

**Board for Geologists and Geophysicists**

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**California Code of Regulations Title 16, Section 3065**

3065. Professional Standards. To protect and safeguard the health, safety and welfare of the public, every person who holds a registration issued by the board shall comply with all applicable laws, codes, and regulations and shall comply with professional standards in this section. A violation of any of the following professional standards in the practice of geology or geophysics constitutes a ground for disciplinary action:

(a) Competence:

(1) A geologist or geophysicist shall undertake to perform professional services only when he or she, together with those whom the registrant may engage as consultants, are qualified by education, training, and experience in the specific technical and scientific areas involved.

(2) When practicing geology or geophysics, a registrant shall act with competence and reasonable care and shall apply the technical knowledge and skill which is ordinarily applied by registrants of good standing, practicing in this state under similar circumstances and conditions.

(b) Misrepresentation:

(1) A registrant shall not misrepresent nor permit the misrepresentation of his or her professional qualifications, affiliations, or purposes or those of the institutions, organizations or other businesses with which he or she is associated.

(2) A registrant may advertise or solicit for any services for which he or she is authorized by registration provided such services are within his or her field of competence.

(3) A registrant shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with projects or services for which he or she is receiving or will receive compensation.

(4) A registrant shall only express professional opinions that have a basis in fact or experience.

(5) A registrant shall not plagiarize the professional work of others and shall attribute proper credit to others for their work or contribution.

(6) A registrant shall not knowingly permit the publication or use of his or her data, reports or maps for unlawful purposes.

(7) A registrant shall not falsely or maliciously attempt to injure or in fact injure the reputation or business of others.

(8) A registrant shall not misrepresent data and its relative significance in any geologic or geophysical report.

(c) Conflict of Interest:

(1) A registrant shall not concurrently engage in any other business of occupation which impairs the registrant's independence, objectivity, or creates a conflict of interest in rendering professional services.

(2) A registrant shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed and agreed to by all such parties. Such disclosure and agreement shall be in writing.

(3) If a registrant has any business association or financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the registrant shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or financial interest. If the client(s) or employer(s) object(s) to such association or financial interest, the registrant shall either terminate such association or interest or offer to give up the project or employment.

(4) A registrant shall not solicit or accept payments, rebates, refunds or commissions whether in the form of money or otherwise from material or equipment suppliers in return for specifying their products or services to a client or employer of the registrant.

(d) Confidential Information:

As used in this section, "confidential information" means information obtained in confidence by a registrant from his or her employer, prospective client, client or former client by reason of or in the course of his or her employment or other professional capacity. No confidential information obtained by a registrant, in his or her professional capacity, concerning an employer or client shall be disclosed by the registrant without the permission of the employer or client except for the following:

(1) disclosures made in response to a subpoena or summons enforceable by an order of a court;

(2) disclosures made in response to an official inquiry from a government regulatory agency;

(3) disclosures made by a registrant to another registrant to the extent necessary for purposes of professional consultation;

(4) disclosures made when required by law.

(5) disclosures made upon discovering an imminent geologic hazard which may threaten the health, safety and welfare of the public.

Note: Authority Cited: Sections 7818 and 7860(c)(3), Business and Professions Code. Reference: Section 7860(c)(3), Business and Professions Code.