

309 CMR: BOARD OF REGISTRATION OF
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

309 CMR 5.00: ADVISORY RULINGS

Section

5.01: General

5.02: Submission

5.03: Disposition

5.04: Availability to Public

5.01: General

- (1) A licensed site professional may at any time request an advisory ruling interpreting one or more of the Rules of Professional Conduct.
- (2) An advisory ruling rendered by the Board, until and unless amended or revoked, shall be a defense in a criminal action brought under M.G.L. c. 21A, §§ 19 through 19J, and shall be binding on the Board in any subsequent proceedings concerning the individual who requested the ruling and acted in good faith in reliance thereon, unless material facts were omitted or misstated in the request for an advisory ruling.
- (3) Advisory rulings will be issued at the Board's discretion and only upon written request. The Board may decline to issue an advisory ruling for any reason the Board deems proper.

5.02: Submission

- (1) Requests for advisory rulings shall be submitted to the Board in writing.
- (2) The original request for an advisory ruling shall be submitted to the Board, together with 11 copies thereof.
- (3) The original request for an advisory ruling shall be signed and dated by the licensed site professional submitting the request. This signature constitutes a certification by the licensed site professional that he or she has read the request and knows the content thereof, and that the statements contained therein are true and correct to the best of his or her knowledge.
- (4) Each request for an advisory ruling shall include the name, address, license number and telephone number of the licensed site professional seeking the ruling. It shall state clearly and concisely the substance or nature of the request, including all relevant and material facts pertinent to the request. The request may be accompanied by supporting data, views, or arguments.
- (5) The Board may request additional written information as necessary to complete a factual background for its ruling.

5.03: Disposition

In the event the Board renders an advisory ruling, a copy of the Board's ruling will be sent to the person requesting the ruling.

5.04: Availability to Public

- (1) All advisory rulings issued by the Board are public documents and will be available for public inspection during the Board's normal working hours. In addition, the Board may otherwise publish or circulate advisory rulings as it deems appropriate.

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5.04: continued

(2) The name of the person requesting a ruling and any other identifying information will not be included in such publication or circulation unless the person who requested the ruling consents to such inclusion in writing.

REGULATORY AUTHORITY

309 CMR 5.00: M.G.L. c. 21A, §§ 16 and 19 through 19J.