



**VIRTUAL/TELECONFERENCE
RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND SURVEYORS,
AND REGISTERED INTERIOR DESIGNERS
Virtual, 4822 Madison Yards Way, Madison, WI
Contact: Adam Barr (608) 266-2112
April 12, 2022**

The following agenda describes the issues that the Committee 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 description of the actions of the Committee.

AGENDA

1:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of April 13, 2021 (3-4)**
- C. 1:00 P.M. PRELIMINARY PUBLIC HEARING ON STATEMENT OF SCOPE: CR 113-21 (A-E 4 and A-E 13) Relating to Engineer in Training Credential (5-7)**
 - 1. Review and Respond to Preliminary Public Hearing Comments
- D. Administrative Matters – Discussion and Consideration**
 - 1. Department, Staff and Committee Updates
 - 2. Committee Membership
 - a. Committee Members:
 - 1. Cotharn, Kristine A. – Prof. Engineer Section
 - 2. Fedderly, Daniel J. – Prof. Land Surveyor Section
 - 3. Heberling, Michael J. – Designer Section
 - 4. Hook, Steven J. – Public Member
 - 5. Myers, Dennis – Public Member
 - 6. Styczinski, Rosheen M. – Landscape Architect Section
 - 7. Wagner, Steven L. – Architect Section
 - b. Alternate Members
 - 1. Linck, Karl L. – Prof. Engineer Section Alternate
 - 2. Martin, Christina C. – Prof. Land Surveyor Section Alternate
- E. Legislation and Policy Matters – Discussion and Consideration**
- F. Administrative Rule Matters – Discussion and Consideration (8)**
 - 1. Pending or Possible Rulemaking Projects
 - a. A-E 8, Relating to Supervision (9-13)
 - b. Rules Project Chart (14)

G. Public Comments

ADJOURNMENT

NEXT DATE: OCTOBER 11, 2022

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 at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. 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 at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
A-E RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
MEETING MINUTES
APRIL 13, 2021**

PRESENT: Daniel Fedderly, Michael Heberling, Steven Hook, Karl Linck, Dennis Myers, Rosheen Styczinski, Steven Wagner

EXCUSED: Kristine Cotharn

(Karl Linck served as the representative for the Professional Engineer Section at this meeting. Kristine Cotharn was not present at the meeting.)

STAFF: Adam Barr, Executive Director; Jon Derenne, Legal Counsel; Kevyn Radcliffe, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other DSPS staff

CALL TO ORDER

Rosheen Styczinski, Chairperson, called the meeting to order at 1:02 p.m. A quorum was confirmed with seven (7) members present.

ADOPTION OF AGENDA

MOTION: Dennis Myers moved, seconded by Michael Heberling, to Adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 17, 2020

MOTION: Steven Hook moved, seconded by Daniel Fedderly, to adopt the Minutes from December 17, 2020 as published. Motion carried unanimously.

PUBLIC HEARING: CR 21-019 – A-E 8, RELATING TO PROFESSIONAL CONDUCT

Review and Respond to Public Comments and Clearinghouse Report

MOTION: Dennis Myers moved, seconded by Steven Hook, to accept the Clearinghouse Report for Clearinghouse Rule 21-019, relating to professional conduct. Motion carried unanimously.

MOTION: Steven Wagner moved, seconded by Dennis Myers, to authorize the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the Legislative Report and Final Rule for Clearinghouse Rule 21-019 relating to professional conduct, for submission to the Governor's Office and Legislature. Motion carried unanimously.

PUBLIC HEARING: CR 21-020 – A-E 2, RELATING TO GENERAL PROCEDURES

Review and Respond to Public Comments and Clearinghouse Report

MOTION: Dennis Myers moved, seconded by Steven Hook, to accept all Clearinghouse comments for CR 21-020 relating to general procedures. Motion carried unanimously.

MOTION: Daniel Fedderly moved, seconded by Steven Hook, to authorize the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the Legislative Report and Final Rule for Clearinghouse Rule 21-020 relating to general procedures for submission, to the Governor's Office and Legislature. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Pending or Possible Rulemaking Projects

A-E 4 and 13, Relating to Professional Engineers

MOTION: Dennis Myers moved, seconded by Steven Hook, to request DSPS staff draft a Scope Statement revising A-E 4 and 13, relating to clarification and consistency of engineer in training credential requirements as well as continuing education. Motion carried unanimously.

April 2021 A-E Board Report

MOTION: Dennis Myers moved, seconded by Karl Linck, to approve the April 2021 A-E Board Report for submission to the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors. Motion carried unanimously.

ADJOURNMENT

MOTION: Daniel Fedderly moved, seconded by Michael Heberling, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:27 p.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dana Denny		2) Date when request submitted: 03/31/2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>									
3) Name of Board, Committee, Council, Sections: Rules Committee of the Examining Board of the Architects, Professional Engineers, Landscape Architects, Designers, Professional Land Surveyors, and Registered Interior Designers											
4) Meeting Date: 04/12/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1:00 P.M. Preliminary Hearing on Statement of Scope – SS 113-21 (A-E 4 and 13) Relating to Engineer in Training Credential 1. Review and Respond to Preliminary Public Hearing Comments									
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A									
10) Describe the issue and action that should be addressed: The Board will hold a Preliminary Hearing on this Scope Statement as directed by the Joint Committee for Review of Administrative Rules (JCRAR). Attachments: - Scope Statement – A-E 4 and 13, Relating to Engineer in Training Credential Copies of current Board Rule Projects Can be Viewed Here: https://dps.wi.gov/Pages/RulesStatutes/PendingRules.aspx											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;"><i>Dana Denny</i></td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;">03/31/22</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				<i>Dana Denny</i>	03/31/22	Signature of person making this request	Date	Supervisor (if required)	Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date	
<i>Dana Denny</i>	03/31/22										
Signature of person making this request	Date										
Supervisor (if required)	Date										
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date											
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.											

STATEMENT OF SCOPE

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

Rule No.: A-E 4 and 13

Relating to: Engineer in Training and Continuing 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 board is interested in reviewing the administrative rules relating to requirements to obtain the engineer-in-training credential. Particularly, the board is considering providing greater clarity as to the required education to receive the credential.

Additionally, the board will review its current rules relating to professional engineering continuing education. The board will consider whether the current provisions specifying acceptable credentialing agencies for continuing education programs should be updated to include additional agencies.

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:

The relevant policies include ensuring that stakeholders have clarity as to the education required to obtain the engineer-in-training credential. Additionally, the board wants to ensure that its approved continuing education accreditors accurately encompasses the array of continuing education options available to the profession. The alternative to promulgating rules would be to not update the rules. This would result in stakeholders continuing to lack clarity as to the requirements to obtain the engineer-in-training credential, as well as what constitutes acceptable continuing education courses.

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

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...”

Section 443.015 (1), Stats. provides that “[e]ach section of the examining board may establish continuing education requirements for renewal of a credential issued by that section under this chapter.”

Section 443.05, Stats. provides authority to the professional engineer section to review and approve applicant education for the engineer-in-training credential.

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

Approximately 80 hours.

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

Applicants for the engineer-in-training credential, registered professional engineers, professional engineer continuing education accreditors and course providers.

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):

None to minimal.

Contact Person: Sofia Anderson, Administrative Rules Coordinator, DSAdminRules@wisconsin.gov; (608) 261-4463.

Approved for publication:

Approved for implementation:



Authorized Signature

Authorized Signature

10/7/21

Date Approved

Date Approved

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dana Denny		2) Date when request submitted: 03/31/2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>									
3) Name of Board, Committee, Council, Sections: Rules Committee of the Examining Board of Architects, Professional Engineers, Landscape Architects, Designers, Professional Land Surveyors, and Registered Interior Designers											
4) Meeting Date: 04/12/2022	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 1. Pending or Possible Rulemaking Projects a. A-E 8, relating to Supervision b. A-E Rules Project 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A									
10) Describe the issue and action that should be addressed: Attachments: <ul style="list-style-type: none"> • Scope Statement – A-E 8, relating to Supervision • Wisconsin Administrative Code Chapter A-E 8 • A-E Rules Project Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;"><i>Dana Denny</i></td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;">03/31/22</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> </table>				<i>Dana Denny</i>	03/31/22	Signature of person making this request	Date	Supervisor (if required)	Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda)	Date
<i>Dana Denny</i>	03/31/22										
Signature of person making this request	Date										
Supervisor (if required)	Date										
Executive Director signature (indicates approval to add post agenda deadline item to agenda)	Date										
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.											

STATEMENT OF SCOPE

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

Rule No.: A-E 8

Relating to: Supervision

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 revise A-E 8 relating to supervision, reflecting the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors position that the definition of professional supervision should be amended to accommodate advancements in the occupation and current standards of practice.

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:

The A-E Board will undertake a comprehensive review to evaluate A-E 8 to update the rule relating to professional supervision, providing improved clarification and interpretation.

Not updating the rule would result in a continued lack of stakeholder clarity regarding the definition and correct application of professional supervision across the discipline.

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

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

Section 443.015 (2), Stats., provides that "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."

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

The Department estimates approximately 80 hours will be needed to perform the review and develop any rule changes. The Department will assign existing staff to perform the review and develop the rule changes. No additional resources will be required.

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

Licensed Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors.

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 rule changes contemplated in this project are not expected to have any negative economic impacts on any of the affected entities.

Contact Person: Dana Denny, Administrative Rules Coordinator
Division of Policy Development, Department of Safety and Professional Services
(608) 287-3748 DSPSAdminRules@wisconsin.gov

Authorized Signature

Date Submitted

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.

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 engineer-

ing 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.**

**A-E Examining Board
Rule Projects (updated 03/31/22)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause/ Summary	Current Stage	Next Step
21-020	080-19	2/19/2022	A-E 2	General requirements and procedures. Amendments to ensure requirements are current with standards of practice and consistent with Statutes. Update to ensure compliance with 2017 Act 108.	Legislative Review. Adoption Order presented at 4/12/22 A-E Rules Meeting.	After Legislative Review is over, if there are no objections, we may adopt the rule.
21-019	082-19	2/19/2022	A-E 8	Professional Conduct Update to ensure compliance with 2017 Act 108.	Legislative Review. Adoption Order presented at 4/12/22 A-E Rules Meeting.	After Legislative Review is over, if there are no objections, we may adopt the rule.
	112-24	6/20/2024	A-E 4 and 13	Engineer in training credential. Provide more clarity as to the required education and review acceptable credentialing agencies for continuing education.	Published on 11/01/21. JCRAR requested a Preliminary Public Hearing on the Scope, scheduled for April 12, 2022. Implementation is on hold until after the Public Hearing.	Public Hearing will be held on 4/12/22.
	112-21	6/20/24	A-E 2, 7, and 8	Clarification on definitions of seal and stamps, requirements for electronic signatures, and clean up redundant words or sentences.	Scope implemented on 1/18/22. Currently drafting rule.	Chair will need to sign for implementation.
			A-E 8	Clarification on definitions of supervision to ensure requirements are current with standards of practice.	Scope requested.	Scope submitted to Governor's Office for approval.