



Wisconsin – Ethics, Statutes, and Codes for Professional Engineers

Course# WI101

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Course Description:

The Wisconsin Statutes, Codes and Ethics course satisfies the continuing education requirements of 2 hours of Professional Ethics. Additionally, the current Wisconsin Statutes & Codes are covered and an extra 2 hours is awarded and applies to the overall 30 hours of continuing education required for each WI licensed engineer. The course is designed as a distance learning interactive course that enables the practicing professional engineer to examine the canons of ethics as well as keep up to date on the legal aspects that govern the practice of engineering in the state of Wisconsin.

Objectives:

The primary objective of this course is to familiarize the student with the canons of ethics and familiarize the student with the laws and rules regulating the practice of engineering in the state of Wisconsin. Upon successful completion of the course, the student will have increased understanding of ethical practices and be well versed with the WI statutes and codes.

Grading:

Students must achieve a minimum score of 70% on the online quiz to pass this course. The quiz may be taken as many times as necessary.

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CODE OF ETHICS

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

- 1) Hold paramount the safety, health, and welfare of the public.
- 2) Perform services only in areas of their competence.
- 3) Issue public statements only in an objective and truthful manner.
- 4) Act for each employer or client as faithful agents or trustees.
- 5) Avoid deceptive acts.
- 6) Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.
 - 1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
 - 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.
 - 3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
 - 4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.

- 5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
 - 6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
2. Engineers shall perform services only in the areas of their competence.
 - 1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
 - 2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
 - 3) Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
 3. Engineers shall issue public statements only in an objective and truthful manner.
 - 1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
 - 2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
 - 3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.
 4. Engineers shall act for each employer or client as faithful agents or trustees.
 - 1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
 - 2) Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

- 3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
 - 4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
 - 5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.
5. Engineers shall avoid deceptive acts.
- 1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.
 - 2) Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.
 - 1) Engineers shall acknowledge their errors and shall not distort or alter the facts.
 - 2) Engineers shall advise their clients or employers when they believe a project will not be successful.
 - 3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
 - 4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.

- 5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
2. Engineers shall at all times strive to serve the public interest.
 - 1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
 - 2) Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
 - 3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
 - 4) Engineers are encouraged to adhere to the principles of sustainable development, in order to protect the environment for future generations.
3. Engineers shall avoid all conduct or practice that deceives the public.
 - 1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
 - 2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.
 - 3) Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.
4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.
 - 1) Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
 - 2) Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.
5. Engineers shall not be influenced in their professional duties by conflicting interests.
 - 1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.

- 2) Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.
6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.
 - 1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
 - 2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
 - 3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.
7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.
 - 1) Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
 - 2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
 - 3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.
8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.
 - 1) Engineers shall conform with state registration laws in the practice of engineering.
 - 2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.

- 1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
- 2) Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
- 3) Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
- 4) Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.
- 5) Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

ENGINEERING ETHICS CASE REVIEWS

Case 1: Incomplete Plans and Specifications – Engineer, Government, And Contractor Responsibilities

Facts:

Engineer A responds to an RFP from a small local public agency to build a new dam to be financed in part by a federal grant. Engineer A's firm's impressive brochure and personal interview results in the award of a contract for the design, drawings, and specifications.

The signed and sealed drawings and specifications are ultimately approved by Engineer B of the engineering staff of the federal agency funding the project, and the project is thereafter duly advertised for bids and a contract is awarded to the low bidder, Hi-Lo Construction. The local public agency does not have the in-house technical resources to review the drawings and specifications.

At the pre-construction conference, it is pointed out by Engineer C, owner of Hi-Lo Construction, that much of the design detail is lacking in the drawings and specifications and that Hi-Lo Construction declares that certain parts of the project are "unbuildable" without major changes. Engineer A generally agrees with Hi-Lo's characterization, but in his defense responds that he felt pressured to deliver the drawings and specifications on a specified date, but did not inform anyone as to their incompleteness. While much of the information was missing from the drawings and specifications, Engineer A was confident that sufficient federal funds (and not local funding) would cover any potential increased costs.

References:

Section I.1. - Code of Ethics: Engineers, in the fulfillment of their professional duties, shall hold paramount the safety, health and welfare of the public.

Section II.3.a. - Code of Ethics: Engineers shall be objective and truthful in professional reports, statements or testimony. They shall include all relevant and pertinent information in such reports, statements or testimony, which should bear the date indicating when it was current.

Section II.5. - Code of Ethics: Engineers shall avoid deceptive acts.

Section III.1.b. - Code of Ethics: Engineers shall advise their clients or employers when they believe a project will not be successful.

Section III.2.b. - Code of Ethics: Engineers shall not complete, sign or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they

shall notify the proper authorities and withdraw from further service on the project.

Discussion:

The Board has considered cases involving similar situations in the past. In BER Case No. 82-5, where an engineer employed by a large defense industry firm documented and reported to his employer excessive costs and time delays by sub-contractors, the Board ruled that the engineer did not have an ethical obligation to continue his efforts to secure a change in the policy after his employer rejected his reports or to report his concerns to proper authority, but has an ethical right to do so as a matter of personal conscience. The Board noted that the case did not involve a danger to the public health or safety, but related to a claim of unsatisfactory plans and the unjustified expenditure of public funds. The Board indicated that it could dismiss the case on the narrow ground that the NSPE Code does not apply to a claim not involving public health and safety, but that was too narrow a reading of the ethical duties of engineers engaged in such activities. The Board also stated that if an engineer feels strongly that an employer's course of conduct is improper when related to public concerns, and if the engineer feels compelled to blow the whistle to expose facts as he sees them, he may well have to pay the price of loss of employment. In this type of situation, the Board felt that the ethical duty or right of the engineer becomes a matter of personal conscience, but the Board was unwilling to make a blanket statement that there is an ethical duty in these kinds of situations for the engineer to continue the campaign within the company and make the issue one for public discussion.

As in Case No. 82-5, the issue does not allege a danger to public health or safety, but is premised upon a claim of unsatisfactory plans and the unjustified expenditure of public funds. In Case No. 82-5, the Board found that, while the Code did not require disclosure, the engineer did have an ethical right to pursue the matter further, even to the point of public disclosure. Unlike Case No. 82-5, this case does not involve a conflict with the ethical requirement of confidentiality, but concerns the affirmative responsibility of engineers to complete plans in conformity with applicable engineering standards and avoid deceptive acts.

While the Board certainly hopes that the facts involved in this case are very unique and do not represent more than a small fraction of public design and construction projects in the United States, it appears that the facts as presented in this case are, unfortunately, not as unique as one might hope.

It is clear that Engineer A had an obligation to provide a complete set of design drawings and specifications on the project in which Engineer A was engaged. Unlike what is required on some projects (e.g., design/build or construction contracts with specific design delegation clauses or provisions) where the engineer is expected to only design a certain percentage of the project prior to the selection of the contractor, here, Engineer A was fully required to provide the

complete design on the project. Engineer A's bold assertion that the work was incomplete, but that this was due to time pressures and his expectation that Federal funds would be awarded to complete the work is wholly unconvincing. Engineer A was selected for his expertise, which presumably included Engineer A's ability to fully perform the work based on project time parameters.

Engineer A's comment about Federal funds borders on fraud and misrepresentation and is a clear violation of the NSPE Code.

Engineer B's approval of Engineer A's incomplete plans is troubling, although we do not know all of the facts and circumstances relating to the decision to approve. Engineers have an obligation to perform services within their area of competence. If Engineer B was not able to perform the necessary reviews of Engineer A's work, Engineer B should have provided this information to a supervisor who would have assigned an appropriate engineer to perform the review. Not possessing adequate competency to perform a task is not in and of itself a violation of the NSPE Code, but the failure to recognize the lack of competency and take appropriate action to address the situation is a violation of the NSPE Code.

Finally, the Board believes that Engineer C's actions in bidding on an "unbuildable" contract is also very troubling. Presumably, Engineer C had an opportunity to review the bidding documents which included appropriate engineering drawings, plans, and specifications. From such a review, Engineer C should have had a sense of what would be necessary to complete the project. If the engineering documents were incomplete or inadequate, then Engineer C's bid should have reflected that fact and contained appropriate bid items for additional services required to complete the work for the benefit of the owner. In addition, Engineer C could have requested further clarification from the owner or Engineer A in order to better understand the engineering drawings.

As an engineer and a contractor presumably, Engineer C had the necessary background and experience to carefully evaluate the engineering drawings as well as other aspects of the work in order to make an informed decision as to whether to bid on the project. Engineer C had no one to fault but himself for the problems Engineer C encountered in attempting to build the project. Engineer C submitted the low bid on the project, presumably knowing inadequacies of the documents as well as the obvious risks involved.

Case 2: Incomplete Plans and Specifications

Use of P.E. Designation Not Licensed In State in Which Complaint Is Filed

Facts:

Engineer A is a safety engineer for a federal agency. He is responsible for independently overseeing the proper implementation of worker and nuclear safety programs in the agency's facilities, which are located in many different states, including the state in which Engineer A is licensed, State Y. Engineer A is not required to be licensed by the federal agency, but has become licensed because of his personal commitment to the engineering profession.

Engineer A has never used his seal in the course of his employment. When Engineer A moves to State Z, he does not obtain an engineering license in State Z. Engineer A reads a newspaper account about LMN Engineering, a subcontractor to the federal agency in which he works, having a conflict of interest with the agency. Engineer A, acting on his ethical obligation to report violations of the NSPE Code of Ethics to a public authority, files a complaint against LMN Engineering. In the text of the complaint, Engineer A indicates that he is licensed in State Y but not licensed in State Z and signs the letter "Engineer A, P.E."

Engineer A is thereafter notified by the State Z engineering licensure board that his use of the title "P.E." in the letter is inappropriate because he is not licensed in State Z.

References:

Section II.1. - Code of Ethics: Engineers shall hold paramount the safety, health, and welfare of the public.

Section II.1.e. - Code of Ethics: Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.

Section II.3. - Code of Ethics: Engineers shall issue public statements only in an objective and truthful manner.

Section II.3.b. - Code of Ethics: Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.

Section III.3.a. - Code of Ethics: Engineers shall avoid the use of statements containing a material mis-representation of fact or omitting a material fact.

Discussion:

The use of appropriate engineering titles has long been an important issue within the engineering profession. Misuse of engineering titles has the effect of misleading and deceiving the general public, as well as diminishing the image and stature of qualified engineering professionals. In recent years, efforts have been undertaken to educate individuals and companies about the inappropriate use of engineering titles or references by many engineering organizations and state engineering licensure boards. State engineering licensure boards have also increasingly taken a stricter position on the use of the reference, “P.E.,” by licensed engineers not licensed in the state in which the reference is being used. In fact, some states have developed guidelines on appropriate use of the “P.E.” reference.

The NSPE Board of Ethical Review has had recent occasion to consider the use of appropriate engineering titles. For example, the Board has had three occasions to consider cases involving alleged misrepresentation of credentials or status. BER Case No. 90-4 involved the question of whether it was ethical for Engineer Z, a principal in an engineering firm, to continue to represent Engineer X as an employee of his Firm. Engineer X had been employed by Firm Y, a medium-sized engineering consulting firm controlled by Engineer Z. Engineer X was one of a few engineers in Firm Y with expertise in hydrology, but the firm’s work in the field of hydrology did not constitute a significant percentage of its work. Engineer X, an associate with the firm, gave two weeks notice of her intent to move to another firm. Thereafter, Engineer Z continued to distribute a brochure identifying Engineer X as an employee of Firm Y and list Engineer X on the firm’s resume.

In concluding that Engineer Z’s actions were not unethical, the Board noted that under the facts of the case, there was no suggestion that any of the brochures or other promotional material describe Engineer X as a “key employee” in the firm. Nor was there any effort or attempt on the part of Firm Y to highlight the activities or achievements of Engineer X in the field of hydrology. While the facts reveal that Engineer X was one of the few engineers in the firm with expertise in the field of hydrology, Engineer X was not the only engineer in the firm who possessed such expertise. In addition, it appeared that this area of practice did not constitute a significant portion of the services provided by Firm Y. Therefore, the Board concluded that the inclusion of Engineer X’s name in the firm’s brochure and resume did not constitute a misrepresentation of “pertinent facts.”

Importantly, however, in BER Case No. 90-4, the Board went on to note that “We must make clear that we are not condoning the failure of an engineering firm to correct material (brochures, resumes, etc.) which might have the unintentional effect of misleading clients, potential clients, and others. While we recognize the realities of firm practice and the logistical problems involved in marketing and promotion, we do believe it is important for firms to take actions to expeditiously correct any false impressions which might exist.” The Board continued by noting that “we believe engineering firms that use printed material as part of their marketing efforts should take reasonable steps

to assure that such written matter is as accurate and up-to-date as possible. In the case of marketing brochures and other similar materials, errata sheets, cover letters, strike-outs and, if necessary, reprints should be employed within a reasonable period of time to correct inaccuracies, particularly where a firm has reason to believe that a misunderstanding might occur. Firms that fail to take such measures run the risk of breaching ethical behavior.”

Later, in BER Case No. 91-9, the Board considered a case involving Engineer A, who misrepresented his educational credentials. In carefully considering earlier BER opinions, the Board again noted that the issue of falsification or misrepresentation of academic or professional qualifications is a core ethical issue because it goes to the heart of engineering ethics—the protection of the public health and safety through the establishment of rules of conduct that help to assure that the public receives the highest quality engineering services possible.

The Board has noted its deep concern over situations and circumstances in which an individual expressly or implicitly falsifies or misrepresents academic or professional qualifications to employers, clients, or members of the public.

More recently, in BER Case No. 97-8, Engineer A was licensed as a professional engineer in State B, the state in which Engineer A resided. Engineer A was about to retire from his full-time employment with ENG Co. As part of this transition and because Engineer A would no longer be engaged in the practice of engineering under his state’s law, Engineer A planned to discontinue his professional engineering license, which was paid for by his former employer. Engineer A planned to continue serving on several local governmental boards. Because of his association with and the pride he had for engineering, Engineer A wanted to continue to use the P.E. designation after his name on his board business card and on the board’s letterhead. Engineer A took pride in his longstanding status as a professional engineer and believed he would be giving professional engineering added recognition by including the reference on the letterhead, which included other individuals such as attorneys and architects. State B did not have a provision in its law addressing the issue of “inactive status.” In reviewing this issue, the Board noted that at first blush, the facts appeared to present a set of circumstances that would dictate an obvious result. It would appear on its face that an individual who has a close affinity with the engineering profession during his or her lifetime should be permitted to continue to use the P.E. designation after retirement. Once earned, it would seem unjust to deny one the right to call oneself a professional engineer (P.E.), particularly where the individual is seeking to enhance the recognition of professional engineers and professional engineering.

However, upon further examination, the Board deemed the issue to be more complex than first thought and raised the question of misrepresentation of credentials or status. The facts in BER Case No. 97-8 were quite different in degree than those involved in the earlier cases reviewed, and the Board noted that the facts did involve a degree, albeit slight, of misrepresentation. While it was true that Engineer A had demonstrated the necessary qualifications to be licensed as a professional engineer, Engineer A made a conscious and intentional decision to cease

maintaining his status as a professional engineer in his state. While the Board recognized and appreciated Engineer A's desire to enhance the status and image of all professional engineers by indicating his professional status, they believed it was important that this status be represented in a manner that is above reproach, particularly because of the very public nature of Engineer A's position on several local governmental boards. The Board concluded that at a minimum, Engineer A should have indicated his inactive or retired status next to the P.E. designation. To do otherwise would create a misleading impression that Engineer A was currently licensed under state law in the jurisdiction in which he resided, and this could potentially cause embarrassment to all professional engineers. There was nothing demeaning or derogatory for an engineer to provide this straightforward and simple clarification in his status. To do so would clearly be consistent with the letter and the spirit of the law and avoid any possible questions or doubts about any actions, however unintentional, to mislead or deceive anyone concerning Engineer A's current status as an engineer. The Board concluded that it would be ethical for Engineer A to continue to use the P.E. designation after his name, as long as Engineer A indicated his inactive or retired status next to the P.E. designation, and as long as this was done in compliance with the state engineering licensing laws and regulations.

Turning to the facts in the instant case, the Board believes that the conclusion reached in BER Case No. 97-8 is partly applicable to the discussion in the present case. As noted earlier, the Board recognizes that state engineering licensure boards are becoming increasingly strict on the use of engineering titles and references. However, in view of Engineer A's clarification in the body of his letter to the engineering licensure board concerning his licensure status in states Y and Z, and the fact that the complaint letter was sent to a limited group of individuals, the Board believes that Engineer A was not attempting to mislead or deceive the board or any other group or individual concerning his licensure status. Instead, the Board believes Engineer A's actions were probably an oversight, or at worst, a misunderstanding of the law or requirements of State Z.

Therefore, the Board cannot conclude that Engineer A's actions, although criticized by a state engineering licensure board, amount to a violation of the NSPE Code. At the same time, the Board must caution all engineering licensees on the need to be familiar with the technical requirements contained in applicable state engineering licensure statutes and regulations to avoid unintended violations of the law.

The NSPE Code of Ethics is a national code of ethics and this Board believes the NSPE Code obligates NSPE members to report ethical violations to the appropriate authorities in whatever jurisdiction the NSPE member observes the violation. This obligation is separate and apart from the obligation a professional engineer may have under state law.

As to the second question, Engineer A's actions are fully consistent with the professional and ethical obligation to hold paramount the health, safety and welfare of the public. While this obligation is codified in state laws, its application cannot be restricted within state boundaries.

The NSPE Code of Ethics is a national code of ethics and this Board believes the NSPE Code obligates NSPE members to report ethical violations to the appropriate authorities in whatever jurisdiction the NSPE member observes the violation. This obligation is separate and apart from the obligation a Professional Engineer may have under state law.

Case 3: Responsible Charge Working Part-Time for Firm

FACTS:

Engineer A is a licensed professional engineer and land surveyor in state A. Engineer A is associated with a firm, XYZ Engineering and Surveying (which offers professional engineering and surveying), as the licensed professional engineer in charge under the state's certificate of authorization requirement. The firm has not performed any work outside of state A. Engineer A's understanding of the law of state A is that a licensed professional engineer is to be in "responsible charge" of engineering and a person licensed as a professional land surveyor is to be in "responsible charge" of land surveying. These persons in responsible charge can be a principal of the firm or an employee of the firm under the state's laws.

The agreement Engineer A has with XYZ Engineering and Surveying is that XYZ grants Engineer A 10% share of the stock in the firm and as compensation for his engineering services, Engineer A will receive 5% of the gross billings for engineering work for which the seal of a licensed engineer in responsible charge of engineering is required. This agreement is contingent on the understanding that if any one of the three principals of XYZ Engineering and Surveying becomes licensed as a professional engineer in state A, the agreement will become void and the 10% stock will be returned to XYZ Engineering and Surveying.

In addition to working with XYZ Engineering and Surveying, Engineer A has a full-time engineering position for a state governmental agency. This work requires no engineering license. Engineer A works thirty-five hours per week on a flex-time basis and provides about twenty hours per week supervising engineering services at the firm, plus an additional twelve hours of work on the weekends. Engineer A does not normally go into the field for XYZ Engineering and Surveying but is available for consultation, twenty-four hours a day.

Both the state governmental agency and the engineering firm are aware of Engineer A's activities as a dual employee and do not object to these activities.

REFERENCES:

II.2.b. - Code of Ethics: Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.

II.2.c. - Code of Ethics: Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.

II.4.d. - Code of Ethics: Engineers in public service as members, advisors or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.

II.4.e. - Code of Ethics: Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

II.5.a. - Code of Ethics: Engineers shall not falsify their qualifications or permit misrepresentation of their, or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers or past accomplishments.

III.1.c. - Code of Ethics: Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.

III.6.a. - Code of Ethics: Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.

III.6.b. - Code of Ethics: Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.

DISCUSSION:

The circumstances faced by Engineer A in this case are not unlike circumstances occasionally faced by other engineers who seek to explore career opportunities beyond a full-time position. A key question involved in such activities is whether the engineer can devote sufficient attention to the responsibilities involved in an ethical manner.

Engineers are frequently required to provide oversight and review of the work of others under their supervision and sign and seal the drawings. As noted in NSPE Code Section II.2.b. it states that engineers are not permitted to affix their signatures to any plans and documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control. This principle is one of the most basic and fundamental ethical principles to which professional engineers are required to adhere because it goes to the heart of the public trust upon which their professional status is based.

The BER has in the past had occasion to consider cases similar to this case. In BER Case No. 91-8, an Engineer's firm was retained by a major fuel company to perform site investigations in connection with certain requirements under state and federal environmental regulations. Under the procedures established by the Engineer's firm, the site visits would be conducted by engineering technicians under direct supervision of Engineer A who would perform all observations, sampling, and preliminary report preparation. Engineering technicians would also take photographs of the sites. No professional engineers were present during the site visits. Following site visits, all pertinent information and material was presented to Engineer A who was competent in this field. Following a careful review, Engineer A would certify that the evaluations were conducted in accordance with engineering principles.

In considering whether it was ethical for Engineer A to certify that the evaluations were conducted in accordance with engineering principles, the Board noted that the NSPE Code of Ethics is very clear concerning the requirements of engineers not to affix their signatures to any plans or documents dealing with subject matter in which the engineers lack competence, nor to any plan or document not prepared under their direction and control (See NSPE Code Section II.2.b.). The BER concluded that it was ethical for the engineer to certify that the evaluations were conducted in accordance with engineering principles so long as the engineer exercising direction and control performs a careful and detailed review of the material submitted by the engineer's staff and there has been full compliance with NSPE Code Section II.2.c.

Also, in BER Case No. 86-2, an engineer was the chief engineer within a large engineering firm, and affixed his seal to some of the plans prepared by licensed engineers working under his general direction who did not affix their seals to the plans. At times, the engineer also sealed plans prepared by unlicensed graduate engineers working under his general supervision. Because of the size of the organization and the large number of projects being designed at any one time, the engineer found it impossible to give a detailed review or check of the design. He believed he was ethically and legally correct in not doing so because of his confidence in the ability of those he had hired and who were working under his general direction and supervision. By general direction and supervision, the engineer meant that he was involved in helping to establish the concept, the design requirements, and review elements of the design or project status as the design progressed. The engineer was consulted about technical questions and he provided answers and direction in these matters. In evaluation of the facts and circumstances in this case, the Board focused on the language in the NSPE Code Section II.2.b. relating to the obligation of engineers not to affix their signature to documents or plans ... not prepared under their "direction and control." Following a careful review of the plain meaning of the terms "direction" and "control," the Board concluded that the terms have meaning which, when combined, would suggest that an engineer would be required to perform all tasks related to the preparation of the drawings, plans, and specifications in order for the engineer ethically to affix his seal. The Board also noted at the time that the NCEES Model Law would require that an engineer must be in "responsible charge" -- meaning "direct control and personal supervision of engineering work" -- in order to affix his seal. After careful evaluation, the Board concluded that it would not be

ethical for the engineer to seal plans that have not been prepared by him or which he has not checked and reviewed in detail.

In BER Case No. 90-6, the Board considered two separate fact situations involving the signing and sealing by an engineer of documents prepared using a CADD system. In considering the facts, the Board noted that the rendering of the Board's decision in BER Case No. 86-2 raised a considerable degree of discussion within the engineering community because to many it appeared to be inconsistent with customary and general prevailing practices within the engineering profession and would therefore place a significant number of practitioners in conflict with the provisions of the Code. The Board noted at the time that the Code of Ethics is not a static document and must reflect and be in consonance with general prevailing practices within the engineering profession. Said the Board, "the Code must not impose an impossible or idealistic standard upon engineers, but rather must establish a benchmark of reasonable and rational methods of practice for it to maintain its credibility and adherence." The Board determined that the conclusion in BER Case No. 86-2 should be modified to reflect actual practices which exist within engineering and not impose an impossible standard upon practice. Said the Board, "Were the Board to decide BER Case No. 86-2 today, the Board would conclude that it was not unethical for the engineer in that instance to seal plans that were not personally prepared by him as long as those plans were checked and reviewed by the engineer in some detail. The Board does not believe this represents a reversal of the Board's decision in BER Case No. 86-2, but rather a clarification, particularly for those who were troubled by the Board's discussion and conclusion in that case."

Once again, we follow the reasoning in BER Case No. 90-6 and its clarification of BER Case No. 86-2. Under the facts in the instant case, we believe it was appropriate for Engineer A to sign and seal the drawings under the facts and circumstance involved in this case. Engineer A is providing approximately thirty-two hours each week of engineering services to the firm and is on call twenty-four hours a day to provide engineering field services for the benefit of the firm and its clients. His responsibilities appear to be consistent with the state's certificate of authorization requirements, are limited to professional engineering services and do not involve land surveying services. As noted under the facts, Engineer A has a flexible schedule with his other employer and presumably is able to adjust his schedule to meet the needs of his employers. While it appears that Engineer A may be stretching his role as an engineer in responsible charge for the firm, without more evidence to suggest improper activity, we are hesitant to conclude that Engineer A was violating the NSPE Code of Ethics.

The manner in which Engineer A is compensated does not appear to contain any specific provision which would necessarily run afoul of the NSPE Code of Ethics. Under NSPE Code Section III.6.a., engineers are not permitted to request, propose or accept a commission on a contingency basis under circumstances in which their judgment may be compromised. Although it could be argued that Engineer A's receiving 5% of the gross billings for engineering work for which the seal of a licensed engineer is required could potentially compromise Engineer A's

judgment, we believe that would stretch this provision of the NSPE Code of Ethics beyond its actual intent. Otherwise, virtually any compensation scheme that was not based upon the number of hours worked could be held to be in violation of the NSPE Code of Ethics and that would be an impractical conclusion.

In addition, the Board views the transfer provision (“The agreement is contingent on the understanding that if any one of the three principals of XYZ Engineering and Surveying becomes licensed as a professional engineer in state A, the agreement will become void and the 10% stock will be returned to XYZ Engineering and Surveying”) is not of a nature that would compromise Engineer A’s judgment. Instead, the Board views this provision as a means of the firm’s principals’ maintaining control over the management of the firm.

With regard to Engineer A’s dual role as an governmental employee and a private employee, as noted under the facts, both the state governmental agency and the engineering firm are aware of Engineer A’s activities as a dual employee and do not object to these activities. However, the Board must note that should a conflict-of- interest arise (e.g., where Engineer A or the firm’s activities conflict with the governmental employer’s activities or interests) Engineer A will need to carefully address those activities consistent with NSPE Code Sections III.6.b., II.4.d., II.4.e. and other applicable provisions of the NSPE Code.

As has been noted in cases similar to this one, while the actions of Engineer A may be consistent with the NSPE Code of Ethics, it is critical for an engineer under these circumstances to understand the need to perform a careful review of all pertinent material before signing and sealing appropriate plans and drawings. We are of the view that so long as the professional engineer exercising direction and control performs a careful and detailed review of the material submitted by the engineer's staff, there has been compliance with NSPE Code Section II.2.c. In addition, Engineer A must carefully review and understand all state requirements regarding “responsible charge” activities including possible local office and employment restrictions.

WISCONSIN STATUTES CH. 443

EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS

443.01 Definitions. In this chapter, unless the context provides otherwise:

(1) “Architect” means a person who is legally qualified to practice architecture.

(1m) “Construction surveying” means surveying or mapping that is performed in support of infrastructure design, in support of improvements related to private and public boundary lines, or in support of construction layout or historic preservation, and establishing any post-construction documentation related to that surveying or mapping.

(2) “Engineer-in-training” means a person who is a graduate in an engineering curriculum of 4 years or more from a school or college approved by the professional engineer section of the examining board as of satisfactory standing, or a person who has had 4 years or more of experience in engineering work of a character satisfactory to the professional engineer section; and who, in addition, has successfully passed the examination in the fundamental engineering subjects prior to the completion of the requisite years in engineering work, as provided in s. 443.05, and who has been granted a certificate of record by the professional engineer section stating that the person has successfully passed this portion of the professional examinations.

(3) “Examining board” means the examining board of architects, landscape architects, professional engineers, designers, and professional land surveyors.

(3b) “Geodetic surveying” means surveying to determine the size and shape of the earth or the precise positions of points on the surface of the earth.

(3g) “Landscape architect” means a person who practices landscape architecture.

(3r) “Landscape architecture” means the performance of a professional service involving conceptual land planning and conceptual design for integrated land development based on the analysis of environmental characteristics, operational requirements, land use or commensurate land values. “Landscape architecture” includes the investigation, selection or allocation of land or water resources for appropriate uses; the formulation of graphic or written criteria for a land planning or land construction program; the preparation, review or analysis of a master plan for land use or development; the production of a graphic land area, grading, drainage, planting or land construction plan; and the planning of a road, bridge or other structure with respect to the aesthetic requirements of the area on which it will be constructed, except that “landscape architecture” does not include any of the following:

(a) Professional services performed by a registered architect or by a person who has in effect a permit under s. 443.10 (1) (d).

(b) Professional services performed by a professional engineer or by a person who has in effect a permit under s. 443.10 (1) (d).

(c) Professional services performed by a professional land surveyor.

(d) The practice of planning as is customarily done by a regional, park, or urban planner, or by a person participating on a planning board or commission, within the scope of that practice.

(e) The practice of a natural resource professional, including a biologist, professional geologist, as defined in s. 470.01 (5), or professional soil scientist, as defined in s. 470.01 (7).

(f) The actions of a person who is under the supervision of a licensed landscape architect or an employee of a licensed landscape architect, unless the person assumes responsible charge, design, or supervision.

(g) Work performed on property by an individual who owns or has control over the property, or work performed by a person hired by an individual who owns or has control of the property.

(h) Making plans or drawings for the selection, placement, or use of plants or site features.

(5) “Practice of architecture” includes any professional service, such as consultation, investigation, evaluation, planning, architectural and structural design, or responsible supervision of construction, in connection with the construction of any private or public buildings, structures, projects, or the equipment thereof, or addition to or alterations thereof, in which the public welfare or the safeguarding of life, health or property is concerned or involved.

(6) “Practice of professional engineering” includes any professional service requiring the application of engineering principles and data, in which the public welfare or the safeguarding of life, health or property is concerned and involved, such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction, alteration, or operation, in connection with any public or private utilities, structures, projects, bridges, plants and buildings, machines, equipment, processes and works. A person offers to practice professional engineering if the person by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be a professional engineer; or who through the use of some other title implies that he or she is a professional engineer; or who holds himself or herself out as able to practice professional engineering.

(6s) “Practice of professional land surveying” means any of the following:

(a) Any service comprising the establishment or reestablishment of the boundaries of one or more tracts of land or the boundaries of any of the following interests in real property:

1. The rights-of-way of roads or streets.

2. Air or subsurface property rights.

3. Public or private easements.

(b) Designing or coordinating designs for the purpose of platting or subdividing land into smaller tracts.

(c) Placing, replacing, restoring, or perpetuating monuments in or on the ground to evidence the location of a point that is necessary to establish boundaries of one or more tracts of land or the subdivision or consolidation of one or more tracts of land or to describe the boundaries of any interest in real property identified in par. (a).

(d) Preparing maps that depict any interest in real property identified in par. (a) for the purpose of establishing the boundaries of any such interest in real property.

(e) Preparing any of the following:

1. An official map established or amended under s. 62.23 (6), established or amended under the authority of s. 61.35, or adopted under s. 60.61.

2. An assessor's plat under s. 70.27.

3. A map or plat of cemetery lands under s. 157.07.

4. A subdivision plat, certified survey map, or correction instrument under ch. 236.

5. A condominium plat or correction instrument under ch. 703.

6. A project and time-share property plat under s. 707.215.

(f) Performing construction surveying or geodetic surveying in connection with any of the practices specified in pars. (a) to (e).

(7) "Professional engineer" means a person who by reason of his or her knowledge of mathematics, the physical sciences and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in engineering practice as defined in sub. (6).

(7m) "Professional land surveyor" means a person who, by reason of his or her knowledge of law, mathematics, physical sciences, and measurement techniques, acquired by education and practical experience, is granted a license under this chapter to engage in the practice of professional land surveying.

(8) "Responsible supervision of construction" means a professional service, as distinguished from superintending of construction, and means the performance, or the supervision thereof, of reasonable and ordinary on-site observations to determine that the construction is in substantial compliance with the approved drawings, plans and specifications.

History: 1971 c. 42, 215, 307; 1975 c. 9, 39, 199, 200, 334, 421; 1977 c. 29, 125, 418; 1979 c. 34, 98; 1979 c. 162 s. 38 (7); 1979 c. 167; 1979 c. 221 s. 780; 1979 c. 355; 1983 a. 189 ss. 274, 329 (18); 1993 a. 463, 465, 491; 1997 a. 300; 2009 a. 123; 2011 a. 146; 2013 a. 358. The duties of county surveyors and other land surveyors and minimum standards for property surveys are discussed. 69 Atty. Gen. 160.

443.015 Examining board to establish continuing education requirements; promulgate rules.

(1) Each section of the examining board may establish continuing education requirements for renewal of a credential issued by that section under this chapter.

(2) Each section of the examining board may promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.

History: 2007 a. 47; 2011 a. 146. Cross-reference: See also chs. A–E 10, 13, Wis. adm. code.

443.02 Practice requirements and registration: general provisions.

(1) Any person practicing or offering to practice architecture or professional engineering in this state shall comply with this chapter.

(2) No person may practice architecture, landscape architecture, or professional engineering in this state unless the person has been duly registered, is exempt under s. 443.14 or has in effect a permit under s. 443.10 (1) (d).

(3) No person may offer to practice architecture, landscape architecture, or professional engineering or use in connection with the person's name or otherwise assume, use or advertise any title or description tending to convey the impression that he or she is an architect, landscape architect, or professional engineer or advertise to furnish architectural, landscape architectural, or professional engineering services unless the person has been duly registered or has in effect a permit under s. 443.10 (1) (d).

(4) No person may engage in or offer to engage in the practice of professional land surveying in this state or use or advertise any title or description tending to convey the impression that the person is a professional land surveyor unless the person has been granted a license under this chapter to engage in the practice of professional land surveying.

History: 1971 c. 164 s. 88; 1971 c. 215; 1975 c. 39; 1977 c. 29, 418; 1979 c. 34, 167, 355; 1993 a. 463, 465; 1997 a. 300; 1999 a. 85; 2009 a. 123; 2013 a. 358. Cross-reference: See also A–E, Wis. adm. code.

443.03 Registration requirements for architects.

(1) An applicant for registration as an architect shall submit as satisfactory evidence to the architect section of the examining board all of the following:

(a) That he or she has acquired a thorough knowledge of sound construction, building hygiene, architectural design and mathematics.

(b) One of the following:

1m. A diploma of graduation, or a certificate, from an architectural school or college approved by the architect section as of satisfactory standing, together with at least 2 years' practical experience of a character satisfactory to the architect section in the design and construction of buildings.

2. A specific record of 7 or more years of experience in architectural work of a character satisfactory to the architect section in the design and construction of buildings.

(2) Graduation in architecture from a school or college approved by the architect section as of satisfactory standing shall be considered as equivalent to 5 years of experience, and the completion satisfactory to the architect section of each year of work in architecture in such school or college without graduation shall be considered equivalent to one year of experience. Graduation in a course other than architecture from a school or college approved by the architect section as of satisfactory standing shall be considered as equivalent to not more than 4 years of experience.

History: 1979 c. 167; 2011 a. 146. Cross-reference: See also ch. A-E 3, Wis. adm. code.

443.035 Registration requirements for landscape architects.

The landscape architect section of the examining board shall register as a landscape architect an individual who does all of the following:

(1) Submits to the department evidence satisfactory to the landscape architect section of any of the following:

(a) That he or she has a bachelor's degree in landscape architecture, or a master's degree in landscape architecture, from a curriculum approved by the landscape architect section and has at least 2 years of practical experience in landscape architecture of a character satisfactory to the landscape architect section.

(b) That he or she has a specific record of at least 7 years of training and experience in the practice of landscape architecture including at least 2 years of courses in landscape architecture approved by the landscape architect section, and 4 years of practical experience in landscape architecture of a character satisfactory to the landscape architect section.

(2) Satisfies the applicable requirements under s. 443.09.

History: 1993 a. 465; 2011 a. 146. Cross-reference: See also ch. A-E 9, Wis. adm. code.

443.04 Registration requirements for professional engineers.

An applicant for registration as a professional engineer shall submit satisfactory evidence to the professional engineer section of the examining board of all of the following:

(1m) A diploma of graduation, or a certificate, from an engineering school or college approved by the professional engineer section as of satisfactory standing in an engineering course of not less than 4 years or a diploma of graduation or degree from a technical college approved by the professional engineer section as of satisfactory standing in an engineering-related course of study of not less than 2 years.

(2m) (a) For an applicant possessing a diploma or certificate from a course of study of not less than 4 years as specified in sub. (1m), a specific record of 4 or more years of experience in engineering work of a character satisfactory to the professional engineer section and indicating that the applicant is competent to be placed in responsible charge of engineering work.

(b) For an applicant possessing a diploma or degree from a course of study of not less than 2 years as specified in sub. (1m), a specific record of 6 or more years of experience in engineering work of a character satisfactory to the professional engineer section and indicating that the applicant is competent to be placed in responsible charge of engineering work.

History: 1979 c. 167; 1983 a. 328; 1999 a. 85; 2009 a. 350; 2011 a. 146. Cross-reference: See also ch. A-E 4, Wis. adm. code. The authority of the examining board is discussed. 70 Atty. Gen. 156.

443.05 Certification of engineers-in-training.

(1) An applicant for certification as an engineer-in-training shall submit as satisfactory evidence to the professional engineer section of the examining board one of the following:

(a) A diploma of graduation in engineering or a certificate in engineering from a school or college approved by the professional engineer section as of satisfactory standing.

(b) A specific record of 4 years or more of experience in engineering work of a character satisfactory to the professional engineer section.

(2) Graduation in engineering from a school or college approved by the professional engineer section as of satisfactory standing shall be considered as equivalent to 4 years of experience and the completion satisfactory to the professional engineer section of each year of work in engineering in such school or college without graduation shall be considered as equivalent to one year of experience. Graduation in a course other than engineering from a school or college approved by the professional engineer section as of satisfactory standing shall be considered as equivalent to 2 years of experience. No applicant may receive credit for more than 4 years of experience under this subsection.

History: 1979 c. 167; 2011 a. 146. Cross-reference: See also ch. A-E 4, Wis. adm. code.

443.06 Licensure requirements for professional land surveyors.

(1) LICENSURE, APPLICATION, QUALIFYING EXPERIENCE.

(a) Application for a license to engage in the practice of professional land surveying shall be made to the professional land surveyor section of the examining board under oath, on forms provided by the department, which shall require the applicant to submit such information as the professional land surveyor section deems necessary. The professional land surveyor section may require applicants to pass written or oral examinations or both. Applicants who do not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, shall be entitled to be granted a license to engage in the practice of professional land surveying when satisfactory evidence is submitted that the applicant has met one or more of the requirements of sub. (2).

(b) Each year, but not more than 4 years, of work or training completed in a curriculum in the practice of professional land surveying approved by the professional land surveyor section, or of responsible charge of teaching the practice of professional land surveying may be considered as equivalent to one year of qualifying experience in the practice of professional

land surveying, and each year, but not more than 4 years, completed in a curriculum other than the practice of professional land surveying approved by the professional land surveyor section, may be considered as equivalent to one-half year of qualifying experience.

(2) REQUIREMENTS; LICENSE. The professional land surveyor section may grant a license to engage in the practice of professional land surveying to any person who has submitted to it an application, the required fees, and one or more of the following:

(am) Evidence satisfactory to the professional land surveyor section that he or she has received a bachelor's degree in a course in the practice of professional land surveying or a related field that has a duration of not less than 4 years and is approved by the professional land surveyor section, and that he or she has engaged in the practice of professional land surveying for at least 2 years and has demonstrated practice of satisfactory character that indicates that the applicant is competent to engage in the practice of professional land surveying, if the applicant has passed an oral and written or written examination administered by the professional land surveyor section.

(bm) Evidence satisfactory to the professional land surveyor section that he or she has received an associate degree in a course in the practice of professional land surveying or a related field that has a duration of not less than 2 years and is approved by the professional land surveyor section, and that he or she has engaged in the practice of professional land surveying for at least 4 years and has demonstrated practice of satisfactory character that indicates that the applicant is competent to engage in the practice of professional land surveying, if the applicant has passed an oral and written or written examination administered by the professional land surveyor section.

(cm) Evidence satisfactory to the professional land surveyor section that he or she has engaged in the practice of professional land surveying for at least 10 years and has demonstrated practice of satisfactory character that indicates that the applicant is competent to engage in the practice of professional land surveying, if the applicant has passed an oral and written or written examination administered by the professional land surveyor section. This paragraph applies to applications for licenses to engage in the practice of professional land surveying that are submitted to the professional land surveyor section after June 30, 2000 and before July 1, 2019.

(d) An unexpired certificate of registration, certificate of certification, or license as a land surveyor or to engage in the practice of professional land surveying issued to the applicant by the proper authority in any state or territory or possession of the United States or in any other country whose requirements meet or exceed the requirement for licensure in this subsection, if the applicant has passed an oral and written or written examination administered by the professional land surveyor section.

History: 1979 c. 167; 1981 c. 380; 1981 c. 391 s. 211; 1987 a. 27; 1993 a. 462; 1995 a. 27 s. 9130 (4); 1997 a. 3, 27; 2011 a. 146; 2013 a. 358. Cross-reference: See also ch. A-E 6, Wis. adm. code.

443.07 Permit requirements: designers of engineering systems.

(1) An applicant for a permit as a designer shall submit as evidence satisfactory to the designer section of the examining board one of the following to indicate that he or she is competent to be in charge of such work:

(a) A specific record of 8 years or more of experience in specialized engineering design work and the satisfactory completion of a written examination in the field or branch, as determined by the designer section, in which certification is sought.

(b) A specific record of 12 years of experience by any person at least 35 years of age who was actively engaged in this state in the preparation of plans, specifications, designs and layouts in specific fields or branches as designated under sub. (3). Such a person may be granted a permit to offer and perform services in the designated field or branch.

(2) Completion of technological academic training or apprenticeship program approved by the board may be considered equivalent to experience, but should not exceed a total of 4 years. The successful completion of each year of academic work without graduation shall be equivalent to one year of experience. Graduation from a course other than engineering technology shall be equivalent to 2 years of experience under this subsection.

(3) Permits shall be granted, designated, and limited to the fields and subfields of technology as are determined by the designer section and recognized in engineering design practice. Any person holding a permit may prepare plans and specifications and perform consultation, investigation, and evaluation in connection with the making of plans and specifications, within the scope of the permit, notwithstanding that such activity constitutes the practice of architecture or professional engineering under this chapter.

(4) A master plumber's license under ch. 145 shall be considered equivalent to the work experience and satisfactory completion of a written examination in the field of plumbing systems, and the holder of a master plumber's license shall be issued a permit as a designer of plumbing systems upon the making of an application and the payment of the permit fee.

(5) The permit shall, on its face, restrict the holder thereof to the specific field and subfields of designing in which the permittee acquired his or her experience in designing. If qualified in more than one type of designing, persons may receive permits for more than one field or subfield of designing as may be determined by the designer section.

(6) The renewal date for permits under this section is specified under s. 440.08 (2) (a), and the fee for renewal of such permits is determined by the department under s. 440.03 (9) (a).

History: 1979 c. 167; 1991 a. 39; 2007 a. 20; 2011 a. 146. Cross-reference: See also ch. A-E 5, Wis. adm. code. Although designer of plumbing systems permits must be issued to applicants who are licensed master plumbers, the examining board has wide discretion to establish design of engineering systems classifications in fields and subfields of technology recognized in engineering design practice and to determine the competence of applicants who hold restricted or temporary master plumber's licenses. 60 Atty. Gen. 37.

443.08 Registration requirement: firms, partnerships and corporations.

(1) (a) The practice of architecture pertaining to the internal operations of a firm, partnership, or corporation may be performed by employees if the architectural services are performed by or under the direct supervision of architects registered under this chapter, or persons exempt from registration under s. 443.14. Registered or exempt architectural employees may provide architectural data with respect to the manufacture, sale, and utilization of the products of the firm, partnership, or corporation to other registered or exempt architects.

(b) The practice of professional engineering pertaining to the internal operations of a firm, partnership, or corporation may be performed by employees if the professional engineering services are performed by or under the direct supervision of professional engineers registered under this chapter, or persons exempt from registration under s. 443.14. Registered or exempt professional engineering employees may provide professional engineering data with respect to the manufacture, sale, and utilization of the products of the firm, partnership, or corporation to other registered or exempt professional engineers.

(2) (a) No individual architect registered under this chapter may practice or offer to practice architecture, as a principal, officer, employee, or agent of a firm, partnership, or corporation unless all of the following are satisfied:

1. All personnel who practice or offer to practice in its behalf as architects are registered under this chapter.
2. The firm, partnership, or corporation has been issued a certificate of authorization under sub. (3) (a) 1.

(b) No individual professional engineer registered under this chapter may practice or offer to practice professional engineering as a principal, officer, employee, or agent of a firm, partnership, or corporation unless all of the following are satisfied:

1. All personnel who practice or offer to practice in its behalf as professional engineers are registered under this chapter.
2. The firm, partnership, or corporation has been issued a certificate of authorization under sub. (3) (a) 2.

(c) No individual designer granted a permit under this chapter may practice or offer to practice designing as a principal, officer, employee, or agent of a firm, partnership, or corporation unless all of the following are satisfied:

1. All personnel who practice or offer to practice in its behalf as designers are granted a permit under this chapter.
2. The firm, partnership, or corporation has been issued a certificate of authorization under sub. (3) (a) 3.

(3) (a) 1. A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment registered to practice architecture in this state who will be in responsible charge of architecture being practiced in this state through the firm, partnership, or corporation and other relevant information required by the architect section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The architect section shall grant a certificate of authorization to a firm, partnership, or corporation complying with this subsection upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). This subsection does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

2. A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment registered to practice professional engineering in this state who will be in responsible charge of professional engineering being practiced in this state through the firm, partnership, or corporation and other relevant information required by the professional engineer section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The professional engineer section shall grant a certificate of authorization to a firm, partnership, or corporation complying with this subsection upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). This subsection does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

3. A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment granted a permit to practice designing in this state who will be in responsible charge of designing being practiced in this state through the firm, partnership, or corporation and other relevant information required by the designer section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The designer section shall grant a certificate of authorization to a firm, partnership, or corporation complying with this subsection upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). This subsection does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

(b) The renewal date for certificates of authorization under this section is specified under s. 440.08 (2) (a), and the fee for renewal of such certificates is determined by the department under s. 440.03 (9) (a).

(4) (a) 1. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing architecture be relieved of responsibility for architectural services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

2. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing landscape architecture be relieved of responsibility for landscape architectural services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

3. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing professional engineering be relieved of responsibility for professional engineering services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

4. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing designing be relieved of responsibility for designing services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

(b) 1. All final drawings, specifications, plans, reports, or other architectural papers or documents involving the practice of architecture, prepared for the use of a firm, partnership, or corporation, for delivery by it to any person, or for public record within the state shall be dated and bear the signature and seal of the architect who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

2. All final drawings, specifications, plans, reports, or other landscape architectural papers or documents prepared by a landscape architect registered under this chapter, prepared for the use of a firm, partnership, or corporation, for delivery by it to any person, or for public record within the state shall be dated and bear the signature and seal of the landscape architect who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

3. All final drawings, specifications, plans, reports, or other engineering papers or documents involving the practice of professional engineering, prepared for the use of a firm, partnership, or corporation, for delivery by it to any person, or for public record within the state shall be dated and bear the signature and seal of the professional engineer

who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

4. All final drawings, specifications, plans, reports, or other designing papers or documents involving the practice of designing, prepared for the use of a firm, partnership, or corporation, for delivery by it to any person, or for public record within the state shall be dated and bear the signature and seal of the designer who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

(5) (a) No firm, partnership, or corporation may engage in the practice of or offer to practice architecture in this state, or use in connection with its name, or otherwise assume, use or advertise any title or description tending to convey the impression that it is engaged in the practice of architecture, nor may it advertise or offer to furnish an architectural service, unless the firm, partnership, or corporation has complied with this chapter.

(b) No firm, partnership, or corporation may engage in the practice of or offer to practice professional engineering in this state, or use in connection with its name, or otherwise assume, use or advertise any title or description tending to convey the impression that it is engaged in the practice of professional engineering, nor may it advertise or offer to furnish a professional engineering service, unless the firm, partnership, or corporation has complied with this chapter.

(c) No firm, partnership, or corporation may engage in the practice of or offer to practice designing in this state, or use in connection with its name, or otherwise assume, use or advertise any title or description tending to convey the impression that it is engaged in the practice of designing, nor may it advertise or offer to furnish a designing service, unless the firm, partnership, or corporation has complied with this chapter.

(6) Any firm, partnership or corporation using the word “engineering” or any of its derivatives in its name prior to April 24, 1964, shall be permitted to continue to do so and shall be permitted to use such word in any new firm, partnership or corporation formed as a result of a reorganization of the firm, partnership or corporation, if the firm, partnership or corporation does not practice or offer to practice architecture, professional engineering or designing unless it complies with all other applicable provisions of this chapter.

History: 1979 c. 167; 1983 a. 129; 1987 a. 27; 1991 a. 39; 1993 a. 463, 465, 491; 1997 a. 300; 2007 a. 20; 2011 a. 146. Whether the use of “engineer” or “engineering” in a business title violates this chapter requires a case-by-case analysis. 70 Atty. Gen. 131.

443.09 Examinations and experience requirements for architect, landscape architect and engineer applicants.

(1) In considering the qualifications of an applicant as an architect, landscape architect or professional engineer, responsible charge of architectural, landscape architectural or engineering teaching may be construed as experience.

(2) Subject to ss. 111.321, 111.322 and 111.335, no person who has an arrest or conviction record is eligible for registration as an architect, a landscape architect or a professional engineer, or certification as an engineer-in-training.

(3) Written examinations shall be required of every applicant for certification as engineer-in-training.

(4) Written or written and oral examinations shall be required of every applicant for registration as an architect or a professional engineer. Only one form of examination may be required for all applicants. The examination shall be reasonably related to the skills likely to be needed by an applicant practicing the profession at the time of examination and seek to determine the applicant's preparedness to exercise such skills.

(4m) No person may be registered as a landscape architect under this chapter unless he or she passes a written examination or written and oral examinations conducted or approved by the landscape architect section of the examining board under sub. (5).

(5) Written or written and oral examinations shall be held at such time and place as the landscape architect section of the examining board determines. The scope of the examinations and the methods of procedure shall be prescribed by the landscape architect section with special reference to the applicant's ability to design and supervise architectural, landscape architectural, or engineering work, which shall promote the public welfare and ensure the safety of life, health, and property. A candidate failing an examination may, upon application and payment of the required reexamination fee, be examined again by the landscape architect section. No restrictions may be placed on the number of times an unsuccessful candidate may be reexamined, except that after failure of 3 reexaminations, the landscape architect section may require a one-year waiting period before further reexamination.

History: 1979 c. 167; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 328; 1993 a. 463, 465, 491; 1995 a. 27 ss. 6606, 9116 (5); 1997 a. 300; 2009 a. 350; 2011 a. 146. Cross-reference: See also chs. A-E 3, 4, and 9, Wis. adm. code.

443.10 Applications, certificates, licenses, rules, and roster.

(1) CERTIFICATE OF REGISTRATION OR RECORD; PERMIT; RECIPROCITY PROVISIONS.

(a) The appropriate section of the examining board may, upon application and the payment of the required fee, grant a certificate of registration as an architect, as a landscape architect, or as a professional engineer to any person who holds an unexpired certificate of similar registration issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects, landscape architects, or professional engineers are of a standard not lower than specified in this chapter.

(b) The appropriate section of the examining board may, upon application and payment of the required fee, grant a certificate of registration as an architect, as a landscape architect, or as a professional engineer to any person who holds an unrevoked card or certificate of

national reciprocal registration, issued by any state, territory, or possession of the United States or by any country, which is in conformity with the regulations of the national council of state board of architectural, or engineering examiners, or council of landscape architectural registration boards, and who complies with the regulations of the appropriate section, except as to qualifications and registration fee.

(c) The professional engineer section of the examining board may, upon application therefor, and the payment of the required fee, grant a certificate—of—record as engineer—in—training to any person who holds an unexpired certificate of similar certification issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the certification of engineers—in—training are of a standard not lower than specified in this chapter.

(d) The appropriate section of the examining board may, upon application and payment of the required fee, grant a permit to practice or to offer to practice architecture, landscape architecture, or professional engineering to a person who is not a resident of and has no established place of business in this state, or who has recently become a resident of this state, if the person holds an unexpired certificate of similar registration issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects, landscape architects, or professional engineers are of a standard not lower than specified in this chapter.

(2) APPLICATIONS FOR REGISTRATION, FEES, CONTENTS OF CERTIFICATION, EXPIRATION.

(a) Applications for registration or for a certificate of record shall be on forms provided by the department and shall contain statements made under oath showing the applicant's education and detail summary of the applicant's technical work and not less than 5 references, of whom 3 or more shall have personal knowledge of the applicant's architectural, landscape architectural or engineering experience in the case of an application for registration or of the applicant's technical education or engineering work in the case of an application for a certificate of record.

(b) The fees for examinations and credentials, as defined in s. 440.01 (2) (a), granted under this chapter are specified in s. 440.05, and the fee for renewal of such credentials is determined by the department under s. 440.03 (9) (a).

(c) The appropriate section of the examining board shall grant a certificate of registration upon payment of the registration fee to any applicant who, in the opinion of the appropriate section, has satisfactorily met all the applicable requirements of this chapter. The certificate shall authorize the practice of architecture, landscape architecture, or professional engineering, as appropriate.

(d) The granting of a certificate of registration by the appropriate section of the examining board shall be evidence that the person named in the certificate is entitled to all the rights and

privileges of a registered architect, a registered landscape architect, or a registered professional engineer under the classification stated on the certificate, while the certificate remains unrevoked or unexpired.

(e) The renewal date for certificates of registration for architects, landscape architects, and professional engineers is specified under s. 440.08 (2) (a), and the fee for renewal of such certificates is determined by the department under s. 440.03 (9) (a).

(f) The professional engineer section of the examining board shall grant a certificate of record as engineer-in-training to any applicant who, in the opinion of the professional engineer section, has satisfactorily met all the requirements of this section pertaining to engineers-in-training.

(g) A certificate of record as engineer-in-training is evidence that the engineer-in-training to whom it is issued has successfully passed the portion of the examinations in the fundamental engineering subjects required of an applicant for registration as a professional engineer.

(h) Certificates of record as engineers-in-training shall expire on July 31st of the 10th year after their issuance unless extended by the professional engineer section of the examining board. An application for extension shall contain evidence satisfactory to the professional engineer section that the applicant's professional experience has been delayed.

(3) EMERGENCY RULES; LIMITATION. No section of the examining board may adopt or change, by emergency rule, any requirement for the registration of or issuance of a permit to any applicant under this chapter.

(4) ROSTER; RECORDS. (a) A list, showing the names and addresses of all engineers-in-training certified by the professional engineer section of the examining board during the period from July 1 to June 30, shall be prepared each year by the professional engineer section. The list shall be obtainable by purchase at cost.

(b) Each section of the examining board shall keep a record of its proceedings together with a record of all other information pertaining to its proceedings as may be deemed necessary by that section of the examining board. The records of each section of the examining board shall be prima facie evidence of the proceedings of that section of the examining board set forth in the records, and a transcript thereof, duly certified by the secretary of that section of the examining board under seal, shall be admissible in evidence with the same effect as if the original were produced.

(5) FEES; RENEWALS. The professional land surveyor section shall grant a license to engage in the practice of professional land surveying to any applicant who has met the applicable requirements of this chapter. The renewal date for the license is specified under s. 440.08 (2) (a), and the renewal fee for the license is determined by the department under s. 440.03 (9) (a).

(6) ROSTER. A roster showing the names and mailing addresses of all registered surveyors shall be prepared annually by the secretary and made available for purchase at cost, and a copy shall be placed on file with the department of financial institutions.

History: 1979 c. 167 ss. 9, 10, 23, 24, 41, 42, 53; 1979 c. 221 s. 780; 1979 c. 355; 1981 c. 3; 1987 a. 27; 1991 a. 39; 1993 a. 463, 465, 491; 1995 a. 27; 1997 a. 27, 300; 2007 a. 20; 2009 a. 123; 2011 a. 146; 2013 a. 358.

Cross-reference: See also chs. A–E 3, 4, and 9, Wis. adm. code. The examining board of architects, professional engineers, designers and land surveyors lacks the power to adopt a rule prohibiting competitive bidding on projects by architects, engineers, designers, or surveyors. 61 Atty. Gen. 369.

443.11 Disciplinary proceedings against architects, landscape architects and engineers.

(1) The appropriate section of the examining board may reprimand an architect, landscape architect, or professional engineer or limit, suspend, or revoke the certificate of registration of any registrant, and the certificate of record of any engineer-in-training, who is found guilty of:

- (a) Fraud or deceit in obtaining a certificate of registration or a certificate of record.
- (b) Signing or impressing his or her seal or stamp upon documents not prepared by him or her or under his or her control or knowingly permitting his or her seal or stamp to be used by any other person.
- (c) Knowingly aiding or abetting the unauthorized practice of architecture or professional engineering by persons not registered under this chapter.
- (d) Any gross negligence, incompetency or misconduct in the practice of architecture as a registered architect, of landscape architecture as a registered landscape architect or of professional engineering as a registered professional engineer, or in the professional activity of a holder of a certificate of record as engineer-in-training.
- (e) Any violation of the rules of professional conduct adopted and promulgated by that section of the examining board.
- (f) Conviction of a felony, subject to ss. 111.321, 111.322 and 111.335, or adjudication of mental incompetency by a court of competent jurisdiction, a certified copy of the record of conviction or adjudication of incompetency to be conclusive evidence of such conviction or incompetency.

(2) The appropriate section of the examining board may reprimand a firm, partnership, or corporation holding a certificate of authorization issued under this chapter or may limit, suspend, or revoke such a certificate if any of the agents, employees, or officers of the firm, partnership, or corporation has committed any act or has been guilty of any conduct which would authorize a reprimand or a limitation, suspension, or revocation of the certificate of registration of a registrant or the certificate of record of an engineer-in-training under this chapter, unless the firm, partnership, or corporation submits evidence satisfactory to the appropriate section of the examining board that the agent, employee, or officer is not now practicing or offering to practice architecture, landscape architecture, or professional engineering in its behalf.

(3) Any person may make charges that any registrant, holder of a certificate of record as engineer-in-training or corporate holder of a certificate of authorization has committed an act

for which a reprimand or limitation, suspension, or revocation of registration is authorized under sub. (1). Such charges shall be in writing, shall be sworn to by the person making them and shall be submitted to the appropriate section of the examining board. The appropriate section of the examining board may, on its own motion, make such charges. All charges, unless dismissed by the appropriate section of the examining board as unfounded or trivial, shall be heard by the appropriate section of the examining board, subject to the rules promulgated under s. 440.03 (1).

(4) If after a hearing under sub. (3), 3 members of a section of the examining board vote in favor of sustaining charges specified in sub. (3), the appropriate section of the examining board shall reprimand or limit, suspend, or revoke the certificate of registration of the registered architect, registered landscape architect, or registered professional engineer, the certificate of record of the holder of a certificate as engineer-in-training, or the certificate of authorization of a firm, partnership, or corporation.

(5) The actions of each section of the examining board under this section shall be subject to review in the manner provided in ch. 227.

(6) The appropriate section of the examining board, for reasons it considers sufficient, may reissue a certificate of registration or a certificate of record to any person, or a certificate of authorization to any firm, partnership, or corporation, whose certificate has been revoked under this section if 3 members of the section of the examining board vote in favor of such reissuance. Subject to the rules of the examining board, the appropriate section of the examining board may, upon payment of the required fee, issue a new certificate of registration, certificate of record or certificate of authorization, to replace any certificate that is revoked, lost, destroyed or mutilated.

History: 1979 c. 167; 1981 c. 334 s. 25 (1); 1993 a. 463, 465, 491; 1997 a. 237, 300; 1999 a. 32, 186; 2009 a. 123; 2011 a. 146. Gross negligence, incompetency, or misconduct is discussed. The failure of an engineer to properly design a roof truss would not show incompetence, but the board might find gross negligence. Vivian v. Examining Board of Architects, 61 Wis. 2d 627, 213 N.W.2d 359 (1974).

443.12 Disciplinary proceedings against professional land surveyors.

(1) The professional land surveyor section may reprimand a professional land surveyor, or limit, suspend, or revoke the license of any professional land surveyor, for the practice of any fraud or deceit in obtaining the license, or any gross negligence, incompetence, or misconduct in the practice of professional land surveying.

(2) Charges of fraud, deceit, gross negligence, incompetence, or misconduct may be made against any professional land surveyor by the professional land surveyor section or any person. Such charges may be made on information and belief, but shall be in writing, stating the specific acts, be signed by the complainant and be submitted to the examining board. All charges shall be heard according to the rules promulgated under s. 440.03 (1).

(3) If after a hearing 3 members vote in favor of reprimand or limiting, suspending, or revoking the license of a professional land surveyor, the professional land surveyor section shall notify the surveyor to that effect. The surveyor shall return the license to the examining board immediately

on receipt of notice of a revocation. The action of the professional land surveyor section may be reviewed under ch. 227.

(4) The professional land surveyor section, for reasons it deems sufficient, may reinstate a license to engage in the practice of professional land surveying that has been revoked, if 3 members vote in favor of such reinstatement. This subsection does not apply to a license that is revoked under s. 440.12.

History: 1979 c. 167, 357; 1997 a. 237; 2013 a. 358.

443.13 Disciplinary proceedings against designers of engineering systems.

(1) The designers' section of the examining board may limit, suspend, or revoke a permit or reprimand the permittee if the permittee is guilty of any of the following:

- (a) Fraud or deceit in obtaining the permit.
- (b) Gross negligence, incompetency, or misconduct in practice.
- (c) Signing documents not prepared by the permittee or under the permittee's control.
- (d) Knowingly aiding or abetting unauthorized designing of engineering systems as stated in s. 443.07 (3) by persons not granted permits under this chapter.
- (e) Conviction of a felony, subject to ss. 111.321, 111.322, and 111.335, or adjudication of mental incompetency by a court of competent jurisdiction.

(2) If, after a hearing conducted under the rules promulgated under s. 440.03 (1) before the designers' section of the examining board, two-thirds of the members of the section vote in favor of sustaining the charges, the designers' section of the examining board shall reprimand the permittee or limit, suspend, or revoke the permit. The action of the designers' section of the examining board under this section is subject to review under ch. 227.

443.134 Exception for photogrammetry and construction surveying.

Nothing in this chapter may be construed to prohibit a person who has not been granted a license to engage in the practice of professional land surveying under this chapter from utilizing photogrammetry or remote sensing techniques or performing topographic surveying, construction surveying, or geodetic surveying for purposes other than a boundary establishment or reestablishment specified in s. 443.01 (6s).

History: 1979 c. 167; 1981 c. 334 s. 25 (1); 2011 a. 146; 2013 a. 358.

443.14 Exempt persons.

The following persons, while practicing within the scope of their respective exemptions, shall be exempt from this chapter:

(1) (a) An employee of a person holding a certificate of registration in architecture under s. 443.10 who is engaged in the practice of architecture and an employee of a person temporarily exempted from registration in architecture under this section, if the practice of the employee does not include responsible charge of architecture practice.

(b) An employee of a person holding a certificate of registration in professional engineering under s. 443.10 who is engaged in the practice of professional engineering and an employee of a person temporarily exempted from registration in professional engineering under this section, if the practice of the employee does not include responsible charge of professional engineering practice.

(2) Officers and employees of the federal government while engaged within this state in the practice of architecture, landscape architecture or professional engineering for the federal government.

(3) A public service company and its regular employees acting in its behalf where the professional engineering services rendered are in connection with its facilities which are subject to regulation, supervision and control by a commission of this state or of the federal government.

(4) (a) Any person who practices architecture, exclusively as a regular employee of a private company or corporation, by rendering to the company or corporation architectural services in connection with its operations, so long as the person is thus actually and exclusively employed and no longer, if the company or corporation has at least one architect who is registered under this chapter in responsible charge of the company's or corporation's architectural work in this state.

(b) Any person who practices professional engineering, exclusively as a regular employee of a private company or corporation, by rendering to the company or corporation professional engineering services in connection with its operations, so long as the person is thus actually and exclusively employed and no longer, if the company or corporation has at least one professional engineer who is registered under this chapter in responsible charge of the company's or corporation's professional engineering work in this state.

(5) A person engaged in the manufacture of a product or unit, including laboratory research affiliates of the person, where the services performed are the design, assembly, manufacture, sale or installation of that product or unit. "Product or unit" does not include any building.

(6) Notwithstanding any other provision of this chapter, contractors, subcontractors or construction material or equipment suppliers are not required to register under this chapter to perform or undertake those activities which historically and customarily have been performed by them in their respective trades and specialties, including, but not limited to, the preparation and use of drawings, specifications or layouts within a construction firm or in construction operations, superintending of construction, installation and alteration of equipment, cost estimating, consultation with architects, professional engineers or owners concerning materials, equipment, methods and techniques, and investigations or consultation with respect to construction sites, provided all such activities are performed solely with respect to the performance of their work on buildings or with respect to supplies or materials furnished by them for buildings or structures or their appurtenances which are, or which are to be, erected, enlarged or materially altered in accordance with plans and specifications prepared by architects

or professional engineers, or by persons exempt under subs. (1) to (5) while practicing within the scope of their exemption.

(7) This chapter does not require manufacturers or their material or equipment suppliers to register under this chapter in order to enable them to perform engineering in the design, assembly, manufacture, sale or installation of their respective products.

(8) An employee of a professional land surveyor, while doing surveying work under the supervision of the employer, if the employee is not in responsible charge of the practice of professional land surveying.

(8m) (a) Subject to par. (b), an employee or contractor of any of the following while engaged in land surveying is exempt from the provisions of this chapter:

1. The provider of a broadcast service, as defined in s. 196.01 (1m).
2. The provider of a cable service, as defined in s. 196.01 (1p).
3. A commercial mobile radio service provider, as defined in s. 196.01 (2g).
4. A public utility, as defined in s. 196.01 (5).
5. A telecommunications provider, as defined in s. 196.01 (8p).
6. A video service provider, as defined in s. 196.01 (12r).
7. A cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, power, or water to its members only.

(b) The exemption under par. (a) applies only if the employee or contractor is engaged in services described in s. 443.01 (6s) (a) 3., (c), (d), or (f) for or on behalf of the provider or cooperative.

(9) A license shall not be required for an owner to survey his or her own land for purposes other than for sale.

(10) Any person employed by a county or this state who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65 and who is certified under s. 92.18.

(11) Any professional land surveyor licensed under s. 443.06 who is engaged in the planning, design, installation, or regulation of land and water conservation activities under ch. 92 or s. 281.65.

(12m) A driller who is licensed under s. 280.15 (2m), or an employee of a drilling business that is registered under s. 280.15 (1), who is engaged in well drilling, as defined in s. 280.01 (8), or heat exchange drilling, as defined in s. 280.01 (2c).

(13) A professional engineer who, while engaged in the practice of professional engineering in accordance with this chapter, collects, investigates, interprets or evaluates data relating to soil,

rock, groundwater, surface water, gases or other earth conditions, or uses that data for analysis, consultation, planning, design or construction.

(14) A person who, while engaged in the practice of professional geology, hydrology or soil science as defined in s. 470.01 (2), (3) or (4), practices professional engineering, if the acts that involve the practice of professional engineering are also part of the practice of professional geology, hydrology or soil science.

(15) A person employed by the federal government who is engaged in this state in the practice of landscape architecture for the federal government.

(16) A person who performs services related to natural resources management if any map that is prepared as a part of those services contains the following statement: “This map is not a survey of the actual boundary of any property this map depicts.” In this subsection, “natural resources management” includes all of the following:

- (a) The management of state lands under ss. 23.09, 23.11, 27.01, and 28.04.
- (b) The control of invasive species, as defined in s. 23.22 (1) (c).
- (c) The cultivation or harvesting of raw forest products, as defined in s. 26.05 (1).
- (d) The management of county forests under s. 28.11.
- (e) The practice of forestry, as defined in s. 77.81 (2), including sustainable forestry, as defined in s. 28.04 (1) (e); any services provided in connection with an order, or the preparation of an application for an order, under subch. I or VI of ch. 77; and any forestry operation, as defined in s. 823.075 (1) (c).

(17) A person who prepares a map that depicts temporary trails, easements, or other uses of lands if the map contains the following statement: “This map is not a survey of the actual boundary of any property this map depicts.”

(18) An employee or agent of the department of natural resources, department of agriculture, trade and consumer protection, department of transportation, public service commission, board of commissioners of public lands, or department of military affairs who creates a geographic information systems map if done within the scope of his or her employment or agency.

History: 1979 c. 167 ss. 5, 21, 40, 48; 1979 c. 355; 1983 a. 189 s. 329 (18); 1991 a. 309; 1993 a. 463, 465, 491; 1995 a. 227; 1997 a. 27, 300; 2005 a. 360; 2009 a. 123; 2011 a. 146, 150; 2013 a. 358.

443.15 Exempt buildings.

(1) Nothing in this chapter prevents any person from advertising and performing services, including consultation, investigation, evaluation, in connection with and making plans and specifications for, or supervising the erection, enlargement or alterations of any of the following buildings:

- (a) Dwellings for single families, and outbuildings in connection with single-family dwellings, including, but not limited to, barns and private garages.

- (b) Apartment buildings used exclusively as the residence of not more than 2 families.
- (c) Buildings used exclusively for agricultural purposes.
- (d) Temporary buildings or sheds used exclusively for construction purposes, not exceeding 2 stories in height, and not used for living quarters.

(2) Nothing in this chapter prevents any person, firm or corporation from making plans and specifications for or supervising the erection, enlargement or alteration of any new building containing less than 50,000 cubic feet total volume or addition to a building which by reason of such addition results in a building containing less than 50,000 cubic feet total volume or structural alteration to a building containing less than 50,000 cubic feet total volume. Nothing in this chapter prevents any person, firm or corporation from making repairs or interior alterations to buildings which do not affect health or safety.

(3) Any multiple family building having a common roof and party walls shall be deemed a single building for purposes of this section.

(4) This section does not apply to inspection and service work done by employees of insurance rating bureaus, insurance service bureaus, insurance companies or insurance agents.

History: 1979 c. 167.

443.16 Change of name.

No person may practice architecture, landscape architecture, or professional engineering in this state under any other given name or any other surname than that under which the person was originally licensed or registered to practice in this or any other state, in any instance in which the examining board, after a hearing, finds that practicing under the changed name operates to unfairly compete with another practitioner or to mislead the public as to identity or to otherwise result in detriment to the profession or the public. This section does not apply to a change of name resulting from marriage or divorce.

History: 1979 c. 98 s. 1; 1979 c. 167 s. 20; 1979 c. 337 s. 15; 1979 c. 355; 1993 a. 463, 465, 491; 1997 a. 300; 2009 a. 123.

443.17 Seal or stamp; aiding unauthorized practice.

No person who is registered under this chapter to practice architecture, landscape architecture or professional engineering may impress his or her seal or stamp upon documents which have not been prepared by the person or under his or her direction and control, knowingly permit his or her seal or stamp to be used by any other person or in any other manner knowingly aid or abet the unauthorized practice of architecture or professional engineering or the unauthorized use of the title "landscape architect" by persons not authorized under this chapter.

History: 1979 c. 167; 1993 a. 463, 465, 491; 1997 a. 300.

443.18 Penalties; law enforcement.

(1) **UNAUTHORIZED PRACTICE; PENALTY.** (a) Any person who practices or offers to practice architecture, landscape architecture, or professional engineering in this state, or who uses the term "architect," "landscape architect," or "professional engineer" as part of the person's business name or title, except as provided in s. 443.08 (6), or in any way represents

himself or herself as an architect, landscape architect, or a professional engineer unless the person is registered or exempted in accordance with this chapter, or unless the person is the holder of an unexpired permit issued under s. 443.10 (1) (d), or any person presenting or attempting to use as his or her own the certificate of registration of another, or any person who gives any false or forged evidence of any kind to the examining board or to any section of the examining board or to any member of the examining board or to any member of any section of the examining board in obtaining a certificate of registration, or any person who falsely impersonates any other registrant of like or different name, or any person who attempts to use an expired or revoked certificate of registration, or violates any of the provisions of this section, may be fined not less than \$100 nor more than \$500 or imprisoned for not more than 3 months or both.

(b) All duly constituted officers of the law of this state or any political subdivision shall enforce this chapter and prosecute any persons violating this chapter.

(2) INJUNCTION. (a) If it appears upon complaint to the examining board or to any section of the examining board by any person, or is known to the examining board or to any section of the examining board that any person who is neither registered nor exempt under this chapter nor the holder of an unexpired permit under s. 443.10 (1) (d) is practicing or offering to practice, or is about to practice or to offer to practice, architecture, landscape architecture, or professional engineering in this state, the appropriate section of the examining board or the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name and on behalf of this state against any such person to enjoin the person from practicing or offering to practice architecture, landscape architecture, or professional engineering.

(b) If it appears upon complaint to the examining board by any person, or is known to the examining board that any person who does not have a license to engage in the practice of professional land surveying in this state, or who is not exempt or excepted from the licensure requirements under this chapter, is engaging in or offering to engage in the practice of professional land surveying in this state, the professional land surveyor section, the examining board, the department, the department of justice, or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name and on behalf of the state to enjoin the person from engaging in or offering to engage in the practice of professional land surveying.

(3) PENALTIES; LAW ENFORCEMENT. Any person who violates this chapter shall be fined not more than \$500 or imprisoned not more than 3 months or both.

History: 1979 c. 167 ss. 27, 28, 45, 46; 1981 c. 20; 1993 a. 463, 465, 491; 1997 a. 300; 1995 a. 85; 2009 a. 123; 2011 a. 146; 2013 a. 358.

WISCONSIN ADMINISTRATIVE CODE

EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS

Chapter A-E 1 Authority

Note: Chapter A-E 1 as it existed on February 28, 1987 was repealed and a new chapter A-E 1 was created effective March 1, 1987.

A-E 1.01 Authority. (1) The rules in chs. A-E 1 to 13 are adopted under authority in ss. 15.08 (5) (b), 227.11 and ch. 443, Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; correction made under s. 13.93 (2m) (b) 7., Stats., Register, February, 2000, No. 530; CR 11-014: am. Register December 2011 No. 672, eff. 1-1-12.

A-E 1.02 Definitions. In chs. A-E 1 to 13:

(1) “Board” or “joint board” means the examining board of architects, landscape architects, professional engineers, designers and professional land surveyors.

(2) “Department” means the department of safety and professional services.

(3) “Section of the board” means either the architect section, the landscape architect section, the professional engineer section, the designer section or the land surveyor section.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), (1) and (3), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) and (3), Register, February, 2000, No. 530, eff. 3-1-00; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, February, 2000, No. 530; CR 11-014: am. (intro.) Register December 2011 No. 672, eff. 1-1-12; correction in sub. (2) made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672; CR 15-036: am. (1) Register January 2016 No. 721, eff. 2-1-16.

A-E 1.03 Rulemaking. (1) **PROCEDURE.** The joint board may approve and adopt rules proposed by any section of the board.

(2) **RULES COMMITTEE.** (a) **Composition.** The rules committee of the board is comprised of one member from each section and 3 public members. The board chair shall appoint the 3 public members from any of the 5 sections of the board.

(b) **Authority and responsibility.** The rules committee shall act for the joint board in rulemaking proceedings except for final approval as specified in sub. (1).

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (2) (a), Register, June, 1995, No. 474, eff. 7-1-95; am. (2) (a), Register, February, 2000, No. 530, eff. 3-1-00.

Chapter A-E 2 General Requirements And Procedures

Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published. Register January 2016 No. 721

A-E 2.01 Purpose. The purpose of rules in this chapter is to specify general requirements and procedures which apply to persons credentialed by any section of the board. Requirements specific to architects, landscape architects, professional engineers, designers or professional land

surveyors are specified in chs. A–E 3, 4, 5, 6, 7, 9, 10, 11, 12, and 13. Rules of professional conduct for all registrants or permit holders are specified in ch. A–E 8.

History: Cr. Register, February, 1987, No. 374, eff. 3–1–87; am. Register, June, 1995, No. 474, eff. 7–1–95; am. Register, January, 1999, No. 517, eff. 2–1–99; am. Register, February, 2000, No. 530, eff. 3–1–00; CR 11–014: am. Register December 2011 No. 672, eff. 1–1–12; CR 15–036: am. Register January 2016 No. 721, eff. 2–1–16.

A–E 2.02 Registration seals. (1) Each architect, landscape architect, professional engineer, designer and professional land surveyor shall obtain a seal that complies with board specifications for registration seals. The overall diameter may not be less than 15/8 inches nor more than 2 inches. Each seal shall include the registrant's name, registration or permit number and city.

(2) The following designs for registration seals have been approved:



(3) A rubber stamp, identical in size, design and content to a board-approved seal, may be used as a substitute for a registration seal.

(4) Each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, professional engineering, design or professional land surveying practice shall be signed, sealed and dated by the registrant or permit holder who prepared, or directed and controlled preparation of, the written material, except as specified in sub. (5).

(5) If more than one sheet is bound together in a volume, the registrant or permit holder who prepared or directed and controlled the preparation of the volume, may sign, seal and date only the title or index sheet if the signed sheet identifies clearly all other sheets comprising the bound volume and if any other sheets which are prepared by or under the direction and control of another registrant or permit holder are signed, sealed and dated by the other registrant or permit holder.

(6) Any addition, deletion or other revision to each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, professional engineering, design or professional land surveying practice which affects public health and safety or any state or local code requirements may not be made unless signed, sealed and dated by the registrant or permit holder who made or directed and controlled the making of the revision.

(7) (a) All seals or stamps affixed to plans, drawings, documents, specifications, and reports to be filed as public documents shall be original. No stickers shall be allowed. Seals or stamps may be applied by crimp type, rubber stamp or by electronic means provided the electronic seal or stamp meets the requirements of subch. II of ch. 137, Stats., a security procedure is used, and electronic submissions are permitted by the governmental unit that is to receive the plans, drawings, documents, specifications, and reports.

1. The stamp authorized by the Board must be one of crimp type, rubber stamp type, or computer generated.

(b) All seals and stamps on plans, drawings, documents, specifications, and reports to be filed as public documents shall be signed and dated by the registered professional in one of the following manners:

1. In a permanent ink contrasting with the seal and the background.

2. Utilizing an electronic signature, meeting the requirements of subch. II ch. 137, Stats., a security procedure is used and if permitted by the governmental unit that is to receive the plans, drawings, documents, specifications, and reports. A scanned image of an original signature shall not be used in lieu of an electronic signature with a security procedure as found in s. 137.11 (13), Stats.

Note: Section 137.11 (13), Stats., of the statutes reads as follows: "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes identifying words or numbers, encryption, callback, or other acknowledging procedures.

(c) If other standards for signatures or seals are prescribed by statute, the statutes shall govern.

(8) Plans, specifications and calculations for buildings and structures not exempt under s. 443.15, Stats., which have been prepared by an architect or professional engineer other than the Wisconsin registered architect or engineer who is submitting the plans, specifications and calculations for filing as public documents, may be submitted if all of the following conditions are satisfied:

(a) The plans, specifications and calculations shall have been prepared by or under the supervision of an architect or professional engineer licensed in some state of the United States, and shall bear the signature and seal or stamp of the architect or professional engineer who prepared them or under whose supervision and control they were prepared.

(b) A certificate, dated, signed and sealed by the Wisconsin registered architect or professional engineer who is submitting the plans, specifications and calculations for filing as public documents, shall be attached to the plans, specifications and calculations. The certificate shall indicate that the plans, specifications and calculations were prepared by an architect or professional engineer other than the submitting registered architect or professional engineer; shall describe the work performed by the submitting registered architect or professional engineer; and shall include statements to the effect that the plans and specifications have been reviewed and comply with all applicable local and state building codes, and that the reviewing registered architect or professional engineer will be responsible for the supervision of construction in accordance with the requirements of the state, and of the county and municipality where the building or structure is to be erected. If the registered architect or professional engineer who originally prepared the plans, specifications and calculations was registered in Wisconsin at the time they were prepared, the certificate shall also specify why the original architect or professional engineer is not submitting the plans, specifications and calculations for approval.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; cr. (7), Register, January, 1993, No. 445, eff. 2-1-93; am. (1), (2), (4) and (6), Register, June, 1995, No. 474, eff. 7-1-95; am. (1), (2), (4) and (6), Register, February, 2000, No. 530, eff. 3-1-00; cr. (8), Register, November, 2000, No. 539, eff. 12-1-00; CR 01-034: r. and recr. (7), Register December 2001 No. 552, eff. 1-1-02; CR 13-020: am. (7) (a) (intro.), cr. (7) (a) 1., am. (7) (b) (intro.), 2. Register May 2015 No. 713; CR 15-036: am. (1), (4), (6) Register January 2016 No. 721, eff. 2-1-16.

A-E 2.03 Branch offices. (1) DEFINITIONS. In this section,

(a) “Firm” means any sole proprietorship, partnership or corporation located in Wisconsin which provides or offers to provide architectural, landscape architectural, professional engineering, design or professional land surveying services to the public.

(b) “Resident” means a currently-registered architect, landscape architect, professional engineer, designer or professional land surveyor who spends the majority of his or her working schedule in one firm location and who is in charge of and responsible for the type of services offered or provided from that location.

(2) RESIDENT REQUIRED; RESPONSIBILITIES. Every firm maintaining one or more places of business in Wisconsin shall have:

- (a) A resident architect in each separate business location which provides or offers to provide architectural services.
- (b) A resident professional engineer in each separate business location which provides or offers to provide professional engineering services.
- (c) A resident designer in each separate business location which provides or offers to provide designing services.
- (d) A resident professional land surveyor in each separate business location which provides or offers to provide professional land surveying services.
- (e) A resident landscape architect in each separate business location which provides or offers to provide landscape architectural services.

(3) NOTICE. Every firm shall notify the board of at least one resident who is in charge of and responsible for each separate business location.

(4) RESIDENT LIMITATION. A resident may not be in charge of or responsible for services offered or provided from more than one business location.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) (a) and (b), cr. (2) (e) and (f), Register, June, 1995, No. 474, eff. 7-1-95; am. (2) (intro.), Register, January, 1999, No. 517, eff. 2-1-99; am. (1) (a) and (b), r. (2) (f), Register, February, 2000, No. 530, eff. 3-1-00; CR 15-036: am. (1) (a), (b), (2) (d) Register January 2016 No. 721, eff. 2-1-16.

A-E 2.04 Change of address. Every registrant or permit holder shall notify the board in writing of a change of address within 30 days of the change. The notice shall include the person's or firm's former and new addresses and each registration or permit number held.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87.

A-E 2.05 Failure to be registered. **(1)** If a licensee who fails to renew his or her credential by the established renewal date applies for renewal of the credential less than 5 years after its expiration, the credential shall be renewed upon payment of the renewal fee specified in s. 440.08, Stats.

(2) **(a)** If a licensee applies for renewal of his or her credential more than 5 years after its expiration, the board shall determine whether the applicant is competent to practice under the credential in this state. The inquiry shall include a review of the applicant's practice within the previous 5 years, if any, in other licensing jurisdictions.

(b) After inquiry, the board shall impose any reasonable conditions on reinstatement of the credential as the board deems appropriate, including a requirement that the applicant complete any current requirement for original licensure.

History: Cr. Register, March, 1996, No. 483, eff. 4-1-96.

Chapter A-E 3 Architect Registration

Note: Chapter A-E 3 as it existed on February 28, 1987 was repealed and a new chapter A-E 3 was created effective March 1, 1987.

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A-E 3.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11, 443.03, 443.09 and 443.10, Stats. The purpose of rules in this chapter is to interpret basic education, experience and examination requirements for registration as an architect as specified in ss. 443.03, 443.09 and 443.10, Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87.

A-E 3.02 Requirements for registration as an architect.

(1) An applicant for registration as an architect, in accordance with s. 443.03, Stats., shall submit all of the following:

(a) Documentation certifying that the applicant has acquired a thorough knowledge of sound construction, building hygiene, architectural design and mathematics.

(b) One of the following:

1. A diploma of graduation, or a certificate, from an architectural school or college approved by the architect section as satisfactory standing, together with at least 2 years of practical experience as described in s. A-E 3.03 and of character satisfactory to the architect section in the design and construction of buildings.

2. A specific record of 7 or more years of experience in architectural work of a character satisfactory to the architect section in the design and construction of buildings. (2) An applicant who files an application but who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and fee. *Note:*

Applications are available upon request to the board office located at P.O. Box 7190, 1400 East Washington Avenue, Madison, Wisconsin 53707. History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, January, 1999, No. 517, eff. 2-1-99; CR 15-040: r. and recr. Register May 2016 No. 725, eff. 6-1-16; correction in (1) (b) 1.made under s. 35.17, Stats., Register May 2016 No. 725.

A-E 3.03 Architectural experience. (1) In satisfaction of the 2 year experience requirement of s. 443.03 (1) (b) 1m., Stats., or in satisfaction of 2 years of the 7 year requirement of s. 443.03 (1) (b) 2., Stats., applicants for registration as an architect shall complete the intern architect development program sponsored by the national council of architectural registration boards and the American institute of architects, or shall submit evidence of experience in architectural work which the board finds is substantially equivalent to the experience obtained by completing the intern architect development program. *Note:* A current copy of the Intern Development Program Table of Training Requirements may be obtained from the Division of Professional Credential Processing located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(2) Satisfactory experience in architectural work shall consist of related practical training including at least one year of experience in the design and construction of buildings under the

supervision of a registered architect, professional engineer, or exempt person as defined in s. 443.14, Stats., prior or subsequent to acquisition of approved educational equivalents.

(3) To qualify as satisfactory experience in architectural work, employment shall consist of at least 2 or more continuous months.

(4) Not more than one year of credit for satisfactory experience in architectural work may be granted for any calendar year.

(5) An individual acquiring supervised experience in architectural work under this section for the purpose of satisfying the requirements of s. 443.03 (1) (b), Stats., may use the title “architectural intern.”

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; r. and recr. Register, November, 1990, No. 419, eff. 1-1-93; am., cr. (2) to (4), Register, January, 1993, No. 445, eff. 2-1-93; r. Figure, Register, January, 1999, No. 517, eff. 2-1-99; CR 02-111: cr. (5) Register May 2003 No. 569, eff. 6-1-03; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register May 2013 No. 689.

A-E 3.04 Education as an experience equivalent for registration as an architect.

(1) For the purpose of meeting experience requirements for registration as an architect, an applicant may claim certain education as equivalent to experience in architectural work, as provided in s. 443.03 (2), Stats. To qualify as equivalent to experience in architectural work, the education shall be obtained at a university, college or technical school approved by the architect section of the examining board.

(2) The architect section shall approve all curricula in architecture that are accredited by the national architectural accrediting board (NAAB).

(3) Each 45 quarter hours or 30 semester hours of credit earned is equivalent to one year of work experience. The maximum equivalent that may be obtained is set forth in the table in figure 3.04 (3).

Figure 3.04 (3) Table of Education and Experience Equivalents for Architects.

Education	Maximum Experience Equivalent
Architectural Degree [Accredited by the National Architectural Accrediting Board (NAAB) — U005D]	5 years
Planning, Architectural Engineering, Structural Engineering or Non-Accredited Architectural Studies Degree	4 years
Courses in NAAB Accredited Architecture Program Without Degree	4 years
Planning, Architectural Engineering, Structural Engineering or Non-Accredited Architectural Studies Courses Without Degree	3 years
Other Bachelor Degrees	3 years
Other Courses Without Degrees	2 years
NAAB Accredited Master of Architecture Degree Subsequent to Accredited Bachelor of Architectural Degree	Considered as 1/2 year

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87

A-E 3.05 Examination. (1) **ARCHITECT EXAMINATION REQUIRED.** An applicant for registration as an architect, unless applying under s. 443.10 (1), Stats., shall successfully complete an examination on architectural services which measures the knowledge and skills necessary to competently practice architecture. The examination shall test the following architectural services and service elements:

- (a) *Pre-design.*
 - 1. Design objectives.
 - 2. Space requirements.
 - 3. Space relations.
 - 4. Flexibility and expansibility.
 - 5. Site requirements.
- (b) *Site design.*
 - 1. Land utilization.
 - 2. Structures placement.
 - 3. Form relationships.
 - 4. Movement, circulation and parking.

5. Utility systems.
6. Surface and subsurface conditions.
7. Ecological requirements.
8. Deeds, zoning and construction.
9. Topography and relations to surrounding.
10. Architectural management and coordination.
11. Cost.

(c) *Building design.*

1. Building sections, elevations and plans.
2. Selections and layout of building systems.
3. Structural considerations.
4. Mechanical considerations.
5. Electrical considerations.
6. Civil considerations.
7. Interior considerations.
8. Design documentation.

(d) *Building systems.*

1. Structural systems.
2. Lateral forces.
3. Mechanical, electrical and plumbing.
4. Miscellaneous systems.
5. Materials and methods.
6. Coordination.
7. Cost consideration.

(e) *Construction documents and services.*

1. Architectural drawings.
2. Structural drawings.
3. Interior drawings.
4. Specifications.
5. Cost estimates.
6. Bidding documents.
7. Organization and handling bids.

8. Bids evaluation.
9. Coordination and management.
10. Construction administration in office.
11. Construction administration in field.
12. Field tests.
13. Quotation requests and change orders.
14. Construction cost accounting.
15. Project close-out.

(2) REQUIREMENTS FOR ENTRANCE TO THE EXAMINATION. To be eligible to take a scheduled examination, the applicant shall submit documentation certifying he or she has all but one year of academic credit and qualifying architectural experience, as specified in s. 443.03 (1) (b) 1m., Stats., or all but one year of qualifying architectural experience, as specified in s. 443.03 (1) (b) 2., Stats., or graduated from a national architectural accrediting board accredited degree program and obtained a national council of architectural registration boards established intern development program training record.

(3) APPLICATION FOR EXAMINATION. An application for examination shall be filed with the board no later than 2 months before the scheduled date for the examination. Note: An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

(4) GRADING. The passing scores set by the board represent the minimum competency required to protect public health and safety.

(6) EXAMINATION AND REFUND FEES. The fee for an architect examination and requirements for refund of fees are specified in s. 440.05, Stats., and ch. SPS 4.

(7) RE-EXAMINATION PROCEDURE. An applicant who began the examination procedure in or after June of 1983 for an architect examination who fails an examination or any part of an examination may retake any part of the examination failed at a regularly-scheduled administration of the examination. The board shall determine which parts of a current examination are equivalent to the examination parts failed by an applicant.

(8) EXAMINATION REVIEW. (a) One-year limitation. An applicant for an architect examination may review questions on any part of an examination failed by the applicant within one year from the date of the examination, as specified in s. 443.09 (6), Stats. An applicant may review the examination only once. **Note:** Subsection (8) was invalidated by the repeal of s. 443.09 (6), Stats., in 2009 Wis. Act 350 and will be removed in future rule-making by the Board.

(b) Review procedure. Failing candidates shall be notified of the procedure to schedule a review of the appropriate examination parts. The applicant may take notes on the examination questions reviewed. No notes may be retained by the applicant following the review. The review may not take place within 30 days prior to a scheduled examination. If the section confirms the failing status following its review, the application shall be deemed incomplete, and the applicant may be reexamined under sub. (7).

(9) CHEATING. Any applicant for registration who receives aid or cheats in any other manner in connection with the examination shall be barred from completing the examination or shall not be given a passing grade, or both.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (2) and (7), Register, January, 1993, No. 445, eff. 2-1-93; am. (8) (b), Register, March, 1996, No. 483, eff. 4-1-96; am. (8) (a), Register, October, 1996, No. 490, eff. 11-1-96; am. (4), cr. (9), Register, January, 1999, No. 517, eff. 2-1-99; CR 09-079: am. (2) Register June 2010 No. 654, eff. 7-1-10; correction in (6) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register May 2013 No. 689; CR 15-040: r. (2), (3), (5) Register May 2016 No. 725, eff. 6-1-16.

A-E 3.06 Application contents. An application shall include all of the following:

(1) Transcripts or apprenticeship records verifying the applicant's education and training.

(2) References from at least 5 individuals having personal knowledge of the applicant's experience in the practice of architecture, 3 of whom are registered architects.

(3) A chronological history of the applicant's employment.

(4) Any additional data, exhibits or references showing the extent and quality of the applicant's experience that may be required by the architect section.

History: Cr. Register, January, 1993, No. 445, eff. 2-1-93; am. (intro.) to (3), Register, January, 1999, No. 517, eff. 2-1-99.

Chapter A-E 4 Professional Engineer Registration

Note: Chapter A-E 4 as it existed on February 28, 1987 was repealed and a new chapter A-E 4 was created effective March 1, 1987.

A-E 4.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11, 443.04, 443.05, 443.09 and 443.10, Stats. The purpose of rules in this chapter is to interpret basic education, experience and examination requirements for registration as a professional engineer as specified in ss. 443.04, 443.05, 443.09 and 443.10, Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87.

A-E 4.02 Application for registration. An applicant who files an application but who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and fee. Note: Applications are available upon request to the Division of Professional Credential Processing located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, May, 1990, No. 413, eff. 6-1-90; am. Register, January, 1999, No. 517, eff. 2-1-99.

A-E 4.03 Engineering experience. To qualify as satisfactory experience in engineering work for the purpose of meeting requirements of s. 443.04, Stats., an applicant's experience shall

include the application of engineering principles and data and shall demonstrate an applicant's progressive development of competence to do engineering work. The experience shall be acquired in the areas of engineering practice listed in subs. (1) to (7) or in other areas of engineering practice or academic course work which in the opinion of the board provides the applicant with a knowledge of engineering principles and data at least equivalent to that which would be acquired by experience in the areas of practice listed. Experience in all areas listed is not required.

(1) RESEARCH AND DEVELOPMENT.

- (a) Problem identification, including consideration of alternative approaches to problem solving.
- (b) Planning, including selecting a theoretical or experimental approach.
- (c) Execution of plan, including completing design calculations.
- (d) Interpreting and reporting results, including all of the following:
 - 1. Evaluating project feasibility studies.
 - 2. Analyzing research and development data.
 - 3. Producing interpretive reports.
 - 4. Formulating conclusions and recommendations.
 - 5. Producing final reports.

(2) DESIGN.

- (a) Problem identification, including all of the following:
 - 1. Identifying design objectives.
 - 2. Identifying possible design concepts or methods.
 - 3. Selecting methods to be employed in consideration of aesthetics, cost and reliability.
 - 4. Defining performance, specifications, and functional requirements such as materials, energy balances, and environmental considerations.
 - 5. Formulating conceptual design specifications.
 - 6. Defining physical properties of all key materials.
- (b) Planning, including defining safety, health and environmental constraints.
- (c) Execution of plan, including all of the following:
 - 1. Developing design concepts.
 - 2. Conducting feasibility studies.
 - 3. Evaluating design and design methods.

4. Solving design problems.
5. Preparing designs, layouts and models.
6. Selecting materials and components.
7. Conducting value analysis of design.
8. Producing final designs.
9. Preparing supporting technical information.
10. Preparing detailed working drawings.
11. Preparing specifications and data sheets.
12. Interacting with engineers from other areas of work such as research and development and construction.

(d) Interpreting and reporting results, including all of the following:

1. Evaluating design for conformity to specifications.
2. Evaluating design solutions for efficiency, economic and technical feasibility and economic alternatives.
3. Evaluating design impact on public health, safety and welfare.
4. Evaluating design solution for adherence to laws and codes.
5. Evaluating product liability risk.
6. Reviewing designs with clients or management.
7. Preparing final reports.

(e) Implementation of results, including interacting with engineers from other disciplines of engineering.

(3) CONSTRUCTION. (a) Problem identification, including checking working drawings and specifications.

(b) Execution of plan, including all of the following:

1. Consulting with designers.
2. Identifying and requesting design changes.

(4) MANUFACTURING, PRODUCTION AND OPERATIONS.

(a) Planning, including all of the following:

1. Proposing design or methods improvement.
2. Planning operational processes and strategies.

(b) Execution of plan, including all of the following:

1. Preparing equipment, system and process specifications.
2. Determining feasibility of new or improved products, systems and processes.

(c) Interpreting and reporting results, including preparing final reports.

(5) MAINTENANCE. (a) Problem identification, including determining causes of failures in equipment, structures or schedules.

(b) Interpreting and reporting results, including reporting the causes of failures in equipment, structures or schedules.

(6) ADMINISTRATION. Administration and management, including execution of plan by communicating with others.

(7) OTHER ENGINEERING TASKS. (a) Conducting systems analysis or operations research.

(b) Serving as a consultant or specialist to individual or business clients.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) (a) to (d) 4., (2) (a) (intro.) to 5., (b) to (c) 11., (d) (intro.) to 6., (e), (3) to (7) (a), Register, January, 1999, No. 517, eff. 2-1-99; CR 12-053: am. (2) (a) 4. Register November 2013 No. 695, eff. 12-1-13.

A-E 4.04 Experience credit limitation. Not more than one year of satisfactory experience credit may be granted for any calendar year.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87.

A-E 4.05 Requirements for registration as a professional engineer.

(1) FOUR YEAR COURSE OF STUDY. A four year course of study requires all of the following:

(a) A bachelor of science degree (B.S.) in engineering from a school or college of engineering accredited by the engineering accreditation commission of the accreditation board for engineering and technology (EAC/ABET) in engineering of not less than 4 years, or a diploma of graduation in engineering of not less than 4 years deemed by the professional engineer section to be equivalent to a B. S. degree in engineering from an EAC/ABET accredited school or college of engineering.

(b) A specific record of 4 or more years of experience within the 10 years preceding the application in engineering work of a character satisfactory to the professional engineer section indicating that the applicant is competent to be placed in responsible charge of engineering work. Experience gained in obtaining a master's degree in engineering and experience gained in obtaining a Ph.D. in engineering or in an engineering related program shall each be deemed equivalent to one year of qualifying experience.

(c) Successful completion of the fundamentals of engineering examination and the principles and practice of engineering examination.

(d) If an engineering degree is from an educational institution located outside the United States or its territories, the applicant shall provide an official evaluation by a transcript evaluation service acceptable to the professional engineer section which compares the degree

to an engineering education standard acceptable to the professional engineer section. The professional engineer section may approve the degree if it finds equivalence.

(2) TWO YEAR COURSE OF STUDY. A 2 year course of study requires all of the following:

(a) An associate degree in engineering related course of study from a technical school or college accredited by the engineering technology accreditation commission of the accreditation board for engineering and technology (ETAC/ABET) in an engineering related course of study of not less than 2 years. This shall be deemed equivalent to a degree from a technical school or college approved by the professional engineer section.

(b) A specific record of 6 or more years of experience within the 10 years preceding the application in engineering work of a character satisfactory to the professional engineer section indicating that the applicant is competent to be placed in responsible charge of engineering work.

(c) Successful completion of the fundamentals of engineering examination and the principles and practice of engineering examination.

(3) EXPERIENCE. To qualify as satisfactory experience in professional engineering for purposes of ss. 443.04 (2m) (a) and (b), Stats., an applicant's experience must be obtained subsequent to completion of the educational requirements set forth in s. 443.04 (1m), Stats. This requirement may be waived, in the sole discretion of the professional engineer section, for reasons it considers sufficient.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1), cr. (3) and (4), Register, January, 1993, No. 445, eff. 2-1-93; r. and recr. Register, March, 1996, No. 483, eff. 4-1-96; am. (1) (b), (2) (a), (3) (a) and (4) (b), Register, November, 2000, No. 539, eff. 12-1-00; CR 04-119: am. (1) (c), (2) (b), (3) (c) and (4) (c) Register December 2005 No. 600, eff. 1-1-06; CR 12-053: r. and recr. Register November 2013 No. 695, eff. 12-1-13.

A-E 4.06 Engineer-in-training. An applicant for certification as an engineer-in-training shall take and pass a fundamentals examination.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, January, 1999, No. 517, eff. 2-1-99; CR 12-053; renun. from A-E 4.07 Register November 2013 No. 695, eff. 12-1-13.

A-E 4.07 Examinations. (1) SCOPE OF WRITTEN EXAMINATIONS.

(a) The fundamentals examination requires an understanding of the physical and mathematical sciences involved in the fundamentals of engineering.

(b) The principles and practice examination requires the ability to apply engineering principles and judgment to problems in general engineering fields such as chemical, civil, electrical and mechanical fields.

(4) EXAMINATION AND REFUND FEES. The fee for an engineer-in-training or professional engineer examination and requirements for refund of fees are specified in s. 440.05, Stats., and ch. SPS 4.

(5) PLACE AND TIME OF EXAMINATIONS. The examinations shall be held at sites and on dates designated by the board.

(6) GRADING OF WRITTEN EXAMINATIONS. The passing scores set by the board represent the minimum competency required to protect public health and safety. Experience ratings may not be weighed as a part of the examinations.

(7) CHEATING. Any applicant for registration who receives aid or cheats in any other manner in connection with the examination shall be barred from completing the examination or shall not be given a passing grade, or both.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) (b), Register, May, 1990, No. 413, eff. 6-1-90; r. and recr. (2), Register, June, 1993, No. 450, eff. 10-1-93; am. (1) (b) and (c), Register, December, 1993, No. 456, eff. 1-1-94; am. (3), Register, August, 1995, No. 476, eff. 9-1-95; am. (7) (b), Register, March, 1996, No. 483, eff. 4-1-96; am. (7) (a), Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (a), (3) and (6), cr. (8), Register, January, 1999, No. 517, eff. 2-1-99; CR 04-119: r. (1) (c) Register December 2005 No. 600, eff. 1-1-06; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; CR 12-053: renum. A-E 4.07 from A-E 4.08, am. (2) (a) 1., 2., r. (2) (a) 3., am. (2) (b), r. (7), renum. (8) to (7), Register November 2013 No. 695, eff. 12-1-13; CR 15-040: r. (2), (3), (5) Register May 2016 No. 725, eff. 6-1-16.

A-E 4.08 Application contents. (1) An application for initial registration shall include all of the following:

- (a) Transcripts or apprenticeship records verifying the applicant's education and training.
- (b) References from at least 5 individuals having personal knowledge of the applicant's engineering work, 3 or more of whom are registered professional engineers, one of whom is registered in Wisconsin and one of whom has served as supervisor in responsible charge of the applicant's engineering work.
- (c) A chronological history of the applicant's employment.
- (d) Any additional data, exhibits or references showing the extent and quality of the applicant's experience that may be required by the professional engineer section.

(2) An application for registration by comity from another state shall include all of the following:

- (a) Verification of registration submitted directly from all states, territories or provinces of Canada where the applicant is or has been registered, including a statement regarding any disciplinary action taken.
- (am) References from at least 5 individuals having personal knowledge of the applicant's engineering work 3 or more of the references shall be registered professional engineers and one of whom has served as supervisor in responsible charge of the applicant's engineering work.
- (c) Verification of meeting the continuing education requirements set forth in s. A-E 13.09.
- (d) Any additional data, exhibits or references showing the extent and quality of the applicant's experience that may be required by the section.

History: Cr. Register, January, 1993, No. 445, eff. 2-1-93; am. Register, January, 1999, No. 517, eff. 2-1-99; CR 03-087: renum. (intro.) and (1) to (4) to be (1) (intro.), (a) to (d) and am. (1) (intro.) and (b), cr. (2) Register May 2005 No. 593, eff. 6-1-05; CR 12-053: renum. A-E 4.08 from A-E 4.09, am. (1) (b), cr. (2) (am), renum. (2) (b) to (d), cr. (2) (c) Register November 2013 No. 695, eff. 12-1-13.

Chapter A-E 5 Designer Permit

Note: Chapter A-E 5 as it existed on February 28, 1987, was repealed and a new chapter A-E 5 was created effective March 1, 1987.

A-E 5.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11 and 443.07, Stats. The purpose of rules in this chapter is to interpret basic experience and examination requirements for obtaining a designer permit as specified in s. 443.07, Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87.

A-E 5.02 Application for permit. Any applicant who files an application but who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and fee.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708. History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, January, 1999, No. 517, eff. 2-1-99.

A-E 5.03 General experience requirement. (1) GENERAL. An applicant's experience shall demonstrate that the applicant has a working knowledge of all of the following:

- (a) Basic mathematics, physics and mechanics.
- (b) Materials and structures.
- (c) Administrative codes and other relevant Wisconsin law.
- (d) Graphic techniques, including drafting and sketching.

(2) AREAS OF EXPERIENCE. To qualify as satisfactory experience in the design of engineering systems under s. 443.07, Stats., the experience of an applicant for a permit shall be substantially in the field or subfield for which the applicant has applied. Fields and subfield are described in s. A-E 5.06. The experience shall be in areas of design practice designated under subs. (3) and (4), or other areas which, in the opinion of the board, provide the applicant with knowledge or practice at least equivalent to that which is generally acquired by experience in the areas listed. An applicant need not have experience in all areas of practice listed under subs. (3) and (4). However, all applicants shall have experience in those areas listed in sub. (3) (a) and (b). Academic coursework which provides the applicant with knowledge and skills in some of the areas of practice listed under subs. (3) and (4) may be claimed as equivalent to experience.

(3) REQUIRED AREAS OF EXPERIENCE. All applicants shall have experience in the following areas:

- (a) *Research and development.*
 - 1. Problem identification, including consideration of alternative approaches to problem solving.
 - 2. Planning, including selecting a theoretical or experimental approach.
 - 3. Execution of plan, including completing design calculations.

4. Interpreting and reporting results.

(b) *Design.* 1. Definition of safety, health and environmental constraints.

2. Selection of materials and components.

3. Production of final designs.

4. Preparation of detailed working drawings.

5. Evaluation of design solution for adherence to laws and codes and obtain approval.

(4) OTHER AREAS OF EXPERIENCE. Qualifying experience includes:

(a) Other design. 1. Identification of design objectives.

2. Definition of performance specifications and functional requirements, including materials, energy balances, and environmental considerations.

3. Formulation of conceptual design specifications.

4. Definition of physical properties of all key materials.

5. Preparation of designs, layouts, models and systems diagrams.

6. Preparation of supporting technical information.

7. Preparation of bid documents, including conducting a contract evaluation.

8. Preparation of specifications and data sheets.

9. Interaction with engineers from other areas of work.

10. Consultation with contractors, suppliers and installers.

11. Inspection of purchased equipment and materials for conformity specifications.

(b) *Construction.* 1. Assistance in design implementation during manufacturing or construction.

2. Assistance in design implementation during start up.

3. Revision of design as required including “as built” drawings and specifications.

4. Certification in completing and testing.

5. Provision of field service assistance.

6. Reviewing of completed work.

(c) *Maintenance.* 1. Development of preventive maintenance schedules.

2. Recording of failures, repairs and replacement of equipment.

3. Determination of causes of equipment, structure or schedule failures.

(5) EXPERIENCE LIMITATION. Not more than one year of satisfactory experience may be granted for any calendar year.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (2), Register, October, 1991, No. 430, eff. 11-1-91; am. (1) (intro.) to (c), Register, January, 1999, No. 517, eff. 2-1-99.

A-E 5.04 Examination. (1) WRITTEN EXAMINATION FOR DESIGNER OF ENGINEERING SYSTEMS; SCOPE OF EXAMINATION.

(a) The written examination in each field and subfield shall include questions and problems applying to the following basic content areas:

1. Basic mathematics, physics and mechanics.
2. Materials and structures.
3. Graphic techniques, including drafting and sketching, reading and interpreting blueprints and preparing specifications.
4. Administrative code and other relevant Wisconsin laws.

(b) The examination for a permit in the field of heating, ventilating and air conditioning systems requires an applicant to demonstrate competency in all of the following:

1. User requirements for maintenance of temperature.
2. Humidity and ventilation systems.
3. Energy sources.
4. Heating, ventilating and air conditioning systems, including ducted, piped, unitary, steam and hot water systems.
5. Manual, electric and pneumatic control systems, including air distribution, heat transfer, energy conservation and air changing systems.

(c) The examination for a permit in the field of plumbing systems requires an applicant to demonstrate competency in all of the following:

1. User requirements for water supply, drainage and disposal, including private septic systems.
2. Gaseous distribution systems, including processing piping, oxygen, air and other gases, heating and utilities.

(d) The examination for a permit in the subfield of private sewage systems as defined in s. 145.01 (12), Stats., requires an applicant to demonstrate competency in:

1. Knowledge of soils;
2. Design of private sewage systems;
3. Applicable administrative code and statutory provisions;
4. Knowledge of applications and reports, including but not limited to soil boring and percolation reports;

5. Mapping skills and interpretation;
6. Knowledge of all systems in the subfield and design of the systems; and
7. Environmental issues.

(e) The examination for a permit in the field of electrical systems requires the applicant to demonstrate competency in all of the following:

1. User requirements for both primary and secondary distribution, illumination, controls and switches and communication systems.
2. Power, including resistance heating, signals and motors.

(f) The examination for a permit in the field of fire protection systems requires the applicant to demonstrate competency in all of the following:

1. User requirements for fire protection of life and property, life safety requirements, methods of fire prevention, wet and dry standpipes, use of fire retardants and fire proof materials.
2. Suppression.
3. Fire characteristics.
4. Smoke.
5. Gases.

(2) REQUIREMENTS FOR ENTRANCE TO EXAMINATIONS. To be eligible to take a written examination for a permit as a designer of engineering systems, an applicant shall have 7 years of approved experience in specialized engineering design work, up to 4 years of which may be equivalent academic training or apprenticeship as provided in s. 443.07 (2), Stats.

(3) APPLICATION FOR EXAMINATION. An application for examination must be filed with the board no later than 2 months before the scheduled date for the examination. Note: An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

(4) EXAMINATION AND REFUND FEES. The fee for a designer examination and requirements for refund of fees are specified in s. 440.05, Stats., and ch. SPS 4.

(5) TIME, DATE AND SITE OF EXAMINATIONS. The examinations shall be held at a time, date and site specified by the board.

(6) GRADING OF WRITTEN EXAMINATIONS. The passing scores set by the board represent the minimum competency required to protect public health and safety. An applicant's experience rating is not considered by the board in grading the applicant's written examination.

(7) REEXAMINATION PROCEDURE. An applicant for a designer examination who fails an examination or any part of an examination may retake any part of the examination failed at a

regularly— scheduled administration of the examination. If an applicant fails to pass on reexamination of the parts failed, or the current examination parts equivalent to the parts failed, within 4 years from the date of receipt of the results of the first failure of the examination or any part of the examination, the applicant is required to take and pass the entire examination. If the applicant retakes the entire examination, the applicant shall pay the original examination fee under s. 440.05 (1), Stats. The board shall determine which parts of a current examination are equivalent to the examination parts failed by an applicant.

Note: A list of all current examination fees may be obtained at no charge from the Office of Examinations, Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708.

(8) EXAMINATION REVIEW. (a) One-year limitation. An applicant for a designer examination may review questions on any part of an examination failed by the applicant within one year from the date of the examination, as specified in s. 443.09 (6), Stats. An applicant may review the examination only once.

(b) Review procedure. Failing candidates shall be notified of the procedure to schedule a review of the appropriate examination parts. The applicant may take notes on the examination questions reviewed. No notes may be retained by the applicant following the review. The review may not take place within 30 days prior to a scheduled examination. If the section confirms the failing status following its review, the application shall be deemed incomplete, and the applicant may be reexamined under sub. (7).

Note: Subsection (8) was invalidated by the repeal of s. 443.09 (6), Stats., in 2009 Wis. Act 350 and will be removed in future rule-making by the board.

(9) CHEATING. Any applicant for registration who receives aid or cheats in any other manner in connection with the examination shall be barred from completing the examination or shall not be given a passing grade, or both.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) (a) (intro.), renum. (1) (d) and (e) to be (1) (e) and (f), cr. (1) (d), Register, October, 1991, No. 430, eff. 11-1-91; am. (7), Register, June, 1994, No. 462, eff. 7-1-94; am. (8) (b), Register, March, 1996, No. 483, eff. 4-1-96; am. (8), Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (a) 1. to 3., (b) (intro.) to 4., (c) (intro.) and 1., (e) (intro.) and 1., (f) (intro.) to 4. and (6), cr. (9), Register, January, 1999, No. 517, eff. 2-1-99; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

A-E 5.05 Application contents. An application shall include all of the following:

- (1)** Transcripts or apprenticeship records verifying the applicant's education and training.
- (2)** References from 3 individuals who have personal knowledge of the applicant's work involving the preparation of plans and specifications, one of whom shall be a registered architect, professional engineer or designer.
- (3)** A chronological history of the applicant's employment.
- (4)** Any additional data, exhibits or references showing the extent and quality of the applicant's technological experience that may be required by the designer section.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (2), Register, October, 1991, No. 430, eff. 11-1-91; am. (1), Register, January, 1993, No. 445, eff. 2-1-93; am. (intro.) to (3), Register, January, 1999, No. 517, eff. 2-1-99.

A–E 5.06 Designer permit limitation. (1) Design services which may be performed by designers are the preparation of plans and specifications, consultation, investigation and evaluation in connection with the preparation of plans and specifications in those fields and subfield set forth in sub. (2).

(2) Permits for the design of engineering systems shall be issued in the following fields and subfield:

- (a) The field of heating, ventilation and air conditioning systems.
- (b) The field of plumbing systems.
- (c) The subfield of private sewage systems.
- (d) The field of electrical systems.
- (e) The field of fire protection systems.

(3) Permit numbers shall designate the fields or subfield to which permits are restricted.

(4) Designers may not perform design services in those fields or subfield for which they do not hold a permit, unless the designer or building involved is exempt under ss. 443.14 and 443.15, Stats.

(6) (a) A master plumber's license restricted to private sewage systems issued pursuant to s. 145.14, Stats., shall be deemed equivalent to 4 years of approved experience in designing private sewage systems. The mathematics and mechanical science portions of the examination for the subfield of private sewage systems may be waived for an applicant who holds such license. An applicant who does not hold such license shall take the mathematics, mechanical science and practice portions of the examination for the subfield of private sewage systems.

(b) A plumbing design permit in the subfield of private sewage systems shall be limited to the design of septic tanks for private sewage disposal systems, drain fields designed to serve such septic tanks, and the sewer service from the septic tank or sewer extensions from mains to the immediate inside or proposed inside foundation wall of the building.

History: Cr. Register, February, 1987, No. 374, eff. 3–1–87; am. (1), (2) (intro.), (a) and (b), (3) and (4), renum. (2) (c) and (d) to be (2) (d) and (e) and am., cr. (2) (c) and (6), Register, October, 1991, No. 430, eff. 11–1–91; am. (2) (a), (b) and (d), r. (5), Register, January, 1999, No. 517, eff. 2–1–99.

Chapter A-E 6 Professional Land Surveyor Licensure

A–E 6.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11, 443.01 (6s), and 443.06, Stats. The purpose of rules in this chapter is to interpret basic education, experience and examination requirements for licensure as a professional land surveyor as specified in s. 443.06, Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3–1–87; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register May 2015 No. 713; CR 15–036: am. Register January 2016 No. 721, eff. 2–1–16.

A–E 6.02 Licensure requirements for professional land surveyors. (1) An applicant for a professional land surveyor licensure, in accordance with s. 443.06 (2), Stats., shall complete all of the following:

(a) Shall submit one of the following:

1. Documentary evidence of completion of a bachelor's degree of not less than 4 years duration in a course in the practice of professional land surveying or a related field that is approved by the professional land surveying section and the completion of at least 2 years of approved practice in professional land surveying.
2. Documentary evidence of completion of an associate degree in not less than 2 years duration in a course in the practice of professional land surveying or a related field of study that is approved by the professional land surveying section and the completion of at least 4 years of approved practice in professional land surveying.
3. Documentary evidence that the applicant has engaged in the practice of professional land surveying for at least 10 years prior to the application and has demonstrated that the applicant is competent to engage in the practice of professional land surveying as determined by the professional land surveying section. This subdivision applies to applicants who are applying after June 30, 2000 and before July 1, 2019.

(b) Fundamentals of land surveying examination.

(c) Principles and practice of land surveying examination after completing all but one year of the required experience.

(2) An applicant who files an application but who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and fee. *Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708. History: Cr. Register, February, 1987, No. 374, eff. 3–1–87; am. Register, January, 1999, No. 517, eff. 2–1–99; CR 15–036: am. (title) Register January 2016 No. 721, eff. 2–1–16; CR 15–040: r. and recr. Register May 2016 No. 725, eff. 6–1–16*

A–E 6.03 Land surveying experience. (1) To qualify as “practice in professional land surveying work of a satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work” under s. 443.06, Stats., the experience of an applicant shall be in areas of professional land surveying practice designated under pars. (a) and (b), or other areas which, in the opinion of the board, provide the applicant with knowledge of practice of land surveying at least equivalent to that which is generally acquired by experience in the areas listed. An applicant need not have experience in all areas listed below. However, all applicants shall have experience in the areas listed in par. (a) 1. and 2. Academic coursework which provides the applicant with knowledge and skills in some areas of practice listed in pars. (a) and (b) may be claimed as equivalent to experience.

(a) At least two-thirds of an applicant's experience shall be acquired in all of the following:

1. Locating land boundaries and land boundary corners including all of the following services:

- a. Researching public and private records and interpreting legal descriptions, deeds, and survey maps.
- b. Locating lost and obliterated corners and United States public land survey system corners and reestablishing or perpetuating monuments of the corners.
- c. Establishing, reestablishing and perpetuating survey monuments.
- d. Subdividing sections.
- e. Establishing or retracing property lines to determine length and bearing.
- f. Reestablishing obliterated property lines.
- g. Preparing descriptions of real property from data acquired by field measurements and other evidence of property location.
- h. Conducting resurveys.

2. Preparing maps including all of the following:

- a. Maps of sections or portions of sections or townships as established by the original public land survey and subdivisions of those sections in accordance with the statutes of the United States and the rules and regulations made by the secretary of the interior in conformity thereto.
- b. Subdivision plats prepared in accordance with the Wisconsin statutes or local ordinances.
- c. Certified survey maps prepared in accordance with the Wisconsin statutes or local ordinances.
- e. Official plats or maps of land in this state in accordance with ch. A–E 7.

(b) Not more than one-third of an applicant's experience may be acquired in:

1. Preparing highway and railroad rights-of-way maps.
2. Construction staking for highways, roads, streets or similar projects within the boundaries of established rights-of-way.
3. Performing topographic surveys.
4. Developing control networks for aerial photography unless property lines are used for control.
5. Performing new building layout or construction surveys.
6. Transportation project plats in accordance with s. 84.095, Stats., and ss. Trans 233.03 and 233.04.
7. Condominium plats prepared in accordance with s. 703.11, Stats.

(2) Not more than one year of satisfactory experience credit may be granted for any calendar year.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) (a) (intro.) to 1. h., 2. (intro.) to c. and (b) 1. to 4., Register, January, 1999, No. 517, eff. 2-1-99; CR 06-057: am. (1) (a) 1. a., b., c., and g., and 2. e., r. (1) (a) 1. i. and 2. d., cr. (1) (b) 6. and 7., Register May 2007 No. 617, eff. 6-1-07; CR 09-030: am. (1) (a) 2. e. and (b) 7. Register December 2009 No. 648, eff. 1-1-10; CR 15-036: am. (1) (intro.) Register January 2016 No. 721, eff. 2-1-16.

A-E 6.04 Educational requirements for professional land surveyors.

(1) To meet the educational requirements of s. 443.06 (2) (bm), Stats., an applicant for licensure as a professional land surveyor shall have satisfactorily completed at least 60 semester credits in a civil engineering or land surveying curriculum including no less than 12 semester credits in professional land surveying which shall be in the following categories of study:

(a) No less than 8 of the 12 credits may be in courses concentrating on the legal principles of professional land surveying and the technical aspects of professional land surveying. These courses shall include areas of study such as research of public and private records, principles of evidence and the interpretation of written documents used in boundary determination, the study of the legal elements of professional land surveying including those involving resurveys, boundary disputes, defective descriptions, riparian rights and adverse possession, the study of the professional and judicial functions of a professional land surveyor, the study of surveying methods for measuring distance and angular values, note keeping, computation and writing descriptions and the study of the Wisconsin Statutes and local ordinances relating to the preparation of subdivision maps and plats.

(b) No more than 4 credits may be in courses related to professional land surveying such as “engineering surveying,” “municipal surveying,” “route surveying,” “highway surveying,” “topographic surveying,” “geodetic surveying,” “photogrammetry,” “cartography,” “construction surveying,” “air photo interpretation,” “artillery surveying,” “geographic information systems,” “land information systems” and “remote sensing systems.”

(2) To meet the educational requirements of s. 443.06 (2) (am), Stats., an applicant for licensure as a professional land surveyor shall have done either of the following:

(a) Received a bachelor’s degree in a course of study in professional land surveying of not less than 4 years duration from a college or university accredited by a regional accrediting agency approved by the state where the college or university is located.

(b) Received a bachelor’s degree in civil engineering of not less than 4 years duration from a college or university accredited by a regional accrediting agency approved by the state where the college or university is located. The curriculum shall include no less than 16 of 24 semester credits in courses concentrating on the legal principles of professional land surveying and the technical aspects of professional land surveying. These courses shall include areas of study such as research of public and private records, principles of evidence and the interpretation of written documents used in boundary determination, the study of the legal elements of professional land surveying including those involving resurveys, boundary

disputes, defective descriptions, riparian rights and adverse possession, the study of the professional and judicial functions of a professional land surveyor, the study of surveying methods for measuring distance and angular values, note keeping, computation and writing descriptions and the study of the Wisconsin statutes and local ordinances relating to the preparation of subdivision maps and plats, other land divisions and real property creation. The applicant may be allowed to receive up to 8 credits in certain other courses relating to surveying. These courses may include “engineering surveying,” “municipal surveying,” “route surveying,” “highway surveying,” “topographic surveying,” “geodetic surveying,” “photogrammetry,” “cartography,” “construction surveying,” “air photo interpretation,” “artillery surveying,” “geographic information systems,” “land information systems” and “remote sensing systems.”

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), Register, January, 1999, No. 517, eff. 2-1-99; renum. (intro.), (1) and (2) to be (1) (intro.), (a) and (b) and am. (1) (intro.), cr. (2), Register, November, 2000, No. 539, eff. 12-1-00; CR 01-092: am. (2) (b) Register June 2002 No. 558, eff. 7-1-03; CR 06-057: am. (1) (b) and (2) (b), Register May 2007 No. 617, eff. 6-1-07; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register May 2015 No. 713; CR 15-036: am. (title), (1) (intro.), (a), (b), (2) (a), (b) Register January 2016 No. 721, eff. 2-1-16; Correction under s. 35.17, Stats., in (1) (b) Register January 2016 No. 7211; CR 15-040: am. (1) Register May 2016 No. 725, eff. 6-1-16.

A-E 6.05 Examination. (1) **LAND SURVEYOR EXAMINATION REQUIRED.** Applicants for licensure as a professional land surveyor shall take and pass an examination. The examination parts are the national fundamentals of surveying examination, the national principles and practice of surveying examination and the state jurisdictional examination, which is relative to Wisconsin specific practice. Each of the 3 required examinations is scored separately.

(2) SCOPE OF WRITTEN EXAMINATION.

(a) The fundamentals of land surveying examination requires an understanding of mathematics, physics, surveying methods for measuring horizontal, vertical and angular values, topographic and photogrammetric mapping, notekeeping, property surveys, computations, descriptions and plats.

(b) The national principles and practice examination and the state jurisdictional examination require an ability to apply principles and judgment to problems involving the U.S. system of public land surveys, Wisconsin plane coordinate surveys, the relocation of lost and obliterated corners, the legal essentials of resurveys, disputed boundaries, defective deed descriptions, riparian rights, adverse possession, the Wisconsin statutes relating to land surveying including the preparation and filing of plats, the writing and interpreting of land descriptions, the technical essentials of professional land surveying and subdivision of lands including practical problems requiring a knowledge of the basic theory and fundamental concepts of field astronomy, geometry of curves, topography and photogrammetry.

(3) **TIME PERIOD FOR EXAMINATION.** Applicants for licensure as a land surveyor must take and pass the fundamentals of surveying examination, the national principles and practice surveying examination, and the state jurisdictional examination within 4 years of applying for licensure.

(6) EXAMINATION AND REFUND FEES. The fee for land surveyor examinations and requirements for refund of fees are specified in s. 440.05, Stats., and ch. SPS 4.

(7) EXAMINATION GRADING. The passing scores set by the board represent the minimum competency required to protect public health and safety. Experience rating may not be weighed as part of the examination grade.

(8) REEXAMINATION PROCEDURE. An applicant for a land surveyor examination who fails an examination or any part of an examination may retake any part of the examination failed at a regularly-scheduled administration of the examination. If an applicant fails to pass on reexamination of the parts failed, or the current examination parts equivalent to the parts failed, within 4 years from the date of receipt of the results of the first failure of the examination or any part of the examination, the applicant is required to take and pass the entire examination. If the applicant retakes the entire examination, the applicant shall pay the original examination fee under s. 440.05 (1), Stats. The board shall determine which parts of a current examination are equivalent to the examination parts failed by an applicant.

Note: A list of all current examination fees may be obtained at no charge from the Office of Examinations, Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

(10) CHEATING. Any applicant for licensure who receives aid or cheats in any other manner in connection with the examination shall be barred from completing the examination or shall not be given a passing grade, or both.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) and (6), Register, January, 1993, No. 445, eff. 2-1-93; am. (8), Register, June, 1994, No. 462, eff. 7-1-94; am. (9) (b), Register, March, 1996, No. 483, eff. 4-1-96; am. (9) (a), Register, October, 1996, No. 490, eff. 11-1-96; rn. (7) (a) to be (7) and am., r. (7) (b), cr. (10), Register, January, 1999, No. 517, eff. 2-1-99; am. (1), (3) (a) and (b), cr. (3) (c) and (d), Register, November, 2000, No. 539, eff. 12-1-00; CR 04-118: am. (1) and (2) (b) Register December 2005 No. 600, eff. 1-1-06; correction in (6) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; CR 15-036: am. (1) (intro.), (2) (b), (10) Register January 2016 No. 721, eff. 2-1-16; CR 15-040: r. and recr. (3), r. (4), (5), (9) Register May 2016 No. 725, eff. 6-1-16.

A-E 6.06 Application contents. An application for licensure shall include all of the following:

- (1)** Transcripts verifying the applicant's education.
- (2)** References from at least 5 individuals having personal knowledge of the applicant's experience in land surveying, 3 of whom are registered land surveyors.
- (3)** A chronological history of the applicant's employment.
- (4)** Any additional data, exhibits or references indicating the extent and quality of the applicant's experience which the land surveyor section may require.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; renum. and am. (2), Register, January, 1993, No. 445, eff. 2-1-93; correction made under s. 13.93, (2m) (b) 1., Stats., Register, March, 1993, No. 447; am. (intro.) to (3), Register, January, 1999, No. 517, eff. 2-1-99; CR 15-036: am. (intro.) Register January 2016 No. 721, eff. 2-1-16.

Chapter A-E 7 Minimum Standards For Property Surveys

A-E 7.01 Scope. The minimum standards of this chapter apply to every property survey performed in this state except:

(1) If other standards for property surveys are prescribed by statute, administrative rule, or ordinance, and the standards are more restrictive than those in this chapter, the more restrictive standards govern; and,

(2) The professional land surveyor and his or her client or employer may agree in a signed statement to exclude any professional land surveying work from the requirements of this chapter except the preparation of a U.S. public land survey monument record and a map of work performed. The map prepared by the professional land surveyor for the client or employer shall include:

- (a) A note which states that an agreement to exclude work from the requirements of this chapter has been made and the names of the parties making the agreement.
- (b) The accuracy of linear measurements between points, if the minimum accuracy established by s. A-E 7.06 (2) has been waived.
- (c) The difference between the sum of the individual measured angles and the theoretical sum, and the difference between the sum of the total measured angles and the theoretical sum, if the minimum accuracy established by s. A-E 7.06 (3) has been waived.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (2), Register, May, 1989, No. 401, eff. 6-1-89; am. (2), cr. (2) (a) to (e), Register, December, 1993, No. 456, eff. 1-1-94; CR 15-036: am. (2) (intro.) Register January 2016 No. 721, eff. 2-1-16; CR 15-039: am. (2) (intro.), (a), (c), r. (2) (d), (e) Register May 2016 No. 725, eff. 6-1-16

A-E 7.02 Definitions. For the purposes of this chapter:

- (1) “Practice of professional land surveying” has the meaning given in s. 443.01 (6s), Stats.
- (2) “Relative positional accuracy” means the length of the semi-major
- (3) “Survey report” means a report that may be prepared when there is an existing map recorded or filed within the last 6 years and no new monuments are established in the survey. *History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; CR 15-039: r. and recr. Register May 2016 No. 725, eff. 6-1-16.*

A-E 7.025 Survey report, requirements. A survey report as defined in A-E 7.02 (3), shall include the purpose of the survey, information concerning the documents that were examined for the survey, the measurements that were made to verify the locations of the monuments found, and a copy of the map that was recorded or filed. The survey report shall be in compliance with all sections of this chapter except s. A-E 7.05 (1), (2), (3), and (4). *History: CR 15-039: cr. Register May 2016 No. 725, eff. 6-1-16, correction made under s. 35.17, Stats., Register May 2016 No. 725.*

A-E 7.03 Boundary location. Every property survey shall be made in accordance with the records of the register of deeds as nearly as is practicable. The professional land surveyor shall acquire data necessary to retrace record title boundaries such as deeds, maps, certificates of title and center line and other boundary line locations. The professional land surveyor shall analyze the data and make a careful determination of the position of the boundaries of the parcel being surveyed. The professional land surveyor shall make a field survey, traversing and connecting monuments necessary for location of the parcel and coordinate the facts of the survey with the

analysis. The professional land surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; CR 15-036: am. Register January 2016 No. 721, eff. 2-1-16; CR 15-039: r. and recr. Register May 2016 No. 725, eff. 6-1-16.

A-E 7.04 Descriptions. Descriptions defining land boundaries created by a professional land surveyor for conveyance or to more accurately delineate land boundaries, or for other purposes shall be complete, providing unequivocal identification of lines or boundaries. The description shall contain necessary references to adjoiners together with data and dimensions sufficient to enable the description to be mapped and retraced and shall describe the land surveyed by government lot, recorded private claim, quarter-quarter section, section, township, range, and county. The forms of descriptions of property shall be one of the following:

(1) By metes and bounds commencing with a monument at a section corner or quarter section corner of the quarter section in which that land is located or a monument established by the U.S. Public Land Survey that it is not the center of the section, or commencing with a monument at the end of a boundary line of a recorded private claim or federal reservation in which the land is located. Descriptions shall meet the requirements in s. A-E 7.06 (3).

(2) By land boundaries being surveyed as a platted lot or outlot in a recorded subdivision or recorded addition to a recorded subdivision, the lots or outlots in that plat shall be described by the name of the plat and the lot or outlot and the block in the plat for all purposes.

(3) By land boundaries being surveyed as an existing lot, outlot or parcel, on a recorded certified survey map, the survey shall be described by lot, outlot or parcel number and certified map number for all purposes. (4) By the parcel described as an aliquot part of a section from the public land system. *History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, May, 1989, No. 40*

A-E 7.05 Maps. A map shall be drawn for every property survey, unless a survey report is filed as provided in s. A-E 7.02 (3), showing information developed by the survey. The map shall:

(1) Be drawn on media with the minimum size of 8 ½ x 11 inches and to a commonly accepted scale which shall be clearly stated and graphically illustrated by a bar scale on each map sheet containing a graphical depiction of the survey unless otherwise required by law

(2) Be referenced as provided in s. 59.73 (1), Stats., along with a north arrow and reference to a monumented line.

(3) Show the length and bearing of the boundaries of the parcels surveyed. Bearings, angles, and distances on any property survey map shall be in accordance with s. A-E 7.06 (5). Where the boundary lines show bearings, lengths or locations which vary from those recorded in deeds, abutting plats, or other instruments, there shall be the following note placed along such line, “recorded as (show recorded bearing, length or location)”. Curve data shall be shown by any 3 of the following: central angle, radius, long chord bearing and length, and arc length.

(4) Describe all monuments used for determining the location of the parcel boundary and show by bearing and distance their relationship to the surveyed parcel. All monuments shall be

indicated by whether such monuments were found or set including a description of the monument with a legend for all symbols and abbreviations used on the map.

(5) Show observed evidence of possession or use by others in the parcel or across any perimeter line of the property.

(6) Show surveyed parcel bounded by water or inaccessible areas, the part shall be enclosed by a meander line showing complete data along all lines extending beyond the enclosure. The true boundary shall be clearly indicated on the map.

(7) Identify the professional land surveyor's name and address, the person or entity for whom the survey was made, completion date of the field work, and description of the parcel as provided in s. A-E 7.04.

(8) Bear the stamp or seal, name and address and signature of the professional land surveyor under whose direction and control the survey was made with a statement certifying that the survey complies with this chapter and is correct to the best of the professional land surveyor's knowledge and belief.

(9) Be filed as required by s. 59.45 (1), Stats., on media, or electronically if acceptable by the county.

(10) Identify boundary lines on the survey. Boundary lines shall be clearly differentiated from other lines on the map. (11) Co-

rdinate values when shown on the face of the map they shall comply with and be subject to the provisions of s. 236.18, Stats., and include coordinate system, datum and adjustment. *History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (4) and (5), cr. (7), Register, May, 1989, No. 401, eff. 6-1-89; correction in (6) made under s. 13.93 (2m) (b) 5., Stats., Register, March, 1993, No. 447; am. (1) to (5) and (7), Register, January, 1999, No. 517, eff. 2-1-99; CR 15-036: am. (6) Register January 2016 No. 721, eff. 2-1-16; CR 15-039: r. and recr. Register May 2016 No. 725, eff. 6-1-16;*

A-E 7.06 Measurements. (1) Measurements shall be made with instruments and methods capable of attaining the required accuracy for the particular circumstances involved.

(2) The minimum accuracy of linear measurements between points shall be the larger of 2/100ths of a foot or better than 1 part in 3,000 on all lines of the survey.

(3) The maximum allowable deviation in relative positional accuracy for a survey is plus or minus 0.07 foot plus 50 parts per million, based on the direct distance between the two corners being tested. In certain circumstances, the size or configuration of the surveyed property, or the relief, vegetation or improvements on the surveyed property will result in survey measurements for which the maximum allowable relative positional precision may be exceeded at the discretion of the licensee performing the survey. The licensee shall provide justification for exceeding the maximum allowable relative positional accuracy.

(4) Any closed traverse depicted on a property survey map shall have a latitude and departure closure ratio of less than 1 in 3,000.

(5) Bearings or angles on any property survey map shall be shown to the nearest 30 seconds. Distances shall be shown to the nearest 1/100th foot.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (5), Register, May, 1989, No. 401, eff. 6-1-89; CR 15-039: am. (1) to (3), (5) Register May 2016 No. 725, eff. 6-1-16.

A-E 7.07 Monuments. The type and position of monuments to be set on any survey shall be according to s. 236.15 (1), Stats., unless determined by the nature of the survey, the permanency required, the nature of the terrain, the cadastral features involved, and the availability of material. Coordinate values are not acceptable in lieu of monuments. *History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; CR 15-039: am. Register May 2016 No. 725, eff. 6-1-16.*

A-E 7.08 U.S. public land survey monument record. (1) WHEN MONUMENT RECORD REQUIRED. A U.S. public land survey monument record shall be prepared and filed with the county surveyor's office as part of any land survey which includes or requires the perpetuation, restoration, reestablishment or use of a U.S. public land survey corner, and,

- (a) There is no U.S. public land survey monument record for the corner on file in the office of the county surveyor or the register of deeds for the county in which the corner is located; or,
- (b) The professional land surveyor who performs the survey accepts a location for the U.S. public land survey corner which differs from that shown on a U.S. public land survey monument record filed in the office of the county surveyor or register of deeds for the county in which the corner is located; or,
- (c) The witness ties or U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been destroyed or disturbed, except where the witness ties and the U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been found and verified and a note stating this has been placed on the property survey.

(2) FORM REQUIRED. A U.S. public land survey monument record shall be prepared on the board-approved form or on a form substantially the same as the board-approved form which includes all the elements required by this section. A form used for this purpose shall be entitled, "U.S. Public Land Survey Monument Record".

Note: A copy of the board-approved form is available from the Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(3) MONUMENT RECORD REQUIREMENTS. A U.S. public land survey monument record shall show the location of the corner and shall include all of the following elements:

- (a) The identity of the corner, as referenced to the U.S. public land survey system.
- (b) A description of any record evidence, monument evidence, occupational evidence, testimonial evidence or any other material evidence considered by the professional land surveyor, and whether the monument was found or placed.

- (c) Reference ties to at least 4 witness monuments. Witness monuments shall be concrete, natural stone, iron, bearing trees or other equally durable material, except wood other than bearing trees.
- (d) A plan view drawing depicting the relevant monuments and reference ties which is sufficient in detail to enable accurate relocation of the corner monument if the corner monument is disturbed.
- (e) A description of any material discrepancy between the location of the corner as restored or reestablished and the location of that corner as previously restored or reestablished.
- (f) Whether the corner was restored through acceptance of an obliterated evidence location or a found perpetuated location.
- (g) Whether the corner was reestablished through lost-corner– proportionate methods.
- (h) The directions and distances to other public land survey corners which were used as evidence or used for proportioning in determining the corner location.
- (i) The stamp and signature or seal and signature of the professional land surveyor under whose direction and control the corner location was determined and a statement certifying that the U.S. public land survey monument record is correct and complete to the best of his or her knowledge and belief.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) and (3) (c), Register, May, 1989, No. 401, eff. 6-1-89; am. (3) (a) to (h), Register, January, 1999, No. 517, eff. 2-1-99; reprinted to restore dropped copy in (1) (intro.) Register November 2007 No. 623; CR 15-036: am. (1) (b), (3) (b), (i) Register January 2016 No. 721, eff. 2-1-16; CR 15-039: am. (1) (intro.), (c), (3) (e), (f) Register May 2016 No. 725, eff. 6-1-16.

Chapter A-E 8 Professional Conduct

A-E 8.01 Authority. The rules of conduct in this chapter are adopted under authority of ss. 15.08 (5) (b), 227.11 and ch. 443, Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87.

A-E 8.02 Intent. The intent of the examining board in adopting this chapter is to establish rules of professional conduct for the professions of architecture, landscape architecture, professional engineering, designing and professional land surveying. A violation of any standard specified in this chapter may result in disciplinary action under ss. 443.11 to 443.13, Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, June, 1995, No. 474, eff. 7-1-95; am. Register, February, 2000, No. 530, eff. 3-1-00; CR 15-036: am. Register January 2016 No. 721, eff. 2-1-16.

A-E 8.03 Definitions. In ch. 443, Stats., and chs. A-E 1 to 9:

(1) “Gross negligence in the practice of architecture, landscape architecture, professional engineering, designing or professional land surveying” means the performance of professional services by an architect, landscape architect, professional engineer, designer or professional land surveyor which does not comply with an acceptable standard of practice that has a significant relationship to the protection of health, safety or public welfare and is performed in a manner indicating that the professional knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.

(2) “Incompetency in the practice of architecture, landscape architecture, professional engineering, designing or land surveying” means conduct which demonstrates any of the following:

- (a) Lack of ability or fitness to discharge the duty owed by an architect, landscape architect, professional engineer, designer or land surveyor to a client or employer or to the public.
- (b) Lack of knowledge of the fundamental principles of the profession or an inability to apply fundamental principles of the profession.
- (c) Failure to maintain competency in the current practices and methods applicable to the profession.

(3) “Misconduct in the practice of architecture, landscape architecture, professional engineering, designing or professional land surveying” means an act performed by an architect, landscape architect, professional engineer, designer or professional land surveyor in the course of the profession which jeopardizes the interest of the public, including any of the following:

- (a) Violation of federal or state laws, local ordinances or administrative rules relating to the practice of architecture, landscape architecture, professional engineering, designing or professional land surveying.
- (b) Preparation of deficient plans, drawings, maps, specifications or reports.
- (c) Engaging in conduct which evidences a lack of trustworthiness to transact the business required by the profession.
- (d) Misrepresentation of qualifications such as education, specialized training or experience.

(4) “Responsible supervision of construction” is defined in s. 443.01 (8), Stats.

(5) (a) “Supervision,” “direct supervision,” “responsible charge,” and “direction and control,” mean direct, personal, active supervision and control of the preparation of plans, drawings, documents, specifications, reports, maps, plats and charts.

(b) The terms in par. (a) include the following:

- 1. Selection or development of standards, methods and materials to be used.
- 2. Selection of alternatives to be investigated and the comparison of alternatives for the professional work.
- 3. Testing to evaluate materials or completed works, either in new or existing projects.
- 4. Knowledge of applicable codes and professional standards.
- 5. Knowledge of the technical capabilities of the personnel they rely upon to perform the professional work.

(c) The terms in par. (a) do not include the following:

- 1. Indirect or casual supervision.

2. Delegation of any decision requiring professional judgment.
3. Casual review or inspection of prepared plans, drawings, specifications, maps, plats, charts, reports or other documents.
4. Mere assumption by an architect, landscape architect, professional engineer, designer or professional land surveyor of responsibility for work without having control of the work.
5. Assuming charge, control or direct supervision of work in which the architect, landscape architect, professional engineer, designer or professional land surveyor does not have technical proficiency.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), (1), (2) (intro.), (a), (3) (intro.), (a), (5) (d) and (e), Register, June, 1995, No. 474, eff. 7-1-95; am. (2) (intro.) to (b), (3) (intro.) to (c), (5) (intro.) to (d), Register, January, 1999, No. 517, eff. 2-1-99; am. (1), (2) (intro.) and (a), (3) (intro.), (a), (5) (d) and (e), Register, February, 2000, No. 530, eff. 3-1-00; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register December 2005 No. 600; CR 09-033: r. and recr. (5) Register December 2009 No. 648, eff. 1-1-10; CR 15-036: am. (1), (3) (intro.), (a), (5) (c) 4., 5. Register January 2016 No. 721, eff. 2-1-16.

A-E 8.04 Offers to perform services shall be truthful. When offering to perform professional services, an architect, landscape architect, professional engineer, designer or professional land surveyor:

- (1) Shall accurately and truthfully represent to a prospective client or employer the capabilities and qualifications which the registrant or licensee has to perform the services to be rendered.
- (2) Shall represent the costs and completion times of a proposed project to a client or prospective client as accurately and truthfully as is reasonably possible.
- (3) May not offer to perform, nor perform, services which the registrant or licensee is not qualified to perform by education or experience without retaining the services of another who is qualified.
- (4) May not use advertising or publicity which is fraudulent or deceptive.
- (5) May not represent that he or she is engaged in a partnership or association with another unless there exists in fact a partnership or association.
- (6) May not collect a fee for recommending the services of another unless written notice is first given to all parties concerned.
- (7) May not practice under a firm name that misrepresents the identity of those practicing in the firm or misrepresents the type of services which the individuals, firm or partnership is authorized and qualified to perform.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) to (6), Register, January, 1999, No. 517, eff. 2-1-99; am. (intro.), Register, February, 2000, No. 530, eff. 3-1-00; CR 15-036: am. (intro.), (1), (3) Register January 2016 No. 721, eff. 2-1-16.

A-E 8.05 Conflicts of interest. (1) An architect, landscape architect, professional engineer, designer or professional land surveyor:

(a) Shall avoid conflicts of interest. If an unavoidable conflict of interest arises, the registrant or licensee shall immediately inform the client or employer of all the circumstances which may interfere with or impair the registrant's or licensee's obligation to provide professional services. Under these circumstances a registrant or licensee may not proceed to provide professional services without the full approval and consent of the client or employer.

(b) Shall notify the employer or client and withdraw from employment at any time if it becomes apparent that it is not possible to faithfully discharge the responsibilities and duties owed to the client or employer.

(c) May not agree to perform professional services for a client or employer if the registrant or licensee has a significant financial or other interest which would impair or interfere with the registrant's or licensee's responsibility to faithfully discharge professional services on behalf of the client or employer.

(d) May not accept payment from any party other than a client or employer for a particular project or may not have any direct or indirect financial interest in a service or phase of a service to be provided as part of a project unless the employer or client approves.

(e) May not solicit or accept anything of value from material or equipment suppliers in return for specifying or endorsing a product.

(f) May not violate the confidences of a client or employer, except as otherwise required by rules in this chapter.

(g) May not perform services for a client or employer while a full-time employee of another employer without notifying all parties concerned.

(2) Nothing in these rules limits a registrant's or a licensee's professional responsibility to an owner of a project when the registrant or licensee is employed by a person or firm under contract to construct and furnish design services for that project.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) (a) to (f), Register, January, 1999, No. 517, eff. 2-1-99; am. (1) (intro.), Register, February, 2000, No. 530, eff. 3-1-00; CR 15-036: am. (1) (intro.), (a), (c), (2) Register January 2016 No. 721, eff. 2-1-16; Correction under s. 35.17, Stats., in (1) (a), (c), (2) Register January 2016 No. 721.

A-E 8.06 Professional obligations. An architect, landscape architect, professional engineer, designer or professional land surveyor:

(1) Shall use reasonable care and competence in providing professional services.

(2) May not evade the professional or contractual responsibility which the registrant or licensee has to a client or employer.

(3) May not enter into an agreement which provides that a person not legally and actually qualified to perform professional services has control over the registrant's or licensee's judgment as related to public health, safety or welfare.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) and (2), Register, January, 1999, No. 517, eff. 2-1-99; am. (intro.), Register, February, 2000, No. 530, eff. 3-1-00; CR 15-036: am. (intro.), (2), (3) Register January 2016 No. 721, eff. 2-1-16.

A–E 8.07 Unauthorized practice. An architect, landscape architect, professional engineer, designer, or professional land surveyor:

(1) Shall assist in enforcing laws which prohibit the unlicensed practice of architecture, landscape architecture, professional engineering, designing, and professional land surveying by reporting violations to the board.

(2) May not delegate professional responsibility to unlicensed persons and may not otherwise aid or abet the unlicensed practice of architecture, landscape architecture, professional engineering, designing, or professional land surveying.

History: Cr. Register, February, 1987, No. 374, eff. 3–1–87; am. Register, June, 1995, No. 474, eff. 7–1–95; am. (1), Register, January, 1999, No. 517, eff. 2–1–99; am. Register, February, 2000, No. 530, eff. 3–1–00; CR 12–039: am. (intro.), (1), (2) Register June 2014 No. 702, eff. 7–1–14; CR 15–036: am. (intro.), (1), (2) Register January 2016 No. 721, eff. 2–1–16.

A–E 8.08 Maintenance of professional standards. An architect, landscape architect, professional engineer, designer or professional land surveyor:

(1) Shall furnish the board with information indicating that any person or firm has violated provisions in ch. 443, Stats., rules in this chapter or other legal standards applicable to the profession.

(2) May not discuss with any individual board member any disciplinary matter under investigation or in hearing.

(3) Shall respond in a timely manner to a request by the board, a section of the board or the department for information in conjunction with an investigation of a complaint filed against a registrant or licensee. There is a rebuttable presumption that a registrant or licensee who takes longer than 30 days to respond to a request for information has not acted in a timely manner.

(4) Shall notify the department in writing if the registrant or licensee has been disciplined for unprofessional conduct in other states where the registrant or licensee holds a credential or has violated federal or state laws, local ordinances or administrative rules, not otherwise reportable under s. SPS 4.09 (2), which are related to the practice of an architect, landscape architect, professional engineer, designer or professional land surveyor. The notification shall be submitted within 48 hours of the disciplinary finding or violation of law and shall include copies of the findings, judgments and orders so that the department may determine whether the circumstances are substantially related to the practice of the registrant or licensee.

History: Cr. Register, February, 1987, No. 374, eff. 3–1–87; am. (intro.), Register, June, 1995, No. 474, eff. 7–1–95; am. (1), Register, January, 1999, No. 517, eff. 2–1–99; am. (intro.), Register, February, 2000, No. 530, eff. 3–1–00; CR 09–034: cr. (3) and (4) Register December 2009 No. 648, eff. 1–1–10; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; CR 15–036: am. (intro.), (3), (4) Register January 2016 No. 721, eff. 2–1–16.

A–E 8.09 Adherence to statutes and rules. An architect, landscape architect, professional engineer, designer or professional land surveyor:

(1) Shall comply with the requirements in ch. 443, Stats., rules in this chapter and all other federal, state and local codes which relate to the practice of architecture, landscape architecture, professional engineering, designing and professional land surveying.

(2) May not engage in conduct that may adversely affect his or her fitness to practice architecture, landscape architecture, professional engineering, designing or professional land surveying.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, June, 1995, No. 474, eff. 7-1-95; am. (1), Register, January, 1999, No. 517, eff. 2-1-99; am. Register, February, 2000, No. 530, eff. 3-1-00; CR 15-036: am. (intro.), (1), (2) Register January 2016 No. 721, eff. 2-1-16.

A-E 8.10 Plan stamping. (1) No architect, landscape architect, professional engineer or designer may sign, seal or stamp any plans, drawings, documents, specifications or reports for architectural, landscape architectural, professional engineering or design practice which are not prepared by the registrant or under his or her personal direction and control.

(2) No professional land surveyor may sign, seal or stamp any maps, plats, charts, or reports for professional land surveying practice which are not prepared by the professional land surveyor or under his or her personal direction and control.

(3) No architect, landscape architect, professional engineer, designer or professional land surveyor shall allow work performed by him or her or under his or her personal direction and control to be signed, sealed or stamped by another except that an architect, landscape architect, professional engineer, designer or professional land surveyor working under the personal direction and control of another registrant or licensee may allow that registrant or licensee to sign and seal or stamp the work.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) and (3), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) and (3), Register, February, 2000, No. 530, eff. 3-1-00; CR 15-036: am. (2), (3) Register January 2016 No. 721, eff. 2-1-16.

A-E 8.11 Suspension of registration; effect. Any registrant or licensee whose registration or license has been suspended is prohibited during the term of the suspension from engaging in any of the following:

(1) Offering to perform any service which requires registration or licensure.

(2) Performing any professional service which requires registration or licensure.

(3) Signing or sealing plans, specifications, reports, maps, plats, or charts prepared for the practice of architecture, landscape architecture, professional engineering, designing or professional land surveying.

(4) Entering into contracts the performance of which require registration or licensure.

(5) Engaging in responsible supervision of construction as defined in s. 443.01 (8), Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (3), Register, June, 1995, No. 474, eff. 7-1-95; am. (intro.) to (4), Register, January, 1999, No. 517, eff. 2-1-99; am. (3), Register, February, 2000, No. 530, eff. 3-1-00; CR 15-036: am. (intro.), (1), (2), (3), (4) Register January 2016 No. 721, eff. 2-1-16.

Chapter A-E 9 Landscape Architect Registration

A-E 9.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11, 443.035, 443.09 and 443.10, Stats. The purpose of the rules in this chapter is to interpret basic education, experience and examination requirements for registration as a landscape architect as specified in ss. 443.035, 443.09 and 443.10, Stats.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95.

A-E 9.02 Requirements for registration as a landscape architect.

(1) An applicant for registration as a landscape architect shall submit documentary evidence of having met the requirements under s. 443.035, Stats.

(2) An applicant who files an application but who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and fee. *Note: Application forms are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708. History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; am. Register, January, 1999, No. 517*

A-E 9.03 Experience as a landscape architect. (1) (a) To qualify as satisfactory experience in landscape architecture for the purposes of s. 443.035, Stats., an applicant's experience shall include the application of accepted principles in the practice of landscape architecture and shall demonstrate an applicant's progressive development of competence to practice landscape architecture. The experience shall be acquired in the areas of the practice of landscape architecture listed in sub. (2) (a) to (g), or in other areas of the practice of landscape architecture which in the opinion of the board provide the applicant with a knowledge of principles and data related to the practice of landscape architecture at least equivalent to that which would be acquired by experience in the areas of practice listed. Experience in every listed area is not required.

(b) To qualify as satisfactory experience in landscape architecture for the purposes of s. 443.035 (1) (a), Stats., an applicant's experience must be obtained subsequent to completion of the education requirements.

(2) Areas of experience in the practice of landscape architecture include:

(a) Project development, management and training, including developing project goals, determining political and legal restraints, scheduling, budgeting and contract compliance.

(b) Professional practice, including preparing contracts, fulfilling insurance requirements, determining appropriate scope of practice, and ensuring compliance with all legal requirements.

(c) Site analysis, including gathering and reviewing site analysis data; studying and documenting environmental factors and impacts; producing site analyses of existing physical, psycho-social, human factor, economic and regulatory conditions; analyzing results of site data to determine project feasibility; and making recommendations based on site analyses.

(d) Preliminary design, including developing and reviewing potential programs to ensure optimum results; developing design programs to best ensure a client's goals and objectives; developing spatial study plans showing design components; developing potential design alternatives; presenting draft designs and preliminary plans to clients; coordinating with allied professionals; developing preliminary cost estimates; determining regulatory approval requirements; and rendering detailed exhibits of preliminary plans for client approval.

(e) Design development, including establishing planting lists, establishing irrigation requirements, establishing construction elements, establishing grading plans, establishing lighting plans, refining cost estimates, and reviewing for compliance with federal, state and local codes, with the requirements of the Americans with disabilities act of 1990 (42 USC 12131) and with required public approvals.

(f) Preparation of construction documents, including inventorying required construction documents; preparing demolition plans; preparing tree removal and preservation plans; preparing grading and drainage plans; preparing detailed layout staking or construction plans; performing calculations required by local regulatory bodies; obtaining soil tests; preparing planting plans; preparing lighting plans; preparing construction details for all site elements for construction implementation; and coordinating each of these elements with other project design professionals.

(g) Construction administration, including preparing cost estimates for all elements of a project; obtaining client and regulatory approvals; compiling bid documents; assisting clients in contractor selection; ensuring quality control as projects progress; conducting and documenting regular site meetings; responding to field questions and issues; verifying contractor billings; issuing necessary change orders; creating punch lists for review of design implementation; conducting final walk-throughs to verify design compliance; and conducting post-construction evaluation visits.

(3) Not more than one year of satisfactory experience credit may be granted for any calendar year.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; CR 12-039: renum. (1) to (1) (a), cr. (1) (b) Register June 2014 No. 702, eff. 7-1-14.

A-E 9.04 Education. **(1)** In satisfaction of the education requirement under s. 443.035 (1) (a), Stats., the board accepts bachelor's or master's degrees in landscape architecture granted by a college or university accredited by the landscape architecture accreditation board of the American society of landscape architects or a degree determined by the board to be equivalent thereto. If the degree is from an international educational institution, the applicant shall provide an official evaluation by a transcript evaluation service acceptable to the board which shows that the degree is equivalent to a bachelor's degree in landscape architecture or a master's degree in landscape architecture granted by a college or university accredited by the landscape architecture accreditation board of the American society of landscape architects.

(2) In satisfaction of the education requirement under s. 443.035 (1) (b), Stats., the board accepts coursework in landscape architecture completed at a college or university accredited by the landscape architecture accreditation board of the American society of landscape architects, or other equivalent college level coursework in landscape architecture or in an area related to landscape architecture, completed at a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1999, No. 525.

A-E 9.05 Examinations. (1) SCOPE OF WRITTEN EXAMINATIONS.

(a) An applicant for initial registration as a landscape architect shall pass an examination determined by the landscape architecture section to assess knowledges required for the professional practice of landscape architecture.

(c) The passing scores set by the board represent the minimum competency required to protect public health and safety.

(4) EXAMINATION AND REFUND FEES. The fee for the examinations for landscape architects, and the requirements for refund of fees are specified in s. 440.05, Stats., and ch. SPS 4, respectively.

(7) REEXAMINATION. An applicant failing any part of an examination may be reexamined on the part or parts failed, except that after failure of 3 reexaminations, the board shall require a one-year waiting period before further reexaminations on the part or parts failed.

(8) CHEATING. Any applicant for registration who receives aid or cheats in any other manner in connection with the examination shall be barred from completing the examination or shall not be given a passing grade, or both.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; am. (6) (b), Register, March, 1996, No. 483, eff. 4-1-96; am. (6) (a), Register, October, 1996, No. 490, eff. 11-1-96; cr. (1) (c) and (8), am. (3), Register, January, 1999, No. 517, eff. 2-1-99; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; CR 12-039: am. (1) (a), r. (1) (b), (6) Register June 2014 No. 702, eff. 7-1-14; CR 15-040: r. (2), (3), (5) Register May 2016 No. 725, eff. 6-1-16.

A-E 9.06 Application contents. An application for registration as a landscape architect shall include:

(1) Official transcripts of graduate and undergraduate training, properly attested to by the degree granting institution and submitted by the institution directly to the board.

(2) A chronological history of the applicant's employment or other qualifying experience.

(3) References from at least 5 individuals, 3 of whom have personal knowledge of the applicant's experience in landscape architecture and are engaged in the practice of landscape architecture. If 3 references from individuals who are engaged in the practice of landscape architecture are not available, the section may accept references from individuals actively engaged in the practice of

an allied profession. One of the 3 references having personal knowledge of the applicant's experience in landscape architecture shall be licensed or registered as a landscape architect by the licensing authority of some licensing jurisdiction in the United States or Canada.

(4) The fee required under s. 440.05 (1), Stats.

(5) For applicants previously licensed in another state, territory or possession of the United States or in another country, verification of the applicant's licensure in the licensing jurisdiction of original licensure or, if the applicant has permitted his or her registration in the jurisdiction of original licensure to lapse, verification of licensure in the licensing jurisdiction where the applicant is currently licensed and where the applicant was last engaged in the practice of landscape architecture.

(6) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the board to determine whether the circumstances of the pending criminal charge or criminal conviction are substantially related to the circumstances of the practice of landscape architecture.

(7) Any additional data, exhibits or references showing the extent and quality of the applicant's experience that may be required by the landscape architect section.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; CR 12-039: am. (3) Register June 2014 No. 702, eff. 7-1-14.

Chapter A-E 10 Continuing Education For Professional Land Surveyors

A-E 10.01 Authority and purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern biennial continuing education of professional land surveyors.

History: CR 09-032: cr. Register December 2009 No. 648, eff. 1-1-10; CR 15-036: am. (intro.) Register January 2016 No. 721, eff. 2-1-16.

A-E 10.02 Definitions. As used in this chapter: (1) "Biennium" means a 2-year period beginning February 1 of each even-numbered year.

(2) "Continuing education" means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of professional land surveying and for improvement of the safety and welfare of the public.

(3) "Professional development activities" means organized educational programs on topics related to the practice or theory of professional land surveying and which foster the enhancement of general or specialized knowledge, practice and values of professional land surveying.

(4) "Professional development hour" or "PDH", unless specified otherwise, means 50 minutes of instruction or participation spent by the licensee in actual attendance or completion of an approved educational activity.

History: CR 09-032: cr. Register December 2009 No. 648, eff. 1-1-10; CR 15-036: am. (2), (3), (4) Register January 2016 No. 721, eff. 2-1-16.

A-E 10.03 Continuing education requirements. (1) (a) Beginning in the February 2012 biennial registration period, unless granted a waiver under s. A-E 10.07, every licensee shall complete at least 20 hours of approved professional development hours or equivalent continuing education hours, pertinent to the practice of professional land surveying, except that between initial licensure and the first renewal period, a new licensee shall not be required to comply with the continuing education requirements for the first renewal of licensure.

(b) During each biennial registration period, the licensee shall complete a minimum of 2 professional development hours of the total number required in each of the following categories:

1. Programs, courses or activities in the area of Wisconsin statutes and rules that regulate professional land surveyors and surveys.
2. Programs, courses or activities in the area of professional conduct and ethics.
3. Programs, courses or activities in the area of professional land surveying or related sciences.

(2) Continuing education offered by approved providers shall include the following:

(a) Successful completion of online, correspondence, televised, videotaped, or other short courses or tutorials.

(b) Successful completion of a college or university course in the area of professional land surveying, related sciences or surveying ethics. One semester credit hour of course work is equivalent to 20 professional development hours and one quarter credit hour of course work is equivalent to 13.5 professional development hours.

(c) Successful completion of professional land surveying courses or programs offering professional development hours on professional land surveying topics.

(d) Active participation and successful completion of professional land surveying programs, seminars, tutorials, workshops, short courses or in-house courses.

(e) Attending program presentations at related technical or professional meetings at which at least 50 minutes is spent discussing surveying issues or attending a lecture on survey-related issues, or both. Each qualified meeting will be awarded one professional development hour.

(f) Teaching or instructing courses or programs on a land surveying topic. Teaching credit is counted for teaching a course or seminar for the first time only and does not apply to faculty in the performance of their regularly assigned duties. Two professional development hours will be awarded for every 50 minutes of teaching or presentation.

(g) Authoring professional land surveying related papers or articles that appear in circulated journals or trade magazines. Credit is earned in the biennium of publication. A maximum of 5 professional development hours per renewal will be awarded for this activity.

(3) Continuing education shall be completed within the preceding biennium.

(4) A professional land surveyor who fails to meet the continuing education or professional development hours by the renewal date, as specified in s. 440.08 (2) (a) 39., Stats., may not engage in the practice of professional land surveying until the licensure is renewed based upon proof of compliance with the continuing education requirements.

History: CR 09-032: cr. Register December 2009 No. 648, eff. 1-1-10; CR 15-036: am. (1) (a), (b) (intro.), 3., (2) (b), (c), (d), (g), (4) Register January 2016 No. 721, eff. 2-1-16.

A-E 10.04 Standards for approval. (1) To be approved for credit, a continuing education program shall meet all of the following criteria:

(a) The program includes instruction in an organized method of learning contributing directly to the professional competency of the licensee and pertains to subject matters which integrally relate to the practice of the profession.

(b) The program is conducted by individuals who have specialized education, training or experience and are considered qualified concerning the subject matter of the program.

(c) The program provides proof of attendance by the licensee and fulfills pre-established goals and objectives.

(2) The professional land surveyor section may approve providers for continuing education programs including the following:

(a) Wisconsin society of land surveyors.

(b) National council of examiners for engineering and surveying.

(c) National society of professional land surveyors.

(e) Colleges, universities or other educational institutions approved by the professional land surveyor section.

(f) Other technical or professional societies or organizations.

(3) An advisory committee selected by the professional land surveyor section will make recommendations as to approval of courses, credit, PDH value for courses and other methods of earning credit.

(4) Credit for college or technical school courses approved by the professional land surveyor section shall be based upon course credit established by the college or technical school.

History: CR 09-032: cr. Register December 2009 No. 648, eff. 1-1-10; CR 15-036: am. (1) (a), (c), (2) (intro.), r. (2) (d), am. (2) (e), (3), (4) Register January 2016 No. 721, eff. 2-1-16.

A–E 10.05 Certificate of completion, proof of attendance. (1) Each licensee shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The professional land surveyor section may conduct a random audit of its licensees on a biennial basis for compliance with these requirements. It is the responsibility of each licensee to retain or otherwise produce evidence of compliance.

(3) The professional land surveyor section may require additional evidence demonstrating compliance with the continuing education requirements, including a certificate of attendance or documentation of completion or credit for the courses completed.

(4) If there appears to be a lack of compliance with the continuing education or professional development requirements, the professional land surveyor section shall notify a licensee in writing and request submission of evidence of compliance within 30 days of the notice.

(5) The professional land surveyor section may require a licensee to appear for an interview to address any deficiency or lack of compliance with the continuing education or professional development requirements.

History: CR 09–032: cr. Register December 2009 No. 648, eff. 1–1–10; CR 15–036: am. Register January 2016 No. 721, eff. 2–1–16.

A–E 10.06 Recordkeeping. It shall be the responsibility of the licensee to maintain records of continuing education or professional development hours for at least 2 bienniums from the date the certificate or statement of attendance is signed. The recordkeeping shall include all of the following:

(1) The name and address of the sponsor or provider.

(2) A brief statement of the subject matter.

(3) Printed program schedules, registration receipts, certificates of attendance, or other proof of participation.

(4) The number of hours attended in each program and the date and place of the program.

History: CR 09–032: cr. Register December 2009 No. 648, eff. 1–1–10; CR 15–036: am. (intro.) Register January 2016 No. 721, eff. 2–1–16.

A–E 10.07 Waiver of continuing education. (1) A renewal applicant seeking renewal of licensure without having fully complied with the continuing education requirements shall file a renewal application along with the required fee, and a statement setting forth the facts concerning non-compliance and requesting a waiver of the requirements. The request for waiver shall be made prior to the renewal date. Extreme hardship shall be determined on an individual basis by the professional land surveyor section. If the professional land surveyor section finds from the affidavit or any other evidence submitted that extreme hardship has been shown, the professional land surveyor section shall waive enforcement of the continuing education requirements for the applicable renewal period.

(2) In this section, extreme hardship means an inability to devote sufficient hours to fulfilling the continuing education requirements during the applicable renewal period because of one of the following:

- (a) Full-time service in the uniformed services of the United States of America for a period of one year during the biennium.
- (b) An incapacitating illness documented by a statement from a licensed physician.
- (c) A physical inability to travel to the sites of approved programs documented by a licensed physician.
- (d) A retirement from the occupation of professional land surveying whereby the renewal applicant no longer provides professional land surveying services.
- (e) Any other extenuating circumstances.

(3) A renewal applicant who prior to the expiration date of the license submits a request for a waiver, shall be deemed to be in good standing until the final decision on the application by the land surveyor section.

History: CR 09-032: cr. Register December 2009 No. 648, eff. 1-1-10; CR 15-036: am. (1), (2) (d) Register January 2016 No. 721, eff. 2-1-16.

A-E 10.08 Comity. An applicant for registration from another state who applies for registration to practice professional land surveying under s. A-E 6.06, shall submit proof of completion of continuing education obtained in another jurisdiction within the 2 years prior to application.

History: CR 09-032: cr. Register December 2009 No. 648, eff. 1-1-10; CR 15-036: am. Register January 2016 No. 721, eff. 2-1-16.

Chapter A-E 11 Continuing Education For Landscape Architects

A-E 11.01 Authority and purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern biennial continuing education of landscape architect registrants.

History: CR 09-081: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 11.02 Definitions. As used in this chapter: (1) “Biennium” means a 2-year period beginning August 1 of each even numbered year.

(2) “Continuing education” means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the registrant in the practice of landscape architecture for the benefit of the health, safety and welfare of the public.

(3) “Continuing education hour” means 50 minutes of instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity.

(4) “Health, safety and welfare” or “HSW” means any topics or subjects related to the practice of landscape architecture which are deemed appropriate to safeguard the public health, safety and

welfare, including the proper planning, design and construction of buildings, structures, infrastructures, and the spaces within and surrounding buildings and structures that meet the following criteria:

- (a) Minimize the risk of injury to persons or property and comply with applicable building and safety codes.
- (b) Are durable, environmentally friendly, cost effective, and conserve resources.
- (c) Are aesthetically appealing.
- (d) Function properly in all relevant respects.
- (e) Enhance the public's sense of well-being, harmony and integration with the surrounding environment.

History: CR 09-081: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 11.03 Continuing education requirements. (1) (a) Prior to the August 2012 biennial registration period and in each biennial registration period thereafter, unless granted a waiver under s. A-E 11.07, every registrant shall complete at least 24 hours of approved continuing education except that between initial registration and the first renewal period a new registrant is not required to comply with the requirements for the first renewal of registration.

(b) Continuing education shall be in the topics or subject areas of landscape architecture, building design, landscape design, environmental or land use analysis, life safety, landscape architectural programming, site planning, site and soils analyses, plant material, accessibility, lateral forces, selection of building systems and structural systems, construction methods, contract documentation and construction administration, or the Wisconsin statutes and rules regulating landscape architects.

(c) No less than 16 hours shall be in HSW topics.

(d) No less than 2 hours shall be in professional conduct and ethics.

(2) Continuing education activities that will meet the requirements of sub. (1) include the following:

(a) Online, correspondence, televised, videotaped, or other short courses or tutorials.

(b) A college or university course in the area of landscape architecture or related sciences. One college or university semester credit hour of course work is equivalent to 16 continuing education hours and one college or university quarter credit hour of course work is equivalent to 12 continuing education hours.

(c) Landscape architecture programs, seminars, tutorials, workshops, short courses or in-house courses conducted by an instructor where the student and instructor interact simultaneously in real-time, including traditional classroom or live events.

(d) Presentations at related technical or professional meetings at which at least one hour is spent discussing landscape architecture or attending a lecture on related topics, or both. Each qualified meeting may be awarded one continuing education hour.

(e) Teaching courses or programs on landscape architecture topics. Teaching credit may be counted for teaching a course for the first time only and does not apply to faculty in the performance of their regularly assigned duties. Three continuing education hours shall be awarded for every 50 minutes of teaching or presentation, not to exceed a total of 6 hours per biennium.

(f) Authoring landscape architecture related papers or articles that appear in circulated journals or trade magazines. One continuing education hour may be awarded for every 50 minutes spent in authoring a landscape architecture related paper or article which is published in a circulated journal, not to exceed a total of 6 hours per biennium.

(g) Serving as a jury panel member on a professional landscape architect work or design competition.

(h) Providing professional service to the public by serving as an officer or committee member of a technical or professional society, board, commission or other organization related to landscape architecture. Two continuing education hours shall be awarded for one full year of service, not to exceed a total of 2 hours per biennium.

(i) Educational tours of landscape architecturally significant projects which are sponsored by a college, professional organization or system supplier, not to exceed 8 continuing education hours per biennium.

(3) Continuing education hours shall be completed within the 2 year period prior to the registration renewal date.

(4) A landscape architect who fails to meet the continuing education requirements by the renewal date, as specified in s. 440.08 (2) (a) 38m., Stats., may not engage in the practice of landscape architecture until the registration is renewed based upon compliance with the continuing education requirements, unless granted a waiver under s. A-E 11.07.

History: CR 09-081: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 11.04 Standards for approval. (1) To be approved for credit, a continuing education activity shall meet all of the following criteria:

(a) The activity constitutes an organized method of instruction which contributes directly to the professional competency of the registrant and pertains to subject matters which integrally relate to the practice of the profession.

(b) The activity is conducted by individuals who have specialized education, training or experience and are considered qualified concerning the subject matter of the program.

(c) The activity provides proof of attendance or completion by the registrant and fulfills pre-established goals and objectives.

(2) Approved providers of continuing education programs may include the following:

- (a) American Society of Landscape Architects.
- (b) Council of Landscape Architectural Registration Boards.
- (c) Urban Land Institute.
- (d) American Nursery and Landscape Association.
- (e) American Planning Association.
- (f) National Society of Professional Engineers.
- (g) National Recreation and Park Association.
- (h) American Institute of Architects.
- (i) Construction Specifications Institute.
- (j) State or federal training programs.
- (k) Colleges, universities or other educational institutions.

(3) The landscape architect section or its designee may make recommendations as to approval of continuing education hour value for activities and other methods of earning credit offered by providers not listed in sub. (2) (a) to (k).

History: CR 09-081: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 11.05 Certificate of completion, proof of attendance. (1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The landscape architect section may conduct a random audit of its registrants on a biennial basis for compliance with these requirements. If audited, a registrant shall provide evidence of compliance.

(3) The landscape architect section may require additional evidence demonstrating compliance with the continuing education requirements including a certificate of attendance or documentation of completion or credit for the courses completed.

(4) If a registrant appears to lack compliance with the continuing education requirements, the landscape architect section shall notify a registrant in writing and request submission of evidence of compliance within 30 days of the notice.

(5) The landscape architect section may require a registrant to appear for an interview to address any deficiency or lack of compliance with the continuing education requirements.

History: CR 09-081: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 11.06 Recordkeeping. The registrant shall maintain records of continuing education for at least 4 years from the date of the program. The recordkeeping shall include all of the following:

(1) The name and address of the sponsor or provider.

(2) A brief statement of the subject matter.

(3) Printed schedules, registration receipts, certificates of attendance, or other proof of participation.

(4) The number of hours attended in each activity and the date and place of the activity.

History: CR 09-081: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 11.07 Waiver of continuing education. (1) In this section, “extreme hardship” means an inability to fulfill the continuing education requirements during the applicable renewal period because of one of the following:

(a) Full-time service in the uniformed services of the United States of America for a period of one year during the biennium.

(b) An incapacitating illness documented by a statement from a licensed health care provider resulting in an inability to participate in a continuing education activity.

(c) A retirement from the occupation of landscape architecture whereby the renewal applicant no longer receives remuneration from providing landscape architecture services.

(d) Any other extenuating circumstances.

(2) A renewal applicant seeking renewal of registration without having fully complied with the continuing education requirements shall file a renewal application along with the required fee, and a statement setting forth the facts concerning non-compliance and requesting a waiver of the requirements. The request for waiver shall be submitted to the landscape architect section prior to the renewal date. Extreme hardship shall be determined on an individual basis by the landscape architect section. If the landscape architect section finds, based upon the affidavit or any other evidence submitted by the registrant that extreme hardship has been shown, the enforcement of the continuing education requirements for the applicable renewal period shall be waived or the time frame for completion extended.

(3) A renewal applicant who prior to the expiration of the license submits a request for a waiver, shall be deemed to be in good standing until the final decision on the application by the landscape architect section.

History: CR 09-081: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 11.08 Reciprocity. An applicant for registration from another state who applies for registration to practice landscape architecture under s. A-E 9.06, may receive credit for completion of continuing education obtained in another jurisdiction within the 2 years prior to application if the landscape architect section determines that the continuing education is substantially equivalent to the requirements of this chapter.

History: CR 09-081: cr. Register June 2010 No. 654, eff. 7-1-10.

Chapter A-E 12 Continuing Education For Architects

A-E 12.01 Authority and purpose. The rules in this chapter are adopted by the examining board of architects, landscape architects, professional engineers, designers and land surveyors pursuant to ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern the biennial continuing education requirements for architect registrants.

History: CR 09-080; cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 12.02 Definitions. As used in this chapter: (1) “Asynchronous” means a process of learning where instructor–student interaction is delayed over time allowing the learners to participate intermittently according to their schedule, and be geographically separate from the instructor, and includes correspondence courses, e–learning, instructional television, or online courses.

(2) “Biennium” means a 2–year period beginning August 1 of each even–numbered year.

(3) “Contact hour” means 50 minutes of instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity.

(4) “Continuing education” means professional educational activity designed to advance the professional skills and knowledge of a registrant in the practice of architecture for the improvement of the public health, safety and welfare.

(5) “Health, safety and welfare topic” or “HSW topic” means technical or professional subjects which safeguard the public’s health, safety and welfare including building design; landscape design; environmental or land use analysis; life safety; architectural programming; site planning; site and soil analysis; plant material; accessibility; structural systems consideration; lateral forces; building codes; evaluation and selection of building systems, products or materials; construction methods; contract documentation; construction administration; energy conservation; zoning and governance policies and procedures; sustainability; mold mitigation; the impact of design on human physiology and neurology; state statutes, rules and ordinances that regulate architects or the practice of architecture; and professional conduct and ethics.

(6) “Synchronous” means a process of learning where the student and instructor interact simultaneously in real–time, including traditional classroom events, computer conferencing, interactive video conferences or online communications where participants are logged on at the same time and communicate directly with each other.

History: CR 09-080; cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 12.03 Continuing education requirements. (1) Prior to the August 2012 biennial registration period and the 2 year period preceding each biennial registration period, unless granted an exemption under s. A-E 12.08, every registrant shall complete at least 24 contact hours of continuing education, of which 16 contact hours shall be in HSW topics pertinent to the practice of architecture.

(2) Continuing education may be obtained by successful completion of any of the following:

- (a) Structured educational activities in which the teaching methodology, either synchronous or asynchronous learning, consists primarily of the systemic presentation of information by qualified individuals or organizations which present identifiable technical and professional subjects in a planned manner.
- (b) A college or university course in the area of architecture, related sciences and ethics. One college or university semester credit hour is equivalent to 15 contact hours. One college or university quarter credit hour is equivalent to 10 contact hours.
- (c) Seminars, tutorials, monographs, lectures, presentations, workshops, short courses or in-house courses in person or via distance education by computer, video or telephone.
- (d) Attending technical or professional membership meetings at which at least one contact hour is spent discussing architecture issues, attending a lecture on architecture-related issues, or both. Each qualified meeting will be awarded one contact hour.
- (e) Teaching or instructing an architectural course in the area of architecture, related sciences or professional ethics. Teaching credit may not apply to full-time faculty at a college, university or educational institution. Teaching credit may be valid for the initial presentation only and claimed for credit only once. Teaching credit does not apply to faculty in the performance of their regularly assigned duties. One college or university semester credit hour of teaching is equivalent to 15 contact hours. One college or university quarter credit hour of teaching is equivalent to 10 contact hours.
- (f) Serving as a member of a professional board, commission, committee of the state or its political subdivisions related to architectural matters, including planning commissions, building code advisory boards, urban renewal boards, code study committees or regulatory boards. A maximum of 2 contact hours shall be awarded per year.

History: CR 09-080: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 12.04 Compliance. (1) Continuing education shall be completed within the preceding biennium. Continuing education hours earned in excess of the minimum requirements for renewal of registration may be carried forward to the next renewal period but is limited to a maximum of 8 contact hours.

(2) A registrant who fails to meet the continuing education requirements by the renewal date, as specified in s. 440.08 (2) (a) 13., Stats., may not engage in the practice of architecture until the registration is renewed based upon proof of compliance with the continuing education requirements.

(3) A registrant who has a lapsed registration shall complete the minimum number of hours of continuing education required during the current biennium prior to renewal of the registration. Additional hours of continuing education may be required if a credential holder has failed to renew his or her registration within 5 years after its renewal date to demonstrate continued competence in the practice of architecture.

History: CR 09-080: cr. Register June 2010 No. 654, eff. 7-1-10.

A–E 12.05 Standards for approval. (1) To be approved for credit, a continuing education program shall meet all of the following criteria:

- (a) The program includes instruction in an organized method of learning contributing directly to the professional competency of the registrant and pertains to subject matters which integrally relate to the practice of the profession.
- (b) The program is conducted by individuals who have specialized education, training or experience and are considered qualified concerning the subject matter of the program.
- (c) The program provides proof of attendance or certificate of completion, which may include course completion examinations, to fulfill pre-established goals and objectives.

(2) The architect section may approve providers for continuing education programs including the following:

- (a) American Institute of Architects.
- (b) Construction Specifications Institute.
- (c) National Council of Architectural Registration Boards.
- (d) Accredited colleges, universities or other educational institutions and schools of architecture.
- (e) Other technical or professional societies or similar organizations devoted to architectural education, design or construction technology education.

History: CR 09–080: cr. Register June 2010 No. 654, eff. 7–1–10.

A–E 12.06 Certificate of completion, proof of attendance. (1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The architect section may require additional evidence demonstrating compliance with the continuing education requirements including a certificate of attendance or documentation of completion or credit for the courses completed.

(3) The architect section may conduct a random audit on a biennial basis of its registrants for compliance with these requirements. It is the responsibility of each registrant to retain or otherwise provide evidence of compliance. A registrant may use the American Institute of Architects continuing education system transcript service to document and record his or her continuing education and as evidence of compliance with the continuing education requirements.

(4) If there appears to be a lack of compliance with the continuing education requirements, the architect section shall notify a registrant in writing and request submission of evidence of compliance within 30 days of notification.

(5) The architect section may require a registrant to appear for an interview to address any deficiency or lack of compliance with the continuing education requirements.

(6) If a registrant has failed to comply with the continuing education requirements, the registrant may request an extension of time from the architect section to acquire additional hours to satisfy the requirements.

History: CR 09-080: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 12.07 Recordkeeping. A registrant shall maintain records of continuing education contact hours for at least 4 years from the date the certificate or statement of attendance is signed. A minimum of at least one contact hour is required for recordkeeping purposes, with increments of one-quarter contact hour allowed thereafter. The recordkeeping shall include all of the following:

- (1) The name and address of the sponsor or provider.
- (2) A brief statement of the subject matter and whether it involves HSW topics
- (3) Printed program schedules, registration receipts, certificates of attendance, examination scores, or other proof of participation.
- (4) The date and place of the program.
- (5) The number of contact hours.

History: CR 09-080: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 12.08 Exemption. (1) A registrant who holds a registration for less than 12 months from the date of initial registration or since the date of the last renewal shall not be required to report continuing education hours for the first renewal of registration.

(2) A registrant who holds a registration for more than 12 months from the date of initial registration or since the date of the last renewal shall be required to report 8 contact hours of continuing education for the first renewal of registration.

(3) A registrant seeking to renew a registration who demonstrates that compliance with the continuing education requirements shall create an extreme hardship may request an exemption from the continuing education requirements.

(4) In this subsection, “extreme hardship” means an inability to fulfill the continuing education requirements during the applicable renewal period because of one of the following:

- (a) Full-time or temporary active duty in the uniformed services of the United States for a period of time exceeding 120 consecutive days during a biennium, where the duty restricts participation in a continuing education program.
- (b) An incapacitating disability or medical illness documented by a statement from a licensed health care provider which shows that participation in the active practice of architecture and a continuing education program was not possible.
- (c) Any other extenuating circumstances.

(5) A registrant who requests an exemption from the continuing education requirements for extreme hardship shall file a renewal application along with the required registration fee and submit an affidavit which describes the circumstances of the hardship and provide any supporting documentation. The request for an exemption shall be submitted prior to the renewal date.

(6) If the architect section finds from the affidavit or any other evidence submitted that extreme hardship has been shown for granting an exemption, the registrant shall be permitted to renew the registration without completing the continuing education requirements for the applicable renewal period.

(7) A registrant who receives an exemption from continuing education on the basis of extreme hardship due to an incapacitating disability, medical illness, active military duty or other extenuating circumstances may be required to complete continuing education upon his or her return to the active practice of architecture as determined necessary by the architect section to ensure the ability of the registrant to practice architecture in a safe and competent manner.

(8) A registrant shall be deemed to be in good standing until a final decision on the request for exemption has been made.

History: CR 09-080: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 12.09 Reciprocity. An applicant for registration from another state or jurisdiction who applies for registration to practice architecture shall, in addition to the information required under s. A-E 3.06, submit proof of completion of continuing education obtained in another state or jurisdiction within the 2 years prior to application, including those recognized by the National Council of Architectural Registration Boards, Union of International Architects or Royal Institute of British Architects. The completion of continuing education in another state or jurisdiction shall be deemed to satisfy the continuing education requirements in this state provided that the other state or jurisdiction accepts the Wisconsin continuing education requirements as satisfying their continuing education requirements and those requirements are equal to or greater than the requirements in this state.

History: CR 09-080: cr. Register June 2010 No. 654, eff. 7-1-10.

Chapter A-E 13 Continuing Education For Professional Engineers

A-E 13.01 Authority and purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2), and 443.015, Stats., and govern biennial continuing education for professional engineer registrants.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.02 Definitions. As used in this chapter: (1) “Biennium” means a 2-year period beginning August 1 of each even-numbered year.

(2) “College semester hour” means receiving credit for completing a regularly offered course in a school or college of engineering accredited by the EAC/ABET that has testing with a passing grade required and has provisions for additional out-of-class study requirements. Credit for college approved courses will be based upon course credit established by the college. One “college semester hour” equals 45 PDHs. Monitoring or auditing courses that do not require regular testing with a passing grade will only count the actual class contact hours.

(3) “College quarter hour” means receiving credit for completing a regularly offered course in a school or college of engineering accredited by the EAC/ABET that has testing with a passing grade required and has provisions for additional out-of-class study requirements. Credit for college approved courses will be based upon course credit established by the college. One “college quarter hour” equals 30 PDHs. Monitoring or auditing courses that do not require regular testing with a passing grade will only count the actual class contact hours.

(4) “Continuing education” means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the registrant in the practice of professional engineering. Regular duties are not considered qualifying activities.

(5) “Continuing education unit” or “CEU” means a unit of credit customarily used for continuing education courses. One “continuing education unit” equals 10 PDHs.

(6) “Course” or “activity” means any qualifying “course” or “activity” with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the registrant’s practice of professional engineering.

(7) “EAC/ABET” means the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology.

(8) “Professional development hour” or “PDH” means a period of 50 minutes of actual instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity. “PDHs” should be rounded down to the nearest half hour and reported in increments of half hour with no activity of under a half hour being acceptable as qualifying for “PDH” credit. “PDHs” shall not exceed the actual contact clock hours of actual attendance.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.03 Continuing education requirements. (1) (a) Beginning in the biennial registration period commencing August 1, 2012 and ending July 31, 2014, unless granted a waiver under s. A-E 13.08, every registrant shall complete at least 30 hours of approved PDHs or equivalent continuing education units, pertinent to the practice of professional engineering, except that between initial registration and the first renewal period, a new registrant shall not be required to comply with the continuing education requirements for the first renewal of registration.

(b) During each biennial registration period, the registrant shall complete a minimum of 2 PDHs in the area of professional conduct and ethics.

(c) During each biennial registration period, credit for a minimum of 13 PDHs shall be obtained via courses where the registrant interacts in real time in a traditional classroom setting, computer conferencing, or interactive video conference where participants are present in the same room or logged in at the same time and can communicate directly with each other and ask questions of the instructor.

(d) If a registrant obtains more than 30 PDHs in a biennium, a maximum of 15 of the excess PDHs may be used toward the continuing education requirement in the next biennium. Excess credits cannot be used to satisfy the requirements of par. (b) or (c).

(2) Continuing education may be obtained through any of the following means:

(a) Completing courses taken at a school or college of engineering accredited by the EAC/ABET.

(b) Completing short courses or tutorials and distance education courses offered through correspondence, DVDs, or the internet.

(c) Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences.

(d) Teaching or instructing in pars. (a) to (c). PDHs may only be counted for the initial offering or presentation of a course or program. Full-time faculty may not claim PDHs for teaching done as part of their regular duties. For teaching in pars. (a) to (d), multiply the PDHs earned by a factor of 2.

(e) Authoring published papers, articles, or books in the registrant's area of professional practice that has been published in book form or in circulated journals or trade magazines. Five PDHs will be granted in the biennium in which each publication occurred. For peer reviewed papers, articles, or books in the registrant's area of professional practice, 10 PDHs will be granted in the biennium in which each publication occurred.

(f) Actively participating in professional and technical societies. A maximum of 2 PDHs will be awarded for active participation as an officer or committee member in any one society in any one year. A maximum of 4 PDHs may be obtained under this paragraph in any biennium. PDHs are not earned until the end of each year of service is completed.

(g) Attainment of a patent relevant to the registrant's area of professional practice. Ten PDHs will be awarded for each patent.

(3) Except as provided in s. A-E 13.08, a professional engineer who fails to meet the continuing education requirements by the renewal date, as specified in s. 440.08 (2) (a) 35., Stats., may not engage in the practice of professional engineering until the registration is renewed in accordance with ss. A-E 2.05 and 13.10.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12.

A–E 13.04 Examples of qualifying activities. The following are examples of qualifying activities:

- (1) Completing or attending courses, seminars, instruction, in-house programs, or training of engineering content related to the registrant's practice of professional engineering.
- (2) Attending technical or professional society meetings when an engineering topic is presented as a principal part of the program.
- (3) Teaching a course for the first time or teaching a course previously taught if substantial time was spent in updating material.
- (4) Attending webinar courses where attendance is verified and program material meets the requirements.
- (5) Completing correspondence courses on an engineering topic where lessons are prepared and returned for correction, grading, or both, and where testing at the end of the course is required.

History: CR 11–014: cr. Register December 2011 No. 672, eff. 1–1–12.

A–E 13.05 Standards for approval. (1) To be approved for PDHs, a continuing education program shall meet all of the following criteria:

- (a) The program includes instruction in an organized method of learning contributing directly to the professional competency of the registrant and pertaining to subject matters which integrally relate to the practice of the profession.
 - (b) The program is conducted by individuals who have specialized education, training, or experience and are considered qualified concerning the subject matter of the program.
 - (c) The program fulfills pre-established goals and objectives.
 - (d) The program provides attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.
- (2) The professional engineer section has final authority with respect to acceptance of activities, courses, credit, PDH value for courses, and other methods of earning PDHs, except the following are examples of accepted providers for continuing education programs:
- (a) Colleges, universities, or other EAC/ABET approved educational institutions approved by the professional engineer section.
 - (b) Continuing education courses meeting all the requirements of the International Association for Continuing Education and Training.
 - (c) Technical or professional societies or organizations as approved by the professional engineer section or its designee.
 - (d) Other providers as approved by the professional engineer section or its designee.

History: CR 11–014: cr. Register December 2011 No. 672, eff. 1–1–12.

A–E 13.06 Certificate of completion; proof of attendance. (1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The professional engineer section may conduct a random audit of its registrants on a biennial basis for compliance with these requirements. It is the responsibility of each registrant to retain or otherwise produce evidence of compliance.

(3) If a request for evidence of compliance is requested by the professional engineer section or its designee, the registrant shall submit the requested information or documentation within 30 days of receiving the written notice. Failure to do so will result in denial of registrant's application for renewal.

History: CR 11–014: cr. Register December 2011 No. 672, eff. 1–1–12.

A–E 13.07 Recordkeeping. (1) A registrant shall maintain records of their continuing education units and PDHs earned for a minimum of the 3 most recent biennia on a form approved by the professional engineer section.

(2) Records required include but are not limited to attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

(3) If a continuing education course was awarded CEUs, the CEUs shall be converted by the applicant or registrant to PDHs for recordkeeping purposes.

History: CR 11–014: cr. Register December 2011 No. 672, eff. 1–1–12.

A–E 13.08 Waiver of continuing education. (1) A renewal applicant who is unable to fully comply with the continuing education requirements due to extreme hardship may submit a written request for a waiver. The professional engineer section or its designee will review the request, and in its sole discretion, may grant a full or partial waiver, or extension of time to comply with the requirements.

(2) In this section, “extreme hardship” means an inability to fulfill the continuing education requirements during the applicable renewal period because of one of the following:

(a) Full-time service in the uniformed services of the United States for a period of at least one year during the biennium.

(b) An incapacitating illness documented by a statement from a licensed physician.

(c) A physical inability to travel to the sites of approved programs documented by a licensed physician.

(d) Any other extenuating circumstances acceptable to the professional engineer section.

(3) A renewal applicant may not receive a waiver under sub. (2) (b) or (c) for 2 consecutive biennia.

(4) A renewal applicant who has maintained an active Wisconsin license for a minimum of 30 consecutive years may, at the discretion of the professional engineer section or its designee,

receive a waiver upon request and certification that the applicant has retired from the profession and is no longer providing engineering services.

(5) A renewal applicant who receives a waiver under sub. (4) may not engage in the practice of professional engineering until he or she meets the requirements of s. A-E 13.10.

(6) A renewal applicant, who prior to the expiration date of the license submits a request for a waiver, pays the renewal fee and provides a statement setting forth the facts concerning noncompliance and the basis of the request, shall be deemed to be in good standing until the final decision on the application is issued by the professional engineer section. If a finding of extreme hardship is not determined, an applicant may not engage in the practice of professional engineering until he or she meets the requirements of s. A-E 13.10.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12; CR 13-064: am. (4) Register June 2014 No. 702, eff. 7-1-14.

A-E 13.09 Comity. An applicant for registration from another state who applies for registration to practice professional engineering under s. A-E 4.08 (2), shall submit proof of completion of 30 PDHs of qualifying continuing education that complies with the requirements of ch. A-E 13 within the 2 year period prior to their application. However, an applicant by comity who has received his or her first license as a professional engineer within the last two years shall be exempt from meeting the 30 PDHs specified in s. A-E 13.03 (1) as required for continuing education requirements and shall not be required to comply with the continuing education requirements for their first renewal of registration.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12; CR 13-064: am. Register June 2014 No. 702, eff. 7-1-14.

A-E 13.10 Late renewal. A renewal applicant who has failed to renew his or her credential by the established renewal date shall obtain all required PDHs and submit a record with information as specified under s. A-E 13.07 prior to the registrant's registration being renewed. If the total delinquent PDHs exceed 60 for all renewal periods since their last renewal, then 60 shall be the maximum required for late renewal. An applicant who has failed to be registered for a period greater than 5 years shall be subject to the provisions of s. A-E 2.05 (2).

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12.

REFERENCES

National Society of Professional Engineers, Code of Ethics

<http://www.nspe.org/resources/ethics/code-ethics>

National Society of Professional Engineers, Ethics Resources

<http://www.nspe.org/resources/ethics/ethics-resources>

Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors: Laws, Rules and Procedures

<http://dsps.wi.gov/Boards-Councils/Administrative-Rules-and-Statutes/Architects-Landscape-Architects-Professional-Engineers-Designers-and-Professional-Land-Surveyors-Administrative-Rules-and-Statutes/>

Wisconsin Statutes: Regulation and Licensing, Ch. 443 Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors, (443.01 to 443.18)

<http://docs.legis.wisconsin.gov/statutes/statutes/443>

Wisconsin Administrative Code: Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors, (Ch. A-E 1 to Ch A-E-13)

http://docs.legis.wisconsin.gov/code/admin_code/a_e