

IC 25-17.6-3

Chapter 3. Duties and Powers of the Board

IC 25-17.6-3-1

Meetings; cost of survey

Sec. 1. (a) The board shall meet:

- (1) at least one (1) time each calendar year; and
- (2) at other times considered necessary by:
 - (A) the chairman; or
 - (B) a quorum of the board;

upon being given at least ten (10) days notice.

(b) Each year the board shall:

- (1) determine the cost incurred by the survey in administering the program for the licensure of professional geologists under this article; and
- (2) if necessary, adjust the amount of the:
 - (A) licensure fee charged under IC 25-17.6-4-7; and
 - (B) renewal fee charged under IC 25-17.6-5-2;

to ensure that the program is self-supporting.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.7.

IC 25-17.6-3-2

Qualifications of applicants for certification

Sec. 2. (a) The board shall pass upon the qualifications of applicants for licensure.

(b) The board shall:

- (1) require from an applicant for licensure evidence of the applicant's qualifications; and
- (2) judge an applicant on evidence of the applicant's professional competency and integrity under rules adopted by the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.8.

IC 25-17.6-3-3

Code of professional conduct

Sec. 3. (a) The board may by rule adopt or amend a code of professional conduct for licensed professional geologists.

(b) If the board adopts or amends a code of professional conduct under subsection (a), the board shall mail a copy of the code and any amendments to the code to all persons listed on the roster described in section 10 of this chapter.

(c) A mailing under this section constitutes service for the purposes of this article.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.9.

IC 25-17.6-3-4

Investigation of misconduct

Sec. 4. The board may investigate:

- (1) a suspected violation by a licensed professional geologist of:
 - (A) the code of conduct adopted under section 3 of this

chapter; or

(B) other rules of the board concerning professional competency and integrity of licensed professional geologists;
or

(2) other grounds for action against a licensed professional geologist under IC 25-17.6-8.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.10.

IC 25-17.6-3-5

Complaint to condition, suspend, or revoke registration

Sec. 5. (a) The board may file a proposed complaint to condition, suspend, or revoke the license of a licensed professional geologist.

(b) The recipient of a proposed complaint may either:

(1) agree to the terms of the proposed complaint; or

(2) request, within twenty (20) days of receiving the proposed complaint, an informal review of the proposed complaint before the board.

(c) Failure by a licensed professional geologist to request an informal review constitutes an agreement to the terms of the proposed complaint.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.11.

IC 25-17.6-3-6

Charges of fraud, deceit, gross negligence, or misconduct

Sec. 6. (a) Any person or organization may present charges of fraud, deceit, gross negligence, or misconduct against a licensed professional geologist.

(b) A charge under subsection (a) shall be:

(1) in writing;

(2) sworn to by the person or the officer of the organization making the charges; and

(3) filed with the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.12.

IC 25-17.6-3-7

Review of charges

Sec. 7. (a) The board shall consider:

(1) a request for review under section 5; or

(2) charges under section 6;

of this chapter during a meeting.

(b) The board may compel a licensed professional geologist to respond to any matters about a proposed complaint or charges.

(c) The board may by rule establish procedures for the conduct of its review under this section, including the subpoena of witnesses and documents.

(d) A review under this section shall be conducted in an informal manner. However, the board shall keep a record of the proceeding.

(e) As soon as possible following the meeting, the board shall render a determination and either:

- (1) terminate its review; or
- (2) issue a determination under IC 4-21.5-3-6 to condition, suspend, or revoke the license of the licensed professional geologist.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.13.

IC 25-17.6-3-8

Compliance with or administrative review of determination

Sec. 8. A licensed professional geologist who receives a determination under section 7 of this chapter shall either:

- (1) comply with its terms; or
- (2) request administrative review under IC 25-17.6-9.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.14.

IC 25-17.6-3-9

Legal assistance

Sec. 9. (a) The attorney general shall act as legal adviser to the board and provide any legal assistance necessary to carry out this article.

(b) The board may employ private counsel at the expense of the board.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-3-10

Survey; publication of roster

Sec. 10. (a) The survey shall publish each year a roster showing the names and places of business of all licensed professional geologists.

(b) Copies of the roster described in subsection (a) shall be:

- (1) made available to each person licensed;
- (2) placed on file at the survey; and
- (3) furnished to the public upon request.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.15.

IC 25-17.6-3-11

Survey; offices and staff

Sec. 11. The survey shall:

- (1) establish and maintain necessary offices in Indiana;
- (2) employ staff as necessary, including staff for the board; and
- (3) prescribe the duties and compensation of all staff employed under subdivision (2).

As added by P.L.161-1996, SEC.2.

IC 25-17.6-3-12

Rules

Sec. 12. The board may adopt rules under IC 4-22-2 consistent with this article and reasonably required for the conduct of the board's responsibilities and duties.

As added by P.L.161-1996, SEC.2.