



DSPS Meetings for the week of October 10, 2022

ADDENDUM – Adding Open Session item as outlined below to the Profession Engineer Section Meeting, October 12, 2022

**TELECONFERENCE/VIRTUAL MEETING
PROFESSIONAL ENGINEER SECTION
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS, PROFESSIONAL LAND SURVEYORS AND REGISTERED
INTERIOR DESIGNERS**

**Virtual, 4822 Madison Yards Way, Madison
Contact: Adam Barr (608) 266-2112
October 12, 2022
1:00 P.M.**

OPEN SESSION

Under item “H. Administrative Rule Matters – Discussion and Consideration” **ADD:** “Rule Draft: A-E 2, 7 and 8, Relating to Sealing and Stamping of Documents”

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://dps.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 at 608-266-2112, or the Meeting Staff at 608-266-5439.

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, PROFESSIONAL LAND
SURVEYORS AND 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
PROFESSIONAL ENGINEERS,	:	ENGINEERS, DESIGNERS,
DESIGNERS, PROFESSIONAL	:	PROFESSIONAL LAND
LAND SURVEYORS, AND REGISTERED	:	SURVEYORS, AND
INTERIOR DESIGNERS	:	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 amend A-E 2.02 (3), 2.02 (7) (a), 7.05 (8), 8.10, 8.10 (1), and 8.10 (2) 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), 443.015 (2), 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 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.”

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 A-E 2.02 (7) (b) (2), which lists requirements for electronic signatures, and Section 137.11 (13) Stats.

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) is repealed and replaced 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 crimp type, rubber stamp, or electronic. No stickers are allowed.

SECTION 2. A-E 2.02 (7) (a) is amended to read:

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.

SECTION 3. 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 4. A-E 8.10 (title), (1), (2) 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, 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, 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.

SECTION 5. 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

DRAFT