

SECTION .1100 – PROFESSIONAL CONDUCT

21 NCAC 21 .1101 RULES OF PROFESSIONAL CONDUCT

(a) Each geologist licensed by the Board and each partnership, corporation, or other legal entity authorized to offer or perform geological services in this State shall comply with these Rules of Professional Conduct.

(b) The geologist shall conduct his or her practice in order to protect the public health, safety, and welfare:

- (1) The geologist shall at all times recognize his or her primary obligation to protect the safety, health, and welfare of the public in the performance of his or her professional duties. If his or her geologic judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, he or she shall inform his or her employer of the possible consequences and notify other proper authority of the situation.
- (2) The geologist shall protect the public health, safety, and welfare by maintaining sufficient personal on-site involvement and continual direction and review of the activities of subordinates that constitute public practice of geology while such activities are in progress. The licensee shall provide such supervision and have sufficient knowledge of the project and site conditions necessary to assure accuracy and compliance with all applicable laws and regulations, including G.S. 89E and the rules of this Chapter.

(c) The geologist shall perform his or her services only in areas of his or her competence:

- (1) The geologist shall undertake to perform geologic assignments only when qualified by education or experience in the specific technical field of geology involved.
- (2) The geologist may accept an assignment requiring education or experience outside of his or her own field of competence, but only to the extent that his or her services are restricted to those phases of the project in which he or she is qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees.
- (3) The geologist shall not affix his or her signature and seal to any document dealing with subject matter for which he or she lacks competence by virtue of education or experience or to any such plan or document not prepared under his or her direct supervisory control, except that the geologist may affix his or her seal and signature to drawings and documents depicting the work of two or more professionals provided he or she designates by note under his or her seal the specific subject matter for which he or she is responsible.

(d) The geologist shall issue public statements only in an objective and truthful manner:

- (1) The geologist shall be completely objective and truthful in all professional reports, statements, or testimony. He or she shall include all relevant and pertinent information in such reports, statements, or testimony.
- (2) The geologist when serving as an expert or technical witness before any court, commission, or other tribunal shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy of his or her testimony.
- (3) The geologist shall issue no statements, criticisms, or arguments on geologic matters connected with public policy that are inspired or paid for by an interested party or parties unless he or she has prefaced his or her comments by explicitly identifying himself, by disclosing the identities of the party or parties on whose behalf he or she is speaking, and by revealing the existence of any pecuniary interest he or she may have in the instant matters.
- (4) The geologist shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of another geologist, nor shall he or she maliciously criticize another geologist's work in public. If he or she believes that another geologist is guilty of misconduct or illegal practice, he or she shall present such information to the Board.

(e) The geologist shall not attempt to supplant another geologist in a particular employment after becoming aware that the other has been selected for the employment.

(f) The geologist shall avoid conflicts of interest:

- (1) The geologist shall conscientiously avoid conflicts of interest with his or her employer or client but, when unavoidable, the geologist shall disclose the circumstances to his or her employer or client.

- (2) The geologist shall avoid all known conflicts of interest with his or her employer or client and shall promptly inform his or her employer or client of any business association, interest, or circumstances which could influence his or her judgment or the quality of his or her services.
 - (3) The geologist shall not accept compensation, financial or otherwise, from more than one party for services on the same project or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all those parties.
 - (4) The geologist shall not solicit or accept financial or other valuable consideration from material or equipment suppliers for specifying their products.
 - (5) The geologist shall not solicit or accept any gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his or her client or employer in connection with work for which he or she is responsible.
 - (6) When in public service as a member, advisor, or employee of a governmental body or department, the geologist shall not participate in considerations or actions with respect to services provided by him or his or her organization in private geological practices.
 - (7) The geologist shall not solicit or accept a contract for geological services from a governmental body on which a principal or officer of his or her business serves as a member.
- (g) The geologist shall solicit or accept work only on the basis of his or her qualifications:
- (1) The geologist shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.
 - (2) The geologist shall compete for professional employment on the basis of qualification and competence for proper accomplishment of the work. He or she shall not solicit or submit proposals for professional services that contain a false, fraudulent, misleading, deceptive, or unfair statement or claim regarding the cost, quality, or extent of services to be rendered.
 - (3) The geologist shall not falsify or permit misrepresentation of his or her academic or professional qualifications nor of the qualifications of his or her associates. He or she shall not misrepresent or exaggerate his or her degree of responsibility for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, joint ventures, or their past accomplishments with the intent and purpose of enhancing his or her qualifications and those of his or her work associates.
- (h) The geologist shall associate only with reputable persons or organizations:
- (1) The geologist shall not knowingly associate with or permit the use of his or her name or firm name in a business venture by any person or firm which he or she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.
 - (2) If the geologist has knowledge or reason to believe that another person or firm may be in violation of any of these provisions or of the North Carolina Geologist Licensing Act, he or she shall present such information to the Board and furnish such further information or assistance as may be required by the Board.
- (i) Conviction of a felony without restoration of civil rights or the revocation or suspension of the license of a geologist by another jurisdiction, if for a cause which in the State of North Carolina would constitute a violation of G.S. 89E or of these rules, shall be grounds for a charge of violation of these Rules, for revocation of the certificate of licensure or corporate registration issued by this Board, and for the imposition of a civil penalty not to exceed five thousand dollars (\$5,000).

*History Note: Authority G.S. 89E-5; 89E-16;
Temporary Adoption Eff. November 24, 1999;
Eff. August 1, 2000;
Pursuant to G.S. 150B 21.3A, rule is necessary without substantive public interest Eff. December 16, 2014;
Amended Eff. June 1, 2017.*