

## SECTION .1100 – PROFESSIONAL CONDUCT

### 21 NCAC 21 .1101 RULES OF PROFESSIONAL CONDUCT

(a) In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity, skills, and practice in the profession of geology, these rules of professional conduct shall be binding upon every person holding a certificate of license as a geologist, and on all partnerships or corporations or other legal entities authorized to offer or perform geologic services in this state. All persons licensed or registered under the provisions of G.S. 89E are charged with having knowledge of the existence of these Rules of professional conduct.

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

- (1) The geologist shall at all times recognize his primary obligation to protect the safety, health, and welfare of the public in the performance of his professional duties. If his geologic judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, he shall inform his employer of the possible consequences and notify other proper authority of the situation, as may be appropriate.
- (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 must 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, but not limited to, G.S. 89E and the rules of this Chapter).

(c) The geologist shall perform his services only in areas of his 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 own field of competence, but only to the extent that his services are restricted to those phases of the project in which he is qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees.
- (3) The geologist shall not affix his signature and seal to any document dealing with subject matter for which he lacks competence by virtue of education or experience or to any such plan or document not prepared under his direct supervisory control, except that the geologist may affix his seal and signature to drawings and 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.

(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 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 and propriety of his testimony.
- (3) The geologist will issue no statements, criticisms, or arguments on geologic matters connected with public policy which are inspired or paid for by an interested party or parties unless he has prefaced his comments by explicitly identifying himself, by disclosing the identities of the party or parties on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he 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 maliciously criticize another geologist's work in public. If he believes that another geologist is guilty of misconduct or illegal practice, he shall present such information to the Board for action.

(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 employer or client, but when unavoidable, the geologist shall forthwith disclose the circumstances to his employer or client.

- (2) The geologist shall avoid all known conflicts of interest with his employer or client, and 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.
  - (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 to, and agreed to, by all those parties.
  - (4) The geologist shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.
  - (5) The geologist shall not solicit or accept substantial 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.
  - (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 organization in private geological practices.
  - (7) The geologist shall not solicit or accept a geologic contract from a governmental body on which a principal or officer of his business serves as a member.
- (g) The geologist shall solicit or accept work only on the basis of his 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 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.
  - (3) The geologist shall not falsify or permit misrepresentation of his, or his associates', academic or professional qualifications. 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 those of his 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 name or firm name in a business venture by any person or firm which he 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 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 and may result in the revocation of the certificate of licensure or corporate registration issued by this Board and 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;  
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