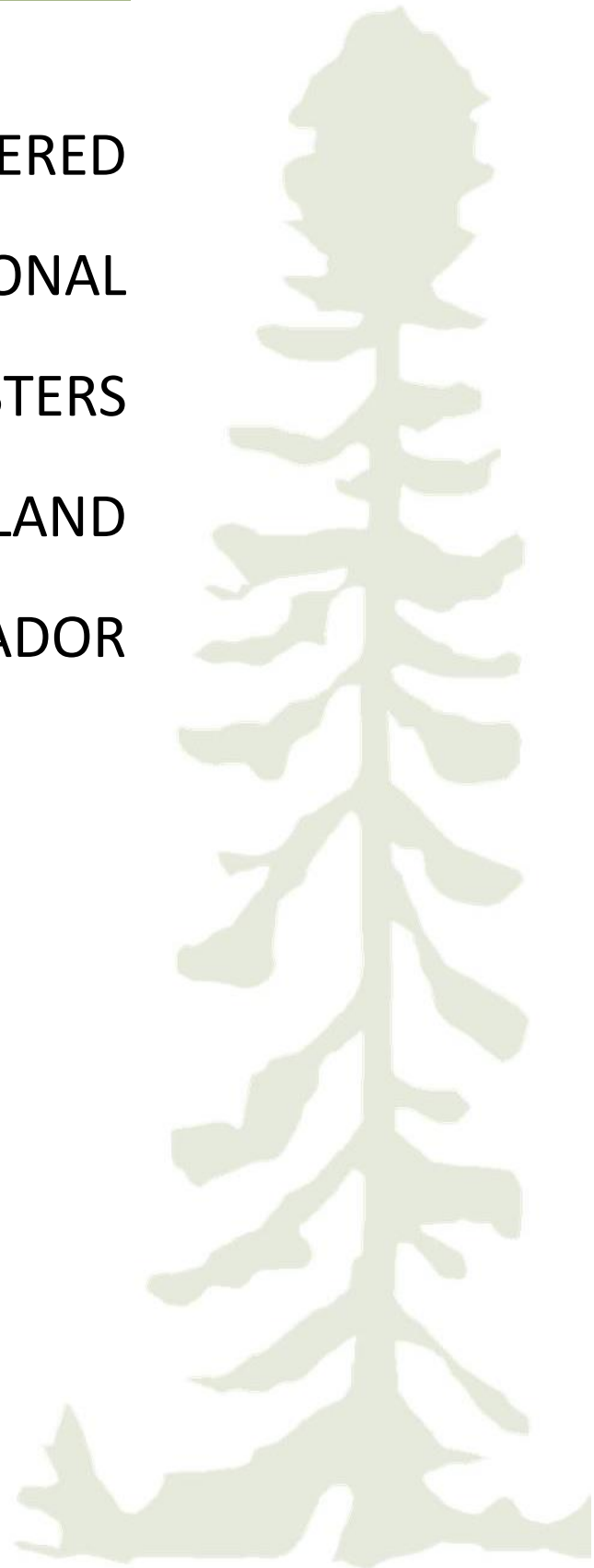

REGISTERED
PROFESSIONAL
FORESTERS
OF NEWFOUNDLAND
AND LABRADOR

CURRENT BY-LAWS

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Copies of this document may be obtained from:

Association of Registered Professional Foresters of Newfoundland & Labrador

P.O. Box 31

Corner Brook, NL A2H 6C3

Telephone: (709) 258-5334

Email: registrar@rpfnl.com



www.rpfnl.com



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TABLE OF CONTENTS

By-law 1: Code of Ethics.....	3
By-law 2: Professional Seals and Stamps	7
By-Law 3: Membership	8
By-law 4: Continued Competency	9
By-Law 5: Organization of the Association	10
By-law 6: Rights and Obligations of Members.....	14
Bylaw 7: Meetings of Members	15
By-law 8: Administration of the Organization	17
By-law 9: Dues and Fees of the Association	19
Record of Amendments:	20

BY-LAW 1: CODE OF ETHICS

PREAMBLE

The Association of Registered Professional Foresters of Newfoundland and Labrador has approved this *Code of Ethics* to govern the professional conduct of its members. Registered members recognize that professional ethics are founded upon trust, integrity, credibility, respect, diligence, confidentiality, and commitment to learning. This professional ethic guides their conduct to ensure just and honourable professional and human relationships, mutual confidence and respect, personal integrity, and competent service.

- 1.1. All members, however and wherever they may practice, are bound by the Code of Ethics set out hereunder.
- 1.2. A member has responsibilities to:
 - 1.2.1. The public;
 - 1.2.2. The profession;
 - 1.2.3. The client or employer;
 - 1.2.4. Other members.
- 1.3. The responsibility of a member to the public is:
 - 1.3.1. To advocate, promote and practice the highest possible standards of forest stewardship, based on ecologically sound principles, which will maintain, protect and enhance the integrity, utility and value of the forest resource for the benefit of society, without compromising the opportunity for present and future generations to meet their objectives;
 - 1.3.2. To work to improve practices and policies affecting the stewardship of forest land;
 - 1.3.3. Where a member believes a practice is detrimental to good stewardship of forest land:
 - 1.3.3.1. To advise the responsible person promptly and, if the matter is not resolved, to inform the professional conduct committee immediately in writing of the issue; or
 - 1.3.3.2. If it is not possible to raise the matter with the responsible person, or if it is inappropriate in the circumstance to do so, to inform the professional conduct committee immediately in writing of the issue;
 - 1.3.4. To use member's knowledge and skills to help formulate sound forest policies and laws based on both scientific principles and societal values;
 - 1.3.5. To broaden the public's understanding and appreciation of forests, the practice of forestry, the value of forestry to society and the association's commitment to the highest possible standards in the practice of forestry;
 - 1.3.6. To undertake only work that a member is competent to perform by virtue of training and experience and, where advisable, to retain and co-operate with other professional foresters and specialists;

- 1.3.7. To not make misleading or exaggerated statements regarding the member's qualifications or experience;
 - 1.3.8. To express opinions on forestry matters only on the basis of adequate knowledge and honest conviction, and discourage and challenge the presentation of untrue, biased or exaggerated statements concerning the practice of forestry;
 - 1.3.9. To have proper regard, in all aspects of work, for the safety, health and welfare of the public and the potential impacts of forestry practices on public welfare;
 - 1.3.10. To promote truthful, factual and accurate statements on forestry matters; and
 - 1.3.11. To work in a spirit of integrity, honour, fairness, good faith and courtesy.
- 1.4. The responsibility of a member to the profession is:
- 1.4.1. To maintain the honour and integrity of the profession and act at all times with responsibility and dignity;
 - 1.4.2. To inspire confidence in the profession by maintaining high standards in conduct and daily work through continuous improvement of methods and personal knowledge and skills;
 - 1.4.3. To contribute to the work of forest societies and educational institutions and to advance scientific and personal knowledge;
 - 1.4.4. To review with the colleague responsible, any practice or behaviour the member believes contrary to this code. If not resolved, to report the matter in writing, with the knowledge of the colleague concerned, to the professional conduct committee;
 - 1.4.5. To sign or seal only documents, plans, or work which members have prepared or carried out or which have been prepared or carried out under their direct professional supervision or review;
 - 1.4.6. To apply the best knowledge that is reasonably available and make a personal commitment to a process of continuing education to keep current in the skills and knowledge of the professional practice of forestry;
 - 1.4.7. To state clearly on whose behalf professional statements or opinions are made; and
 - 1.4.8. To not misrepresent facts.
- 1.5. The responsibility of a member to the client or employer is:
- 1.5.1. To anticipate and advise employers or clients of the consequences of any contemplated policy, procedure or course of action which, based on professional judgment, is not consistent with the principles of sound forestry practice and best possible stewardship of forest land;
 - 1.5.2. To undertake no assignment which may create a conflict of interest in their employer or client and to inform such employer or client of any business connections, interests or circumstances which may be deemed as influencing their judgment or the quality of their services;
 - 1.5.3. To hold as confidential information concerning the business affairs, technical methods, processes or practices of employers or clients and shall only disclose such information with the consent of the employer or client or where required to do so by law;

- 1.5.4. To obtain a clear understanding of the client or employer's objectives;
 - 1.5.5. To undertake only those assignments for which the member is competent to perform by virtue of training and experience and to seek assistance from knowledgeable peers or specialists whenever a field of practice is outside the member's competence;
 - 1.5.6. To act in a conscientious, diligent and efficient manner;
 - 1.5.7. To levy only those charges for services rendered that are fair and due; and
 - 1.5.8. To accept no compensation in any form for a particular service from more than one source without the knowledge and consent of all interested parties.
- 1.6. The responsibility of a member to other members is:
- 1.6.1. To provide advice, recognition, support and guidance to those practicing forestry in order to assist in furthering and enhancing their efforts and to ensure that the best possible practices and objectives are undertaken and recognized;
 - 1.6.2. To provide opportunity for the professional development and advancement of forest practitioners including employees and/or less experienced individuals;
 - 1.6.3. To give credit for professional work, assistance, methods, facts or opinions provided by others;
 - 1.6.4. To conduct themselves towards other registered professionals with fairness and in good faith;
 - 1.6.5. To share knowledge and experience with other members;
 - 1.6.6. To strive to avoid improper or questionable practices in their own work and in the work of others and to take steps as soon as possible to correct such practices and minimize their impacts on both the resource and the reputation of those engaged in the practice of forestry;
 - 1.6.7. To not unfairly criticize the work of other members or attempt to injure the professional reputation or business of another member; and
 - 1.6.8. To abstain from undignified public communication with another member.

PROFESSIONAL MISCONDUCT, CONDUCT UNBECOMING AND OTHER CONDUCT DESERVING OF SANCTION OF A PROFESSIONAL MEMBER

- 1.7. Conduct of a member that:
- 1.7.1. is detrimental to the best interests of the public;
 - 1.7.2. represents a serious contravention of the Code of Ethics made by this By-Law;
 - 1.7.3. harms or tends to harm the standing of the profession of forestry; or

- 1.7.4. displays a lack of knowledge or skill or judgment in the practice of the profession or in carrying out of a duty or obligation undertaken in the practice of the profession, constitutes professional misconduct.
- 1.8. Such conduct as described in section 1.7 that is also disgraceful or dishonourable may constitute either professional misconduct or conduct unbecoming a professional member.
- 1.9. A gross display or repeated displays of a lack of knowledge or skill or judgment in the practice of the profession or in carrying out of a duty or obligation undertaken in the practice of the profession constitutes professional incompetence.
- 1.10. A physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or of the professional member that the professional member no longer be permitted to engage in the practice of the profession or that his or her practice of the profession be restricted constitutes incapacity or unfitness to practice forestry;

RULES RESPECTING CONFLICT OF INTEREST FOR PROFESSIONAL FORESTERS

- 1.11. Under normal circumstances, professionals should, before accepting assignments, inform clients or employers of any special interests, business connections, personal relationships, conflicts of interest, or other circumstances that could influence their professional services or judgment. They should never offer or accept any covert payment or covert benefit of any kind;
- 1.12. This Code of Ethics does not deny the existence of other important duties that are not specifically included.
- 1.13. This Code of Ethics is to be broadly, rather than narrowly, interpreted, such that the responsibilities owed by a member to the categories of: the public; the profession; the client or employer; or other members, are not exclusive to that category. They apply to each of the other categories insofar as it is possible to do so.

RULES RESPECTING ADVERTISING FOR PROFESSIONAL FORESTERS

- 1.14. Advertising shall be clear, factual and without exaggeration.
- 1.15. Advertising shall be in good taste and not diminish the dignity, professional image or stature of the profession.
- 1.16. Advertising shall not be critical of, or claim superiority over, others.
- 1.17. Advertising shall comply with all applicable laws.
- 1.18. A professional service shall not be advertised unless that service is provided under the direct personal supervision of a professional member who is qualified and duly registered to provide such supervision and who is available to the extent necessary to provide competent direction of the work.
- 1.19. Professional stamps/seals shall not be displayed for advertising or commercial purposes.

BY-LAW 2: PROFESSIONAL SEALS AND STAMPS

- 2.1. The Association shall provide a professional seal and/or stamp to professional foresters upon registration and request, which shall remain the property of the Association.
- 2.2. The seal/stamp of a professional forester shall show:
 - 2.2.1. The name and registration number of the professional forester to whom the seal is issued; and
 - 2.2.2. The words "Registered Professional Forester".
- 2.3. The seal/stamp shall be manufactured in a style prescribed by the council.
- 2.4. Cost of seal/stamp will be the responsibility of the member as per the fee stated in Bylaw 9: Dues and Fees of the Association.

BY-LAW 3: MEMBERSHIP

- 3.1. The Association shall recognize four (4) types of membership:
 - 3.1.1. Professional forester;
 - 3.1.2. Forester-in-training;
 - 3.1.3. Restricted;
 - 3.1.4. Retired/Non-Practicing.
- 3.2. Members shall be considered as members in good standing if they:
 - 3.2.1. Have signed and agree to be bound by the code of ethics;
 - 3.2.2. Have maintained their membership by payment of Association dues;
 - 3.2.3. Have complied with the bylaws of the Association;
 - 3.2.4. Are compliant with the continued competency program;
 - 3.2.5. Are not under suspension, or have not had their registration cancelled by an order of the discipline committee; and
 - 3.2.6. Otherwise qualify for membership.
- 3.3. Members not in good standing can be removed from the register at the discretion of the registrar and/or council.

BY-LAW 4: CONTINUED COMPETENCY

- 4.1. A continued competency program shall be established under the direction of the council.

BY-LAW 5: ORGANIZATION OF THE ASSOCIATION

- 5.1. The Association council (the council) shall include six (6) members, one of whom shall be publicly appointed pursuant to section 9 of the Act. Other than the publicly appointed council member, all members of the council shall be members in good standing.
- 5.2. The council shall appoint from the membership any other such officers and employees as it may determine who shall perform duties as the Act, regulations, bylaws, and council of the Association may prescribe. The term of any such appointment shall remain into effect until resigned by the incumbent or revoked by resolution of the council.
- 5.3. The council shall be the governing body of the Association responsible for setting direction and policy with full authority over all affairs of the Association. Unless otherwise provided for in these bylaws, all actions and decisions of the council shall be final.
- 5.4. The executive committee shall be a committee of the council and shall consist of the president, vice president, past president. Upon the discretion of council the duties of secretary and / or treasurer may be filled by another member of the executive committee. The executive committee shall be responsible for the day-to-day activities of the Association and for carrying out the instructions and directions of the council.
- 5.5. The president shall act as the executive head of the Association and when present shall preside as chair over all meetings of the Association, council, and executive committee. The president shall exercise supervision over the affairs of the Association. The president shall be responsible for enforcement of these bylaws and carrying out all orders and resolutions of the council. The president shall exercise such authority within limits as shall be set by the council from time to time. The president shall also have such additional responsibility as may be delegated by the council.
- 5.6. The president is responsible to the council. The president shall keep the council informed of all aspects of the Association's affairs and shall consult with it on major activities. The president shall make reports to the general membership on behalf of the council at each annual meeting and as directed by the council.
- 5.7. The vice president is responsible to the president and shall assume the duties of the president in the absence or disability of the president. The vice president shall assist the president in the execution of his/her duties and responsibilities to the council. The vice president shall also have such additional responsibilities as may be delegated by the council or the president.
- 5.8. The past president shall act as an advisor to the president and the council and shall undertake such special duties or assignments as requested by the council from time to time. Past president shall identify nominees for the positions of vice-president and council.
- 5.9. The secretary, appointed by council, shall be responsible for the day-to-day affairs of the Association. The secretary shall ensure that all meetings of the council, the executive committee and the annual and any special meetings of the Association are properly and accurately recorded. The secretary shall ensure

maintenance of all Association records and correspondence of a non-financial nature and shall be the custodian of the seal of the Association.

- 5.10. The treasurer, appointed by council, shall be responsible for the financial affairs of the Association. The treasurer shall ensure the maintenance of the financial records of the Association and shall submit financial statements to the council or any relevant governmental agency as directed by the council or required by law. The treasurer shall ensure the preparation, for submission to the annual meeting, an audited set of financial statements as provided for in these bylaws.
- 5.11. The executive director/registrar, appointed by council, shall be responsible for ensuring the accuracy and completeness of the register of members including the addition and deletion of members to the register and the amendment of member information contained in the register.
- 5.12. The executive director/registrar shall be a member of the admissions committee.
- 5.13. The executive director/registrar, at the request of council, may also assume the roles and responsibilities of the secretary and/or treasurer.
- 5.14. At least thirty (30) days prior to the annual meeting, the president shall call for nominations to be made in writing for any vacant council positions. The nomination period shall be held open until midnight one day prior to the annual meeting.
- 5.15. Except for those council members appointed pursuant to section 9 of the Act as public appointees to the council, the council members of the Association shall be elected within 45 days following the annual meeting by a majority of eligible ballots received.
- 5.16. Where a vacancy exists on the council, the council may fill that vacancy pursuant to section 11 of the Act.
- 5.17. If there is no current vice-president, a president will be elected for a term of two years to council, and serve the first year as president, the second year as past president.
- 5.18. A vice-president will be elected for a term of three years, and serve the first year as vice-president to council, the second year as president and the third year as past president.
- 5.19. With the exception of the positions of vice-president, president, and past president, each council member shall be elected for a two-year term with the provision that one half of such terms shall expire at an annual general meeting held in an odd-numbered year, and the remainder expire at an annual general meeting held in an even-numbered year.
- 5.20. The vice-president, president and past president are members of the Association with rights and obligations equal to those of the other members.
- 5.21. A quorum for the transaction of business at any council meeting shall be four council members. If a quorum is not present, the meeting shall be automatically adjourned and the council must convene another meeting within sixty (60) days.

- 5.22. In addition to the powers described in the Act, regulations or these bylaws, the council may from time to time set or alter policy concerning:
- 5.22.1. The seal of the association;
 - 5.22.2. The banking and financial operations of the Association including appropriate controls on the Association's financial dealings;
 - 5.22.3. The management of property of the Association;
 - 5.22.4. The duties, powers, and responsibilities of the members of the council, the executive, or the officers of the Association;
 - 5.22.5. The prescribed registration and other fees of the Association that it levies on members;
 - 5.22.6. The holding and procedures of meetings of the executive;
 - 5.22.7. The holding and procedures of annual and special meetings of the Association;
- 5.23. The council and executive may decide to conduct their meetings in person, through teleconference, videoconference, or via the internet with the decisions made having equal validity regardless of the media used to conduct the meeting.
- 5.24. Upon approval of the executive committee, a committee of the Association may conduct its meetings in person, through teleconference, videoconference, or via the internet with the decisions made having equal validity regardless of the media used to conduct the meeting.
- 5.25. The minutes of all meetings by the council and its committees shall include all decisions and actions by the respective council or committee and shall be approved by the respective council or committee before being filed with the secretary of the Association.
- 5.26. The council may, by a two-thirds majority vote of council, declare vacant the office of any officer or councilor. Any officer or councilor may resign their position at any time providing the resignation is made in writing to the registrar.
- 5.27. The executive director/registrar is entitled to an annual stipend of \$1500. All other council members and officers of the Association shall not be entitled to remuneration, consideration or per diem allowance unless such a policy or payment is authorized by the council.
- 5.28. All Council members and officers of the Association shall be entitled to reimbursement of reasonable expenses as may be incurred in the course of Association business.
- 5.29. The council may appoint such members in good standing as necessary to form committees to manage certain activities of the Association. All committee chairpersons shall be professional foresters and shall report to the council.

5.30. Three (3) standing committees shall be appointed by the council to serve as the admissions, professional conduct and discipline committees.

5.31. The council may create and empower other standing or *ad hoc* committees and appoint members to such committees as from time to time it sees fit.

BY-LAW 6: RIGHTS AND OBLIGATIONS OF MEMBERS

- 6.1. Unless otherwise stated elsewhere in these bylaws, all members who maintain their status as members in good standing shall have a right to:
 - 6.1.1. Attend meetings of the Association;
 - 6.1.2. Make representations at such meetings;
 - 6.1.3. Inspect the membership list and records of the Association;
 - 6.1.4. Make representation to the council on issues regarding professional competency and conduct, and the professional practice of forestry; and
 - 6.1.5. Serve on committees appointed by the council.
- 6.2. For the purposes of these bylaws and any Association-related communications, the address of record of any member shall be the member's address as last notified, by the member, in writing to the Association. It shall be the responsibility of the member to notify the Association of any change of address or other related information on a timely basis.
- 6.3. The council shall be responsible for determining the amount of any dues, fees or charges required to be paid by the members and for setting the timing, period and duration for which they apply. The council shall cause all members to be notified, at their address of record, of any such amounts at least two (2) full calendar months in advance of the due dates. Any such amount not paid in full on the due date shall be considered delinquent.
- 6.4. A member may resign from the Association at any time providing such resignation is made in writing to the registrar.
- 6.5. The rights and privileges of membership of any member may be suspended or cancelled at any time subject to an order of the discipline committee and the bylaws, policies or procedures of the Association.
- 6.6. Notwithstanding sections 6.3, 6.4 or 6.5 above, such transfers, resignations, or removals shall not relieve the member from payment of dues or other moneys owed to the Association at the time of the transfer, resignation or removal, or give any right to refund or rebate of dues or other moneys paid to the Association or to any portion or share of the assets of the Association.
- 6.7. Membership in the Association shall cease upon the death of the member.

BYLAW 7: MEETINGS OF MEMBERS

- 7.1. There shall be annual and special meetings of the Association.
- 7.2. The annual meeting shall be held at a time and place in Newfoundland and Labrador as the council may determine. This meeting will receive reports from the officers and committees of the Association for the year immediately past, elect council members and officers as required, and consider such other business of concern to the membership as the council determines.
 - 7.2.1. The president of the Association shall preside as chair at every annual meeting of the Association. If there is no president or if the president is not present at the annual meeting at the scheduled time of the meeting, the vice-president shall preside as chair. If there is no president or vice-president or if neither the president nor the vice-president is present at the annual meeting at the scheduled time of the meeting, the registrar shall preside over the meeting.
- 7.3. The council may convene a special meeting of members at any time during the year. Members may request the council to hold a special meeting through a petition in writing signed by ten per cent (10%) of members in good standing.
- 7.4. The registrar shall inform each member of the time and place of every annual or special meeting at least ten (10) days before the date fixed for the holding of such meeting.
- 7.5. Notices and other documentation to be delivered to members may be delivered in person, by registered mail, by regular postal service, or by e-mail at the discretion of the executive or the registrar.
- 7.6. A quorum for the transaction of business at any annual or special meeting of members of the Association shall be ten (10) members in good standing, not including four members of the council. If a quorum is not present within one half-hour from the time appointed for the meeting, the meeting shall automatically stand adjourned to such time and place as a majority of the members then present shall direct, and if at such adjourned meeting a quorum of members is not present, it shall be adjourned.
- 7.7. All resolutions or motions at an annual or special meeting of members of the Association except for motions regarding dissolution, amendments to the bylaws, or changes to the code of ethics, shall be considered ordinary resolutions and approved by a simple majority of the votes of members. Resolutions or motions regarding dissolution, amendments to the bylaws and changes to the code of ethics shall be approved by a two-thirds majority of the votes of the members.
- 7.8. At the discretion of the council, votes may be cast in person at the meeting, or received by the secretary by mail or electronic transmission twenty-four (24) hours in advance of the meeting unless otherwise required by the bylaws of the Association.
- 7.9. At the discretion of the council, meetings of the membership may be conducted in more than one location concurrently using web casting, teleconferencing or videoconferencing facilities.

7.10. No member shall be entitled to vote by proxy on any matter.

BY-LAW 8: ADMINISTRATION OF THE ORGANIZATION

- 8.1. The council shall ensure that all necessary books and records of the Association required by the Act, regulations and bylaws are regularly and properly maintained.
- 8.2. The books and records of the Association may be inspected by any member of the Association at the annual meeting or at any time upon giving reasonable notice and arranging a suitable time with the secretary and treasurer.
- 8.3. A register consisting of member names, membership type and addresses shall be maintained by the registrar and made available for inspection by anyone during normal office hours and at the annual meeting.
- 8.4. All information of a personal or confidential nature provided to the Association, other than the member's name, membership type, and address, shall not be published in the register of the Association. Such information required for the administration of the Association shall be maintained by the registrar and held in the strictest confidence.
- 8.5. The head office of the Association shall be situated at a place in the Province of Newfoundland and Labrador as determined by the council.
- 8.6. The executive shall, from time to time, determine or alter the dates and times that will constitute its normal office hours.
- 8.7. Unless otherwise authorized by the council, the fiscal year of the Association shall conclude on the thirty first (31st) day of December of each year.
- 8.8. The executive committee shall prepare the operating budget to be reviewed and approved by the council prior to the start of the fiscal year. The executive committee may amend the budget at any time during the fiscal year with the prior approval of the council.
- 8.9. The executive committee may use the funds of the Association in accordance with the approved budget, and in furtherance of the objects of the Association as set out in Section 4 of the Act.
- 8.10. The books, accounts and records of the Association as maintained by the secretary and treasurer shall be reviewed by an outside party as deemed necessary by council. Two (2) members of the Association may be appointed by the council as a financial review committee to assist in the external review.
- 8.11. The council from time to time may enter into contracts or obligations on behalf of the Association for the purpose of obtaining credit or borrowing funds. All such contracts and obligations shall be signed by two (2) members of the council, one of whom shall be an executive member, authorized by the council for that purpose, and are subject to the following conditions:

- 8.11.1. For the purposes of carrying out regular Association business, the council and executive are empowered to obtain services on account with suppliers for such amounts as may be reasonably incurred in providing services to the Association membership. Such accounts are to be paid in full within thirty (30) days of the event or purchase with which they are associated.
- 8.11.2. The council and executive are not empowered to borrow funds on behalf of the Association where the payment obligations extend greater than one (1) year, except as specifically permitted by resolutions passed by the Association membership, in accordance with the Association bylaws, at the annual meeting or a special meeting called for that purpose.
- 8.12. All cheques, bills of exchange, or other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Association shall be signed by two (2) members of the council duly authorized for that purpose by the council.
- 8.13. Any one (1) of such designated council members may alone endorse notes and drafts for collection on account of the Association through its bankers and endorse notes and cheques for deposit with the Association. Any one (1) of such designated officers may arrange, settle, balance, and certify all books and accounts between the Association and its bankers, and may receive all paid cheques and vouchers and sign all bank forms for settlement of balances and verification slips.
- 8.14. The Association shall have a seal, which shall be affixed to documents only in the presence of two (2) members of the council duly authorized by the council to attest to its use. The seal of the Association shall at all times remain in the custody of the secretary.
- 8.15. In the absence of the seal, a document requiring certification by the Association shall be deemed certified if signed by two (2) members of the council, one of whom shall be an executive member, duly authorized for that purpose by the council as if their signatures were under the seal of the Association.
- 8.16. Each officer and councilor of the Association, their heirs and assigns shall be indemnified and held harmless by the Association from all claims, costs or expenses arising from any action brought against him/her as a result of the execution, in good faith, of their duties as an officer and councilor of the Association. This indemnification does not include any claims, costs or expenses arising from the officers' or councilors' intentional wrongful acts or fraudulent activity.

BY-LAW 9: DUES AND FEES OF THE ASSOCIATION

DUES

9.1. Professional Forester	\$150.00
9.2. Non-Practicing/Retired	\$59.00
9.3. Forester in Training	\$150.00
9.4. Restricted Member	\$150.00

FEES

9.5. Application Fee	\$50.00
9.6. Reinstatement	\$150.00
9.7. Stamp/Seal	\$50.00
9.8. Examination Fees	\$100.00 per exam
9.9. Late Dues Payment Penalties	
9.9.1. 30 days past due	\$50.00
9.9.2. 60 days past due	\$100.00

RECORD OF AMENDMENTS:

Original Version: 2014-01 - Release Date: June 1, 2014

Version: 2015-01 - Release Date: October 16, 2015

Amendments: 5.14, 5.15, 8.10