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**HYBRID (VIRTUAL/TELECONFERENCE)**  
**ARCHITECT SECTION**  
**EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,**  
**PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND SURVEYORS,**  
**AND REGISTERED INTERIOR DESIGNERS**  
**Room N208, 4822 Madison Yards Way, 2<sup>nd</sup> Floor, Madison**  
**Contact: Will Johnson (608) 266-2112**  
**October 10, 2023**

*The following agenda describes the issues that the Section plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Section. Be advised that board members may attend meetings designated as “Hybrid” in-person or virtually.*

**AGENDA**

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of April 11, 2023 (4-12)**
- C. Introductions, Announcements and Recognition**
  - 1) Introduction: Roy Wagner, Public Member (Succeeds: Fernholz)
- D. Reminders: Conflicts of Interest, Scheduling Concerns**
- E. Administrative Matters**
  - 1) Department, Staff and Section Updates
  - 2) Section Member – Term Expiration Dates
    - a. Douglas, Gregory A. – 7/1/2023
    - b. Gersich, A. James – 7/1/2015
    - c. Wagner, Roy – 7/1/2027
    - d. Wagner, Steven L – 7/1/2021
- F. Legislative and Policy Matters – Discussion and Consideration**
- G. Administrative Rule Matters – Discussion and Consideration (13)**
  - 1) Rule Drafts:
    - a. A-E 8, Relating to Supervision (14-17)
    - b. A-E 1-15, Relating to Registered Interior Designers (18-34)
  - 2) Scope Statement: A-E 6, Relating to Education (35-36)
  - 3) Updates:
    - a. A-E 3, Relating to Architect Registration

- b. A-E 2,7, and 8, Relating to Sealing and Stamping of Documents
- 4) Pending or Possible Rulemaking Project (37)

**H. Speaking Engagements, Travel, or Public Relation Requests, and Reports – Discussion and Consideration**

- 1) Travel Report: 2023 NCARB Annual Business Meeting. June 15-17, 2023, in Tampa, Florida.

**I. Liaison Reports – Discussion and Consideration**

**J. Discussion and Consideration of Items Added After Preparation of Agenda:**

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislative and Policy Matters
- 10) Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

**K. Public Comments**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).**

**L. Deliberation on Division of Legal Services and Compliance (DLSC) Matters**

- 1) **Proposed Stipulations, Final Decisions and Orders**
  - a. 21 ARC 005 – Thomas E. Hirsch (38-43)
- 2) **Administrative Warnings**
  - a. 23 ARC 002 – D.L.D. (44-45)

- b. 23 ARC 003 – M.B.J. (46-47)
- c. 23 ARC 011 – A.J.B. & B.A. (48-50)

M. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

N. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

O. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

P. Open Session Items Noticed Above Not Completed in the Initial Open Session

**ADJOURNMENT**

**NEXT MEETING: 2024 (TO BE DETERMINED)**

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE  
ARCHITECT SECTION  
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS  
PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND SURVEYORS  
AND REGISTERED INTERIOR DESIGNERS  
MEETING MINUTES  
April 11, 2023**

**PRESENT:** Gregory Douglas, James Gersich, Steven Wagner

**STAFF:** Will Johnson, Executive Director; Joseph Ricker, Legal Counsel; Dana Denny, Administrative Rules Coordinator; Dialah Azam, Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Steven Wagner, Chairperson, called the meeting to order at 9:02 a.m. A quorum was confirmed with three (3) members present.

**ADOPTION OF AGENDA**

**MOTION:** James Gersich moved, seconded by Gregory Douglas, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF OCTOBER 11, 2022**

**MOTION:** James Gersich moved, seconded by Gregory Douglas, to approve the Minutes from October 11, 2022 as published. Motion carried unanimously.

**Election of Officers**

*Chairperson*

**NOMINATION:** Steven Wagner nominated Gregory Douglas for the Office of Chairperson. Gregory Douglas accepted the nomination.

Will Johnson, Executive Director, called for nominations three (3) times.

Gregory Douglas was elected as Chairperson by unanimous voice vote.

*Vice Chairperson*

**NOMINATION:** James Gersich nominated Steven Wagner for the Office of Vice Chairperson. Steven Wagner accepted the nomination.

Will Johnson, Executive Director, called for nominations three (3) times.

Steven Wagner was elected as Vice Chairperson by unanimous voice vote.

*Secretary*

**NOMINATION:** Steven Wagner nominated James Gersich for the Office of Secretary. James Gersich accepted the nomination.

Will Johnson, Executive Director, called for nominations three (3) times.

James Gersich was elected as Secretary by unanimous voice vote.

<b>ELECTION RESULTS</b>	
<b>Chairperson</b>	Gregory Douglas
<b>Vice Chairperson</b>	Steven Wagner
<b>Secretary</b>	James Gersich

**Appointment of Liaisons and Alternates**

<b>LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison(s)</b>	Steven Wagner <i>Alternate: James Gersich</i>
<b>Education and Examination Liaison(s)</b>	Gregory Douglas <i>Alternate: James Gersich</i>
<b>Monitoring Liaison(s)</b>	Steven Wagner <i>Alternate: James Gersich</i>
<b>Professional Assistance Procedure Liaison(s)</b>	James Gersich <i>Alternate: Gregory Douglas</i>
<b>Legislative Liaison(s)</b>	Gregory Douglas <i>Alternate: Steven Wagner</i>
<b>Travel Authorization Liaison(s)</b>	Steven Wagner <i>Alternate: James Gersich</i>
<b>Optional Renewal Notice Liaison(s)</b>	James Gersich <i>Alternate: Steven Wagner</i>
<b>Website Liaison(s)</b>	Steven Wagner <i>Alternate: Gregory Douglas</i>
<b>A-E Rules Committee (Professional Member)</b>	Steven Wagner <i>Alternate: Gregory Douglas</i>
<b>Screening Panel</b>	Gregory Douglas, James Gersich <i>Alternate: Steven Wagner</i>

## Delegation of Authorities

### *DLSC Screening Delegation*

**MOTION:** Steven Wagner moved, seconded by James Gersich, to delegate authority to the DLSC attorney to screen complaints when Section members are conflicted out. Motion carried unanimously.

### *Document Signature Delegations*

**MOTION:** Steven Wagner moved, seconded by James Gersich, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving section member in that succession) to sign documents on behalf of the Section in order to carry out its duties. Motion carried unanimously.

**MOTION:** Steven Wagner moved, seconded by James Gersich, in order to carry out duties of the Section, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving section member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Section hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a section member as necessary. Motion carried unanimously.

### *Delegated Authority for Urgent Matters*

**MOTION:** Steven Wagner moved, seconded by James Gersich, that in order to facilitate the completion of urgent matters between meetings, the Section delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving section member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

### *Delegation to Chief Legal Counsel Due to Loss of Quorum*

**MOTION:** Gregory Douglas moved, seconded by James Gersich, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after one meeting. Motion carried unanimously.

### *Delegation to Chief Legal Counsel for Stipulated Resolutions*

**MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate to DSPPS Chief Legal Counsel the authority to act on behalf of the Section concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Section meetings. The Section further requests that CLC only act on such

matters when the best interests of the Section, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Section meeting. Motion carried unanimously.

### *Monitoring Delegations*

#### **Delegation of Authorities for Monitoring**

**MOTION:** James Gersich moved, seconded by Steven Wagner, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the April 11, 2023 agenda materials on pages 20-21. Motion carried unanimously.

#### **Delegation of Authorities for Legal Counsel to Sign Monitoring Orders**

**MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Section meetings on behalf of the Section Chairperson. Motion carried unanimously.

### *Credentialing Authority Delegations*

#### **Delegation of Authority to Credentialing Liaison**

**MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Section and to act on behalf of the Section in regard to credentialing applications or questions presented to them, including the signing of documents related to applications, except that potential denial decisions shall be referred to the full Section for final determination. Motion carried unanimously.

#### **Delegation of Authority to DSPS When Credentialing Criteria is Met**

**MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Section or Section liaison review. Motion carried unanimously.

#### **Delegation of Authority for Predetermination Reviews**

**MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

#### **Delegation of Authority for Conviction Reviews**

**MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of architecture. Motion carried unanimously.

**Delegation to DSPS When Applicant’s Discipline History Has Been Previously Reviewed**

**MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate authority to Department staff to approve applications where Applicant’s prior discipline has been approved for a previous credential and there is no new discipline. Motion carried unanimously.

**Delegation to DSPS When Applicant’s Conviction History Has Been Previously Reviewed**

**MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record. Motion carried unanimously.

**Delegation of Authority for Reciprocity Reviews**

**MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements are of a standard not lower than required by the Section. Motion carried unanimously.

**Delegation of Authority for Military Reciprocity Reviews**

**MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

**Delegated Authority for Application Denial Reviews**

**MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate authority to the Department’s Attorney Supervisors to serve as the Section’s designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

***Pre-Screening Delegation to Open Cases***

**MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate pre-screening decision making authority to the Department screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
2. Reciprocal discipline cases.



3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
  4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
  5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).
- Motion carried unanimously.

### ***Pre-Screening Delegation to Close Cases***

- MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate pre-screening decision making authority to the Department screening attorney for closing cases as outlined below:
1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
  2. Complaints that even if allegations are true, do not amount to a violation of law or rules.
- Motion carried unanimously.

### ***Voluntary Surrenders***

- MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.
- MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

### ***Education and Examination Liaison(s) Delegation***

- MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

### ***Authorization for DSPTS to Provide Section Member Contact Information to National Regulatory Related Bodies***

- MOTION:** James Gersich moved, seconded by Steven Wagner, to authorize the Department staff to provide national regulatory related bodies and NCARB with all section member contact information that the Department retains on file. Motion carried unanimously.

### ***Optional Renewal Notice Insert Delegation***

**MOTION:** Steven Wagner moved, seconded by Gregory Douglas, to designate James Gersich (or, in the absence of James Gersich, the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to Section-related business within the license renewal notice at the Section’s or Section designee’s request. Motion carried unanimously.

***Legislative Liaison Delegation***

**MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate authority to the Legislative Liaisons to speak on behalf of the Section regarding legislative matters. Motion carried unanimously.

***Travel Authorization Liaison Delegation***

**MOTION:** James Gersich moved, seconded by Steven Wagner, to delegate authority to the Travel Authorization Liaison to approve any section member travel to and/or participation in events germane to the section, and to designate representatives from the Section to speak and/or act on the Section’s behalf at such events. Motion carried unanimously.

***Website Liaison(s) Delegation***

**MOTION:** James Gersich moved, seconded by Steven Wagner, to authorize to the Website Liaison(s) to act on behalf of the Section in working with Department staff to identify and execute website updates. Motion carried unanimously.

**SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION  
REQUESTS, AND REPORTS**

**Consider Attendance: 2023 NCARB Annual Business Meeting. June 15-17, 2023, in Tampa, Florida**

**MOTION:** Gregory Douglas moved, seconded by Steven Wagner, to designate James Gersich to attend the 2023 NCARB Annual Business Meeting on June 15-17, 2023 in Tampa, Florida. Motion carried unanimously.

**Consider Attendance: 2023 NCARB Leadership Summit – expected in October**

**MOTION:** Steven Wagner moved, seconded by James Gersich, to designate Gregory Douglas and James Gersich as an alternate to attend the 2023 NCARB Leadership Summit in October. Motion carried unanimously.

**Consider Attendance: 2023 NCARB Board Member/Educator Symposium – expected in October**

**MOTION:** Steven Wagner moved, seconded by James Gersich, to designate Gregory Douglas and James Gersich as an alternate to attend the 2023 NCARB Board Member/Educator Symposium in October. Motion carried

unanimously.

## **CLOSED SESSION**

**MOTION:** James Gersich moved, seconded by Gregory Douglas, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Gregory Douglas, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Gregory Douglas-yes; James Gersich-yes; and Steven Wagner-yes. Motion carried unanimously.

The Section convened into Closed Session at 10:34 a.m.

## **DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**

### **Administrative Warnings**

**MOTION:** James Gersich moved, seconded by Steven Wagner, to issue an Administrative Warning in the following DLSC Cases:

1. 20 ARC 010 – M.C., J.T.S.A
2. 21 ARC 013 – C.O.
3. 21 ARC 013 – S.M.
4. 22 ARC 002 – G.S.
5. 22 ARC 006 – M.I.F.

Motion carried unanimously.

### ***21 ARC 005 – T.E.H.***

**MOTION:** Steven Wagner moved, seconded by Gregory Douglas, to delegate DSPS Chief Legal Counsel the authority to preside over and resolve DLSC Case Number 21 ARC 005. Motion carried unanimously.

### **Case Closings**

### ***21 ARC 008 – G.G.***

**MOTION:** James Gersich moved, seconded by Steven Wagner, to close DLSC Case Number 21 ARC 008, against G.G., for Prosecutorial Discretion (P3). Motion carried unanimously.

### **Proposed Stipulations, Final Decisions and Orders**

### ***22 ARC 001 – Glenn A. Morrison & Architecture North LTD***

**MOTION:** James Gersich moved, seconded by Steven Wagner, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary

proceedings against Glenn A. Morrison & Architecture North LTD, DLSC  
Case Number 21 ARC 001. Motion carried unanimously.

### **RECONVENE TO OPEN SESSION**

**MOTION:** James Gersich moved, seconded by Steven Wagner, to reconvene into Open Session. Motion carried unanimously.

The Section reconvened into Open Session at 10:43 a.m.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED IN CLOSED SESSION**

**MOTION:** James Gersich moved, seconded by Steven Wagner, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

*(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)*

### **ADJOURNMENT**

**MOTION:** James Gersich moved, seconded by Steven Wagner, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:44 a.m.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Joseph Ricker, Board Counsel		2) Date when request submitted: 10/3/2023 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Architect Section			
4) Meeting Date: 10/10/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Rule Drafts: a. A-E 8, relating to Supervision b. A-E 1 -15, relating to Registered Interior Designers 2. Scope Statement: A-E 6, relating to Education 3. Updates: a. A-E 3, relating to Architect Registration b. A-E 2, 7 and 8 relating to Sealing and Stamping of Documents 4. Pending or Possible Rulemaking Projects a. Rule Projects Chart	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <Appearance Name(s)> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>	
10) Describe the issue and action that should be addressed:  Continue preliminary rule drafting; Review A-E Board Slate of Current Rule Projects Attachments: <ul style="list-style-type: none"> <li>• Rule Draft A-E 8, relating to Supervision</li> <li>• Rule Draft A-E 1 -15, relating to Registered Interior Designers</li> <li>• Scope Statement: A-E 6, relating to Education</li> <li>• A-E Rule Projects Chart</li> </ul> Current Board Rule Projects Can be Viewed Here: <a href="https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx">https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx</a>			
11) <span style="float: right;">Authorization</span>			
Joseph Ricker		10/3/2023	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	

STATE OF WISCONSIN  
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND  
SURVEYORS AND REGISTERED INTERIOR DESIGNERS

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	EXAMINING BOARD OF
EXAMINING BOARD OF ARCHITECTS,	:	ARCHITECTS, LANDSCAPE
LANDSCAPE ARCHITECTS,	:	ARCHITECTS, PROFESSIONAL
PROFESSIONAL ENGINEERS,	:	ENGINEERS, DESIGNERS,
DESIGNERS, PROFESSIONAL	:	PROFESSIONAL LAND
SURVEYORS, AND REGISTERED	:	SURVEYORS, AND REGISTERED
INTERIOR DESIGNERS	:	INTERIOR DESIGNERS
DESIGNERS	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers to repeal and recreate A-E 8.05 (5) (b) 6. and create 8.06 (4) relating to direct supervision.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 443.015 (2), Stats.

**Statutory authority:**

Sections 15.08 (5) (b), and 227.11 (2) (a), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., “[e]ach examining board...[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats., “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

**Related statute or rule:**

None.

**Plain language analysis:**

The Board completed a comprehensive review of ch. A-E 8 to ensure that rules are consistent with standards of professional practice and to update the definition of supervision and provide improved rule clarification and interpretation.

**Summary of, and comparison with, existing or proposed federal regulation:**

None.

**Comparison with rules in adjacent states:****Illinois:**

Rules of the Illinois Department of Financial and Professional Regulation provide standards of professional conduct for architects [68 Ill. Adm. Code 1150.90], professional engineers [68 Ill. Adm. Code 1380.300], and professional land surveyors [68 Ill. Adm. Code 1270.57]. None of these rules address direct supervision of subordinate employees.

**Iowa:**

Rules of professional conduct for architects, engineers, professional land surveyors, and landscape architects are specified by the Iowa Architectural Examining Board [193B IAC 4.1], the Iowa Engineering and Land Surveying Examining Board [193C IAC 8.1 to 8.5], the Iowa Landscape Architectural Examining Board [193D IAC 4.1 to 4.5] and the Iowa Interior Design Board [193G IAC 4.1]. None of these rules address direct supervision of subordinate employees.

**Michigan:**

Rules of the Michigan Department of Licensing and Regulatory Affairs provide standards of professional conduct for architects [Mich Admin Code, R 339.15401], professional engineers [Mich Admin Code, R 339.16031 to R 339.16034], professional land surveyors [Mich Admin Code, R 339.17401 to R 339.17404], and landscape architects [Mich Admin Code, R 339.19001 to R 339.19049]. None of these rules address direct supervision of subordinate employees.

**Minnesota:**

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design provide rules of professional conduct for architects, engineers, land surveyors, and landscape architects [Minnesota Rules, parts 1805.0100 to 1805.1600]. The Minnesota rules define a direct supervisor as an individual who “directs the work of other licensees, unlicensed professionals, technicians, and clerical persons assigned to that work and is in responsible charge of the project comprising the work being supervised.”

**Summary of factual data and analytical methodologies:**

The proposed rule was developed by conducting a comprehensive review of the provisions of ch. A-E 8, reviewing professional supervision standards from other states, and obtaining input and feedback from the Rules Committee of the A-E Board.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The proposed rule will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator, Jennifer Garrett, may be contacted by email at [Jennifer.Garrett@wisconsin.gov](mailto:Jennifer.Garrett@wisconsin.gov), or by calling (608) 266-6795.

**Agency contact person:**

TBD, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-287-3748; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to TBD, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. A-E 8.03 (5) (b) 6. is repealed and recreated to read:

**A-E 8.03 (5) (b) 6.** ~~The terms in par. (a) include~~ Any of the activities in par. (a) may be accomplished using any of 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.



6. Use of appropriate technology that is functionally equivalent to in-person supervision to provide oversight remotely.

SECTION 2. A-E 8.06 (4) is created to read:

**A-E 8.06 (4)** Shall be held to the same standards of practice and conduct regardless of whether their professional duties under this chapter are performed in-person or by utilizing remote technology.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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This Proposed Order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers is approved for submission to the Governor and Legislature.

Dated \_\_\_\_\_ Agency \_\_\_\_\_ Chair \_\_\_\_\_

## Chapter A-E 1

### AUTHORITY

- A-E 1.01 Authority.
- A-E 1.02 Definitions.
- A-E 1.03 Rulemaking.

**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.** The rules in chs. A-E 1 to ~~1315~~ are adopted under authority in ss. 15.08 (5) (b), 227.11 and ch. 443, Stats.

**A-E 1.02 Definitions.** In chs. A-E 1 to ~~1315~~:

- (1) "Board" or "joint board" means the examining board of architects, landscape architects, professional engineers, designers, ~~and~~ professional land surveyors, and registered interior designers.
- (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, or the registered interior designer section.

**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 may act for the joint board in rulemaking proceedings except for final approval as specified in sub. (1).

## Chapter A-E 2

### GENERAL REQUIREMENTS AND PROCEDURES

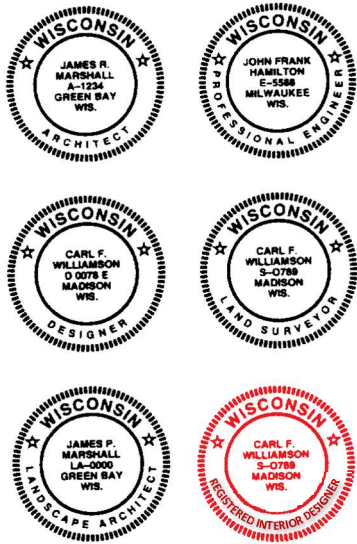
- A-E 2.01 Purpose.
- A-E 2.02 Registration seals.
- A-E 2.03 Branch offices.
- A-E 2.04 Change of address.
- A-E 2.045 Retired credential status.
- A-E 2.05 Failure to be registered.
- A-E 2.06 Reciprocal credentials for service members, former service members, and their spouses.

**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, or registered interior designers are specified in chs. A-E 3, 4, 5, 6, 7, 9, 10, 11, 12, ~~and~~ 13, 14, and 15. Rules of professional conduct for all registrants or permit holders are specified in ch. A-E 8.

**A-E 2.02 Registration seals.**

(1) Each architect, landscape architect, professional engineer, designer, ~~and~~ professional land surveyor, and registered interior designer 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, and registered interior designer 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, or interior design 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 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 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.

**A-E 2.03 Branch offices.**

**(1)** Definitions. In this section,

**(a)** "Firm" means any sole proprietorship, partnership, corporation, limited liability company, or limited liability partnership located in this state which provides or offers to provide architectural, landscape architectural, professional engineering, design, ~~or~~ professional land surveying, or interior design services to the public.

**(b)** "Resident" means a currently-registered architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer 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.

(f) A resident registered interior designer in each separate business location which provides or offers to provide interior designing services.

(3) Notice. Upon written request from the board, a firm shall provide notification 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.

**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.

**A-E 2.045 Retired credential status.**

(1) The holder of a credential under ch. 443, Stats., may apply to the appropriate section of the board to classify the credential as retired status. The section shall classify the credential as retired status if all of the following requirements are met:

(a) The credential holder completes an application on a form provided by the board.

(b) The credential holder meets one of the following requirements:

1. The credential holder is at least 65 years of age.

2. The credential holder has actively maintained the credential issued by the section for at least 20 years, which need not be consecutive.

(c) The credential holder certifies he or she has retired from and no longer engages in any activity in this state that requires a credential issued by the section. The certification under this paragraph is not required to be notarized.

(2) Notwithstanding s. A-E 2.05, an individual who previously held a credential under ch. 443, Stats., and failed to renew the credential prior to the renewal date, may apply to the appropriate section of the board to renew the credential with retired status. A credential shall be renewed with retired status if all of the following requirements are met:

(a) The individual completes an application on a form provided by the board.

(b) The individual pays the fee under s. 443.015 (1m) (d), Stats.

(c) The individual meets one of the following requirements:

1. The individual is at least 65 years of age.

2. The individual had actively maintained the credential issued by the section for at least 20 years, which need not be consecutive.

(d) The individual certifies he or she has retired from and no longer engages in any activity in this state that requires a credential issued by the section. The certification under this paragraph is not required to be notarized.

**(3)** The holder of a credential classified as retired status under sub. (1) or (2) may apply to the appropriate section of the examining board to remove the retired status classification. The section shall remove the retired status classification if the applicant satisfies the reinstatement requirements under s. A-E 2.05 (2).

**(4)** A credential classified as retired status under sub. (1) or (2) shall be renewed upon payment of the fee under s. 443.015 (1m) (d), Stats.

**A-E 2.05 Failure to be registered.**

**(1)** If an individual who fails to renew a 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 an individual applies for renewal of a credential more than 5 years after its expiration, the applicable section of 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 applicable section of the board shall impose any reasonable conditions on reinstatement of the credential as the section deems appropriate, including a requirement that the applicant complete any current requirement for original licensure.

**A-E 2.06 Reciprocal credentials for service members, former service members, and their spouses.**

**(1)** In this section, "credential" means any of the following:

**(a)** Registration as an architect.

**(b)** Registration as a landscape architect.

**(c)** Registration as a professional engineer.

**(d)** Certification as an engineer-in-training.

**(e)** A license to engage in the practice of professional land surveying.

**(f)** A permit as a designer of engineering systems.

**(g)** Registration as an interior designer.

**(2)** The board shall grant a reciprocal credential to a service member, former service member, or the spouse of a service member or former service member who submits an application provided by the board and who the appropriate section of the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the section may request verification necessary to make a determination under this section.

**Note:** Applications for reciprocal credentials may be obtained from the department of safety and professional services at (608) 266-2112 or from the department's website at <http://dsps.wi.gov>.

## Chapter A-E 8

### PROFESSIONAL CONDUCT

- A-E 8.01 Authority.
- A-E 8.02 Intent.
- A-E 8.03 Definitions.
- A-E 8.04 Offers to perform services shall be truthful.
- A-E 8.05 Conflicts of interest.
- A-E 8.06 Professional obligations.
- A-E 8.07 Unauthorized practice.
- A-E 8.08 Maintenance of professional standards.
- A-E 8.09 Adherence to statutes and rules.
- A-E 8.10 Plan stamping.
- A-E 8.11 Suspension of registration; effect.

**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.

**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, ~~and interior designing~~. A violation of any standard specified in this chapter may result in disciplinary action under ss. 443.11 to 443.13, Stats.

**A-E 8.03 Definitions.** In ch. 443, Stats., and chs. A-E 1 to 9, ~~14 and 15~~:

**(1)** "Gross negligence in the practice of architecture, landscape architecture, professional engineering, designing, ~~or~~ professional land surveying, ~~or interior designing~~" means the performance of professional services by an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, ~~or registered interior designer~~ 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, ~~or interior designing~~" 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, ~~or registered interior designer~~ 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, or interior designing" means an act performed by an architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer 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, or interior designing.

**(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, or registered interior designer 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, or registered interior designer does not have technical proficiency.

**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, or registered interior designer:

- (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 misrepresent the extent to which the performance of services will involve a partnership or association with another registrant or licensee or misrepresent the identity of a registrant or licensee with whom a partnership or association will be engaged in for the performance of services.
- (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.

**A-E 8.05 Conflicts of interest.**

(1) An architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer:

- (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.

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

(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.

**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, and interior designing 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, or interior designing.

**A-E 8.08 Maintenance of professional standards.** An architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer:

(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, or registered interior designer. 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.

**A-E 8.09 Adherence to statutes and rules.** An architect, landscape architect, professional engineer, designer, ~~or~~ professional land surveyor, or registered interior designer:

(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, and interior designing.

(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, or interior designing.

**A-E 8.10 Plan stamping.**

(1) No architect, landscape architect, professional engineer, ~~or~~ designer, or registered interior designer may sign, seal or stamp any plans, drawings, documents, specifications or reports for architectural, landscape architectural, professional engineering, ~~or~~ design, or interior 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, or registered interior designer 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, or registered interior designer 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.

**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, or interior designing.
- (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.

DRAFT

A–E 14.01 Authority and purpose.

A–E 14.02 Definitions.

A–E 14.03 Requirements for registration as a registered interior designer.

## **Chapter A–E 14 INTERIOR DESIGNER REGISTRATION**

**A–E 14.01 Authority and purpose.** The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11, 443.075, and 443.10, Stats. The purpose of the rules in this chapter is to interpret basic requirements for registration as a registered interior designer as specified in ss. 443.075, and 443.10, Stats.

**A–E 14.02 Definitions.** In this chapter:

- (1) “Architect” has the meaning in s. 443.01 (1), Stats.
- (2) “Practice of interior design” has the meaning in s. 443.01 (5m) (a), Stats.
- (3) “Registered interior designer” has the meaning in s. 443.01 (9), Stats.

**A–E 14.03 Requirements for registration as a registered interior designer.**

**(1) REGISTRATION BY EXAMINATION.** An applicant for registration as a registered interior designer under s. 443.075 (1), Stats., shall submit all of the following:

- (a) Evidence of a passing score on the interior design examination of the national council for interior design qualification.
- (b) References from at least 3 individuals having personal knowledge of the applicant’s interior design work, 2 of whom are Wisconsin registered interior designers and one of whom is either a registered interior designer or a registered architect.
- (c) Any additional data, exhibits, or references showing the extent and quality of the applicant’s experience that may be required by the architect section.

**(2) REGISTRATION FOR REGISTERED ARCHITECTS.** An applicant for registration as a registered interior designer under s. 443.075 (2), Stats., shall submit all of the following:

- (a) Evidence of current registration as an architect under s. 443.03, Stats.
- (b) Evidence that the applicant is a graduate of a 4-year architecture program.
- (c) Evidence of at least 6 years of demonstrated practical experience in the practice of interior design including at least all of the following areas:

1. Programming and pre-design.
2. Schematic design.
3. Design development.
4. Production of construction documents.
5. Construction administration.
6. Professional practice.

**(d)** References from at least 3 individuals having personal knowledge of the applicant's interior design work, 2 of whom are registered interior designers, and one of whom is either a registered interior designer or a registered architect.

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

DRAFT

- A-E 15.01 Authority and Purpose
- A-E 15.02 Definitions
- A-E 15.03 Continuing Education Requirements
- A-E 15.04 Exemption for Retired Credential Status
- A-E 15.05 Certificate of completion; proof of attendance
- A-E 15.06 Recordkeeping
- A-E 15.07 Waiver of Continuing Education
- A-E 15.08 Reciprocity

## **Chapter A-E 15**

### **CONTINUING EDUCATION FOR INTERIOR DESIGNERS**

**A-E 15.01 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 registered interior designers.

**A-E 15.02 Definitions** 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 interior design and for improvement of the safety and welfare of the public.
- (3) "Health, safety and welfare" or "HSW" means any topics or subjects related to the practice of interior design 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.
- (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.

#### **A-E 15.03 Continuing Education Requirements**

(1) During each biennial registration period, unless granted a waiver under s. A-E 15.07, every licensee shall complete at least 15 hours of approved professional development hours or equivalent continuing education hours, pertinent to the practice of interior design, 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. At least 10 of the required 15 hours shall be in subjects related to the practice of interior design that safeguard the public's health, safety, and welfare.

(2) Continuing education activities that will meet the requirements of sub. (1) include any continuing education course or program approved by any of the following:

- (a) International Design Continuing Education Council
- (b) American Institute of Architects
- (c) Green Building Education Services

**A-E 15.04 Exemption for Retired Credential Status** Notwithstanding s. A-E 15.03, the continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 14.03.

**A-E 15.05 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.

(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 registered interior designer section shall notify a registrant in writing and request submission of evidence of compliance within 30 days of the notice.

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

**A-E 15.06 Recordkeeping** Registrants shall 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.

**A-E 15.07 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 a waiver shall be made prior to the renewal date. Extreme hardship shall be determined on an individual basis by the registered interior designer section. If the registered interior designer section finds from the affidavit or any other evidence submitted that extreme hardship has been shown, the registered interior designer 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) 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 registered interior design section.

**A-E 15.08 Reciprocity** An applicant for registration from another state who applies for registration to practice interior design under s. 443.10, Stats., shall submit proof of completion of continuing education obtained in another jurisdiction within the 2 years prior to application.

# STATEMENT OF SCOPE

## Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors and Registered Interior Designers

Rule No.: A-E 6

Relating to: Education Requirements

Rule Type: Permanent

**1. Finding/nature of emergency (Emergency Rule only):** N/A

**2. Detailed description of the objective of the proposed rule:**

The objective of the proposed rule is to clarify the education requirements for professional land surveyor license applicants.

**3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

Education and experience requirements for those wishing to pursue a land surveyor license in the State of Wisconsin are detailed in A-E 6. Under A-E 6, education may be gained by completing an accredited four year land surveying program (or related field), plus two years of experience, or completing an associate degree in land surveying (or related field), plus four years of experience. Regardless of which path is pursued by the applicant, both methods require successful completion of two written examinations in the fundamentals of land surveying and the principals and practice of land surveying. The issue the Board would like to investigate are related fields of education and how these may be pursued by land surveyors wishing to achieve their credentials.

The alternative is to not revise the land surveyor education rules, which the Board believes will result in continued ambiguous interpretation of licensing requirements for those entering the profession.

**4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

Section 15.08 (5) (b), Stats., provides examining boards, "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains..."

Section 227.11 (2) (a), Stats., "[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute..."

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

80 hours

**6. List with description of all entities that may be affected by the proposed rule:**

Licensed land surveyors and individuals seeking to enter the profession as a licensed land surveyor in Wisconsin.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

The proposed rule is likely to have minimal to no economic impact on small businesses and the state's economy as a whole.

**Contact Person:** Dana Denny, Administrative Rules Coordinator, (608) 287-3487, [DPSPAdminRules@wisconsin.gov](mailto:DPSPAdminRules@wisconsin.gov).

Approved for publication:

Approved for implementation:

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Authorized Signature

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Authorized Signature

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Date Submitted

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Date Submitted

**Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers  
Rule Projects (updated 9/28/23)**

<b>Clearinghouse Rule Number</b>	<b>Scope #</b>	<b>Scope Expiration</b>	<b>Code Chapter Affected</b>	<b>Relating clause/ Summary</b>	<b>Current Stage</b>	<b>Next Step</b>
	112-24	6/20/2024	A-E 4 and 13	<b>Engineer in training credential.</b> Provide more clarity as to the required education and review acceptable credentialing agencies for continuing education.	Scope withdrawn.	
	112-21	6/20/24	A-E 2, 7, and 8	<b>Sealing and Stamping of Documents.</b> Clarification on definitions of seal and stamps, requirements for electronic signatures, and clean up redundant words or sentences.	Drafting.	Board Approval of Preliminary Rule Draft.
	071-22	2/4/25	A-E 8	<b>Supervision.</b> Clarification on definitions of supervision to ensure requirements are current with standards of practice.	Drafting.	Board Approval of Preliminary Rule Draft.
	038-23	12/5/25	A-E 3	<b>Architectural Registration.</b> Clarification of Architectural Registration language and practices	Drafting.	Board Approval of Preliminary Rule Draft.
	028-23	11/1/25	A-E 1 to 15	<b>Registered Interior Designers.</b> The objective of the proposed rules is to implement the statutory changes from 2021 Wisconsin Act 195 to allow for the registration, discipline, and practice of Registered Interior Designers.	Drafting.	Board Approval of Preliminary Rule Draft.