

CODE OF PROFESSIONAL CONDUCT

Georgia Department of Public Health (DPH) Soil Classifiers Certification Advisory Committee (SCCAC)

I. Preamble.

- (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 Soil Science, the following Code of Professional Conduct of the Soil Classifiers Certification Advisory Committee (hereafter referred to as the “Code”) is proclaimed and set forth by this Committee (hereinafter referred to as the “Soil Classifiers Certification Advisory Committee” or “Committee”). This Code shall be binding upon every Soil Scientist, Geologist or Engineer approved by Georgia DPH to conduct soil investigations throughout Georgia (hereinafter referred to as “Soil Classifier.”)
- (b) All DPH Approved Soil Classifiers are charged with having knowledge of and following the rules and regulations of the Manual for Onsite Sewage Management Systems. This knowledge shall encompass the understanding that approved as a Soil Classifier is a privilege, as opposed to a right, and the Soil Classifier shall be forthright and truthful in any statements or written responses to the Soil Classifiers Certification Advisory Committee in matters pertaining to professional conduct.
- (c) The Soil Classifier shall be subject to, and agree to adopt any and all rules, policies, procedures and/or guidelines set forth by the Georgia Department of Community Health (DPH) and the Soil Classifiers Certification Advisory Committee. Any violation or breach of such shall also constitute a breach of this Code.

II. Use of Stamp and/or Seal.

- (a) Every Soil Scientist shall, upon Certification, be required to obtain a stamp bearing the design of a seal authorized by the Committee, bearing the Member’s name, certification number, and the legend “DPH Certified Soil Classifier.”
- (b) No Soil Classifier shall affix his/her stamp or approval number to any map, data, or report unless he/she has assumed responsibility by actually and personally performing the work involved or having personally reviewed the map, data, or report performed by a DPH designated Soil Classifier in Training.

III. Conflict of Interest.

The DPH Approved Soil Classifier shall exercise independent judgments, decisions and practices on behalf of clients and employers as follows:

- (a) The Soil Classifier shall strive to avoid all conflicts of interest with his/her client or employer. In the event a conflict of interest is unavoidable, the Soil Classifier shall immediately inform his/her employer or client of any business associations, interests, or circumstances that might tend to influence his/her professional judgments, decisions or practices or the quality of his/her services.
- (b) The Soil Classifier shall not solicit or accept any gratuity, material favor or benefit of any substantial nature that is of such value or proportion that its acceptance creates a clandestine obligation on the part of the receiver or otherwise compromises his/her ability to exercise his/her own judgment.
- (c) The Soil Classifier shall not offer, or promise to pay or deliver, directly or indirectly, any commission, political contribution, gift, favor, gratuity, benefit or reward as an incentive to secure any specific professional soils consulting work or assignment; providing and excepting, however, that a Soil Classifier pay a duly licensed employment agency its fee or commission for securing employment in a salaried position.

IV. Qualified by Education and Experience.

The Approved Soil Classifier shall act competently and use proper care in performing soils consulting services for clients or employers and shall act only in those fields in which he is qualified by education and experience.

- (a) The Soil Classifier, 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 at issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his/her testimony.

V. Confidences of Clients and Employers.

The Soil Classifier shall safeguard and preserve the confidences and private information of clients and employers as follows:

- (a) Except as permitted, the Soil Classifier shall not knowingly:
 - (1) Reveal a confidence or any private information about any current or former clients or employers.
 - (2) Use confidential or private information regarding a current or former client or employer to the disadvantage of such client or employer.
 - (3) Use confidential or private information regarding his/her client or employer for the advantage of a third person, unless the client or employer, whether current or former, consents after full disclosure.
- (b) The Soil Classifier may reveal confidences or private information under the following circumstances:
 - (1) When he/she has obtained the written consent of the client or clients, employer or employers, current or former, affected, but after full disclosure to them.

- (2) When required by law or court order; or the DPH Soil Classifiers Certification Advisory Committee.
- (3) When necessary to establish legal proof of his/her relationship with a client or employer, current or former, in a legal proceeding or hearing to recover salaries, fees or other compensation due him as a result of his/her employment or association with such client or employer, current or former.

VI. **Practice.**

The Soil Classifier shall endeavor to build his/her practice and professional reputation on the merit of his/her services as follows:

- (a) The Soil Classifier shall not solicit professional employment by self-laudatory advertising, or in any other manner contrary to the highest professional standards.
- (b) The Soil Classifier shall not make, publish or cause to be made or published, any representation or statement concerning his/her professional qualification or those of his/her partners, associates, firm or organization which is in any way misleading, or tends to mislead the recipient or the public concerning his/her education, experience, specialization or other qualifications.
- (c) In order to protect the best interests of the public, the Soil Classifier shall not participate in fee determination procedures (contract negotiations) that contribute to an inferior quality of workmanship. A Soil Classifier having submitted a statement of qualification and performance data, and having first been judged as a qualified individual or firm to provide the services required for the proposed project, may proceed to negotiate a contract with a client and establish compensation for the required services. Should the Soil Classifier be unable to negotiate a satisfactory contract with the client for any reason, the Soil Classifier shall withdraw from further consideration for the soils consulting services.
- (d) The Soil Classifier shall be guided in his/her practice by standards set forth by the administrative rules and regulations and the policies of DPH or the Soil Classifiers Certification Advisory Committee.
- (e) Where two Soil Classifiers produce a soil survey for the same area or adjoining areas with conflicting interpretations, the two Soil Classifiers must reconcile the differences and produce a final soil survey and report within 30 days of formal notification by the local health department. In the event that the issue cannot be resolved within 30 days, a formal complaint should be lodged with the Soil Classifiers Certification Advisory Committee.
- (f) The Soil Classifier shall be completely objective and truthful in all professional reports, statements or testimony. He/She shall include all relevant and pertinent information in such reports, statements and testimony.
- (g) A Soil Classifier shall not falsely or maliciously attempt to injure the reputation of another professional.
- (h) A Soil Classifier shall freely give credit for work done by others, to whom the credit is due, and shall refrain from plagiarism of oral and written communications, and shall not knowingly accept credit rightly due to another person.

- (i) A Soil Classifier shall not use the advantage of public employment (i.e., university, and government) to compete unfairly with other Soil Classifiers.
- (j) A Soil Classifier shall endeavor to cooperate with others in the profession to and encourage the ethical dissemination of technical knowledge.
- (k) A Soil Classifier shall aid the Committee in excluding from certification, those who have not followed this code of conduct, or who do not have the education and experience required for certification.
- (l) A Soil Classifier shall uphold this code of ethics by precept and example and encourage, by counsel and advice, other Soil Classifiers to do the same.
- (m) A Soil Classifier with positive knowledge of deviation from this code's standards by another Soil Classifier shall bring this deviation to the attention of the Soil Classifiers Certification Advisory Committee.

VII. Procedure for Filing Charges Against an Approved Soil Classifier or Soil Classifier in Training

- (a) Any person may submit charges of fraud, deceit, gross negligence, incompetence, or unprofessional conduct against another person holding a certificate. Such charges shall be in writing, shall be sworn by the person making them, and shall be filed with the Soil Classifiers Certification Advisory Committee.
- (b) The DPH Soil Classifiers Certification Advisory Committee, unless dismissed by the Committee as unfounded or trivial, shall act upon all such charges.

VIII. Discipline.

- (a) Upon a finding that the Soil Scientist, Soil Classifier in Training, Geologist or Engineer has violated any enumerated provision of said Code and, in effect, caused a violation of this agreement, the Committee shall have the right to impose disciplinary action and/or censure upon the individual that has agreed to the terms and conditions of this Code.
- (b) The Committee may, in its discretion, permanently or temporarily take action up to and including placing on probation, revoking or suspending the Approval of the Soil Scientist, Soil Classifier in Training, Geologist or Engineer for any violations of this Code. The action taken by the Committee shall be tailored to the particular violation or "breach."

IX. Acceptance and Concurrence.

I, _____ (printed or typed full name), have read this Code, I agree to adhere to this Code, and accept and agree to abide by all of its terms and conditions.

Signature of Applicant

Date: _____

ACKNOWLEDGMENT

STATE OF: _____

COUNTY OF: _____

I hereby certify that in my presence _____ (printed name) has identified himself/herself to me, and that he/she has acknowledged to me that he/she has read this Code, has agreed to adhere to this Code, and has also accepted and agreed to abide by all of its terms and conditions.

Subscribed and sworn to before me this the ____ day of _____, 20__.

Signature of Notary Public: _____

My commission expires: _____

(Stamp/Seal)