

Phone: 608-266-2112 Web: http://dsps.wi.gov Email: dsps@wisconsin.gov

Tony Evers, Governor Dan Hereth, Secretary

HYBRID (IN-PERSON/VIRTUAL) MEETING PROFESSIONAL ENGINEER SECTION EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND SURVEYORS AND REGISTERED INTERIOR DESIGNERS

Room N208, 4822 Madison Yards Way, 2nd Floor, Madison Contact: Will Johnson (608) 266-2112 April 12, 2023

The following agenda describes the issues that the Board 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 Board.

AGENDA

1:00 P.M. (OR IMMEDIATELY FOLLOWING THE A-E EXAMINING BOARD MEETING)

OPEN SESSION - CALL TO ORDER - ROLL CALL

- A. Adoption of Agenda (1-3)
- B. Approval of Minutes of February 16, 2023 (4-10)
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. Administrative Matters
 - 1) Department, Staff and Section Updates
 - 2) Section Members Term Expiration Dates
 - a. Cotharn, Kristine A. -7/1/2021
 - b. Hook, Steven J. -7/1/2014
 - c. Linck, Karl L. 7/1/2025
 - d. Scholl, Colleen M. -7/1/2023
- F. Legislative and Policy Matters Discussion and Consideration
 - 1) Section's Response to NCEES Legislative Request (11-14)
 - 2) 4 Year Renewal Periods
- G. Administrative Rule Matters Discussion and Consideration (15)
 - 1) Rules Drafts:
 - a. A-E 2, 7, and 8, Relating to Sealing and Stamping of Documents (16-22)
 - b. A-E 8, Relating to Supervision (23-26)
 - 2) Pending or Possible Rulemaking Projects (27)

H. Wisconsin and Surrounding States Standards for Engineer License – Discussion and Consideration

I. National Council of Examiners for Engineering and Surveying (NCEES) Matters – 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. Credentialing Matters

- 1) Application Reviews
 - a. Armando Diaz Professional Engineer Applicant (28-57)

M. Deliberation on DLSC Matters

- 1) Proposed Stipulations, Final Decisions and Orders
 - a. 22 ENG 019 S.H.C, D.J.D., B.P.N., D.3.E. (58-65)
- N. 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 Orders
- 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
- O. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- P. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate
- Q. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: JULY 27, 2023

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 PROFESSIONAL ENGINEER SECTION

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

INTERIOR DESIGNERS MEETING MINUTES FEBRUARY 16, 2023

PRESENT: Kristine Cotharn, Steven Hook, Karl Linck, Colleen Scholl (*excused at 8:59 a.m.*)

STAFF: Tom Ryan, Executive Director; Joseph Ricker, Legal Counsel; Dana Denny,

Administrative Rule Coordinator; Dialah Azam, Bureau Assistant; and other

Department staff

CALL TO ORDER

Kristine Cotharn, Chairperson, called the meeting to order at 8:31 a.m. A quorum was confirmed with four (4) members present.

ADOPTION OF AGENDA

MOTION: Colleen Scholl moved, seconded by Karl Linck, to adopt the Agenda as

published. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 1, 2022

MOTION: Steven Hook moved, seconded by Colleen Scholl, to approve the Minutes of

December 1, 2022 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: Karl Linck nominated the 2022 slate of officers to continue in 2023. All officers

accepted their nominations.

Tom Ryan, Executive Director, called for nominations three (3) times.

The Slate of Officers was elected by unanimous voice vote.

ELECTION RESULTS			
Chairperson	Kristine Cotharn		
Vice Chairperson	Steven Hook		
Secretary	Karl Linck		

Appointment of Liaisons

LIAISON APPOINTMENTS			
Credentialing Liaison(s)	Steven Hook Alternate: Karl Linck		
Education and Examination Liaison(s)	Karl Linck Alternate: Kristine Cotharn		
Monitoring Liaison(s)	Colleen Scholl Alternate: Karl Linck Colleen Scholl Alternate: Karl Linck Karl Linck Alternate: Kristine Cotharn		
Professional Assistance Procedure (PAP) Liaison(s)			
Legislative Liaison(s)			
Travel Authorization Liaison(s)	Colleen Scholl Alternate: Steven Hook		
A-E Rules Committee Designee (Professional Member)	Kristine Cotharn Alternate: Karl Linck		
Screening Panel	Colleen Scholl, Steven Hook <i>Alternate:</i> Kristine Cotharn		

Delegation of Authorities

Document Signature Delegations

MOTION: Steven Hook moved, seconded by Karl Linck, 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: Karl Linck moved, seconded by colleen Scholl, 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 Hook moved, seconded by Colleen Scholl, 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: Karl Linck moved, seconded by Steven Hook, 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 scheduled meeting. Motion carried

unanimously.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: Steven Hook moved, seconded by Colleen Scholl, to delegate to DSPS Chief

Legal Counsel the authority to act on behalf of the Board 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 Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, 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 Board

meeting. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Karl Linck moved, seconded by Steven Hook, to adopt the "Roles and Authorities

Delegated for Monitoring" document as presented in the February 16, 2023

agenda materials on pages 16-18. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Karl Linck moved, seconded by Steven Hook, 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.

(Colleen Scholl excused at 8:59 a.m.)

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Karl Linck moved, seconded by Kristine Cotharn, to delegate authority to the

Credentialing Liaison(s) to serve as a liaison between the Department and the Board 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: Steven Hook moved, seconded by Kristine Cotharn, 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: Karl Linck moved, seconded by Steven Hook, 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: Steven Hook moved, seconded by Kristine Cotharn, to delegate authority to the

Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of professional engineering. Motion

carried unanimously.

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

MOTION: Steven Hook moved, seconded by Karl Linck, to delegate authority to Department

staff to approve applications where Applicant's prior discipline has been approved for a previous professional engineering credential and there is no new discipline.

Motion carried unanimously.

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

MOTION: Steven Hook moved, seconded by Kristine Cotharn, to delegate authority to

Department staff to approve applications where criminal background checks have been approved for a previous professional engineering credential and there is no

new conviction record. Motion carried unanimously.

Delegation of Authority for Reciprocity Reviews

MOTION: Steven Hook moved, seconded by Kristine Cotharn, 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: Steven Hook moved, seconded by Kristine Cotharn, 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: Karl Linck moved, seconded by Steven Hook, 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.

Voluntary Surrenders

MOTION: Kristine Cotharn moved, seconded by Karl Linck, 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: Kristine Cotharn moved, seconded by Karl Linck, 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: Steven Hook moved, seconded by Karl Linck, 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 DSPS to Provide Section Member Contact Information to National Regulatory Related Bodies

MOTION: Karl Linck moved, seconded by Steven Hook, to authorize the Department staff to

provide national regulatory related bodies with all section member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Steven Hook moved, seconded by Karl Linck, to designate the Chairperson (or, in

the absence of 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: Steven Hook moved, seconded by Karl Linck, 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: Karl Linck moved, seconded by Kristine Cotharn, 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.

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

<u>Consideration of Attendance: National Council of Examiners for Engineering and Surveying</u> (NCEES) Central Zone Meeting – April 27-29, 2023 – Houston, TX

MOTION:

Steven Hook moved, seconded by Kristine Cotharn, to designate Karl Linck, as the Board's delegate, to attend the National Council of Examiners for Engineering and Surveying (NCEES) Central Zone Meeting on April 27-29, 2023 in Houston, TX. Motion carried unanimously.

CLOSED SESSION

MOTION:

Steven Hook moved, seconded by Karl Linck, 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.). Kristine Cotharn, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Kristine Cotharn-yes; Steven Hook-yes; and Karl Linck-yes. Motion carried unanimously.

The Section convened into Closed Session at 9:36 a.m.

CREDENTIALING MATTERS

Application Reviews

Mahmoud Jassar - Professional Engineer Applicant

MOTION:

Karl Linck moved, seconded by Steven Hook, to approve the Professional Engineer application of Mahmoud Jassar, once all requirements are met. Motion carried unanimously.

DELIBERATION ON DLSC MATTERS

Proposed Stipulations, Final Decisions and Orders

21 ENG 020 - BC Engineers, Inc., Erick Knudsen, Darin Seidel

MOTION:

Steven Hook moved, seconded by Kristine Cotharn, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against BC Engineers, Inc., Erick Knudsen, Darin Seidel, DLSC Case Number 21 ENG 020. Motion carried unanimously.

Administrative Warnings

22 ENG 003 - R.A.S.

MOTION:

Kristine Cotharn moved, seconded by Steven Hook, to issue an Administrative Warning in the matter of R.A.S., DLSC Case Number 22 ENG 003. Motion carried unanimously.

21 ENG 010 - K.L.

MOTION: Karl Linck moved, seconded by Steven Hook, to close DLSC Case Number 21

ENG 010, against K.L., for Prosecutorial Discretion (P5). Motion carried

unanimously.

RECONVENE TO OPEN SESSION

MOTION: Steven Hook moved, seconded by Karl Linck, to reconvene in Open Session.

Motion carried unanimously.

Open Session reconvened at 9:56 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Steven Hook moved, seconded by Karl Linck, 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: Steven Hook moved, seconded by Karl Linck, to adjourn the meeting. Motion

carried unanimously.

The meeting adjourned at 9:57 a.m.

Azam, Dialah - DSPS

From: Karl Linck <Karl.Linck@linckconsulting.tech>

Sent: Monday, March 6, 2023 6:45 PM

To: Ryan, Tom - DSPS

Subject: Legislative Questions and FW: Reciprocal Credentials Bill

Attachments: 23-0117_1.pdf

CAUTION: This email originated from outside the organization.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tom,

I received the email below and the attachment from NCEES as I am the Legislative Liaison for the Board. I need some direction on this. Adam was going to provide some information on this one, but never got it to me. Do you want to answer Joshua Twitty's email, or should I?

Also, I see there is some looks being made for 4 year renewal periods for the licenses for many occupations including Architect and Engineer. Should this be something we discuss and have a position on as a board?

How do we, or I as the liaison, get more involved with the legislature? I need information.

Thanks, Karl Linck

From: Joshua Twitty <jtwitty@ncees.org> Sent: Monday, March 6, 2023 11:23 AM

To: pkl.linck@charter.net

Subject: Reciprocal Credentials Bill

Good morning,

I have attached an introduced bill that allows reciprocal credentials for all individuals (the bill was previously only for service members). I would love to schedule a chat to discuss any intel regarding the bill and the likelihood of our professions receiving an exemption. We have a similar model to those that received a carveout and our Model Records is a comity credential.

Please let me know if you have any insight or want to schedule a call.

Thanks,

Josh Twitty Advocacy and External Engagement Strategist

NCEES

T: x-5295 ncees.org



State of Misconsin 2023 - 2024 LEGISLATURE

LRB-0117/1 JPC:cdc

2023 BILL

AN ACT to repeal 89.073 (1), 89.073 (2m), 440.09 (1) and 440.09 (2m); to amend 89.073 (title), 89.073 (2) (b), 440.09 (title) and 440.09 (2) (b); and to create 440.09 (6) of the statutes; relating to: reciprocal credentials.

Analysis by the Legislative Reference Bureau

This bill creates a process for certain individuals who hold a license, certification, registration, or permit that was granted by another state to apply for and receive a reciprocal credential in this state. Under current law, an individual may not engage in certain professions or assume certain titles in this state unless the individual holds a credential issued by a department, examining board, or credentialing board with authority to oversee the profession or practice. Current law requires the Department of Safety and Professional Services, the Veterinary Examining Board, and any credentialing board attached to DSPS, with certain exceptions, to issue a reciprocal credential to a service member, former service member, or the spouse of a service member or former service member who resides in this state if certain conditions are met. This bill expands who may apply for reciprocal credentials to include all individuals. The bill does not allow individuals to receive a reciprocal credential from the Accounting Examining Board or the Real Estate Examining Board that would grant the holder of the credential a limited right to practice law in this state, unless the applicant is licensed to practice law in this state.

BILL

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1	SECTION 1. 89.073 (title) of the statutes is amended to read:
2	89.073 (title) Reciprocal credentials for service members, former
3	service members, and their spouses.
4	Section 2. 89.073 (1) of the statutes is repealed.
5	Section 3. 89.073 (2) (b) of the statutes is amended to read:
6	89.073 (2) (b) The individual is a service member, a former service member, or
7	the spouse of a service member or former service member and resides in this state.
8	Section 4. 89.073 (2m) of the statutes is repealed.
9	Section 5. 440.09 (title) of the statutes is amended to read:
10	440.09 (title) Reciprocal credentials for service members, former
11	service members, and their spouses.
12	Section 6. 440.09 (1) of the statutes is repealed.
13	Section 7. 440.09 (2) (b) of the statutes is amended to read:
14	440.09 (2) (b) The individual is a service member, a former service member, or
15	the spouse of a service member or former service member and resides in this state.
16	Section 8. 440.09 (2m) of the statutes is repealed.
17	Section 9. 440.09 (6) of the statutes is created to read:
18	440.09 (6) This section does not apply to a reciprocal credential issued by the
19	accounting examining board or the real estate examining board that grants the

BILL

- 1 holder a limited right to practice law in this state, unless the applicant is licensed
- 2 to practice law in this state.
- 3 (END)

State of Wisconsin Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and title of pers	son submitting the request:	2) Date when reque	2) Date when request submitted:		
Dana Denny		03/29/2023	03/29/2023		
•			Items will be considered late if submitted after 12:00 p.m. on the deadline		
0) N (D 0		date which is 8 busin	ess days before the meeting		
3) Name of Board, Com	mittee, Council, Sections:				
	Section of the Examining Boal Land Surveyors, and Regis		nal Engineers, Landscape Architects,		
4) Meeting Date:					
4/12/2023	⊠ Yes		ninistrative Rule Matters – Discussion and Consideration		
	□ No				
		a. A-E 2, 7, a	and 8 Relating to Sealing and Stamping of		
			ating to Supervision		
		2. Pending or Possible F			
7) Place Item in:	8) Is an appearan	ce before the Board being	9) Name of Case Advisor(s), if required:		
Open Session	scheduled?		N/A		
Closed Session	☐ Yes				
	⊠ No				
10) Describe the issue a	and action that should be add	dressed:			
Attachments:					
_		lating to Sealing and Stamping	g of Documents		
	 Preliminary Rule Draft: A-E 8, Relating to Supervision • A-E Rules Project Chart 				
A-L Rules I I	oject chart				
Copies of current Boar	rd Rule Projects Can be Viev	ved Here: https://dsps.wi.gov/	Pages/RulesStatutes/PendingRules.aspx		
44)		A4h.aia4i.a.u			
11)	,	Authorization			
Dana Denny			03/28/23		
Signature of person making this request Date					
Supervisor (if required)	Supervisor (if required) Date				
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date					
= 1.000.0.0 Signature (maioutoe approvar to add poor agenda deddine item to agenda)					
Directions for including supporting documents:					
 This form should be attached to any documents submitted to the agenda. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 					
 Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a 					
5. If necessary, provide original documents needing board Chairperson signature to the Bureau Assistant prior to the start of a					

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

IN THE MATTER OF RULEMAKING

PROFESSIONAL ENGINEERS,

DESIGNERS, PROFESSIONAL

LAND SURVEYORS, AND REGISTERED :

INTERIOR DESIGNERS

PROPOSED ORDER OF THE PROCEEDINGS BEFORE THE : EXAMINING BOARD OF EXAMINING BOARD OF ARCHITECTS, : ARCHITECTS, LANDSCAPE LANDSCAPE ARCHITECTS, : ARCHITECTS, PROFESSIONAL PROFESSIONAL ENGINEERS ENGINEERS, DESIGNERS, PROFESSIONAL LAND SURVEYORS, AND

REGISTERED INTERIOR

DESIGNERS ADOPTING RULES

(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers to repeal A-E 2.05 (6), renumber A-E 2.02 (8), amend A-E 2.02 (3), (4), (5) (6) and (7), A-E 2.02 (7) (a), 7.05 (8), 7.08 (3) (i), A-E (4) (c), A-E 8.10, (title), (1), (2), and (3) and create A-E 2.02 (8) and (9) relating to sealing and stamping of documents.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 443.08 (4) (b), 443.17, and 443.175, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 443.015 (2), and, 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..."

Section 443.015 (2), 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."

Related statute or rule:

A-E 2.02 (7) (b) (2), which lists requirements for electronic signatures, Section 137.11 (13) States, which restricts the use of seals and stamps, and Section 443.17 which restricts the use of seals and stamps.

Plain language analysis:

The A-E Board performed a comprehensive review to evaluate A-E 2, 7, and 8 to provide clarification on the rules relating to seals and stamps and eliminated redundant words or sentences that might bring confusion to stakeholders.

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 seal requirement standards of for architects [68 Ill. Adm. Code 1150], professional engineers [68 Ill. Adm. Code 1380.295], and professional land surveyors [68 Ill. Adm. Code 1270.58].

Licensed Architects and Professional Engineers must have a reproducible seal, which may be electronically affixed, or, at the licensed professional's discretion, an original signature in the licensee's handwriting, a scanned copy of documents bearing an original signature, or a signature generated by a computer.

Land surveyors must have a reproducible seal or facsimile, which may be computer generated, the impression of which shall contain the name of the land surveyor, his or her place of business, the license number of the professional land surveyor, and the words "Professional Land Surveyor, State of Illinois." They may also provide an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

Iowa:

Rules covering seal requirements for architects, engineers, professional land surveyors, and landscape architects are specified by the Iowa Architectural Examining Board [193B IAC 4.6], the Iowa Engineering and Land Surveying Examining Board [193C IAC 6.1(1) to 6.1(9)], and the Iowa Landscape Architectural Examining Board [193D IAC 4.1(7)].

Architects, Landscape Architects and Professional Land Surveyors may provide seals presented as a legible rubber stamp, an electronic image or any other facsimile of the seal. The information requested in each information block must be typed or legibly

printed in permanent ink or a secure electronic signature which has been defined in Iowa Code section 554D.103(14), which includes digital signature technology.

Michigan:

Rules of the Michigan Department of Licensing and Regulatory Affairs provide seal requirements for architects [Mich Admin Code, R 339.15404], professional engineers [Mich Admin Code, R 339.16031 to R 339.16034], professional surveyors [Mich Admin Code, R 339.17301], and landscape architects [Mich Admin Code, R 339.19041]. In the State of Michigan rules, there are no differences specified between the types of seals or stamps.

Minnesota:

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design provide seal requirements for licensed architects, licensed professional engineers, licensed land surveyors, and licensed landscape architects [Minnesota Rules, part 1800.4300].

Within the State of Minnesota, professional certifications and signatures on plans, drawings, specifications, plats, reports, and other documents may be electronic, or provided via facsimile or digitally. Plans, specifications, plats, reports, and other documents may be stamped with the seal during the life of a licensee's license or certificate holder's certificate if it remains unrevoked, has not expired, or has not been suspended.

Summary of factual data and analytical methodologies:

The proposed rule was developed by conducting a comprehensive review of the provisions of ch. A-E 2, 7, and 8, reviewing professional sealing and stamping provisions from surrounding 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, or by calling (608) 266-6795.

Agency contact person:

Dana Denny, 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.

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

Comments may be submitted to Dana Denny, 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. 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.

TEXT OF RULE

SECTION 1.—A-E 2.02 (3), (4), (5), (6) and (7) are amended to read:

A-E 2.02 (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. The registration seal may be erimp type, rubber stamp, or electronic an embossing seal, an ink stamp seal, a digitally printed seal, or digitally embedded seal in an electronic file. No stickers are allowed.

A-E 2.02 (4) Each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, professional engineering, design or professional land surveying practice shall be signed, sealed and dated by the registrant or permit holder who prepared, or directed and controlled preparation of, the written material, except as specified in sub. (5).

When a registrant is required to seal, sign, and date engineering/surveying documents, one of the following methods must be used:

- 1. Physical placement of a seal and a handwritten signature in permanent ink containing the name of the licensee and date.
- 2. Digital placement of a seal and a handwritten signature in permanent ink containing the name of the licensee and date.
- 3. Digital placement of a seal and a digital signature containing the name of the licensee and date. Digital signature must meet 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.
- 4. If other standards for signatures or seals are prescribed by statute, the statutes shall govern.

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.

A-E 2.02 (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.

The seal and signature of the licensee and the date of signing shall be placed on all final engineering specifications, reports, drawings, plans, design information, and calculations or surveys, reports, plats, drawings, plans, and calculations whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under the responsible charge of the licensee. Working drawings or preliminary documents are not required to have a seal and signature if the working drawing or preliminary document contains a statement in large bold letters to the effect

"PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION."

A-E 2.02 (6) Any addition, deletion or other revision to each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, professional engineering, design or professional land surveying practice which affects public health and safety or any state or local code requirements may not be made unless signed, sealed and dated by the registrant or permit holder who made or directed and controlled the making of the revision.

The seal and signature shall be placed on all original copy, tracings, or other reproducible documents so that the seal and signature will be reproduced when copies are made.

- A-E 2.02 (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 back- ground.
- 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.

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

When the document contains more than one sheet, the first or title page shall be sealed and signed by the licensee who was in responsible charge. Two or more licensees may affix their signatures and seals provided that a note under the seal designates the specific subject matter for which each is responsible. In addition, each sheet shall be sealed and signed by the licensee or licensees responsible for that sheet. When a firm performs the work, each sheet shall be sealed and signed by the licensee or licensees who were in responsible charge of that sheet.

SECTION 2. A-E 2.02 (8) and (9) are created to read:

A-E 2.02 (8) Any revision to a document containing the seal and signature of a licensee shall be described and dated. If the revisions are not done by the original licensee, the revisions must also be signed and sealed by the licensee in responsible charge of those revisions.

A-E 2.02 (9) In circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a site adaptation of a standard design plan, or the work is a design plan signed and sealed by an out-of-jurisdiction licensee, a successor licensee may take responsible charge by performing all professional services to include developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The nonprofessional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's work. The burden is on the successor licensee to show such compliance. The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all documents.

SECTION 3. A-E 2.02 (7) (a) is amended to read:

SECTION 4. A-E 2.05 (6) is repealed.

SECTION 5. A-E 7.05 (8) is amended to read:

A-E 7.05 (8) The map shall bear the stamp or seal, name and address and signature of the professional land surveyor under whose direction and control the property survey was made with a statement certifying that the property survey complies with this chapter and is correct to the best of the professional land surveyor's knowledge and belief.

SECTION 6. A-E 7.08 (3) (i) is amended to read:

A-E 7.08 (3) (i) The stamp and signature or seal and signature of the professional land surveyor under whose direction and control the corner location was determined and a statement certifying that the U.S. public land survey monument

record is correct and complete to the best of the professional land surveyor's knowledge and belief.

SECTION 7. A-E 7.08 (4) (c) is amended to read:

A-E 7.08 (4) (c) The stamp and signature or seal and signature of the professional land surveyor under whose direction and control the corner location was determined or witness monument established.

SECTION 8. A-E 8.10 (title), (1), (2) and (3) are amended to read:

A-E 8.10 Plan stamping sealing.

- **A-E 8.10 (1)** No architect, landscape architect, professional engineer or designer may sign, and seal or stamp any plans, drawings, documents, specifications or reports for architectural, landscape architectural, professional engineering or design practice which are not prepared by the registrant or under his or her personal direction and control.
- A-E 8.10 (2) No professional land surveyor may sign, and 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.
- **A-E 8.10 (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.

SECTION 9. 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.

pursuant to s. 227.22 (2) (intro.)	, Stats.	
(1	END OF TEXT	OF RULE)
±	ers, Professional	f Architects, Landscape Architects, Land Surveyors, and Registered Interior vernor and Legislature.
Dated	Agency _	Chair

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

.....

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 PROCEEDINGS BEFORE THE **EXAMINING BOARD OF** PROFESSIONAL ENGINEERS, ENGINEERS, DESIGNERS, DESIGNERS, PROFESSIONAL PROFESSIONAL LAND SURVEYORS, AND REGISTERED SURVEYORS, AND REGISTERED INTERIOR DESIGNERS **INTERIOR DESIGNERS** DESIGNERS ADOPTING RULES (CLEARINGHOUSE RULE)

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.

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, or by calling (608) 266-6795.

Agency contact person:

Dana Denny, 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.

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

Comments may be submitted to Dana Denny, 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. 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.

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.

(END OF TEXT OF RULE)

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	

Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers Rule Projects (updated 3/28/23)

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause/ Summary	Current Stage	Next Step
	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.	Scope withdrawn.	
	112-21	6/20/24	A-E 2, 7, and 8	Sealing and Stamping of Documents. Clarification on definitions of seal and stamps, requirements for electronic signatures, and clean up redundant words or sentences.	Currently drafting rule.	Posted for EIA comments, submitted to the Clearinghouse, and scheduled for a public hearing.
	071-22		A-E 8	Supervision. Clarification on definitions of supervision to ensure requirements are current with standards of practice.	Currently drafting rule.	Posted for EIA comments, submitted to the Clearinghouse, and scheduled for a public hearing.
	Not Yet Assigned		A-E 3	Architectural Registration. Clarification of Architectural Registration language and practices	Currently drafting scope.	Moved to A-E Rules Committee for approval.
			A-E 1 to 15	Registered Interior Designers. The objective of the proposed rules is to implement the statutory changes from 2021 Wisconsin Act 195 to allow for the licensure, discipline, and practice of Registered Interior Designers.	Section has approved scope.	Moved to A-E Rules Committee for approval.