

TITLE 305 INDIANA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS

NOTE: Under P.L.17-1999, SECTION 5, the name of the Board of Certification for Professional Geologists is changed to Indiana Board of Licensure for Professional Geologists, effective July 1, 1999.

ARTICLE 1. PROFESSIONAL GEOLOGISTS

Rule 1. Administration and Review

305 IAC 1-1-1 Administration

Authority: IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 1. (a) The board administers this article with the assistance of the state geologist and the Indiana geological survey.

(b) The board shall consist of the following:

(1) The state geologist.

(2) Three (3) members who are licensed professional geologists.

(3) One (1) member who represents the public at large.

(c) Applications, correspondence, inquiries, and other matters under IC 25-17.6 and this article shall be forwarded to the following address:

State Geologist

Indiana Geological Survey

Indiana University

611 North Walnut Grove

Bloomington, Indiana 47405.

(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-1-1; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2214; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1617)

305 IAC 1-1-2 Administrative review and judicial review

Authority: IC 25-17.6-3-12

Affected: IC 4-21.5-1-15; IC 4-21.5-5-5; IC 14-10-2-2; IC 25-17.6

Sec. 2. (a) The board shall notify a person who is denied a new license, denied a renewal license, has a license suspended, or has a license revoked of the following:

(1) The reason for the action.

(2) How the person may take administrative review and that any administrative review must be initiated within thirty (30) days of the action.

(b) Any administrative review of a decision by the board under this article shall be taken to an administrative law judge appointed by the natural resources commission under IC 14-10-2-2 and shall be addressed as follows:

Director, Division of Hearings

Natural Resources Commission

Indiana Government Center-South

402 West Washington Street, Room W272

Indianapolis, Indiana 46204

(c) In addition to IC 25-17.6 and this article, administrative review is governed by IC 4-21.5 and 312 IAC 3-1. The parties to a proceeding are the board and the individual aggrieved by a decision of the board directed to that individual.

(d) An administrative law judge is the ultimate authority for the board under IC 4-21.5-1-15. A party who is dissatisfied with a final order rendered by an administrative law judge may take judicial review under IC 4-21.5-5. *(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-1-2; filed May 8, 1999, 5:18 p.m.: 22 IR 2214; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1618)*

Rule 2. Definitions

305 IAC 1-2-1 Applicability

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6-1

Sec. 1. The definitions in this rule apply throughout this article. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-1; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2215; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1618; readopted filed Sep 13, 2005, 9:45 a.m.: 29 IR 690*)

305 IAC 1-2-2 “Board” defined

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 2. “Board” means Indiana board of licensure for professional geologists. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-2; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2215; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1618; readopted filed Sep 13, 2005, 9:45 a.m.: 29 IR 690*)

305 IAC 1-2-3 “Conviction” defined

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 3. “Conviction” means a verdict of guilty, plea of guilty, or plea of nolo contendere. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-3; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2215; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; readopted filed Sep 13, 2005, 9:45 a.m.: 29 IR 690*)

305 IAC 1-2-3.5 “Geologist” defined

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 3.5. “Geologist” means a person who is qualified by the person’s knowledge of the principles of geology acquired by:
(1) professional education; and
(2) practical experience.
(*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-3.5; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1618; readopted filed Sep 13, 2005, 9:45 a.m.: 29 IR 690*)

305 IAC 1-2-3.7 “Geology” defined

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 3.7. “Geology” means a science that has the following characteristics:
(1) Treats the earth as a whole.
(2) Includes the:
(A) investigation;
(B) analysis;
(C) classification; and
(D) location;
of the rocks and other materials that compose the earth’s crust as they relate to geologic processes.
(3) Involves the study of:
(A) minerals, gases, and liquids composing and contained within the earth’s crust; and
(B) geologic materials and processes.
(*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-3.7; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1618; readopted filed Sep 13, 2005, 9:45 a.m.: 29 IR 690*)

305 IAC 1-2-4 “Geosciences profession” defined

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 4. “Geosciences profession” is a short form, sometimes used in the plural, denoting the collective disciplines of the geological sciences and is generally synonymous with the term “geology”. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-4; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2215; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; readopted filed Sep 13, 2005, 9:45 a.m.: 29 IR 690*)

305 IAC 1-2-4.7 “License” defined

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 4.7. “License” means a document issued by the board to permit a person to engage in an activity regulated by IC 25-17.6. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-4.7; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1619; readopted filed Sep 13, 2005, 9:45 a.m.: 29 IR 690*)

305 IAC 1-2-5 “Licensed professional geologist” defined

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6-1-6.5

Sec. 5. “Licensed professional geologist” refers to a licensed professional geologist as defined by IC 25-17.6-1-4 [IC 25-17.6-1-4 was repealed by P.L.17-1999, SECTION 35, effective July 1, 1999. See IC 25-17.6-1-6.5.]. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-5; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2215; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; readopted filed Sep 13, 2005, 9:45 a.m.: 29 IR 690*)

305 IAC 1-2-6 “Professional geological work” defined

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 6. (a) “Professional geological work” means the application of principles, theories, and laws of geology along with the body of knowledge encompassed by the science at an advanced and skillful level requiring experience in the geological profession and the capability of interpretation of geological data.

(b) Examples of activities that may qualify as professional geological work are consultation, research, evaluation, or planning of geological systems, works, or projects including, but not limited to, one (1) or more of the following:

- (1) Land reclamation.
- (2) Construction.
- (3) Location, prediction of the location, evaluation, or development or production of petroleum, natural gas, coal, metallic and nonmetallic minerals, ground water, and other geological resources.
- (4) Assessment of geologic hazards, such as landslides, earthquakes, and land subsidence.
- (5) Environmental geology.
- (6) Hydrogeology.

(c) Examples of activities that may not qualify as professional geological work are as follows:

- (1) Activities before an applicant completes the minimum education requirements under 305 IAC 1-3-2(c).
- (2) Participation as a laboratory assistant, field assistant, or technician.
- (3) Participation as an associate instructor or research assistant while enrolled in an undergraduate or graduate studies program.
- (4) Participation as an engineer, driller, well logger, soil scientist, archeologist, or profession other than geology.

(*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-6; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2215; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Sep 1, 2004, 2:45 p.m.: 28 IR 12; readopted filed Sep 13, 2005, 9:45 a.m.: 29 IR 690*)

305 IAC 1-2-6.3 “Public practice of geology” defined

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 6.3. (a) “Public practice of geology” means the performance of service to the public in connection with the geological description, location, or evaluation of:

- (1) geologic materials, liquids, and gases; and
- (2) the natural processes acting upon them.
- (b) The term includes geological:
 - (1) consulting;
 - (2) investigating;
 - (3) evaluation;
 - (4) designing; and
 - (5) planning.

(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-6.3; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1619; readopted filed Sep 13, 2005, 9:45 a.m.: 29 IR 690)

305 IAC 1-2-7 “Qualified geologist” defined

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 7. “Qualified geologist” means a person who possesses the qualifications to be a licensed professional geologist under IC 25-17.6 and this article but who is not certified in Indiana. *(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-7; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2216; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; readopted filed Sep 13, 2005, 9:45 a.m.: 29 IR 690)*

305 IAC 1-2-8 “Responsible position” defined

Authority: IC 25-17.6-3-12
Affected: IC 25-17.6

Sec. 8. “Responsible position” means a position which, in order to perform geological work or supervise geological work, requires both of the following:

- (1) The exercise of control over a task or tasks independent of immediate supervision.
- (2) The use of initiative, skill, and independent judgment.

(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-8; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2216; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; readopted filed Sep 13, 2005, 9:45 a.m.: 29 IR 690)

305 IAC 1-2-9 “State geologist” defined

Authority: IC 25-17.6-3-12
Affected: IC 20-12-28; IC 25-17.6

Sec. 9. “State geologist” means the person in charge of the Indiana geological survey established by IC 20-12-28. *(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-9; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1619; readopted filed Sep 13, 2005, 9:45 a.m.: 29 IR 690)*

305 IAC 1-2-10 “Survey” defined

Authority: IC 25-17.6-3-12
Affected: IC 20-12-28; IC 25-17.6

Sec. 10. “Survey” refers to the Indiana geological survey established by IC 20-12-28. *(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-2-10; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1619; readopted filed Sep 13, 2005, 9:45 a.m.: 29 IR 690)*

IR 690)

Rule 3. Issuance, Renewal, and Denial of Geologist Licensures

305 IAC 1-3-1 Application for geologist licensure

Authority: IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 1. (a) A person seeking a new license must file with the survey an application completed under this section on a form approved by the board.

(b) Information that an applicant must provide in the application includes the following:

(1) Educational background at the undergraduate level and, if applicable, the graduate level. This background includes an official transcript of college credits.

(2) Professional geological work. A person who has taught geological science at the college level must provide information about the level course or courses and the number of hours taught during each semester.

(3) Affiliations with any scientific and technical society, including the grade of membership and whether the applicant is certified or registered by the society.

(4) References from three (3) persons in a geosciences profession attesting the applicant adheres to high professional and ethical standards.

(5) Any other information reasonably required to evaluate the applicant's character, knowledge of geology, and experience in application of the knowledge of geology.

(c) The application form shall be accompanied by a fee in the amount of seventy dollars (\$70) by check or money order made payable to the "Indiana Geological Survey". The application fee is nonrefundable.

(d) The application shall be filed with the survey at least thirty (30) days before the date on which the applicant seeks to have the application reviewed. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-3-1; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2216; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1619*)

305 IAC 1-3-2 Qualifications for licensure

Authority: IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 2. (a) Qualification as a licensed professional geologist is based on a person's knowledge of the principles and techniques of geology and on the level of experience in the application of those principles and techniques. This section establishes standards that must be satisfied by an applicant for a new license.

(b) The board shall approve general principles for a written examination to determine whether an applicant possesses a comprehensive knowledge of geological science. The examination shall be provided by the survey at least twice in each calendar year. A reasonable examination fee shall be set and revised from time to time by the board. An applicant who files a completed application for a new license must also successfully complete the written examination.

(c) An applicant for a new license must also establish that the applicant meets each of the following requirements before approval as a licensed professional geologist:

(1) Has not engaged in unethical conduct.

(2) Meets the following educational requirements: Successful completion of at least thirty (30) semester hours or forty-five (45) quarter hours of course work in geology, culminating in a baccalaureate or advanced degree in geology, geophysics, geochemistry, geological engineering, or geotechnical engineering from an accredited college or university. At the discretion of the board, courses dealing with applied geological science that are given under the auspices of an academic department other than geology may be considered toward the fulfillment of this requirement.

(3) Experience in professional geological work consisting of some combination of the following:

(A) Five (5) years of teaching geology as a faculty member at the college or university level.

(B) Five (5) years of postdoctoral research in geology, geophysics, geochemistry, geological engineering, or geotechnical engineering at an accredited college or university.

(C) Five (5) years of geological work performed under the supervision of, or in collaboration with, a licensed

professional geologist.

(D) Seven (7) years of professional geological work.

(4) The following criteria of education and experience qualify toward accumulation of the required number of years of professional geological work under subdivision (3):

(A) One (1) year of credit each for a master's degree or doctoral degree in geology, geophysics, geochemistry, geological engineering, or geotechnical engineering.

(B) Each year of teaching in the geological sciences at the college level equals one (1) year of professional geological work, where the total teaching experience includes six (6) semester hours per semester for at least two (2) semesters (or the equivalent if other than a semester system) of third-year or fourth-year undergraduate level courses or graduate level courses.

(d) If an application does not contain sufficient information to determine whether the applicant satisfies the requirements for a certificate, the board may do either of the following:

(1) Deny the application.

(2) Require the applicant to do one (1) or both of the following:

(A) Provide additional information as needed to evaluate the application.

(B) Appear before the board for an interview to determine professional qualifications.

(e) A person is exempted from this section if the person satisfies both of the following requirements:

(1) Was certified under either:

(A) IC 25-17.5 before its repeal; or

(B) IC 25-17.6 before January 1, 1999.

(2) Remains in good standing as a professional geologist.

(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-3-2; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2216; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1619)

305 IAC 1-3-3 Issuance of a new license

Authority: IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 3. (a) Upon satisfaction of sections 1 and 2 of this rule, the board shall issue a new license to an applicant.

(b) Each individual shall be assigned a license number. A license number cannot be transferred or reassigned to a person other than the one to whom it was originally issued.

(c) The survey shall issue the following to each licensed professional geologist:

(1) A printed license with a seal to evidence the approval. The printed license shall include the following:

(A) The full name of the licensed professional geologist.

(B) The date of licensure.

(C) The license number.

(D) The signature of the state geologist.

(E) The official seal of the state.

(F) A card that includes the essential information from the license.

(d) Upon the request of a licensed professional geologist, the board may issue a replacement license. The replacement license shall be assigned the original license number with the word "Re-Issue" inserted above the number. The fee for a replacement license is thirty dollars (\$30).

(e) A printed license or printed replacement license is prima facie evidence the person named on the license is entitled to the rights and privileges of a licensed professional geologist. *(Indiana Board of Licensure for Professional Geologists; 305 IAC 1-3-3; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2217; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1620)*

305 IAC 1-3-4 Issuance of a renewal certificate

Authority: IC 25-17.6-3-12

Affected: IC 4-21.5-3-4; IC 25-17.6

Sec. 4. (a) A license expires three (3) years after the date of issuance. A request for renewal must be accompanied by a fee of sixty dollars (\$60) in the form of a check or money order payable to the "Indiana Geological Survey". The renewal will be issued unless the board determines the applicant no longer qualifies as a licensed professional geologist under IC 25-17.6 and this article. IC 4-21.5-3-4(d) applies to this subsection.

(b) The survey shall mail a renewal notice to each licensed professional geologist at least sixty (60) days before the expiration of the license. The notice shall be directed to the most recent mailing address provided to the survey by the licensed professional geologist.

(c) If the renewal fee is not paid when due, the license is invalidated. The name of the holder shall be deleted from future rosters of the licensed professional geologists unless:

(1) a late renewal fee of seventy-five dollars (\$75) is paid by the applicant before the expiration of two (2) years from the date of its invalidation; or

(2) the certificate is reinstated by the board.

(d) If the renewal fee is not paid within two (2) consecutive years of the invalidation of a certificate, a person may seek reinstatement as a licensed professional geologist only upon successful completion of section 2 of this rule. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-3-4; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2218; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1621; filed Sep 1, 2004, 2:45 p.m.: 28 IR 12*)

305 IAC 1-3-5 Suspension and revocation of a license

Authority: IC 25-17.6-3-12

Affected: IC 4-21.5-3-8; IC 25-17.6-8-1

Sec. 5. (a) The board may issue a complaint under IC 4-21.5-3-8 to suspend or revoke a license, or may refuse to renew a license, when a licensed professional geologist is found responsible for any violation of IC 25-17.6-8-1.

(b) Any violation of IC 25-17.6 or this article is a violation of the code of ethics of the board as prescribed by IC 25-17.6-8-1(4). (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-3-5; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2218; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1621*)

305 IAC 1-3-6 Informal hearings before the board

Authority: IC 25-17.6-3-12

Affected: IC 4-21.5; IC 25-17.6

Sec. 6. (a) The board may conduct informal hearings to consider the issuance of a new license, the renewal of a license, the denial or suspension of a license, or any other matter pertaining to the validity of an individual license.

(b) An informal hearing under this section is not subject to IC 4-21.5 and is not governed by formal rules of evidence. The board is not required to record a hearing held under this section. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-3-6; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2218; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1621*)

Rule 4. Special Provisions

305 IAC 1-4-1 Seal and responsibilities of licensed professional geologists for documents

Authority: IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 1. (a) A licensed professional geologist may purchase a seal from a private vendor that bears the geologist's name, license number, and the legend "Licensed professional geologist". A seal cannot be less than one and five-eighths (1 $\frac{5}{8}$ " inches or more than one and seven-eighths (1 $\frac{7}{8}$ " inches in outside diameter and shall conform with the following design:



(b) The seal may be embossed or applied by a rubber stamp. The seal may have a milled edge, as illustrated in subsection (a), or two (2) concentric circles with the outer and inner circles corresponding with the respective edges of the milling.

(c) The seal pictured replaces all previous seal designs.

(d) The seal shall be affixed to a document or license only if:

(1) the license is current and has not been suspended or revoked; and

(2) the document or instrument is created by the licensed professional geologist or by persons who are regularly employed or directly supervised subordinates of the licensed professional geologist.

(e) A licensed professional geologist shall cause to be legible the placement of a seal on a document or instrument.

(f) A licensed professional geologist is responsible for the professional work on any plans, specifications, plats, reports, or other documents to which the seal or signature of the licensed professional geologist is affixed. A licensed professional geologist who affixes a seal or signature to a document without understanding the contents of the document violates the code of ethics. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-4-1; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2218; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Mar 6, 2000, 7:58 a.m.: 23 IR 1621; filed Sep 1, 2004, 2:45 p.m.: 28 IR 12*)

305 IAC 1-4-2 Publication of roster; responsibility of a licensed professional geologist to maintain a current address with the Indiana geological survey

Authority: IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 2. (a) The survey shall, every calendar year, publish a roster showing the names and addresses of the licensed professional geologists.

(b) Each licensed professional geologist is responsible for maintaining with the survey a current mailing address. A notification made by the board under IC 25-17.6 and this article is complete if delivered to the address provided by the licensed professional geologist under this subsection. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-4-2; filed Mar 8, 1999, 5:18 p.m.: 22 IR 2219; errata filed Jul 21, 1999, 11:30 a.m.: 22 IR 3937; filed Sep 1, 2004, 2:45 p.m.: 28 IR 13*)

Rule 5. Code of Ethics

305 IAC 1-5-1 Professional conduct

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 1. A licensed professional geologist must be guided by the highest standards of honesty, integrity, impartiality, and conduct. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-1; filed Sep 1, 2004, 2:45 p.m.: 28 IR 13*)

305 IAC 1-5-2 Public interest

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 2. (a) A licensed professional geologist must uphold the public health and safety in the performance of professional services.

(b) A licensed professional geologist is encouraged to promote public awareness of the effects of geology and geological

processes on the quality of life. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-2; filed Sep 1, 2004, 2:45 p.m.: 28 IR 13*)

305 IAC 1-5-3 Legal compliance

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 3. (a) A licensed professional geologist must observe and comply with the requirements of all applicable common law, federal and state constitutional provisions, federal and state statutes, regulations, rules, and local ordinances.

(b) A licensed professional geologist must not knowingly participate in any illegal activities or knowingly permit the publication of his or her reports, maps, or other documents for illegal purposes.

(c) A licensed professional geologist must not accept payment, gift, or other valuable consideration that would appear to influence a decision made on behalf of the public by the licensed professional geologist acting in a position of public trust.

(d) If a licensed professional geologist has knowledge of a decision or action by an employer, client, or colleague that violates any law or regulation or poses an imminent threat to the public health and safety, the licensed professional geologist must advise against such action. If the employer, client, or colleague fails to make a reasonable effort to notify the appropriate public officials, then the licensed professional geologist should do so.

(e) A licensed professional geologist must not aid any person in the unauthorized practice of geology. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-3; filed Sep 1, 2004, 2:45 p.m.: 28 IR 13*)

305 IAC 1-5-4 Integrity

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 4. (a) A licensed professional geologist must be accurate and truthful in all communications.

(b) A licensed professional geologist must not:

(1) knowingly engage in false or deceptive advertising; or

(2) make false, misleading, or deceptive representations or claims in regard to the profession of geology or that concern his or her own professional qualifications or abilities or those of other geologists.

(c) A licensed professional geologist must avoid making sensational, exaggerated, or unwarranted statements that may mislead or deceive members of the public or any public body.

(d) A licensed professional geologist, acting in the position of public trust, must exercise authority impartially and must not seek to use the authority for personal profit or to secure any competitive advantage.

(e) A licensed professional geologist, when serving as an expert witness or as accepted to be an expert in legal or administrative proceedings, shall express an opinion only when having an adequate knowledge of the facts of the issue and a background of technical competence on the subject. Statements and opinions must be based on an honest conviction of the accuracy and propriety of the testimony. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-4; filed Sep 1, 2004, 2:45 p.m.: 28 IR 14*)

305 IAC 1-5-5 Conflicts of interest

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 5. (a) A licensed professional geologist must disclose any actual or potential conflicts of interest that may affect their ability to serve an employer or client.

(b) A licensed professional geologist must disclose to a prospective employer or client the existence of any owned or controlled mineral or other interest that may, either directly or indirectly, have a pertinent bearing on such employment.

(c) A licensed professional geologist having or expecting to have beneficial interest in a property on which the licensed professional geologist is reporting should disclose the existence of the interest or expected interest. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-5; filed Sep 1, 2004, 2:45 p.m.: 28 IR 14*)

305 IAC 1-5-6 Obligations to employers and clients

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 6. (a) A licensed professional geologist must protect, to the fullest possible extent, the interest of an employer or client so far as is consistent with the public health and safety and the licensed professional geologist's legal, professional, and ethical obligations.

(b) A licensed professional geologist who has made an investigation for an employer or client must not seek to profit economically from the information gained or resources used without a good faith effort to notify the employer or client of his or her intentions. Mineral prospects and other original geologic concepts and information, developed by the licensed professional geologist and brought to the employer or client, shall be freely usable by the licensed professional geologist at any time, absent a contractual agreement to the contrary.

(c) A licensed professional geologist who finds that obligations to an employer or client cause serious conflict with professional and ethical standards must recommend that the objectionable conditions be corrected. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-6; filed Sep 1, 2004, 2:45 p.m.: 28 IR 14*)

305 IAC 1-5-7 Professional and ethical obligations

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 7. (a) A licensed professional geologist must serve employers and clients competently within the geologist's overall professional and ethical obligations.

(b) A licensed professional geologist shall perform professional services or issue professional advice that is within the scope of the education and experience of the licensed professional geologist or the licensed professional geologist's professional associates, consultants, or employees and must advise the employer or client if any professional advice is outside of the licensed professional geologist's personal expertise.

(c) A licensed professional geologist must not give a professional opinion or submit a report without being informed as might be reasonably expected, considering the purpose for which the opinion or report is requested.

(d) A licensed professional geologist should report all assumptions on which the results of a report or opinion are based.

(e) A licensed professional geologist should substantiate any statements in opinions and reports.

(f) A licensed professional geologist should not knowingly or purposefully misrepresent or omit relevant data, or fail to mention a lack of data that might affect the results or conclusions of an opinion or report.

(g) A licensed professional geologist should engage, or advise an employer or client to engage, and cooperate with other experts and specialists whenever the employer's or client's interests would be best served. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-7; filed Sep 1, 2004, 2:45 p.m.: 28 IR 14*)

305 IAC 1-5-8 Professional courtesy

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 8. (a) A licensed professional geologist must respect the rights, interests, and contributions of their professional colleagues and must be accurate and truthful in all communications with others regarding professional colleagues.

(b) A licensed professional geologist must:

(1) give due credit for work done by others in the course of a professional assignment; and

(2) must not knowingly accept credit due another.

(c) Statements regarding opinions must be restricted to and based on logical and scientific principles and must be made in a respectful and professional manner. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-8; filed Sep 1, 2004, 2:45 p.m.: 28 IR 15*)

305 IAC 1-5-9 Continuing education

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 9. A licensed professional geologist should strive to improve professional knowledge and skills and work toward the advancement of geological education, research, training, and practice. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-9; filed Sep 1, 2004, 2:45 p.m.: 28 IR 15*)

305 IAC 1-5-10 Equal opportunity

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 10. A licensed professional geologist must not discriminate against any person on the basis of race, creed, gender, age, disability, sexual orientation, or national origin when engaged in services to the public or as required by law. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-10; filed Sep 1, 2004, 2:45 p.m.: 28 IR 15*)

305 IAC 1-5-11 Obligation to report violations

Authority: IC 25-17.6-3-3; IC 25-17.6-3-12

Affected: IC 25-17.6

Sec. 11. It is the individual responsibility of each professional geologist to abide by the code of ethics presented in this rule. Any complaints brought to the attention of the board regarding a violation of this rule by a licensed professional geologist must be substantiated with evidence of the violation. The board is responsible for evaluating and acting on disciplinary actions regarding the code of ethics. (*Indiana Board of Licensure for Professional Geologists; 305 IAC 1-5-11; filed Sep 1, 2004, 2:45 p.m.: 28 IR 15*)

*