCormack recused. Shina, Pelletier, and Medina voted in the affirmative. Motion Carried.

McCormack returned to the room.

A motion was made by Pelletier and seconded by Shina to accept the issuance of a Forester license for Brien K. Boucher. Unanimous.

Review and Action on Continuing Education

A motion was made by McCormack and seconded by Pelletier to approve the courses noted below. Unanimous.

PROGRAM NAME	SPONSOR	DATE(S)	HOURS APPROVED	CAT.
Fire Behavior, Firefighter Safety, Fire management & Tactics Training	Douglas Cyr J D Irving Woodlands LLC	March 11 & 17, 2014	6.4 hours	I
		March 12 & 18, 2014	7 hours	I
In-House Training 2014	Douglas Cyr J D Irving Woodlands LLC	Ongoing 2014	5.4 hours	I
		Spring Training	4 hours	II
		CPR/First Aid	4 hours	II
Rare Plant Continuing Education Program	Douglas Cyr J D Irving Woodlands LLC	Ongoing 2014	In office – 1 ¾ hours	I
			Field Time – 2.5 hours	I

SAF Report

The SAF reported that the four year forestry program at the University of Maine-Orono has been accredited for another ten years and that the two year forestry program at the University of Maine-Fort Kent is also accredited.

OTHER BUSINESS

ADJOURN

Being no further board business to discuss, the meeting was adjourned at 1:00 p.m.

Respectfully submitted,
Kim Baker, Office Specialist I