

## **IC 25-31.5-8**

### **Chapter 8. Proceedings Against a Registered Soil Scientist**

#### **IC 25-31.5-8-1**

##### **Investigations**

Sec. 1. The board may investigate:

- (1) a suspected violation by a registered soil scientist of:
  - (A) a code of professional conduct adopted under IC 25-31.5-3-4; or
  - (B) other rules of the board concerning professional competency and integrity; or
- (2) other grounds for action against a registered soil scientist under this chapter.

*As added by P.L.244-2001, SEC.1.*

#### **IC 25-31.5-8-2**

##### **Complaints by board**

Sec. 2. (a) The board may file a complaint to impose conditions on, suspend, or revoke the registration of a soil scientist.

(b) The soil scientist to whom a complaint is addressed may:

- (1) agree to the terms of the complaint; or
- (2) within twenty (20) days after receiving the complaint, request an informal review of the complaint before the board.

(c) The failure of a registered soil scientist to request an informal review under subsection (b)(2) constitutes an agreement to the terms of the complaint.

*As added by P.L.244-2001, SEC.1.*

#### **IC 25-31.5-8-3**

##### **Complaints by private individuals or organizations**

Sec. 3. (a) An individual or organization may bring a complaint of fraud, deceit, gross negligence, or misconduct against a registered soil scientist.

(b) A complaint brought under subsection (a) must be:

- (1) in writing;
- (2) sworn to by:
  - (A) the individual; or
  - (B) an officer of the organization;making the complaint; and
- (3) filed with the board within two (2) years after the incident alleged in the complaint.

*As added by P.L.244-2001, SEC.1.*

#### **IC 25-31.5-8-4**

##### **Proceedings; rules; determinations**

Sec. 4. (a) The board shall consider:

- (1) a request for an informal review of a complaint brought under section 2 of this chapter; or
- (2) a complaint brought under section 3 of this chapter;

during a meeting of the board.

(b) The board may adopt rules under IC 4-22-2 to compel a registered soil scientist to respond to matters that relate to a complaint under section 2 of this chapter or a complaint brought under section 3 of this chapter.

(c) The board may adopt rules under IC 4-22-2 establishing procedures for the conduct of a meeting under this section, including the subpoena of witnesses and documents.

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

(e) As soon as possible following a meeting under this section, the board shall:

(1) terminate its proceedings on the complaint under section 2 of this chapter or the complaint brought under section 3 of this chapter; or

(2) provide notice under IC 4-21.5-3-6 of a determination to impose conditions on, suspend, or revoke the registration of the professional soil scientist.

*As added by P.L.244-2001, SEC.1.*

### **IC 25-31.5-8-5**

#### **Effect of determinations**

Sec. 5. A registered soil scientist who receives a determination under section 4 of this chapter shall:

(1) comply with the terms of the determination; or

(2) request administrative review under IC 25-31.5-9.

*As added by P.L.244-2001, SEC.1.*

### **IC 25-31.5-8-6**

#### **Disciplinary actions**

Sec. 6. (a) The board may:

(1) suspend the registration of;

(2) refuse to renew the registration of;

(3) revoke the registration of;

(4) reprimand; or

(5) place on probation;

a registered soil scientist for any grounds set forth in subsection (b).

(b) The board may take action under subsection (a) against a registered soil scientist who is found to have:

(1) committed fraud or deceit in obtaining registration under this article;

(2) committed gross negligence, incompetence, or misconduct in the public practice of soil science;

(3) been convicted by a court of law of:

(A) a felony; or

(B) a crime involving moral turpitude;

(4) committed a violation of a code of professional conduct adopted by the board under IC 25-31.5-3-4; or

(5) committed an unlawful act set forth in section 7 of this chapter.

*As added by P.L.244-2001, SEC.1.*

**IC 25-31.5-8-7**

**Criminal violations**

Sec. 7. An individual who knowingly or intentionally does any of the following commits a Class B misdemeanor:

- (1) Falsely professes to be a registered professional soil scientist in violation of IC 25-31.5-7.
- (2) Presents or attempts to use as one's own the registration or seal of another.
- (3) Gives false or forged evidence to:
  - (A) the board; or
  - (B) a member of the board;to obtain registration.
- (4) Falsely impersonates another soil scientist.
- (5) Uses or attempts to use a certificate of registration that is suspended, revoked, or expired.

*As added by P.L.244-2001, SEC.1.*