



**TELECONFERENCE/VIRTUAL MEETING
RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND SURVEYORS,
AND REGISTERED INTERIOR DESIGNERS
Virtual, 4822 Madison Yards Way, Madison
Contact: Will Johnson (608) 266-2112
June 22, 2023**

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 11, 2023 (3-5)

C. Administrative Matters

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. Sina, Christopher – Landscape Architect Section
 7. Stroebel, Robin – Registered Interior Designer Section
 8. Uselmann, Corissa – Public Member
 9. Wagner, Steven L. – Architect Section
 - b. Alternate Members
 1. Douglas, Gregory – Architect Section Alternate
 2. Destree, Melissa – Registered Interior Designer Section Alternate
 3. Tweed, Steven – Designer Section Alternate
 4. Linck, Karl L. – Prof. Engineer Section Alternate
 5. Martin, Christina C. – Prof. Land Surveyor Section Alternate

D. Legislation and Policy Matters – Discussion and Consideration

E. Administrative Rule Matters – Discussion and Consideration

1. Review and Respond to Preliminary Public Hearing Comments on Scope Statement 028-23: A-E 1-15, related to Registered Interior Designers **(6-9)**
2. Scope Statement: A-E 3, related to Architect Registration **(10-13)**
3. Pending or Possible Rulemaking Projects

F. Public Comments

ADJOURNMENT

NEXT DATE: OCTOBER 10, 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
A-E RULES COMMITTEE
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND SURVEYORS
AND REGISTERED INTERIOR DESIGNERS
MEETING MINUTES
APRIL 11, 2023**

PRESENT: Daniel Fedderly, Michael Heberling, Steven Hook, Karl Linck (*arrived at 1:38 p.m.*), Dennis Myers, Christopher Sina, Robin Stroebel, Steven Wagner

EXCUSED: Kristine Cotharn

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

(Karl Linck served as the representative for the Professional Engineer Section at this meeting.)

(Melissa Destree and Christina Martin were present at the meeting but did not attend as voting members.)

CALL TO ORDER

Will Johnson, Executive Director, called the meeting to order at 1:06 p.m. A quorum was confirmed with seven (7) members present.

ADOPTION OF AGENDA

MOTION: Dennis Myers moved, seconded by Steven Hook, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 11, 2022

MOTION: Dennis Myers moved, seconded by Daniel Fedderly, to adopt the Minutes from October 11, 2022 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Dennis Myers nominated Daniel Fedderly for the Office of Chairperson. Daniel Fedderly accepted the nomination.

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

Daniel Fedderly was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Dennis Myers nominated Steven Wagner for the Office of Vice Chairperson. Steven Wagner declined the nomination.

NOMINATION: Dennis Myers nominated Christopher Sina for the Office of Vice Chairperson. Christopher Sina accepted the nomination.

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

Christopher Sina was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Daniel Fedderly nominated Dennis Myers for the Office of Secretary. Dennis Myers accepted the nomination.

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

Dennis Myers was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Daniel Fedderly
Vice Chairperson	Christopher Sina
Secretary	Dennis Myers

(Karl Linck arrived at 1:38 p.m.)

ADMINISTRATIVE RULE MATTERS

Rule Drafts

A-E 2, 7 and 8, Relating to Sealing and Stamping of Documents

MOTION: Dennis Myers moved, seconded by Steven Hook, to authorize Karl Linck, Steven Wagner, Christopher Sina to work with DSPS in drafting rule citation A-E 2, 7 and 8, Relating to Sealing and Stamping of Documents, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

A-E 8, Relating to Supervision

MOTION: Dennis Myers moved, seconded by Christopher Sina, to authorize Daniel Fedderly to work with DSPS in drafting and approval of rule citation A-E 8, Relating to Supervision, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Scope Statements

Scope Statement: A-E 3, Relating to Sealing and Stamping of Documents

MOTION: Dennis Myers moved, seconded by Christopher Sina, to approve the Scope Statement revising A-E 3, relating to Sealing and Stamping of Documents, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

Scope Statement: A-E 1-15, Relating to Registered Interior Designers

MOTION: Dennis Myers moved, seconded by Michael Heberling, to approve the Scope Statement revising A-E 1-15, relating to Registered Interior Designers, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 2:36 p.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: 06/20/2023 <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 Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors and Registered Interior Designers											
4) Meeting Date: 06/22/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?									
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 <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 Committee will review the public comment received concerning scope statement ss 028-23 relating to Registered Interior Designers and take appropriate action.											
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;">05/31/23</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>	05/31/23	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	
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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.											

Will, please share this with the WRID Section Members; and, please read this into the record as a Public Comment at the next WRID Section meeting, thanks. -AJ 6.5.2023

Dear Section Members,

Today I am writing as a member of the public, registered as a Wisconsin Registered Interior Designer (WRID). You may also know me as the Vice Chair of the Joint Examining Board (JEB) of Architects, Landscape Architects, Professional Engineers, Professional Land Surveyors, Designers of Engineering Systems, and Registered Interior Designers; but this message is not intended to represent the views of the JEB but rather, my personal views; I have been credentialed in Wisconsin as an Architect and a Landscape Architect in addition to WRID, three all for many years, and have served for more than 12 years on the JEB and Architect Section.

As you develop Rules for the WRID/RID Section, please consider these:

1. The State of Wisconsin has in effect granted WRID registrants a monopoly over the practice and the title, and the rationale for this is solely the protection of the public's health, safety and welfare (HSW).
2. Many years ago, Continuing Education (CE) requirements were initiated for some disciplines within the JEB, for continued licensure via biennial renewal.
3. Several years ago, DSPS (at the time, Department of Commerce) performed random audits for CE compliance by credential holders; but due to budget constraints, auditing was eliminated shortly thereafter.
4. The DSPS has no "policing" activity or staff that assures compliance with CE requirements, or conformance with any Rules. Hence, each licensee is obligated under A-E 8.08 https://docs.legis.wisconsin.gov/code/admin_code/a_e/8.pdf to report possible violations. Within any disciplinary action investigated by DSPS staff supporting the Architect Section, compliance with CE requirements has been undertaken. But please note, only if a licensee is the subject of a disciplinary investigation does compliance with the CE requirements stipulated within the Rules, occurs.
5. So as you undertake WRID rulemaking, please strongly consider these recommendations:
 - a. The number of biennial contact hours for registrants should match those of Architect. Details are found in A-E 12.03 https://docs.legis.wisconsin.gov/code/admin_code/a_e/12.pdf This requires a combination of mostly HSW and then other "non-HSW" Learning Units (LUs) in addition; 24 hours (of which 16 shall be HSW topics) is required biennially.
 - b. The quality of approvable CE is important. For example, lunch-n-learns that are blatant sales pitches for specific manufacturer's products, should not be allowed. The American Institute of Architects (AIA) is the only design discipline professional organization (via JEB) that currently reviews all pre-submitted CE course content, for approval in advance for HSW designation. Consequently, courses approved by AIA as LU vs HSW should be allowed as acceptable CE for WRID renewal.
 - c. The AIA has a CE Transcript service for its members, and it is available to other design professionals at a reasonable cost. This Transcript has been widely (including in Wisconsin) accepted without question, in support of proof of CE. Rulemaking within WRID CE should recognize AIA, IIDA, ASID and similar professional organizations who document CE for their members.
 - d. Lastly, please also consider requiring Professional Conduct and Ethics subject content when contemplating CE requirements for WRIDs. While JEB Architects (under 12.03) do not presently have such a requirement, it is required by the Professional Landscape Architects under A-E 11.03 https://docs.legis.wisconsin.gov/code/admin_code/a_e/11.pdf in the quantity of 2 hours per biennium; these are not in addition to the minimum. I am licensed in Minnesota as an Architect and Certified Interior Designer. The State of Minnesota already requires Ethics CE for Architects, Landscape Architects, Professional Engineers and Certified Interior Designers, 2 hours per two-year renewal period being currently required.

Thank you for considering my recommendations.

Sincerely,

Jim

A. James Gersich, AIA

STATEMENT OF SCOPE

REGISTERED INTERIOR DESIGNER SECTION

Rule No.: A-E 1 to 15

Relating to: Registered Interior Designers

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 rules is to implement the statutory changes from 2021 Wisconsin Act 195.

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:

Wisconsin Administrative Code Chapter SPS 130 currently outlines requirements for Registered Interior Designers. The authority for the rules in SPS 130 was removed and transferred to the newly created Registered Interior Designers Section of the Examining board of architects, landscape architects, professional engineers, designers, professional land surveyors, and registered interior designers by 2021 Wisconsin Act 195. If new rules are not implemented as a result of this statute change, the practice of Registered Interior Designers will remain out of compliance with current state statute and may adversely affect the ability of Registered Interior Designers to practice in Wisconsin.

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

Section 15.08 (5) (b) states that “[each 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 443.015 (1) states 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 443.015 (1m) (a) 1. states that “

1. Each section of the examining board shall promulgate rules to do all of the following:

- a.** Allow the holder of a credential under this chapter who is at least 65 years of age or has actively maintained that credential for at least 20 years, which need not be consecutive, and who certifies that he or she has retired from and no longer engages in the practice for which he or she holds the credential to apply to the board to classify that credential as retired status.
- b.** Allow an individual who previously held a credential under this chapter, and failed to renew that credential prior to the renewal date, to apply to the board to renew the credential with retired status if the individual is at least 65 years of age or had actively maintained that credential for at least 20 years, which need not be consecutive, certifies that he or she has retired from and no longer engages in the practice for which he or she previously held the credential, and pays the

fee under par. (d). Section 440.08 (3) (a) and (b) does not apply to the renewal of such a credential.

c. Allow the holder of a credential classified as retired status as described under subd. 1. a. or b. to apply to the appropriate section of the examining board to remove the retired status classification if he or she satisfies reinstatement requirements established by the appropriate section of the examining board by rule.”

Section 443.015 (2) states that “[e]ach 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.”

Section 443.17 (2) (a) states that “[t]he registered interior designer section of the examining board shall promulgate rules establishing specifications for seals and stamps used by Wisconsin registered interior designers.”

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

120 hours

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

Registered Interior Designer credential holders and those looking to enter the profession 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 or no economic impact on small businesses and the state’s economy as a whole.

Contact Person: Dana Denny, (608) 287-3748, DSPSAdminRules@wisconsin.gov

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

AGENDA REQUEST FORM

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4) Meeting Date: 06/22/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Review Implemented Scope Statement 038-23 for A-E 3 Relating to Architect Registration									
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 <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 Committee will review the implemented scope statement 038-23 for A-E 3 relating to architect registration and consider further actions.											
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STATEMENT OF SCOPE

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

Rule No.: A-E 3

Relating to: Architect Registration

Rule Type: Permanent

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

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

At the 2022 National Council of Architectural Registration Boards (NCARB) Annual Business Meeting, member licensing boards ratified a mutual recognition agreement (MRA) between NCARB and its counterpart in the United Kingdom, the Architects Registration Board (ARB). This MRA allows for reciprocal licensure between residents of the United States and the United Kingdom.

The objective of the proposed rule is to conduct a comprehensive review of architect registration requirements and ensure that experience, education, and examination requirements for architect registration reflect current best practices and make any amendments required to prevent confusion for both Wisconsin applicants seeking foreign reciprocity and foreign applicants seeking Wisconsin reciprocity.

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 ratified agreement between the National Council of Architectural Registration Boards (NCARB) and the Architects Registration Board (ARB) provides an opportunity to review, clarify and update current architect registration requirements.

The alternative is to not revise the architect registration rules, which the Board believes will result in confusion for potential licensure applicants as well as professionals practicing in the field who wish to pursue reciprocal licensure.

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...”

Section 443.03 (1), Stats., provides that architect applicants must submit satisfactory evidence “that he or she has acquired a thorough knowledge of sound construction, building hygiene, architectural design and mathematics,” including, “one of the following:

- 1m. A diploma of graduation, or a certificate, from an architectural school or college approved by the architect section as of satisfactory standing, together with at least 2 years' practical experience of a character satisfactory to the architect section in the design and construction of buildings.
2. A specific record of 7 or more years of experience in architectural work of a character satisfactory to the architect section in the design and construction of buildings.”

Section 443.09, Stats., relating to examination and experience requirements, states “(1) considering the qualifications of an applicant as an architect...responsible charge of architectural...teaching may be construed as experience. (2) Subject to ss. 111.321, 111.322 and 111.335, no person who has an arrest or conviction record is eligible for registration as an architect...and, (4) Written or written and oral examinations shall be required of every applicant for registration as an architect...Only one form of examination may be required for all applicants. The examination shall be reasonably related to the skills likely to be needed by an applicant practicing the profession at the time of examination and seek to determine the applicant's preparedness to exercise such skills.”

Section 443.10 (1), Stats., relating to registration and reciprocity, states, “(a) The appropriate section of the examining board may, upon application and the payment of the required fee, grant a certificate of registration as an architect...to any person who holds an unexpired certificate of similar registration issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects...are of a standard not lower than specified in this chapter. (b) The appropriate section of the examining board may, upon application and payment of the required fee, grant a certificate of registration as an architect..., to any person who holds an unrevoked card or certificate of national reciprocal registration, issued by any state, territory, or possession of the United States or by any country, which is in conformity with the regulations of the national council of state board of architectural...examiners, and who complies with the regulations of the appropriate section, except as to qualifications and registration fee. (d) The appropriate section of the examining board may, upon application and payment of the required fee, grant a permit to practice or to offer to practice architecture...to a person who is not a resident of and has no established place of business in this state, or who has recently become a resident of this state, if the person holds an unexpired certificate of similar registration issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects...are of a standard not lower than specified in this chapter.”

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:

Registered architects and individuals seeking to enter the profession as a registered architect 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,
DSPSAdminRules@wisconsin.gov.

Approved for publication:



Authorized Signature

4/13/2023

Date Submitted

Approved for implementation:



Authorized Signature

06/15/2023

Date Submitted