

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 07 FORESTS AND PARKS

Chapter 07 Licensed Tree Experts

Authority: Natural Resources Article §§5-415—5-423, Annotated Code of Maryland

.01 Responsibility to the Public.

- A. In rendering professional services, a licensed tree expert shall comply in all respects with applicable laws and regulations pertaining to tree expert services.
- B. A licensed tree expert may not engage in any form of false or misleading advertising or promotional activities, including, but not limited to, the falsification or misrepresentation of:
 - (1) The work of a licensed tree expert or of an individual employed by the tree expert;
 - (2) The academic or professional qualifications or affiliations of the licensed tree expert; or
 - (3) The experience or licensing status of the licensed tree expert.
- C. A licensed tree expert may not use private property adjacent to a client's property as work area, or to gain access to the client's property, without the private property owner's written permission.
- D. A licensed tree expert shall ensure the safe operation of all equipment used in the performance of tree expert services.
- E. In the performance of tree expert services, a licensed tree expert shall make every reasonable effort to protect the safety, health, property, and welfare of the public.
- F. A licensed tree expert shall cooperate fully with the Department of Natural Resources Forest Service in an investigation or adjudication of an alleged violation of tree expert statutes or regulations and, upon request, shall provide copies of documents to the Department of Natural Resources.
- G. A licensed tree expert shall, within a reasonable time, inform the Department of Natural Resources Forest Service in writing of a change in address, telephone number, or employment.

02 Incorporation by Reference.

- A. In this chapter, the following documents are incorporated by reference.
- B. Documents Incorporated.
 - (1) American National Standard for Tree Care Operations—Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, ANSI A300 (Part 1)—2001 Pruning, (American National Standards Institute, May 22, 2001).
 - (2) American National Standard for Tree Care Operations—Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, ANSI A300 (Part 2)—2004 Fertilization, (American National Standards Institute, March 24, 2004).
 - (3) American National Standard for Tree Care Operations—Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, ANSI A300 (Part 3)—2000

- (Support Systems a. Cabling, Bracing, and Guying) (American National Standards Institute, May 25, 2000).
- (4) American National Standard for Arboricultural Operations—Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements, ANSI Z133.1—2000, (American National Standards Institute, October 19, 2000).
 - (5) American National Standard for Tree Care Operations—Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, ANSI A300 (Part 4)—2002 Lightning Protection Systems, (American National Standards Institute, August 30, 2002).
 - (6) American National Standard for Tree Care Operations—Tree Shrub and Other Woody Plant Maintenance—Standard Practices (Management of Trees and Shrubs During Site Planning, Site Development, and Construction), ANSI A300 (Part 5)—2005 Management, (American National Standards Institute, March 9, 2005).
 - (7) American National Standard for Tree Care Operations—Tree, Shrub, and Other Woody Plant Maintenance—Standard Practices (Transplanting), ANSI A300 (Part 6)—2005 Transplanting, (American National Standards Institute, April 29, 2005).
 - (8) American National Standard for Tree Care Operations—Tree, Shrub, and Other Woody Plant Maintenance—Standard Practices (Integrated Vegetation Management a. Electric Utility Rights-of-way), ANSI A300 (Part 7)—2006 IVM, (American National Standard Institute, February 21, 2006).

.03 Responsibility to the Client.

- A. A licensed tree expert shall perform tree expert services only if qualified to do so by education or experience.
- B. In performing tree expert services, a licensed tree expert shall act with reasonable care and competence, and shall apply technical knowledge and skills according to American National Standards Institute published tree care industry standards as incorporated by reference in Regulation .02 of this chapter.
- C. A licensed tree expert may not knowingly assume or accept any position in which the licensed tree expert's interests conflict with the licensee's professional responsibilities unless the facts are disclosed by the licensee and consented to in writing by the client or employer.
- D. A licensed tree expert shall enter into a written contract with the client which shall clearly convey the:
 - (1) Licensed tree expert's name, license number, name of licensee's business entity, address, and phone number;
 - (2) Name, address, and phone number of the client;
 - (3) Objective and scope of services;
 - (4) Anticipated dates of the licensed tree expert's work on the project;
 - (5) Implications of any deviation from ANSI standards incorporated under Regulation .02 of this chapter;
 - (6) Amount and method of remuneration for the services; and

- (7) Dated signatures of the licensed tree expert or the licensed tree expert's designee and the client or the client's designee.
- E. Any amendments to the contract shall be in writing and signed and dated by both the licensed tree expert or the licensed tree expert's designee and the client or the client's designee.
- F. A licensed tree expert may not accept compensation from more than one employer for the same service unless all parties involved are informed and consent.
- G. A licensed tree expert may not exploit clients served professionally by:
 - (1) Accepting a tree care project if benefit cannot reasonably be expected to accrue to the tree or trees or to the client;
 - (2) Continuing treatment when benefit cannot reasonably be expected to accrue to the tree or trees or to the client;
 - (3) Charging for services not rendered;
 - (4) Failing to fully inform clients served of the nature and possible effects of services rendered; or
 - (5) Misrepresenting services rendered.
- H. A licensed tree expert who anticipates the termination or interruption of service during the term of a contract shall notify the client promptly.

.04 Responsibility to Other Licensed Tree Experts and the Profession.

- A. A licensed tree expert shall pursue all professional endeavors with honesty, integrity, fairness, and professionalism.
- B. A licensed tree expert may only take credit for services performed by the licensed tree expert directly or by the licensed tree expert's firm under the licensed tree expert's supervision and direction.
- C. A licensed tree expert shall adhere to and maintain standards of professional conduct that reflect in a responsible manner on the profession.
- D. A licensed tree expert shall disclose associations with multiple tree care companies to each tree care company for which the licensee provides tree care services or supervision of tree care services.

.05 Record Keeping.

- A. A licensed tree expert shall maintain records of all of the licensee's client contracts for tree expert services for 3 years after completion of a project.
- B. If requested by a current or former client, the licensed tree expert shall release a copy of the written record to the client or former client. The licensed tree expert may require a client or former client to pay the reasonable cost of providing the records requested.

.06 Supervision.

A licensed tree expert is responsible for the quality and content of all work performed by those working under the licensee.

.07 License Application and Renewal Fees.

An applicant shall pay to the Department, as part of the examination application, a \$30 fee. If the applicant fails an examination, an additional \$20 fee must be paid for each subsequent examination application.

A tree expert license shall be renewed every 2 years.

License Renewal Schedule.

- (1) All licensees shall renew their licenses by December 31, 2011, for the 2012 calendar year.
- (2) Commencing with 2011 renewals for the 2012 calendar year:
 - (a) Odd-numbered licenses will be renewed for a 2-year period and every subsequent odd-numbered year; and
 - (b) ven-numbered licenses will be renewed for a 1-year period and will be renewed for a 2-year period every subsequent even-numbered year.

Renewal Fees.

- (1) A licensed tree expert shall pay a \$25 fee every 2 years for license renewal in accordance with the schedule in §C of this regulation.
- (2) Licensees renewing in accordance with §C(2)(b) of this regulation shall pay a \$10 renewal fee for the 2012 license year.

.08 Violation of Regulations.

- A. Pursuant to Natural Resources Article, §5-421(b), Annotated Code of Maryland, the Department of Natural Resources may temporarily suspend, for a period not to exceed 2 years, the license of a licensed tree expert who violates this chapter. This power of suspension is in addition to, and not in limitation of, the Department of Natural Resources' power to revoke or suspend a tree expert license pursuant to Natural Resources Article, §5-421(a), Annotated Code of Maryland.
- B. Before the suspension, revocation, or denial of a tree expert license, the Department shall provide a contested case hearing conducted in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.