

SECTION .0400 - STANDARDS OF PROFESSIONAL CONDUCT

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- (a) A soil scientist shall conduct his practice in order to protect the public health, safety, life and welfare. The soil scientist shall at all time recognize his primary obligation to protect the life, safety, health, and welfare of the public in the performance of his professional duties.
- (b) A soil scientist shall perform his services only in areas of his competence and:
- (1) shall undertake to perform assignments only when qualified by education or experience in the specific technical field of soil science involved.
 - (2) shall not affix his signature or seal to any document dealing with subject matter to which he lacks competence by virtue of education or experience, nor to any such plan or document not prepared under his direct supervisory control except that the soil scientist may affix his seal and signature to documents depicting the work of two or more professionals provided he designates by note under his seal the specific subject matter for which he is responsible.
- (c) A soil scientist shall issue public statements only in an objective and truthful manner and:
- (1) shall be completely objective and truthful in all professional reports, statements or testimony. He shall include relevant and pertinent information in such reports, statements or testimony.
 - (2) 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 knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon conviction of the accuracy and propriety of his testimony.
 - (3) shall issue no statements, criticisms, or arguments on soil science matters connected with public policy which are inspired or paid for by an interested party, or parties unless he has prefaced his comment by identifying himself, by disclosing the identities of the parties on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he may have in the instant matters.
 - (4) shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another soil scientist, nor shall he criticize another soil scientist's work in public. If he believes that another soil scientist is guilty of misconduct or illegal practice, he shall present such information to the North Carolina Board for Licensing of Soil Scientists.
- (d) A soil scientist shall avoid conflicts of interest and:
- (1) shall promptly inform his employer or client of any business association, interest, or circumstances, which could influence his judgment or the quality of his services.
 - (2) shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products without full disclosure.
 - (3) shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his client or employer in connection with work for which he is responsible.
 - (4) when in public service as a member, advisor, or employee of a governmental body or department, the soil scientist shall abstain from voting on matters involving services provided by him or his organization in private soil science practices.
 - (5) shall not solicit or accept a contract from a governmental body on which a principal or officer of his organization serves as a member without full disclosure to affected parties.
 - (6) shall not attempt to supplant another soil scientist in a particular employment after becoming aware that the other has been selected for the employment.
- (e) A soil scientist shall solicit or accept work only on the basis of his qualifications and:
- (1) shall compete for professional employment on the basis of qualification and competence for proper accomplishment of the work. He shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading deceptive or unfair statement or claim regarding the cost, quality or extent of services to be rendered.
 - (2) shall not falsify or permit misrepresentation of his, or his associates', academic professional qualification. He shall not misrepresent or exaggerate his degree of responsibility in or 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 his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work.

- (3) shall not knowingly associate with or permit the use of his name or firm name in a business venture by any person or firm which he knows, or has reasons to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.
 - (4) if the soil scientist 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 Soil Scientist Licensing Act, he shall present such information to the Board and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.
- (f) A soil scientist whose professional registration is revoked or suspended by another jurisdiction, shall be subject to disciplines by the Board if the registrant's actions violate G.S. 89F or the rules in this Chapter. Conviction of a felony without restoration of civil rights, or the revocation or suspension of the license of a soil scientist by another jurisdiction, if for a cause which in the State of North Carolina would constitute a violation of G.S. 89F or of these Rules, shall be grounds for a charge of violation of the rules in this Chapter.

History Note: Authority G.S. 89F-17;
Temporary Adoption Eff. May 15, 1996;
Eff. April 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.