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**VIRTUAL/TELECONFERENCE**  
**EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,**  
**PROFESSIONAL ENGINEERS, DESIGNERS, AND**  
**PROFESSIONAL LAND SURVEYORS**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Valerie Payne (608) 266-2112**  
**November 30, 2020**

*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**

**10:00 A.M.**

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

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of April 22, 2020 (3-6)**
- C. Introductions, Announcements and Recognition
- D. Administrative Matters**
  - 1) Department, Staff and Board Updates
- E. Section Reports**
  - 1) Architect Section
  - 2) Designer Section
  - 3) Landscape Architect Section
  - 4) Professional Engineer Section
  - 5) Professional Land Surveyor Section
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (7)**
  - 1) Adoption Orders
    - a. CR 19-151 – A-E 3 – Architect Registration Examinations **(8-14)**
    - b. CR 19-153 – A-E 7 – Minimum Standards for Property Surveys **(15-28)**
    - c. CR 19-152 – A-E 9 – Landscape Architect Registration **(29-38)**
  - 2) Actions Taken by the A-E Rules Committee
    - a. Preliminary Rule Draft – A-E 2 – General Procedures **(39-46)**
    - b. Preliminary Rule Draft – A-E 8 – Professional Conduct **(47-50)**
    - c. Preliminary Rule Draft – A-E 1 to 13 – Retired Credential Status **(51-59)**

- d. Final Draft Emergency Rule – A-E 1 to 13 – Retired Credential Status **(60-66)**
  - e. Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108 **(67-69)**
- 3) Pending or Possible Rulemaking Projects
- a. A-E Board Report: Administrative Rules and Legislative Update **(70-71)**
  - b. Electronic Sealing and Stamping of Documents **(72)**
  - c. A-E 1 to 13, Relating to Retired Credential Status

H. 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) Motions
- 16) Petitions
- 17) Appearances from Requests Received or Renewed
- 18) Speaking Engagements, Travel, or Public Relation Requests, and Reports

I. Public Comments

**ADJOURNMENT**

**NEXT MEETING: APRIL 14, 2021**

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held 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 interpreter services for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**TELECONFERENCE/VIRTUAL  
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS AND  
PROFESSIONAL LAND SURVEYORS  
MEETING MINUTES  
APRIL 22, 2020**

**PRESENT:** Kenneth Arneson, Kristine Cotharn, Gregory Douglas, Daniel Fedderly, Tim Garland, James Gersich, Michael Heberling, Steven Hook, Karl Linck, Christina Martin, Dennis Myers, Colleen Scholl, Rosheen Styczinski

**EXCUSED:** Bruce Bowden, Michael Kinney, Steven Wagner

**STAFF:** Christian Albouras, Executive Director; Jameson Whitney, Board Legal Counsel; Dale Kleven, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department staff.

**CALL TO ORDER**

Rosheen Styczinski, Chairperson, called the meeting to order at 11:37 a.m. A quorum was confirmed with thirteen (13) members present.

**ADOPTION OF AGENDA**

**MOTION:** Dennis Myers moved, seconded by Kristine Cotharn, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF OCTOBER 9, 2019**

**MOTION:** Steven Hook moved, seconded by Tim Garland, to approve the Minutes of October 9, 2019 as published. Motion carried unanimously.

**INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION**

**Recognition of Matthew Wolfert, Architect Section**

**MOTION:** James Gersich moved, seconded by Dennis Myers, to recognize and thank Matthew Wolfert for his years of service to the Architect Section, the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors, and the State of Wisconsin. Motion carried unanimously.

## ADMINISTRATIVE MATTERS

### Election of Officers

#### *Chairperson*

**NOMINATION:** Dennis Myers nominated Rosheen Styczinski for the Office of Chairperson.

Christian Albouras, Executive Director, called for nominations three (3) times.

Rosheen Styczinski was elected as Chairperson by unanimous voice vote.

#### *Vice Chairperson*

**NOMINATION:** Rosheen Styczinski nominated James Gersich for the Office of Vice Chairperson.

Christian Albouras, Executive Director, called for nominations three (3) times.

James Gersich was elected as Vice Chairperson by unanimous voice vote.

#### *Secretary*

**NOMINATION:** Christina Martin nominated Dennis Myers for the Office of Secretary.

Christian Albouras, Executive Director, called for nominations three (3) times.

Dennis Myers was elected as Secretary by unanimous voice vote.

| 2020 ELECTION RESULTS   |                    |
|-------------------------|--------------------|
| <b>Chairperson</b>      | Rosheen Styczinski |
| <b>Vice Chairperson</b> | James Gersich      |
| <b>Secretary</b>        | Dennis Myers       |

### Appointment of Liaisons and Alternates

| 2020 A-E JOINT BOARD<br>COMMITTEE MEMBER APPOINTMENTS |   |
|---|---|
| <b>A-E Joint Board Rules<br/>Committee</b>            | Bruce Bowden, Kristine Cotharn, Michael Heberling, Steven Hook, Karl Linck, Dennis Myers, Rosheen Styczinski, Steven Wagner |

|  |             |
|--|-------------|
| <b>Retired License Status Task Force</b> | (DISSOLVED) |
| <b>Legislative Liaison</b>               | Karl Linck  |

**Delegation of Authorities**

***Document Signature Delegations***

**MOTION:** Dennis Myers moved, seconded by Colleen Scholl, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

**MOTION:** Steven Hook moved, seconded by Michael Heberling, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board 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 Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

***Delegated Authority for Urgent Matters***

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

***Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies***

**MOTION:** Steven Hook moved, seconded by Kristine Cotharn, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

### *Optional Renewal Notice Insert Delegation*

**MOTION:** James Gersich moved, seconded by Kenneth Arneson 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 board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

### *Rules Committee Delegation*

**MOTION:** Christina Martin moved, seconded by Tim Garland, to grant the Rules Committee the ability to address all rulemaking as related to drafting and making recommendations to the full Board. Motion carried unanimously.

### *Legislative Liaison Delegation*

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

## **ADMINISTRATIVE RULE MATTERS**

### **Adoption Order: CR 19-075, Relating to Professional Engineer Registration**

**MOTION:** Steven Hook moved, seconded by Dennis Myers, to approve the Adoption Order for Clearinghouse Rule CR 19-075, relating to professional engineer registration. Motion carried unanimously.

### **CR 20-009 – A-E 6, Relating to Professional Land Surveyor Licensure/ CR 20-014 – A-E 5, Relating to Designer Permits/ A-E 1 to 13, Retired Credential Status, Scope Statement**

**MOTION:** Dennis Myers moved, seconded by Steven Hook, to affirm all motions made and votes taken for A-E 6, relating to professional land surveyor licensure; A-E 5, relating to designer permits; and A-E 1 to 13, relating to retired credential status, during the A-E Rules Committee meeting on April 21, 2020. Motion carried unanimously.

## **ADJOURNMENT**

**MOTION:** Dennis Myers moved, seconded by Dan Fedderly, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:47 p.m.

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

**AGENDA REQUEST FORM**

|   |   |  |  |
|---|---|--|--|
| 1) Name and Title of Person Submitting the Request:<br><b>Dale Kleven - Administrative Rules Coordinator</b>  |   | 2) Date When Request Submitted:<br><b>11/17/20</b><br><small>Items will be considered late if submitted after 12:00 p.m. on the deadline date:<br/>         ▪ 8 business days before the meeting</small>   |  |
| 3) Name of Board, Committee, Council, Sections:<br><b>Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors</b>  |   |  |  |
| 4) Meeting Date:<br><br><b>11/30/20</b>   | 5) Attachments:<br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | 6) How should the item be titled on the agenda page?<br><b>Administrative Rule Matters – Discussion and Consideration</b><br><b>1. Adoption Orders</b><br>a. CR 19-151 – A-E 3 – Architect Registration Examinations<br>b. CR 19-153 – A-E 7 – Minimum Standards for Property Surveys<br>c. CR 19-152 – A-E 9 – Landscape Architect Registration<br><b>2. Actions Taken by the A-E Rules Committee</b><br>a. Preliminary Rule Draft – A-E 2 – General Procedures<br>b. Preliminary Rule Draft – A-E 8 – Professional Conduct<br>c. Preliminary Rule Draft – A-E 1 to 13 – Retired Credential Status<br>d. Final Draft Emergency Rule – A-E 1 to 13 – Retired Credential Status<br>e. Administrative Rules Reporting Requirement Under 227.29, Stats.<br><b>3. Pending and Possible Rulemaking Projects</b><br>a. A-E Board Report: Administrative Rules and Legislative Update<br>b. Electronic Sealing and Stamping of Documents<br>c. A-E 1 to 13, Relating to Retired Credential Status |  |
| 7) Place Item in:<br><input checked="" type="checkbox"/> Open Session<br><input type="checkbox"/> Closed Session<br><input type="checkbox"/> Both   |   | 8) Is an appearance before the Board being scheduled?<br><input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> )<br><input checked="" type="checkbox"/> No  | 9) Name of Case Advisor(s), if required: |
| 10) Describe the issue and action that should be addressed:<br><br><b>Pending and Possible Rulemaking Projects - A-E 1 to 13, Relating to Retired Credential Status</b><br>The Board is asked to consider delegating the Chairperson authority to approve the adoption order for the above-referenced rule. This action would help minimize the possibility of a gap between the expiration of the emergency rule and the effective date of the permanent rule. |   |  |  |
| 11) <i>Dale Kleven</i><br><hr/> Signature of person making this request   |   | Authorization<br><br><i>November 17, 2020</i><br><hr/> Date  |  |
| <hr/> Supervisor (if required)  |   | <hr/> Date   |  |
| <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date  |   |  |  |
| Directions for including supporting documents:<br>1. This form should be attached to any documents submitted to the agenda.<br>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.<br>3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.  |   |  |  |

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

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|                                |   |                             |
|--------------------------------|---|-----------------------------|
| IN THE MATTER OF RULEMAKING    | : | ORDER OF THE                |
| PROCEEDINGS BEFORE THE         | : | EXAMINING BOARD OF          |
| EXAMINING BOARD OF ARCHITECTS, | : | ARCHITECTS, LANDSCAPE       |
| LANDSCAPE ARCHITECTS,          | : | ARCHITECTS, PROFESSIONAL    |
| PROFESSIONAL ENGINEERS,        | : | ENGINEERS, DESIGNERS, AND   |
| DESIGNERS, AND PROFESSIONAL    | : | PROFESSIONAL LAND SURVEYORS |
| LAND SURVEYORS                 | : | ADOPTING RULES              |
|                                | : | (CLEARINGHOUSE RULE 19-151) |

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ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to repeal A-E 3.05 (6) to (9) and amend A-E 3.04 (1) and 3.05 (1) (intro.) and (4), relating to architect registration examinations.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Section 443.09 (4), Stats.

**Statutory authority:** Sections 15.08 (5) (b) and 443.02 (3), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

Section 443.02 (3), Stats., provides that “[n]o person may offer to practice architecture, landscape architecture, or professional engineering or use in connection with the person’s name or otherwise assume, use or advertise any title or description tending to convey the impression that he or she is an architect, landscape architect, or professional engineer or advertise to furnish architectural, landscape architectural, or professional engineering services unless the person has been duly registered or has in effect a permit under s. 443.10 (1) (d).”

**Related statute or rule:** Section 443.09 (4), Stats.

**Plain language analysis:**

- Section A-E 3.05 (1) (intro.) is revised to reflect that the Architect Section has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.



- Section A-E 3.05 (4) is revised to clarify that the authority to set the passing scores for the examination required for registration as an architect rests with the Architect Section.
- Section A-E 3.05 (6), (7), and (9) are repealed. As the Architect Section does not administer the examination required for registration as an architect, these provisions are obsolete.
- Section A-E 3.05 (8) is repealed, as it was invalidated by the repeal of s. 443.09 (6), Stats., in 2009 Wisconsin Act 350.

**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 address the examination for licensure to practice architecture in Illinois (68 Ill. Adm. Code 1150.40). The Department has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

**Iowa:**

Rules of the Iowa Architectural Examining Board address the examination for licensure to practice architecture in Iowa (193B IAC 2.3 and 2.4). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

**Michigan:**

Rules of the Michigan Board of Architects address the examination for licensure to practice architecture in Michigan (Mich Admin Code, R 339.15204). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

**Minnesota:**

Rules of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design address the examination for licensure to practice architecture in Minnesota (Minnesota Rules, part 1800.1200). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

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

The A-E Board conducted a thorough review of the A-E administrative rules in preparation of their first biennial report in response to 2017 Act 108 and s. 227.29, Stats. As a result of this review, the Board identified several places in ch. A-E 3 where the rules relating to examination requirements reference obsolete requirements or repealed provisions. The Architect Section also reviewed the chapter to ensure consistency with current practices relating to examinations required for registration.

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

The rules were posted for a period of 14 days to solicit public comment on economic impact, including how the rules may affect businesses, local government units, and individuals. No comments were received.

**Effect on small business:**

These rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov or by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, Administrative Rules Coordinators, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53705-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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TEXT OF RULE

SECTION 1. A-E 3.04 (1) is amended to read:

**A-E 3.04 (1)** For the purpose of meeting experience requirements for registration as an architect, an applicant may claim certain education as equivalent to experience in architectural work, as provided in s. 443.03 (2), Stats. To qualify as equivalent to experience in architectural work, the education shall be obtained at a university, college or technical school approved by the architect section of the examining board.

SECTION 2. A-E 3.05 (1) (intro.) and (4) are amended to read:

**A-E 3.05 (1) (intro.)** ARCHITECT EXAMINATION REQUIRED. An applicant for registration as an architect, unless applying under s. 443.10 (1), Stats., shall successfully complete the Architect Registration Examination administered by the National Council of Architectural Registration Boards, or an equivalent examination on architectural services which approved by the architect section that measures the knowledge and skills necessary to competently practice architecture. ~~The examination shall test and tests~~ the following architectural services and service elements:

**(4) GRADING.** The passing scores set by the ~~board~~ architect section represent the minimum competency required to protect public health and safety.

SECTION 3. A-E 3.05 (6) to (9) are repealed.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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Dated \_\_\_\_\_

Agency \_\_\_\_\_

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

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

|  |  |
|--|--|
| <p>1. Type of Estimate and Analysis<br/><input checked="" type="checkbox"/> Original   <input type="checkbox"/> Updated   <input type="checkbox"/> Corrected</p>   | <p>2. Date<br/>November 4, 2019</p>                  |
| <p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)<br/>A-E 3</p>   |  |
| <p>4. Subject<br/>Architect registration examinations</p>  |  |
| <p>5. Fund Sources Affected<br/><input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEG-S</p>  | <p>6. Chapter 20, Stats. Appropriations Affected</p> |
| <p>7. Fiscal Effect of Implementing the Rule<br/><input checked="" type="checkbox"/> No Fiscal Effect   <input type="checkbox"/> Increase Existing Revenues   <input type="checkbox"/> Increase Costs   <input type="checkbox"/> Decrease Costs<br/><input type="checkbox"/> Indeterminate   <input type="checkbox"/> Decrease Existing Revenues   <input type="checkbox"/> Could Absorb Within Agency's Budget</p>  |  |
| <p>8. The Rule Will Impact the Following (Check All That Apply)<br/><input type="checkbox"/> State's Economy   <input type="checkbox"/> Specific Businesses/Sectors<br/><input type="checkbox"/> Local Government Units   <input type="checkbox"/> Public Utility Rate Payers<br/><input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b></p>   |  |
| <p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).<br/>\$0</p>  |  |
| <p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?<br/><input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>   |  |
| <p>11. Policy Problem Addressed by the Rule<br/>The Section has reviewed the chapter and made the following revisions:</p> <ul style="list-style-type: none"><li>• Section A-E 3.05 (1) (intro.) is revised to reflect that the Architect Section has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.</li><li>• Section A-E 3.05 (4) is revised to clarify that the authority to set the passing scores for the examination required for registration as an architect rests with the Architect Section.</li><li>• Section A-E 3.05 (6), (7), and (9) are repealed. As the Architect Section does not administer the examination required for registration as an architect, these provisions are obsolete.</li><li>• Section A-E 3.05 (8) is repealed, as it was invalidated by the repeal of s. 443.09 (6), Stats., in 2009 Wisconsin Act 350.</li></ul> |  |
| <p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.<br/>The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.</p>  |  |
| <p>13. Identify the Local Governmental Units that Participated in the Development of this EIA.<br/>No local governmental units participated in the development of this EIA.</p>  |  |
| <p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)<br/>The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.</p>  |  |
| <p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule<br/>The benefit to implementing the rule is providing consistency with current practices and drafting standards, and applicable Wisconsin statutes. If the rule is not implemented, it will continue to not reflect current Wisconsin statutes.</p>   |  |

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is consistency with current practices and drafting standards, and applicable Wisconsin statutes.

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17. Compare With Approaches Being Used by Federal Government

None.

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation address the examination for licensure to practice architecture in Illinois (68 Ill. Adm. Code 1150.40). The Department has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Iowa:

Rules of the Iowa Architectural Examining Board address the examination for licensure to practice architecture in Iowa (193B IAC 2.3 and 2.4). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Michigan:

Rules of the Michigan Board of Architects address the examination for licensure to practice architecture in Michigan (Mich Admin Code, R 339.15204). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

Minnesota:

Rules of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design address the examination for licensure to practice architecture in Minnesota (Minnesota Rules, part 1800.1200). The Board has adopted the Architect Registration Examination administered by the National Council of Architectural Registration Boards.

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19. Contact Name

Dale Kleven, Administrative Rules Coordinator

20. Contact Phone Number

(608) 261-4472

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This document can be made available in alternate formats to individuals with disabilities upon request.

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

### ATTACHMENT A

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
  - Less Stringent Schedules or Deadlines for Compliance or Reporting
  - Consolidation or Simplification of Reporting Requirements
  - Establishment of performance standards in lieu of Design or Operational Standards
  - Exemption of Small Businesses from some or all requirements
  - Other, describe:
- 

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
-

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

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|                                |   |                             |
|--------------------------------|---|-----------------------------|
| IN THE MATTER OF RULEMAKING    | : | ORDER OF THE                |
| PROCEEDINGS BEFORE THE         | : | EXAMINING BOARD OF          |
| EXAMINING BOARD OF ARCHITECTS, | : | ARCHITECTS, LANDSCAPE       |
| LANDSCAPE ARCHITECTS,          | : | ARCHITECTS, PROFESSIONAL    |
| PROFESSIONAL ENGINEERS,        | : | ENGINEERS, DESIGNERS, AND   |
| DESIGNERS, AND PROFESSIONAL    | : | PROFESSIONAL LAND SURVEYORS |
| LAND SURVEYORS                 | : | ADOPTING RULES              |
|                                | : | (CLEARINGHOUSE RULE 19-153) |

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ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to repeal s. A-E 7.02 (1) and (2) and s. A-E 7.06 (2); to renumber and amend s. A-E 7.03 and s. A-E 7.08 (2); to amend s. A-E 7.02 (3), s. A-E 7.025, s. A-E 7.04 (1), (3), and (4), s. A-E 7.05, s. A-E 7.06 (title) and (1), s. A-E 7.06 (3), s. A-E 7.07, s. A-E 7.08 (1) (intro.) and (a) to (c), s. A-E 7.08 (2) (Note), and s. A-E 7.08 (3) (i); to repeal and recreate s. A-E 7.01; and to create s. A-E 7.02 (1m), s. A-E 7.03 (2), s. A-E 7.05 (7m), s. A-E 7.06 (1m), s. A-E 7.08 (1g) and (1r), s. A-E 7.08 (2) (b), and s. A-E 7.08 (4), relating to minimum standards for property surveys.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** ss. 443.015 (2) and 443.12 (1), Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 443.015 (2), Stats.

**Explanation of agency authority:**

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.”

**Related statute or rule:**

A-E 2, relating to general requirements and procedures; A-E 8, relating to professional conduct

**Plain language analysis:**

The Section conducted an evaluation and update of ch. A-E 7 to ensure consistency with current professional practices and applicable Wisconsin statutes. As a result, the following updates have been made:

- Recreates A-E 7.01 to require that all property surveys performed by professional land surveyors comply with the minimum accuracies required by A-E 7.06, and to enumerate the sections of A-E 7 that professional land surveyors and clients may exclude from their contracts.
- Amends the definition of “survey report” to remove the requirement that the existing map have been recorded or filed within the last 6 years.
- Clarifies that maps shall show evidence of possession or use by others if observed by the professional land surveyor while establishing corners.
- Creates requirements for U.S. Public Land Survey Monument Record Addendums, as an alternative to U.S. Public Land Survey Monument Records, where the witness ties or monuments have been destroyed or disturbed.
- Replaces references to “registers of deeds” or “county surveyor” with “the county office deemed appropriate to receive and retain property survey records.”
- Simplifies the relative positional accuracy measurements provision.
- Amends the chapter to conform to drafting standards for consistency and clarity, revises provisions to be more clear, and updates cross-references in light of other amendments.

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

When the land was first surveyed in Wisconsin, it was divided into a grid and each grid is approximately 36 square miles (the measurements were not always precise due to the instruments the surveyors were using, among other limitations). This grid system is known as the U.S. Public Land Survey System (PLSS). Where federal interests and rights exist, the Bureau of Land Management (BLM) is the legally identified authority and data steward for the PLSS under the Office of Management and Budget (OMB) Revised Circular A-16. The Circular provides direction for federal agencies that produce, maintain, or use spatial data either directly or indirectly in the fulfillment of their mission and provides for improvements in the coordination and use of spatial data. The Circular also describes effective and economical use and management of spatial data assets in the digital environment for the benefit of the federal government and the nation. The Circular establishes a coordinated approach to electronically develop the National Spatial Data Infrastructure and establishes the Federal Geographic Data Committee (FGDC).

Individual states and counties have authority and data stewardship where no such federal interests or rights exist.



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

### **Illinois:**

The Land Surveyors Licensing Board is under the Illinois Department of Financial and Professional Regulation and advises the Secretary on matters of education, experience, professional conduct and competence. Illinois has a chapter on the Minimum Standards of Practice for professional land surveyors. The chapter outlines standards for ALTA/ACSM land title surveys, boundary surveys, condominium surveys, subdivision surveys, mortgage inspections, topographic surveys, and minimum standards for writing parcel legal descriptions. Section 1270.56, Illinois Administrative Code.

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### **Michigan:**

The Michigan Board of Professional Surveyors is under the Department of Licensing and Regulatory Affairs. Michigan has standards of practice and professional conduct on the solicitation of employment, conflicts of interest, and requirements for competence and that, “[a] licensee is responsible for clear, accurate, and complete development of plats, plans, drawings, specifications, survey reports, and other instruments of service as is customary in the practice of the licensee's profession, and the material shall properly satisfy the need for which it is intended.” R 339.17403 (2), Michigan Administrative Code. No more specific minimum standards for property surveys are established by administrative rule.

### **Minnesota:**

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design regulates the professions and enforces the statutes and rules in order to protect the health, safety and welfare of the public. Chapter 1805 outlines rules of professional conduct for all of the professions of the Board for professional and personal conduct, conflicts of interest, improper solicitation of employment, false or malicious statements, knowledge of the misconduct of others, and discrimination. Chapter 1805, Minnesota Rules. No more specific minimum standards for property surveys are established by administrative rule.

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

The Professional Land Surveyor Section of the A-E Board reached out to stakeholders once the scope statement was approved for implementation to gather input from interested parties. The Wisconsin Society of Land Surveyors submitted comments which were considered and acted upon by the Professional Land Surveyors Section at their

August 22, 2018 meeting. A draft of A-E 7 was further considered at the November 1, 2018 meeting. On December 3, 2018, the working draft of A-E 7 was posted on the department website to provide opportunity for stakeholders to consider the proposed amendments. The Professional Land Surveyor Section met on January 10, 2019 to consider public comments on the proposed amendments to A-E 7. After further amendments in response to public comments, the working draft of A-E 7 was posted on the department website on January 14, 2018. The Professional Land Surveyor Section met on April 23, 2019 to consider public comments on the proposed amendments to A-E 7 before approving the preliminary rule draft, with additional clarifications, to the A-E Rules Committee and A-E Board.

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

The rules were posted for a period of 14 days to solicit public comment on economic impact, including how the rules may affect businesses, local government units, and individuals. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, 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 608-261-4472; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received at or before the public hearing to be held on the proposed rules. Information concerning the date, time, and location of the public hearing will be published in the Wisconsin Administrative Register and posted on the Legislature's website at <https://docs.legis.wisconsin.gov/code/chr/hearings>.

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## TEXT OF RULE

SECTION 1. A-E 7.01 is repealed and recreated to read:

**A-E 7.01 Scope. (1)** The minimum standards of this chapter apply to any property survey performed by professional land surveyors in this state, except where otherwise provided in this chapter.

**(2)** The minimum accuracies in s. A-E 7.06 apply to any property survey performed by professional land surveyors in this state.

**(3)** If other standards for property surveys are prescribed by statute, administrative rule, or ordinance, and the standards are more restrictive than those in this chapter, the more restrictive standards govern.

**(4)** Except with regard to a U.S. public land survey monument record or addendum and a map of work performed, the professional land surveyor and client may enter into a written agreement, signed by both parties, to exclude land surveying work from the requirements of ss. A-E 7.03 (2), 7.05 (5) and (7m), and 7.07, where all of the following are performed:

**(a)** The professional land surveyor shall certify on the face of the map to the existence of the agreement.

**(b)** The map includes a note which states that an agreement to exclude work from the requirements of this chapter has been made and a list of those exclusions.

SECTION 2. A-E 7.02 (1) and (2) are repealed.

SECTION 3. A-E 7.02 (1m) is created to read:

**A-E 7.02 (1m)** “Property survey” means an activity performed in the practice of professional land surveying, as defined in s. 443.01 (6s), Stats., or the result of such activity.

SECTION 4. A-E 7.02 (3) is amended to read:

**A-E 7.02 (3)** “Survey report” means a ~~report~~ property survey that may be prepared in compliance with s. A-E 7.025 when there is an existing map recorded or filed ~~within the last 6 years~~ and no new monuments are established in the survey.

SECTION 5. A-E 7.025 is amended to read:

**A-E 7.025 Survey report, requirements.** A survey report, as defined in A-E 7.02 (3), shall include the purpose of the survey, information concerning the documents that were examined for the survey, and the measurements that were made to verify the locations of the monuments found, ~~and a copy of the map that was recorded or filed.~~ The survey report shall be in compliance with all sections of this chapter ~~except s. A-E 7.05 (1), (2), (3), and (4)~~ and shall be filed as required under s. 59.45 (1), Stats., on media accepted by the county.

SECTION 6. A-E 7.03 is renumbered A-E 7.03 (1) and is amended to read:

**A-E 7.03 Boundary location. (1)** Every property survey shall be made in accordance with the records of the register of deeds as nearly as practicable. The professional land surveyor shall acquire data necessary to retrace record title boundaries such as U.S. Public Land Survey Monument Records, deeds, surveys, maps, certificates of title, highway, and center line or right-of-way lines, and other boundary line locations. The professional land surveyor shall make field measurements necessary for the location of the parcel and shall analyze the data and make a careful determination of the position of the boundaries of the parcel being surveyed. ~~The professional land surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners.~~

SECTION 7. A-E 7.03 (2) is created to read:

**A-E 7.03 (2)** The professional land surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners.

SECTION 8. A-E 7.04 (1), (3), and (4) are amended to read:

**(1)** By metes and bounds commencing with a monument at a section corner or quarter section corner of the quarter section in which that land is located or a monument established by the U.S. Public Land Survey that it is not the center of the section, or commencing with a monument at the end of a boundary line of a recorded private claim or federal reservation in which the land is located. Descriptions shall meet the requirements in s. A-E 7.06 ~~(3)~~.

**(3)** By land boundaries being surveyed as an existing lot, outlot or parcel, on a recorded certified survey map, the property survey shall be described by lot, outlot or parcel number and certified map number for all purposes.

**(4)** By the parcel described as an aliquot part of a section from the ~~public land system~~ U.S. Public Land Survey.

SECTION 9. A-E 7.05 is amended to read:

**A-E 7.05 Maps.** A map shall be drawn for every property survey, unless a survey report is filed as provided in s. A-E ~~7.02(3)~~ 7.025, showing information developed by the property survey. The map shall include all of the following requirements:

**(1)** ~~Be~~ The map shall be drawn on media with the minimum size of 8 ½ x 11 inches and to a commonly accepted scale which shall be clearly stated and graphically illustrated by a bar scale on each map sheet containing a graphical depiction of the property survey unless otherwise required by law.

**(2)** ~~Be~~ The map shall be referenced as provided in s. 59.73 (1), Stats., along with a north arrow and reference to a monumented line.

**(3)** ~~Show~~ The map shall show the length and bearing of the boundaries of the parcels surveyed. Bearings, angles, and distances on any property survey map shall be in accordance with s. A-E 7.06 (5). Where the boundary lines show bearings, lengths or

locations which vary from those recorded in deeds, abutting plats, or other instruments, there shall be the following note placed along such line, "recorded as (show recorded bearing, length or location)". Curve data shall be shown by ~~any~~ at least 3 of the following: central angle, radius, long chord bearing and length, and arc length.

~~(4) Describe all~~ The map shall describe by bearing and distance the corner monuments used for in determining the location of the parcel boundary and show by bearing and distance ~~their~~ the relationship of at least 2 government monuments, if not previously tied, and all newly established monuments, to the surveyed parcel. All the monuments shown on the map shall indicate whether such monuments were found or set, including a description of the monument with a legend or notes for all symbols and abbreviations used on the map.

~~(5) Show observed~~ The map shall show evidence of possession or use by others in the parcel or across any perimeter line of the property if observed by the professional land surveyor while establishing corners.

~~(6) Show~~ The map shall show surveyed parcel bounded by water or inaccessible areas, the part shall be enclosed by a meander line showing complete data along all lines extending beyond the enclosure. The true boundary shall be clearly indicated on the map.

~~(7) Identify~~ The map shall identify the professional land surveyor's name and address, the person or entity for whom the survey was made, completion date of the field work, and description of the parcel as provided in s. A-E 7.04.

**(7m)** The map shall identify the person or entity for whom the property survey was made.

~~(8) Bear~~ 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.

~~(10) Identify~~ The map shall identify boundary lines on the property survey. Boundary lines shall be clearly differentiated from other lines on the map.

~~(11) Coordinate~~ When coordinate values ~~when~~ are shown on the face of the map ~~they~~, the map shall comply with and be subject to the provisions of s. 236.18, Stats., and include the coordinate system, datum, and adjustment.

SECTION 10. A-E 7.06 (title) and (1) are amended to read:

**A-E 7.06 (title) ~~Measurements~~ Relative positional accuracy measurements.**

**(1)** Measurements shall be made with instruments and methods capable of attaining the required accuracy for the particular circumstances involved relative positional accuracy in accordance with this section.

SECTION 11. A-E 7.06 (1m) is created to read:

**A-E 7.06 (1m)** Relative positional accuracy shall be the value expressed in feet that represents the uncertainty between points of the boundary of the parcel being surveyed due to random errors in measurements at a 95 percent confidence level.

SECTION 12. A-E 7.06 (2) is repealed.

SECTION 13. A-E 7.06 (3) is amended to read:

**A-E 7.06 (3)** ~~The maximum allowable deviation in relative positional accuracy for a survey is plus or minus 0.07 foot plus 50 parts per million, based on the direct distance between the any two adjacent property corners being tested. In certain circumstances, the size or configuration of the surveyed property, or the relief, vegetation or improvements on the surveyed property will result in survey measurements for which the maximum allowable relative positional precision may be exceeded at the discretion of the licensee performing the survey. The licensee shall provide justification for exceeding the maximum allowable relative positional accuracy.~~ may not exceed plus or minus 0.13 foot plus 100 parts per million.

SECTION 14. A-E 7.07 is amended to read:

**A-E 7.07 Monuments.** The type and position of monuments to be set on any property survey shall be according to s. 236.15 (1), Stats., unless determined by the nature of the property survey, the permanency required, the nature of the terrain, the cadastral features involved, and the availability of material. Coordinate values are not acceptable in lieu of monuments.

SECTION 15. A-E 7.08 (1) (intro.) and (a) to (c) are amended to read:

**A-E 7.08 (1)** ~~WHEN MONUMENT RECORD REQUIRED. A U.S. public land survey monument record or U.S. public land survey monument record addendum shall be prepared and filed with the county survey records as part of any land survey within 60 days of setting or accepting the corner which includes or requires the perpetuation, restoration, or use of if a U.S. public land survey corner has been reestablished, perpetuated, or restored and a monument set or reset, and when any of the following situations arise:~~

~~(a) There is no U.S. public land survey monument record for the corner on file in the office of the county surveyor or the register of deeds for the county in which the corner is located; or, the county office deemed appropriate to receive and retain property survey records.~~

~~(b) The professional land surveyor who performs the property survey accepts a location for the U.S. public land survey corner which differs from that shown on a U.S. public land survey monument record filed in the office of the county surveyor or register of deeds for the county in which the corner is located; or, the county office deemed appropriate to receive and retain property survey records.~~

~~(c) The witness ties or U.S. public land survey monument referenced in an existing U.S. public land survey monument record have that has been destroyed or disturbed, except where the witness ties and the U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been found and verified and a note stating this has been placed on the property survey.~~

SECTION 16. A-E 7.08 (1g) and (1r) are created to read:

**A-E 7.08 (1g) VERIFICATION OF THE MONUMENT.** If a U.S. public land survey corner monument of record is recovered in place and holding securely at the previously documented corner location, based on the witness ties, no additional U.S. public land survey monument record or U.S. public land survey monument record addendum shall be required. Where the U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been found and verified, a note stating this shall be placed on the property survey.

**(1r) WAIVER OF THE MONUMENT RECORD.** The preparation of a U. S. public land survey monument record or U. S. public land survey monument addendum may be waived in writing by the county surveyor of the county in which the U.S. public land survey corner is located, if a U.S. public land survey monument record is on file and the county surveyor has an active U.S. public land survey monument maintenance program in place.

SECTION 17. A-E 7.08 (2) is renumbered A-E 7.08 (2) (a) and amended to read:

**A-E 7.08 (2) FORM REQUIRED. (a)** A U.S. public land survey monument record shall be prepared for items (1) (a) and (b) on the ~~board~~ approved form or on a form substantially the same as the ~~board~~ approved form which includes all the elements required by this section. A form used for this purpose shall be entitled, “U.S. Public Land Survey Monument Record”.

SECTION 18. A-E 7.08 (2) (b) is created to read:

**A-E 7.08 (2) (b)** A U.S. public land survey monument record addendum shall be prepared for item (1) (c) on the approved form or on a form substantially the same as the approved form. A form used for this purpose shall be entitled, “U.S. Public Land Survey Monument Record Addendum”.

SECTION 19. A-E 7.08 (2) (Note) is amended to read:

**A-E 7.08 (2) (Note)** Forms are available on the department’s website at dsps.wi.gov, or by calling by request from the Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708, or call (608) 266 - 2112.

SECTION 20. 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 ~~his or her~~ the professional land surveyor’s knowledge and belief.

SECTION 21. A-E 7.08 (4) is created to read:

**A-E 7.08 (4) MONUMENT RECORD ADDENDUM REQUIREMENTS.** A U.S. public land survey monument record addendum shall include all of the following elements:

- (a) The monument marking the corner location, or monuments giving reference to a nearby inaccessible corner location, and include the elements found in sub. (3) (a), (b), (d), and (e).
- (b) A description of the record evidence used to reset the corner monument back in its prior location.
- (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.
- (d) A statement certifying that the U.S. public land survey monument record addendum is correct and complete to the best of the professional land surveyor's knowledge and belief.

SECTION 22. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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 (END OF TEXT OF RULE)  
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Dated \_\_\_\_\_

Agency \_\_\_\_\_

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



## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

|   |  |
|---|--|
| <p>1. Type of Estimate and Analysis<br/><input checked="" type="checkbox"/> Original   <input type="checkbox"/> Updated   <input type="checkbox"/> Corrected</p>  | <p>2. Date<br/>June 7, 2019</p>                      |
| <p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)<br/>A-E 7</p>  |  |
| <p>4. Subject<br/>Minimum Standards for Property Surveys</p>  |  |
| <p>5. Fund Sources Affected<br/><input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEG-S</p>   | <p>6. Chapter 20, Stats. Appropriations Affected</p> |
| <p>7. Fiscal Effect of Implementing the Rule<br/><input checked="" type="checkbox"/> No Fiscal Effect   <input type="checkbox"/> Increase Existing Revenues   <input type="checkbox"/> Increase Costs   <input type="checkbox"/> Decrease Costs<br/><input type="checkbox"/> Indeterminate   <input type="checkbox"/> Decrease Existing Revenues   <input type="checkbox"/> Could Absorb Within Agency's Budget</p>   |  |
| <p>8. The Rule Will Impact the Following (Check All That Apply)<br/><input type="checkbox"/> State's Economy   <input type="checkbox"/> Specific Businesses/Sectors<br/><input type="checkbox"/> Local Government Units   <input type="checkbox"/> Public Utility Rate Payers<br/><input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b></p>  |  |
| <p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).<br/>\$0</p>   |  |
| <p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?<br/><input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>  |  |
| <p>11. Policy Problem Addressed by the Rule<br/>A comprehensive review was undertaken to evaluate and amend A-E 7 to provide clarification for professional land surveyors. Licensees had raised questions to the Professional Land Surveyors Section regarding how to apply various sections consistently for property surveys, such as whether the exemption in A-E 7.025 is intended to be from parts of A-E 7.05 or the rule in its entirety. As a result of such questions, licensees requested the Professional Land Surveyors Section undertake a comprehensive review of the chapter to ensure consistency and clarity in the application of minimum standards.</p> |  |
| <p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.<br/>The proposed rules were posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.</p>   |  |
| <p>13. Identify the Local Governmental Units that Participated in the Development of this EIA.<br/>No local governmental units participated in the development of this EIA.</p>   |  |
| <p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)<br/>The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.</p>   |  |
| <p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule<br/>The Section conducted an evaluation and update of ch. A-E 7 to ensure consistency with current professional practices and applicable Wisconsin statutes. As a result, the following updates have been made:</p> <ul style="list-style-type: none"><li>• Recreates A-E 7.01 to require that all property surveys performed by professional land surveyors comply with the minimum accuracies required by A-E 7.06, and to enumerate the sections of A-E 7 that professional land surveyors and clients may exclude from their contracts.</li></ul>                                  |  |

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

- Amends the definition of “survey report” to remove the requirement that the existing map have been recorded or filed within the last 6 years.
  - Clarifies that maps shall show evidence of possession or use by others if observed by the professional land surveyor while establishing corners.
  - Creates requirements for U.S. Public Land Survey Monument Record Addendums, as an alternative to U.S. Public Land Survey Monument Records, where the witness ties or monuments have been destroyed or disturbed.
  - Replaces references to “registers of deeds” or “county surveyor” with “the county office deemed appropriate to receive and retain property survey records.”
  - Simplifies the relative positional accuracy measurements provision.
  - Amends the chapter to conform to drafting standards for consistency and clarity, revises provisions to be more clear, and updates cross-references in light of other amendments.
- 

#### 16. Long Range Implications of Implementing the Rule

The revisions incorporated will ensure consistency and clarity in the application of minimum standards for property surveys.

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#### 17. Compare With Approaches Being Used by Federal Government

When the land was first surveyed in Wisconsin, it was divided into a grid and each grid is approximately 36 square miles (the measurements were not always precise due to the instruments the surveyors were using, among other limitations). This grid system is known as the U.S. Public Land Survey System (PLSS). Where federal interests and rights exist, the Bureau of Land Management (BLM) is the legally identified authority and data steward for the PLSS under the Office of Management and Budget (OMB) Revised Circular A-16. The Circular provides direction for federal agencies that produce, maintain, or use spatial data either directly or indirectly in the fulfillment of their mission and provides for improvements in the coordination and use of spatial data. The Circular also describes effective and economical use and management of spatial data assets in the digital environment for the benefit of the federal government and the nation. The Circular establishes a coordinated approach to electronically develop the National Spatial Data Infrastructure and establishes the Federal Geographic Data Committee (FGDC).

Individual states and counties have authority and data stewardship where no such federal interests or rights exist.

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#### 18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

The Land Surveyors Licensing Board is under the Illinois Department of Financial and Professional Regulation and advises the Secretary on matters of education, experience, professional conduct and competence. Illinois has a chapter on the Minimum Standards of Practice for professional land surveyors. The chapter outlines standards for ALTA/ACSM land title surveys, boundary surveys, condominium surveys, subdivision surveys, mortgage inspections, topographic surveys, and minimum standards for writing parcel legal descriptions. Section 1270.56, Illinois Administrative Code.

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

plans, drawings, specifications, survey reports, and other instruments of service as is customary in the practice of the licensee's profession, and the material shall properly satisfy the need for which it is intended." R 339.17403 (2), Michigan Administrative Code. No more specific minimum standards for property surveys are established by administrative rule.

### Minnesota:

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design regulates the professions and enforces the statutes and rules in order to protect the health, safety and welfare of the public. Chapter 1805 outlines rules of professional conduct for all of the professions of the Board for professional and personal conduct, conflicts of interest, improper solicitation of employment, false or malicious statements, knowledge of the misconduct of others, and discrimination. Chapter 1805, Minnesota Rules. No more specific minimum standards for property surveys are established by administrative rule.

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19. Contact Name

Helen Leong, Administrative Rules Coordinator

20. Contact Phone Number

608-266-0797

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This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
-

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

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|                                |   |                             |
|--------------------------------|---|-----------------------------|
| IN THE MATTER OF RULE-MAKING   | : | ORDER OF THE                |
| PROCEEDINGS BEFORE THE         | : | EXAMINING BOARD OF          |
| EXAMINING BOARD OF ARCHITECTS, | : | ARCHITECTS, LANDSCAPE       |
| LANDSCAPE ARCHITECTS,          | : | ARCHITECTS, PROFESSIONAL    |
| PROFESSIONAL ENGINEERS,        | : | ENGINEERS, DESIGNERS, AND   |
| DESIGNERS, AND PROFESSIONAL    | : | PROFESSIONAL LAND           |
| LAND SURVEYORS                 | : | SURVEYORS ADOPTING          |
|                                | : | RULES                       |
|                                | : | (CLEARINGHOUSE RULE 19-152) |

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ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to repeal A-E 9.05 (4) and (8); to renumber and amend A-E 9.05 (1) (a) and (c); to amend A-E 9.02 (2), 9.03 (1) (a) and (b), 9.04, 9.05 (7), and 9.06 (1), (5), and (6); to repeal and recreate A-E 9.05 (title); and to create A-E 9.025, relating to landscape architect registration.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** ss. 111.335 (4), 443.035, and 443.09, Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 227.11 (2) (a), Stats.

**Explanation of agency authority:**

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 227.11 (2) (a), Stats., provides that, “each 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, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

**Related statute or rule:**

A-E 11

**Plain language analysis:**

The Section has reviewed the chapter and made revisions to:

- Insert cross-references into s. A-E 9.06 (6) for relevant statutes to implement 2017 Act 278, which made various changes to the circumstances under which a licensing agency may base its decisions on an individual's criminal history.
- Section A-E 9.05 (4) and (8) are repealed. As the Landscape Architect Section does not administer the examination required for registration as a landscape architect, these provisions are obsolete.
- Revise the chapter for clarity, consistency, and to meet drafting standards.

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

None.

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

Landscape architects are licensed by the Illinois Landscape Architect Registration Board under the Illinois Department of Financial and Professional Regulation. The Board does not have a process for preliminary determinations concerning whether any court judgments against the applicant would result in a denial of a license. If an applicant has a criminal history, the board must consider mitigating factors and evidence of rehabilitation. The board may not consider sealed or expunged records.

**Iowa:**

Landscape architects are licensed by the Landscape Architectural Examining Board, attached to the Iowa Professional Licensing Bureau. The Board does not have a process for preliminary determinations concerning whether any court judgments against the applicant would result in a denial of a license. The application requirements are substantially similar to Wisconsin's requirements.

**Michigan:**

Landscape architects are directly licensed by the Bureau of Professional Licensing of the Department of Licensing and Regulatory Affairs. Under s. 339.202a, MCL, the department shall provide preliminary determinations concerning whether any court judgments against an applicant would result in a denial of a license.

**Minnesota:**

Landscape architects are licensed by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. The Board does not have a process for preliminary determinations concerning whether any court judgments against the applicant would result in a denial of a license. If an applicant has a criminal history, the board must consider mitigating factors and evidence of rehabilitation.

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

The Landscape Architect Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors closely reviewed A-E 9 to develop the rule revisions.

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

The rules were posted for a period of 14 days to solicit public comment on economic impact, including how the rules may affect businesses, local government units, and individuals. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis document is attached.

**Effect on small business:**

These rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, 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 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held on the proposed rules. Information concerning the date, time, and location of the public hearing will be published in the Wisconsin Administrative Register and posted on the Legislature’s website at <https://docs.legis.wisconsin.gov/code/chr/hearings>.

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TEXT OF RULE

SECTION 1. A-E 9.02 (2) is amended to read:

**A-E 9.02 (2)** An applicant ~~who files an application but~~ who does not comply with a request for information related to ~~the~~ an application within one year from the date of the request shall file a new application and fee.

SECTION 2. A-E 9.025 is created to read:

**A-E 9.025 Definitions.** In this chapter:

(1) “Allied profession” means engineering or architecture.

(2) “Allied professional” means a licensed professional engineer or architect.

SECTION 3. A-E 9.03 (1) (a) and (b) are amended to read:

**A-E 9.03 (1) (a)** To qualify as satisfactory experience in landscape architecture for the purposes of s. 443.035, Stats., an applicant's experience shall include the application of accepted principles in the practice of landscape architecture and shall demonstrate an applicant's progressive development of competence to practice landscape architecture. The experience shall be acquired in the areas of the practice of landscape architecture listed in sub. (2) (a) to (g), or in other areas of the practice of landscape architecture which in the opinion of the ~~board~~ landscape architect section provide the applicant with a knowledge of principles and data related to the practice of landscape architecture at least equivalent to that which would be acquired by experience in the areas of practice listed. Experience in every listed area is not required.

**(b)** To qualify as satisfactory experience in landscape architecture for the purposes of s. 443.035 (1) (a), Stats., an applicant's experience ~~must~~ shall be obtained subsequent to completion of the education requirements.

SECTION 4. A-E 9.04 is amended to read:

**A-E 9.04 (1)** In satisfaction of the education requirement under s. 443.035 (1) (a), Stats., the ~~board~~ landscape architect section accepts bachelor's or master's degrees in landscape architecture granted by a college or university accredited by the ~~landscape architecture accreditation board~~ Landscape Architecture Accreditation Board of the American ~~society~~ Society of landscape architects Landscape Architects or a degree determined by the ~~board~~ landscape architect section to be equivalent ~~thereto~~. If the degree is from an international educational institution, the applicant shall provide an official evaluation by a transcript evaluation service acceptable to the ~~board~~ landscape architect section which shows that the degree is equivalent to a bachelor's degree in landscape architecture or a master's degree in landscape architecture granted by a college or university accredited by the ~~landscape architecture accreditation board~~ Landscape Architecture Accreditation Board of the American ~~society~~ Society of landscape architects Landscape Architects.

**(2)** In satisfaction of the education requirement under s. 443.035 (1) (b), Stats., the ~~board~~ landscape architect section accepts coursework in landscape architecture completed at a college or university accredited by the ~~landscape architecture accreditation board~~ Landscape Architecture Accreditation Board of the American ~~society~~ Society of landscape architects Landscape Architects, or other equivalent college level coursework in landscape architecture or in an area related to landscape architecture, completed at a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located.

SECTION 5. A-E 9.05 (title) is repealed and recreated to read:

**A-E 9.05 (title) Examination requirement.**



SECTION 6. A-E 9.05 (1) (a) and (c) are renumbered A-E 9.05 (1) and (2) and are amended to read:

**A-E 9.05 (1) ~~SCOPE OF WRITTEN EXAMINATIONS~~ LANDSCAPE ARCHITECT REGISTRATION EXAMINATION.** An applicant for initial registration as a landscape architect shall pass ~~an examination determined by the landscape architecture section to assess knowledges required for the professional practice of landscape architecture~~, in accordance with sub. (2), the Landscape Architect Registration Examination, LARE, prepared by the Council of Landscape Architectural Registration Boards, or an equivalent examination as determined by the landscape architect section.

**(2) MINIMUM COMPETENCY.** The passing scores for an examination under sub. (1) for each section or in combination as appropriate shall be set by the board landscape architect section to represent the minimum competency required to protect public health and safety.

SECTION 7. A-E 9.05 (4) is repealed.

SECTION 8. A-E 9.05 (7) is amended to read:

**A-E 9.05 (7) REEXAMINATION.** ~~An~~ In accordance with s. 443.09 (5), Stats., an applicant failing any part of an examination may be reexamined on the part or parts failed, except that after failure of 3 reexaminations, the board landscape architect section shall require a one-year waiting period before further ~~reexaminations~~ reexamination on the part or parts failed.

SECTION 9. A-E 9.05 (8) is repealed.

SECTION 10. A-E 9.06 (1), (5), and (6) are amended to read:

**A-E 9.06 (1)** Official transcripts of graduate and undergraduate training, properly attested to by the degree granting institution and submitted by the institution directly to the ~~board~~ landscape architect section.

**(5)** For ~~applicants~~ an applicant previously licensed in another state, territory, or possession of the United States or in another country, verification of the applicant's licensure in the licensing jurisdiction of original licensure or, if the applicant has permitted ~~his or her~~ the registration in the jurisdiction of original licensure to lapse, verification of licensure in the licensing jurisdiction where the applicant is currently licensed and where the applicant was last engaged in the practice of landscape architecture.

**(6)** For ~~applicants~~ an applicant who ~~have~~ has a pending criminal charge or ~~have~~ has been convicted of a crime, all related information necessary for the ~~board~~ landscape architect section to determine whether the circumstances of the pending criminal charge or criminal conviction are substantially related to the circumstances of the practice of landscape architecture, subject to ss. 111.321, 111.322, and 111.335, Stats.

SECTION 11. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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Dated \_\_\_\_\_

Agency \_\_\_\_\_

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

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

|   |  |
|---|--|
| <p>1. Type of Estimate and Analysis<br/><input checked="" type="checkbox"/> Original   <input type="checkbox"/> Updated   <input type="checkbox"/> Corrected</p>  | <p>2. Date<br/>October 28, 2019</p>                  |
| <p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)<br/>A-E 9</p>  |  |
| <p>4. Subject<br/>Landscape architect registration</p>  |  |
| <p>5. Fund Sources Affected<br/><input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEG-S</p>   | <p>6. Chapter 20, Stats. Appropriations Affected</p> |
| <p>7. Fiscal Effect of Implementing the Rule<br/><input checked="" type="checkbox"/> No Fiscal Effect   <input type="checkbox"/> Increase Existing Revenues   <input type="checkbox"/> Increase Costs   <input type="checkbox"/> Decrease Costs<br/><input type="checkbox"/> Indeterminate   <input type="checkbox"/> Decrease Existing Revenues   <input type="checkbox"/> Could Absorb Within Agency's Budget</p>   |  |
| <p>8. The Rule Will Impact the Following (Check All That Apply)<br/><input type="checkbox"/> State's Economy   <input type="checkbox"/> Specific Businesses/Sectors<br/><input type="checkbox"/> Local Government Units   <input type="checkbox"/> Public Utility Rate Payers<br/><input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b></p>  |  |
| <p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).<br/>\$0</p>   |  |
| <p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?<br/><input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>  |  |
| <p>11. Policy Problem Addressed by the Rule<br/>The Section has reviewed the chapter and made revisions to:</p> <ul style="list-style-type: none"><li>• Insert cross-references into s. A-E 9.06 (6) for relevant statutes to implement 2017 Act 278, which made various changes to the circumstances under which a licensing agency may base its decisions on an individual's criminal history; and</li><li>• Revise the chapter for clarity, consistency, and to meet drafting standards.</li></ul>           |  |
| <p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.<br/>The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.</p> |  |
| <p>13. Identify the Local Governmental Units that Participated in the Development of this EIA.<br/>No local governmental units participated in the development of this EIA.</p>   |  |
| <p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)<br/>The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.</p>   |  |
| <p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule<br/>The benefit to implementing the rule is providing consistency with current practices and drafting standards, and applicable Wisconsin statutes. If the rule is not implemented, it will continue to not reflect current Wisconsin statutes.</p>  |  |
| <p>16. Long Range Implications of Implementing the Rule<br/>The long range implication of implementing the rule is consistency with current practices and drafting standards, and applicable Wisconsin statutes.</p>  |  |

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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17. Compare With Approaches Being Used by Federal Government  
None.

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

Landscape architects are licensed by the Illinois Landscape Architect Registration Board under the Illinois Department of Financial and Professional Regulation. The Board does not have a process for preliminary determinations concerning whether any court judgments against the applicant would result in a denial of a license. If an applicant has a criminal history, the board must consider mitigating factors and evidence of rehabilitation. The board may not consider sealed or expunged records.

Iowa:

Landscape architects are licensed by the Landscape Architectural Examining Board, attached to the Iowa Professional Licensing Bureau. The Board does not have a process for preliminary determinations concerning whether any court judgments against the applicant would result in a denial of a license. The application requirements are substantially similar to Wisconsin's requirements.

Michigan:

Landscape architects are directly licensed by the Bureau of Professional Licensing of the Department of Licensing and Regulatory Affairs. Under s. 339.202a, MCL, the department shall provide preliminary determinations concerning whether any court judgments against an applicant would result in a denial of a license.

Minnesota:

Landscape architects are licensed by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. The Board does not have a process for preliminary determinations concerning whether any court judgments against the applicant would result in a denial of a license. If an applicant has a criminal history, the board must consider mitigating factors and evidence of rehabilitation.

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19. Contact Name

Dale Kleven, Administrative Rules Coordinator

20. Contact Phone Number

(608) 261-4472

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This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
-

## **Actions Taken October 6, 2020 by the A-E Rules Committee**

### **Preliminary Rule Draft – A-E 2 – General Procedures:**

**MOTION:** Dennis Myers moved, seconded by Steven Wagner, to approve the preliminary rule draft of A-E 2, relating to general procedures, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

### **Preliminary Rule Draft – A-E 8 – Professional Conduct:**

**MOTION:** Dennis Myers moved, seconded by Karl Linck, to approve the preliminary rule draft of A-E 8, relating to professional conduct, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

### **Preliminary Rule Draft – A-E 1 to 13 – Retired Credential Status:**

**MOTION:** Steven Wagner moved, seconded by Dennis Myers, to approve the preliminary rule draft of A-E 1 to 13, relating to retired credential status, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

### **Final Draft Emergency Rule – A-E 1 to 13 – Retired Credential Status**

**MOTION:** Steven Wagner moved, seconded by Karl Linck, to approve the emergency rule relating to retired credential status for submission to the Governor, adoption, and publication in the official newspaper. Motion carried unanimously.

### **Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108**

**MOTION:** Rosheen Styczinski moved, seconded by Michael Heberling, to designate Karl Linck to serve as liaison to DSPS staff for drafting the 2021 Act 108 report, relating to administrative rules, and to authorize the Chairperson, or highest-ranking officer, or longest serving member of the board, in order of succession, to approve the report for submission to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

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

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

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PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to amend A-E 2.03 (1) (a) and (3) and 2.05 (1) and (2) (a) and (b); and to create A-E 2.06, relating to general procedures.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Sections 440.09 and 443.015 (2), Stats.

**Statutory authority:**

Sections 15.08 (5) (b), 440.09 (5), and 443.015 (2), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

Section 440.09 (5), Stats., states that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

Section 443.015 (2), Stats., provides 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.”

**Related statute or rule:**

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

**Plain language analysis:**

The Board completed a comprehensive review of ch. A-E 2 to ensure the rules are current with standards of practice and consistent with statute. As a result, the following revisions have been made:

- The definition of “firm” in s. A-E 2.03 (1) (a) is updated to include a limited liability company or limited liability partnership located in Wisconsin that provides or offers to provide architectural, landscape architectural, professional engineering, design or professional land surveying services to the public.
- Section A-E 2.03 (3) is amended to clarify that it is upon request of the Board that a firm must provide notification of at least one resident who is in charge of and responsible for each separate business location.
- Section A-E 2.05 is updated to reflect that the applicable section of the Board makes determinations relating to the late renewal or reinstatement of a credential.
- Section A-E 2.06 is created to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

**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 do not specify general requirements and procedures that apply to architects, engineers, and professional land surveyors. Instead, the rules separately specify requirements and procedures that apply to architects [68 Ill. Adm. Code 1150.10 to 1150.110], engineers [68 Ill. Adm. Code 1380.210 to 1380.325], and professional land surveyors [68 Ill. Adm. Code 1270.5 to 1270.65]. Illinois does not issue permits or similar credentials for designers of engineering systems or landscape architects.

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

**Iowa:**

The Iowa Administrative Code does not specify general requirements and procedures that apply to architects, engineers, professional land surveyors, and landscape architects. Instead, requirements and procedures for these professions are separately specified in rules of the Iowa Architectural Examining Board [193B IAC], Iowa Engineering and Land Surveying Examining Board [193C IAC], and Iowa Landscape Architectural Examining Board [193D IAC]. Iowa does not issue permits or similar credentials for designers of engineering systems.



Rules of the Professional Licensing and Regulation Bureau of the Iowa Department of Commerce provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (193 IAC 193.14.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

**Michigan:**

Rules of the Michigan Department of Licensing and Regulatory Affairs do not specify general requirements and procedures that apply to architects, professional engineers, professional land surveyors, and landscape architects. Instead, the rules separately specify requirements and procedures that apply to architects [Mich Admin Code, R 339.15101 to R 339.15506], professional engineers [Mich Admin Code, R 339.16001 to R 339.16044], professional land surveyors [Mich Admin Code, R 339.17101 to R 339.17506], and landscape architects [Mich Admin Code, R 339.19023 to R 339.19041]. Michigan does not issue permits or similar credentials for designers of engineering systems.

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

**Minnesota:**

Rules of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design specify general requirements and procedures that apply to architects, engineers, land surveyors, and landscape architects [Minnesota Rules, parts 1800.0050 to 1800.0900]. Minnesota does not issue permits or similar credentials for designers of engineering systems.

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

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

The proposed rules were developed by conducting a comprehensive review of the provisions of ch. A-E 2 and s. 440.09, Stats., as created by 2019 Wisconsin Act 143, 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 rules 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 may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, 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 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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TEXT OF RULE

SECTION 1. A-E 2.03 (1) (a) and (3) are amended to read:

**A-E 2.03 (1) (a)** “Firm” means any sole proprietorship, partnership, ~~or~~ corporation, limited liability company, or limited liability partnership located in ~~Wisconsin~~ this state which provides or offers to provide architectural, landscape architectural, professional engineering, design, or professional land surveying services to the public.

**(3) NOTICE.** ~~Every firm shall notify~~ Upon request from the board, a firm shall provide notification of at least one resident who is in charge of and responsible for each separate business location.

SECTION 2. A-E 2.05 (1) and (2) (a) and (b) are amended to read:

**A-E 2.05 (1)** If a licensee an individual who fails to renew ~~his or her~~ a credential by the established renewal date applies for renewal of the credential less than 5 years after its expiration, the credential shall be renewed upon payment of the renewal fee specified in s. 440.08, Stats.

**(2) (a)** If a licensee an individual applies for renewal of ~~his or her~~ a credential more than 5 years after its expiration, the applicable section of the board shall determine whether the applicant is competent to practice under the credential in this state. The inquiry shall include a review of the applicant's practice within the previous 5 years, if any, in other licensing jurisdictions.

**(b)** After inquiry, the applicable section of the board shall impose any reasonable conditions on reinstatement of the credential as the ~~board~~ section deems appropriate, including a requirement that the applicant complete any current requirement for original licensure.

SECTION 3. A-E 2.06 is created to read:

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

**(1)** In this section, “reciprocal credential” means all of the following:

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

- (c) Registration as a professional engineer.
- (d) Certification as an engineer-in-training.
- (e) A license to engage in the practice of professional land surveying.
- (f) A permit as a designer of engineering systems.

(2) A reciprocal credential shall be granted to a service member, former service member, or the spouse of a service member or former service member who the appropriate section of the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the section may request verification necessary to make a determination under this section.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)

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## Chapter A-E 2

### GENERAL REQUIREMENTS AND PROCEDURES

**A-E 2.01 Purpose.** The purpose of rules in this chapter is to specify general requirements and procedures which apply to persons credentialed by any section of the board. Requirements specific to architects, landscape architects, professional engineers, designers or professional land surveyors are specified in chs. A-E 3, 4, 5, 6, 7, 9, 10, 11, 12, and 13. Rules of professional conduct for all registrants or permit holders are specified in ch. A-E 8.

#### **A-E 2.02 Registration seals.**

- (1) Each architect, landscape architect, professional engineer, designer and professional land surveyor shall obtain a seal that complies with board specifications for registration seals. The overall diameter may not be less than 1 $\frac{5}{8}$  inches nor more than 2 inches. Each seal shall include the registrant's name, registration or permit number and city.
- (2) The following designs for registration seals have been approved:
- (3) A rubber stamp, identical in size, design and content to a board-approved seal, may be used as a substitute for a registration seal.
- (4) Each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, professional engineering, design or professional land surveying practice shall be signed, sealed and dated by the registrant or permit holder who prepared, or directed and controlled preparation of, the written material, except as specified in sub. (5).
- (5) If more than one sheet is bound together in a volume, the registrant or permit holder who prepared or directed and controlled the preparation of the volume, may sign, seal and date only the title or index sheet if the signed sheet identifies clearly all other sheets comprising the bound volume and if any other sheets which are prepared by or under the direction and control of another registrant or permit holder are signed, sealed and dated by the other registrant or permit holder.
- (6) Any addition, deletion or other revision to each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, professional engineering, design or professional land surveying practice which affects public health and safety or any state or local code requirements may not be made unless signed, sealed and dated by the registrant or permit holder who made or directed and controlled the making of the revision.
- (7)
  - (a) All seals or stamps affixed to plans, drawings, documents, specifications, and reports to be filed as public documents shall be original. No stickers shall be allowed. Seals or stamps may be applied by crimp type, rubber stamp or by electronic means provided the electronic seal or stamp meets the requirements of subch. II of ch. 137, Stats., a security procedure is used, and electronic submissions are permitted by the governmental unit that is to receive the plans, drawings, documents, specifications, and reports.
    1. The stamp authorized by the Board must be one of crimp type, rubber stamp type, or computer generated.
  - (b) All seals and stamps on plans, drawings, documents, specifications, and reports to be filed as public documents shall be signed and dated by the registered professional in one of the following manners:
    1. In a permanent ink contrasting with the seal and the background.
    2. Utilizing an electronic signature, meeting the requirements of subch. II ch. 137, Stats., a security procedure is used and if permitted by the governmental unit that is to receive the plans, drawings, documents, specifications, and reports. A scanned image of an original signature shall not be used in lieu of an electronic signature with a security procedure as found in s. 137.11 (13), Stats.

**Note:** Section 137.11 (13), Stats., of the statutes reads as follows: "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes identifying words or numbers, encryption, callback, or other acknowledging procedures.

- (c) If other standards for signatures or seals are prescribed by statute, the statutes shall govern.
- (8) Plans, specifications and calculations for buildings and structures not exempt under s. 443.15, Stats., which have been prepared by an architect or professional engineer other than the Wisconsin registered architect or engineer who is submitting the plans, specifications and calculations for filing as public documents, may be submitted if all of the following conditions are satisfied:
  - (a) The plans, specifications and calculations shall have been prepared by or under the supervision of an architect or professional engineer licensed in some state of the United States, and shall bear the signature and seal or stamp of the architect or professional engineer who prepared them or under whose supervision and control they were prepared.
  - (b) A certificate, dated, signed and sealed by the Wisconsin registered architect or professional engineer who is submitting the plans, specifications and calculations for filing as public documents, shall be attached to the plans, specifications and calculations. The certificate shall indicate that the plans, specifications and calculations were prepared by an architect or professional engineer other than the submitting registered architect or professional engineer; shall describe the work performed by the submitting registered architect or professional engineer; and shall include statements to the effect that the plans and specifications have been reviewed and comply with all applicable local and state building codes, and that the reviewing registered architect or professional engineer will be responsible for the supervision of construction in accordance with the requirements of the state, and of the county and municipality where the building or structure is to be erected. If the registered architect or professional engineer who originally prepared the plans, specifications and calculations was registered in Wisconsin at the time they were prepared, the certificate shall also specify why the original architect or professional engineer is not submitting the plans, specifications and calculations for approval.

**A-E 2.03 Branch offices.**

- (1) DEFINITIONS. In this section,
  - (a) "Firm" means any sole proprietorship, partnership, ~~or~~ corporation, limited liability company, or limited liability partnership located in ~~Wisconsin this state~~ which provides or offers to provide architectural, landscape architectural, professional engineering, design, or professional land surveying services to the public.
  - (b) "Resident" means a currently-registered architect, landscape architect, professional engineer, designer or professional land surveyor who spends the majority of his or her working schedule in one firm location and who is in charge of and responsible for the type of services offered or provided from that location.
- (2) RESIDENT REQUIRED; RESPONSIBILITIES. Every firm maintaining one or more places of business in Wisconsin shall have:
  - (a) A resident architect in each separate business location which provides or offers to provide architectural services.
  - (b) A resident professional engineer in each separate business location which provides or offers to provide professional engineering services.
  - (c) A resident designer in each separate business location which provides or offers to provide designing services.
  - (d) A resident professional land surveyor in each separate business location which provides or offers to provide professional land surveying services.
  - (e) A resident landscape architect in each separate business location which provides or offers to provide landscape architectural services.
- (3) NOTICE. ~~Every firm shall notify~~ Upon request from the board, a firm shall provide notification of at least one resident who is in charge of and responsible for each separate business location.
- (4) RESIDENT LIMITATION. A resident may not be in charge of or responsible for services offered or provided from more than one business location.

**A-E 2.04 Change of address.** Every registrant or permit holder shall notify the board in writing of a change of address within 30 days of the change. The notice shall include the person's or firm's former and new addresses and each registration or permit number held.

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

(1) If ~~a licensee an individual~~ who fails to renew ~~his or her a~~ credential by the established renewal date applies for renewal of the credential less than 5 years after its expiration, the credential shall be renewed upon payment of the renewal fee specified in s. 440.08, Stats.

(2)

(a) If ~~a licensee an individual~~ applies for renewal of ~~his or her a~~ credential more than 5 years after its expiration, the applicable section of the board shall determine whether the applicant is competent to practice under the credential in this state. The inquiry shall include a review of the applicant's practice within the previous 5 years, if any, in other licensing jurisdictions.

(b) After inquiry, the applicable section of the board shall impose any reasonable conditions on reinstatement of the credential as the ~~board section~~ deems appropriate, including a requirement that the applicant complete any current requirement for original licensure.

**A-E 2.06 Reciprocal credentials for service members, former service members, and their spouses.** (1) In this section, "reciprocal credential" means all of the following:

(a) Registration as an architect.

(b) Registration as a landscape architect.

(c) Registration as a professional engineer.

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

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

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

(2) A reciprocal credential shall be granted to a service member, former service member, or the spouse of a service member or former service member who the appropriate section of the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the section may request verification necessary to make a determination under this section.

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

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

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PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to amend A-E 8.04 (5), relating to professional conduct.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 443.015 (2), Stats.

**Statutory authority:**

Sections 15.08 (5) (b) and 443.015 (2), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall 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 “[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.”

**Related statute or rule:**

Section 443.11, Stats., gives the appropriate section of the Board the authority to, under specified circumstances, reprimand a credential holder or limit, suspend, or revoke a credential. One of the circumstances under which this authority may be exercised is any violation of the rules of professional conduct adopted and promulgated under s. 443.015 (2), Stats.

**Plain language analysis:**

The Board completed a comprehensive review of ch. A-E 8 to ensure that the rules are current with standards of practice and consistent with ch. 443, Stats. As a result, s. A-E 8.04 (5) has been revised to clarify that the common practice of representing a partnership or association in principal between parties within a proposal for the performance of services is not prohibited.

**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], engineers [68 Ill. Adm. Code 1380.300], and professional land surveyors [68 Ill. Adm. Code 1270.57]. The rules require an architect to accurately represent to a prospective or existing client or employer the architect's qualifications and the scope of the architect's responsibility in connection with work for which the architect is claiming credit. The rules also provide that engineers and professional land surveyors soliciting employment may not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments with the intent or purpose of enhancing their qualifications or work.

Illinois does not issue permits or similar credentials for designers of engineering systems or landscape architects.

**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], Iowa Engineering and Land Surveying Examining Board [193C IAC 8.1 to 8.5], and Iowa Landscape Architectural Examining Board [193D IAC 4.1 to 4.5]. The rules require an architect or landscape architect to accurately represent to a prospective or existing client or employer the scope of their responsibility in connection with work for which the architect is claiming credit. The rules also provide that presentations incident to the solicitation of employment as an engineer or professional land surveyor may not misrepresent pertinent facts concerning employers, employees, associates, firms, joint ventures, or past accomplishments.

Iowa does not issue permits or similar credentials for designers of engineering systems.

**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 339.17403], and landscape architects [Mich Admin Code, R 339.19041]. The rules for professional engineers, professional land



surveyors, and landscape architects do not specifically address misrepresenting the extent to which the performance of services will involve a partnership or association with another registrant or licensee or misrepresenting the identity of a registrant or licensee with whom a partnership or association will be engaged in for the performance of services. The rules for architects adopt by reference the National Council of Architectural Registration Boards (NCARB) model rules of conduct revised July 2018. The model rules prohibit an architect from misrepresenting or overstating the scope of the architect's responsibility in connection with work for which the architect or the architect's firm is claiming credit.

Michigan does not issue permits or similar credentials for designers of engineering systems.

**Minnesota:**

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design provides rules of professional conduct for architects, engineers, land surveyors, and landscape architects [Minnesota Rules, parts 1805.0100 to 1805.1600]. The rules provide that, in connection with work for which the licensee or certificate holder is claiming credit, the licensee or certificate holder must accurately represent the licensee's or certificate holder's qualifications, education, and scope of responsibility for the work. The licensee or certificate holder must also accurately represent the qualifications, education, and scope of responsibility of any employer, employees, or associates.

Minnesota does not issue permits or similar credentials for designers of engineering systems.

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

The proposed rules were developed by conducting a comprehensive review of the provisions of ch. A-E 8 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 rules 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 may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, 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 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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TEXT OF RULE

SECTION 1. A-E 8.04 (5) is amended to read:

**A-E 8.04 (5)** May not ~~represent that he or she is engaged in~~ misrepresent the extent to which the performance of services will involve a partnership or association with another ~~unless there exists in fact~~ registrant or licensee or misrepresent the identity of a registrant or licensee with whom a partnership or association will be engaged in for the performance of services.

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

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(END OF TEXT OF RULE)

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

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

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PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to **repeal** A-E 13.08 (4) and (5); to **amend** A-E 12.08 (title), (3), and (5) to (8); and to **create** A-E 2.045, 10.035, 11.035, 12.035, and 13.035, relating to retired credential status.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 443.015 (1m), Stats.

**Statutory authority:**

Sections 15.08 (5) (b) and 443.015 (1) and (1m), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., provides an examining board, “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

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 443.015 (1m), Stats., as created by 2019 Wisconsin Act 94, requires each section of the A-E Board to promulgate rules that do all of the following:

- Allow the holder of a credential under ch. 443, Stats., who is at least 65 years of age or has actively maintained the credential for at least 20 years, which need not be consecutive, and has retired from and no longer engages in the practice for which the credential is held, to apply to the A-E Board to classify that credential as retired status.

- Allow an individual who previously held a credential under ch. 443, Stats., and failed to renew that credential prior to the renewal date, to apply to the A-E Board to renew the credential with retired status if the individual is at least 65 years of age or had actively maintained the credential for at least 20 years, which need not be consecutive; has retired from and no longer engages in the practice for which the credential was previously held; and pays the applicable fee.
- Allow the holder of a credential classified as retired status to apply to the appropriate Section of the A-E Board to remove the retired status classification if the credential holder satisfies reinstatement requirements established by the appropriate Section of the A-E Board by rule.

**Related statute or rule:**

None.

**Plain language analysis:**

As required under s. 443.015 (1m), Stats., as created by 2019 Wisconsin Act 94, the proposed rules create provisions to do all of the following:

- Allow the holder of a credential under ch. 443, Stats., who is at least 65 years of age or has actively maintained the credential for at least 20 years, which need not be consecutive, and has retired from and no longer engages in the practice for which the credential is held, to apply to the appropriate section of the A-E Board to classify the credential as retired status.
- Allow an individual who previously held a credential under ch. 443, Stats., and failed to renew the credential prior to the renewal date, to apply to the appropriate section of the A-E Board to renew the credential with retired status if the individual is at least 65 years of age or had actively maintained the credential for at least 20 years, which need not be consecutive; has retired from and no longer engages in the practice for which the credential was held; and pays the applicable fee.
- Allow the holder of a credential classified as retired status to apply to the appropriate section of the A-E Board to remove the retired status classification if the credential holder satisfies the reinstatement requirements under s. A-E 2.05 (2).
- Provide that continuing education requirements do not apply to renewal of a credential classified as retired status.

The proposed rules also revise s. A-E 12.08 to reference a waiver from continuing education requirements instead of an exemption from continuing education requirements. The updated terminology is consistent with that used in chs. A-E 10, 11, and 13.

Finally, the proposed rules remove provisions in s. A-E 13.08 concerning a request for a waiver from continuing education requirements based on retirement. As the proposed rules create a retired credential status, these provisions are no longer necessary.

**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 an inactive status for architects [68 Ill. Adm. Code 1150.65], engineers [68 Ill. Adm. Code 1380.285], and professional land surveyors [68 Ill. Adm. Code 1270.35]. A request for inactive status must be made in writing on a form prescribed by the Department. An architect, engineer, or professional land surveyor in inactive status is exempt from renewal fees and continuing education requirements.

The rules also provide requirements for the restoration to active status of architects [68 Ill. Adm. Code 1150.70], engineers [68 Ill. Adm. Code 1380.270], and professional land surveyors [68 Ill. Adm. Code 1270.40]. Restoration of a license placed on inactive status for 5 years or less (3 years or less for architects) requires payment of a renewal fee and compliance with continuing education requirements. Restoration of a license placed on inactive status for more than 5 years (more than 3 years for architects) to active status requires payment of restoration fees, compliance with continuing education requirements, and demonstration of active practice or continued competence.

Illinois does not issue permits or similar credentials for designers of engineering systems or landscape architects.

### **Iowa:**

Within the requirements for renewal, rules of the Iowa Architectural Examining Board [193B IAC 2.5 (2)], Iowa Engineering and Land Surveying Examining Board [193C IAC 3.4 (11)], and Iowa Landscape Architectural Examining Board [193D IAC 2.8 (8)] provide an inactive status for their licensees. Licensees in inactive status are subject to reduced renewal fees and are exempt from continuing education requirements.

The rules also provide requirements for the reinstatement to active status of architects [193B IAC 2.7 (1)], engineers and land surveyors [193C IAC 3.5 (4)], and landscape architects [193D IAC 2.9 (2)]. Reinstatement requires the applicant to pay a fee, comply with continuing education requirements and, for architects and landscape architects, submit a written statement affirming the applicant did not practice in Iowa while in inactive status.

Iowa does not issue permits or similar credentials for designers of engineering systems.

### **Michigan:**

Michigan does not provide a retired or inactive licensure status for architects, engineers, professional land surveyors, or landscape architects, and does not issue permits or similar credentials for designers of engineering systems.

**Minnesota:**

Minnesota does not provide a retired or inactive licensure status for architects, engineers, professional land surveyors, or landscape architects, and does not issue permits or similar credentials for designers of engineering systems. However, the Minnesota Statutes allow an individual who retires to use the designation architect, professional engineer, land surveyor, or landscape architect, as long as the designation is preceded by the word "retired" and the individual was licensed in the designated profession in the state of Minnesota on the date the individual retired from the designated profession and the individual's license was not subsequently revoked by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design [2019 Minnesota Statutes, Section 326.02, Subd. 1.].

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

The rules were developed by reviewing the provisions of s. 443.015 (1m), Stats., as created by 2019 Wisconsin Act 94, 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 rules 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 may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, 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 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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TEXT OF RULE

SECTION 1. A-E 2.045 is created to read:

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

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

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

(b) The credential holder is at least 65 years of age or has actively maintained the credential for at least 20 years, which need not be consecutive.

(c) The credential holder certifies they have retired from and no longer engage in the practice for which the credential is held. The certification under this paragraph is not required to be notarized.

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

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

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

(c) The individual is at least 65 years of age or had actively maintained the credential for at least 20 years, which need not be consecutive.

(d) The individual certifies they have retired from and no longer engage in the practice for which the credential was held. The certification under this paragraph is not required to be notarized.

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

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

SECTION 2. A-E 10.035 is created to read:

**A-E 10.035 Exemption for retired credential status.** The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 3. A-E 11.035 is created to read:

**A-E 11.035 Exemption for retired credential status.** The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 4. A-E 12.035 is created to read:

**A-E 12.035 Exemption for retired credential status.** The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 5. A-E 12.08 (title), (3), and (5) to (8) are amended to read:

**A-E 12.08 (title) ~~Exemption~~ Waiver of continuing education.**

(3) A registrant seeking to renew a registration who demonstrates that compliance with the continuing education requirements shall create an extreme hardship may request ~~an exemption from~~ a waiver of the continuing education requirements.

(5) A registrant who requests ~~an exemption from~~ a waiver of the continuing education requirements for extreme hardship shall file a renewal application along with the required registration fee and submit an affidavit which describes the circumstances of the hardship and provide any supporting documentation. The request for ~~an exemption a~~ waiver shall be submitted prior to the renewal date.

(6) If the architect section finds from the affidavit or any other evidence submitted that extreme hardship has been shown for granting ~~an exemption a~~ waiver, the registrant shall be permitted to renew the registration without completing the continuing education requirements for the applicable renewal period.

(7) A registrant who receives ~~an exemption from~~ a waiver of continuing education on the basis of extreme hardship due to an incapacitating disability, medical illness, active military duty or other extenuating circumstances may be required to complete continuing education upon his or her return to the active practice of architecture as determined necessary by the architect section to ensure the ability of the registrant to practice architecture in a safe and competent manner.

(8) A registrant shall be deemed to be in good standing until a final decision on the request for ~~exemption a~~ waiver has been made.

SECTION 6. A-E 13.035 is created to read:

**A-E 13.035 Exemption for retired credential status.** The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 7. A-E 13.08 (4) and (5) are repealed.

SECTION 8. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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**A-E 2.045 Retired credential status.**

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

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

(b) The credential holder is at least 65 years of age or has actively maintained the credential for at least 20 years, which need not be consecutive.

(c) The credential holder certifies they have retired from and no longer engage in the practice for which the credential is held. The certification under this paragraph is not required to be notarized.

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

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

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

(c) The individual is at least 65 years of age or had actively maintained the credential for at least 20 years, which need not be consecutive.

(d) The individual certifies they have retired from and no longer engage in the practice for which the credential was held. The certification under this paragraph is not required to be notarized.

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

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

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

(1) If a licensee who fails to renew his or her credential by the established renewal date applies for renewal of the credential less than 5 years after its expiration, the credential shall be renewed upon payment of the renewal fee specified in s. 440.08, Stats.

(2)

(a) If a licensee applies for renewal of his or her credential more than 5 years after its expiration, the board shall determine whether the applicant is competent to practice under the credential in this state. The inquiry shall include a review of the applicant's practice within the previous 5 years, if any, in other licensing jurisdictions.

(b) After inquiry, the board shall impose any reasonable conditions on reinstatement of the credential as the board deems appropriate, including a requirement that the applicant complete any current requirement for original licensure.

**Chapter A-E 10**

**CONTINUING EDUCATION FOR PROFESSIONAL LAND SURVEYORS**

**A-E 10.035 Exemption for retired credential status.** The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

## Chapter A-E 11

### CONTINUING EDUCATION FOR LANDSCAPE ARCHITECTS

**A-E 11.035 Exemption for retired credential status.** The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

## Chapter A-E 12

### CONTINUING EDUCATION FOR ARCHITECTS

**A-E 12.035 Exemption for retired credential status.** The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

**A-E 12.08 ~~Exemption~~ Waiver of continuing education.** (1) A registrant who holds a registration for less than 12 months from the date of initial registration or since the date of the last renewal shall not be required to report continuing education hours for the first renewal of registration.

(2) A registrant who holds a registration for more than 12 months from the date of initial registration or since the date of the last renewal shall be required to report 8 contact hours of continuing education for the first renewal of registration.

(3) A registrant seeking to renew a registration who demonstrates that compliance with the continuing education requirements shall create an extreme hardship may request ~~an exemption from a waiver of~~ the continuing education requirements.

(4) In this subsection, “extreme hardship” means an inability to fulfill the continuing education requirements during the applicable renewal period because of one of the following:

(a) Full-time or temporary active duty in the uniformed services of the United States for a period of time exceeding 120 consecutive days during a biennium, where the duty restricts participation in a continuing education program.

(b) An incapacitating disability or medical illness documented by a statement from a licensed health care provider which shows that participation in the active practice of architecture and a continuing education program was not possible.

(c) Any other extenuating circumstances.

(5) A registrant who requests ~~an exemption from a waiver of~~ the continuing education requirements for extreme hardship shall file a renewal application along with the required registration fee and submit an affidavit which describes the circumstances of the hardship and provide any supporting documentation. The request for ~~an exemption a waiver~~ shall be submitted prior to the renewal date.

(6) If the architect section finds from the affidavit or any other evidence submitted that extreme hardship has been shown for granting ~~an exemption a waiver~~, the registrant shall be permitted to renew the registration without completing the continuing education requirements for the applicable renewal period.

(7) A registrant who receives ~~an exemption from a waiver of~~ continuing education on the basis of extreme hardship due to an incapacitating disability, medical illness, active military duty or other extenuating circumstances may be required to complete continuing education upon his or her return to the active practice of architecture as determined necessary by the architect section to ensure the ability of the registrant to practice architecture in a safe and competent manner.

(8) A registrant shall be deemed to be in good standing until a final decision on the request for ~~exemption a waiver~~ has been made.

## Chapter A-E 13

### CONTINUING EDUCATION FOR PROFESSIONAL ENGINEERS

**A-E 13.035 Exemption for retired credential status.** The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

**A-E 13.08 Waiver of continuing education. (1)** A renewal applicant who is unable to fully comply with the continuing education requirements due to extreme hardship may submit a written request for a waiver. The professional engineer section or its designee will review the request, and in its sole discretion, may grant a full or partial waiver, or extension of time to comply with the requirements.

(2) In this section, “extreme hardship” means an inability to fulfill the continuing education requirements during the applicable renewal period because of one of the following:

(a) Full-time service in the uniformed services of the United States for a period of at least one year during the biennium.

(b) An incapacitating illness documented by a statement from a licensed physician.

(c) A physical inability to travel to the sites of approved programs documented by a licensed physician.

(d) Any other extenuating circumstances acceptable to the professional engineer section.

(3) A renewal applicant may not receive a waiver under sub. (2) (b) or (c) for 2 consecutive biennia.

~~(4) A renewal applicant who has maintained an active Wisconsin license for a minimum of 30 consecutive years may, at the discretion of the professional engineer section or its designee, receive a waiver upon request and certification that the applicant has retired from the profession and is no longer providing engineering services.~~

~~(5) A renewal applicant who receives a waiver under sub. (4) may not engage in the practice of professional engineering until the registration is renewed based upon compliance with the continuing education requirements under this chapter.~~

(6) A renewal applicant, who prior to the expiration date of the license submits a request for a waiver, pays the renewal fee and provides a statement setting forth the facts concerning noncompliance and the basis of the request, shall be deemed to be in good standing until the final decision on the application is issued by the professional engineer section. If a finding of extreme hardship is not determined, an applicant may not engage in the practice of professional engineering until the registration is renewed based upon compliance with the continuing education requirements under this chapter.

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

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|                                |   |                             |
|--------------------------------|---|-----------------------------|
| IN THE MATTER OF RULEMAKING    | : | PROPOSED ORDER OF THE       |
| PROCEEDINGS BEFORE THE         | : | EXAMINING BOARD OF          |
| EXAMINING BOARD OF ARCHITECTS, | : | ARCHITECTS, LANDSCAPE       |
| LANDSCAPE ARCHITECTS,          | : | ARCHITECTS, PROFESSIONAL    |
| PROFESSIONAL ENGINEERS,        | : | ENGINEERS, DESIGNERS, AND   |
| DESIGNERS, AND PROFESSIONAL    | : | PROFESSIONAL LAND SURVEYORS |
| LAND SURVEYORS                 | : | ADOPTING EMERGENCY RULES    |

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The statement of scope for this rule, SS 036-20, was approved by the Governor on May 7, 2020, published in Register 773A2 on May 11, 2020, and approved by the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors on July 17, 2020.

This emergency rule was approved by the Governor on \*

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors to **repeal** A-E 13.08 (4) and (5); to **amend** A-E 12.08 (title), (3), and (5) to (8); and to **create** A-E 2.045, 10.035, 11.035, 12.035, and 13.035, relating to retired credential status.

Analysis prepared by the Department of Safety and Professional Services.

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FINDING OF EMERGENCY

The Legislature, by SECTION 4 of 2019 Wisconsin Act 94, provides an exemption from a finding of emergency for the promulgation of this rule.

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ANALYSIS

**Statutes interpreted:**

Section 443.015 (1m), Stats.

**Statutory authority:**

Sections 15.08 (5) (b) and 443.015 (1) and (1m), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., provides an examining board, “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

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 443.015 (1m), Stats., as created by 2019 Wisconsin Act 94, requires each section of the A-E Board to promulgate rules that do all of the following:

- Allow the holder of a credential under ch. 443, Stats., who is at least 65 years of age or has actively maintained the credential for at least 20 years, which need not be consecutive, and has retired from and no longer engages in the practice for which the credential is held, to apply to the A-E Board to classify that credential as retired status.
- Allow an individual who previously held a credential under ch. 443, Stats., and failed to renew that credential prior to the renewal date, to apply to the A-E Board to renew the credential with retired status if the individual is at least 65 years of age or had actively maintained the credential for at least 20 years, which need not be consecutive; has retired from and no longer engages in the practice for which the credential was previously held; and pays the applicable fee.
- Allow the holder of a credential classified as retired status to apply to the appropriate Section of the A-E Board to remove the retired status classification if the credential holder satisfies reinstatement requirements established by the appropriate Section of the A-E Board by rule.

**Related statute or rule:**

None.

**Plain language analysis:**

As required under s. 443.015 (1m), Stats., as created by 2019 Wisconsin Act 94, the proposed emergency rules create provisions to do all of the following:

- Allow the holder of a credential under ch. 443, Stats., who is at least 65 years of age or has actively maintained the credential for at least 20 years, which need not be consecutive, and has retired from and no longer engages in the practice for which the credential is held, to apply to the appropriate section of the A-E Board to classify the credential as retired status.
- Allow an individual who previously held a credential under ch. 443, Stats., and failed to renew the credential prior to the renewal date, to apply to the appropriate section of the A-E Board to renew the credential with retired status if the individual is at least 65 years of age or had actively maintained the credential for at least 20 years, which need not be consecutive; has retired from and no longer engages in the practice for which the credential was held; and pays the applicable fee.
- Allow the holder of a credential classified as retired status to apply to the appropriate section of the A-E Board to remove the retired status classification if the credential holder satisfies the reinstatement requirements under s. A-E 2.05 (2).

- Provide that continuing education requirements do not apply to renewal of a credential classified as retired status.

The proposed emergency rules also revise s. A-E 12.08 to reference a waiver from continuing education requirements instead of an exemption from continuing education requirements. The updated terminology is consistent with that used in chs. A-E 10, 11, and 13.

Finally, the proposed emergency rules remove provisions in s. A-E 13.08 concerning a request for a waiver from continuing education requirements based on retirement. As the proposed emergency rules create a retired credential status, these provisions are no longer necessary.

**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 an inactive status for architects [68 Ill. Adm. Code 1150.65], engineers [68 Ill. Adm. Code 1380.285], and professional land surveyors [68 Ill. Adm. Code 1270.35]. A request for inactive status must be made in writing on a form prescribed by the Department. An architect, engineer, or professional land surveyor in inactive status is exempt from renewal fees and continuing education requirements.

The rules also provide requirements for the restoration to active status of architects [68 Ill. Adm. Code 1150.70], engineers [68 Ill. Adm. Code 1380.270], and professional land surveyors [68 Ill. Adm. Code 1270.40]. Restoration of a license placed on inactive status for 5 years or less (3 years or less for architects) requires payment of a renewal fee and compliance with continuing education requirements. Restoration of a license placed on inactive status for more than 5 years (more than 3 years for architects) to active status requires payment of restoration fees, compliance with continuing education requirements, and demonstration of active practice or continued competence.

Illinois does not issue permits or similar credentials for designers of engineering systems or landscape architects.

**Iowa:**

Within the requirements for renewal, rules of the Iowa Architectural Examining Board [193B IAC 2.5 (2)], Iowa Engineering and Land Surveying Examining Board [193C IAC 3.4 (11)], and Iowa Landscape Architectural Examining Board [193D IAC 2.8 (8)] provide an inactive status for their licensees. Licensees in inactive status are subject to reduced renewal fees and are exempt from continuing education requirements.

The rules also provide requirements for the reinstatement to active status of architects [193B IAC 2.7 (1)], engineers and land surveyors [193C IAC 3.5 (4)], and landscape architects [193D IAC 2.9 (2)]. Reinstatement requires the applicant to pay a fee, comply with continuing education requirements and, for architects and landscape architects, submit a written statement affirming the applicant did not practice in Iowa while in inactive status.

Iowa does not issue permits or similar credentials for designers of engineering systems.

**Michigan:**

Michigan does not provide a retired or inactive licensure status for architects, engineers, professional land surveyors, or landscape architects, and does not issue permits or similar credentials for designers of engineering systems.

**Minnesota:**

Minnesota does not provide a retired or inactive licensure status for architects, engineers, professional land surveyors, or landscape architects, and does not issue permits or similar credentials for designers of engineering systems. However, the Minnesota Statutes allow an individual who retires to use the designation architect, professional engineer, land surveyor, or landscape architect, as long as the designation is preceded by the word "retired" and the individual was licensed in the designated profession in the state of Minnesota on the date the individual retired from the designated profession and the individual's license was not subsequently revoked by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design [2019 Minnesota Statutes, Section 326.02, Subd. 1.].

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

The proposed emergency rules were developed by reviewing the provisions of s. 443.015 (1m), Stats., as created by 2019 Wisconsin Act 94, 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 fiscal estimate submitted with the bill associated with 2019 Wisconsin Act 94 was used in the department's analysis. The proposed emergency rules have no new or additional impact.

**Fiscal estimate:**

Please see the fiscal estimate submitted with the bill associated with 2019 Wisconsin Act 94. The proposed emergency rules have no new or additional impact.

**Effect on small business:**

These proposed emergency rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, 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 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be submitted by the date and time at which the public hearing on these emergency rules is conducted. Information as to the place, date, and time of the public hearing will be published on the Legislature's website and in the Wisconsin Administrative Register.

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TEXT OF RULE

SECTION 1. A-E 2.045 is created to read:

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

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

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

(b) The credential holder is at least 65 years of age or has actively maintained the credential for at least 20 years, which need not be consecutive.

(c) The credential holder certifies they have retired from and no longer engage in the practice for which the credential is held. The certification under this paragraph is not required to be notarized.

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

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

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

(c) The individual is at least 65 years of age or had actively maintained the credential for at least 20 years, which need not be consecutive.

(d) The individual certifies they have retired from and no longer engage in the practice for which the credential was held. The certification under this paragraph is not required to be notarized.



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

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

SECTION 2. A-E 10.035 is created to read:

**A-E 10.035 Exemption for retired credential status.** The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 3. A-E 11.035 is created to read:

**A-E 11.035 Exemption for retired credential status.** The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 4. A-E 12.035 is created to read:

**A-E 12.035 Exemption for retired credential status.** The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 5. A-E 12.08 (title), (3), and (5) to (8) are amended to read:

**A-E 12.08 (title) ~~Exemption~~ Waiver of continuing education.**

(3) A registrant seeking to renew a registration who demonstrates that compliance with the continuing education requirements shall create an extreme hardship may request ~~an exemption from~~ a waiver of the continuing education requirements.

(5) A registrant who requests ~~an exemption from~~ a waiver of the continuing education requirements for extreme hardship shall file a renewal application along with the required registration fee and submit an affidavit which describes the circumstances of the hardship and provide any supporting documentation. The request for ~~an exemption~~ a waiver shall be submitted prior to the renewal date.

(6) If the architect section finds from the affidavit or any other evidence submitted that extreme hardship has been shown for granting ~~an exemption~~ a waiver, the registrant shall be permitted to renew the registration without completing the continuing education requirements for the applicable renewal period.

(7) A registrant who receives ~~an exemption from~~ a waiver of continuing education on the basis of extreme hardship due to an incapacitating disability, medical illness, active military duty or other extenuating circumstances may be required to complete continuing education upon his or her return to the active practice of architecture as determined necessary by the architect section to ensure the ability of the registrant to practice architecture in a safe and competent manner.

(8) A registrant shall be deemed to be in good standing until a final decision on the request for ~~exemption~~ a waiver has been made.

SECTION 6. A-E 13.035 is created to read:

**A-E 13.035 Exemption for retired credential status.** The continuing education requirements under this chapter do not apply to the renewal of a credential classified as retired status under s. A-E 2.045 (1) or (2).

SECTION 7. A-E 13.08 (4) and (5) are repealed.

SECTION 8. EFFECTIVE DATE. The rules adopted in this order shall take effect on December 1, 2020, pursuant to s. 227.22 (2) (c), Stats.

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(END OF TEXT OF RULE)

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Rosheen Styczinski  
Chairperson

James A. Gersich  
Vice Chairperson

Tim R. Garland  
Secretary

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



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March 29, 2019

Senator Stephen Nass, Senate Co-Chairperson  
Joint Committee for Review of Administrative Rules  
Room 10 South, State Capitol  
Madison, WI 53702

Representative Joan Ballweg, Assembly Co-Chairperson  
Joint Committee for Review of Administrative Rules  
Room 210 North, State Capitol  
Madison, WI 53702

RE: Report Submitted in Compliance with s. 227.29 (1), Stats.

Dear Senator Nass and Representative Ballweg:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

**I. Unauthorized rules, as defined in s. 227.26 (4) (a), Stats.:**

After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are unauthorized rules, as defined in s. 227.26 (4) (a), Stats.

**II. Rules for which the authority to promulgate has been restricted:**

| Rule                               | Description of the legislation that restricted the authority | Action taken to address or reason for not taking an action  |
|------------------------------------|--|---|
| ss. A-E 3.05 (8), A-E 5.04 (8) (a) | Repeal of s. 443.09 (6), Stats., in 2009 Act 350.            | Scope Statement, SS 022-19, was published on March 4, 2019 and expires on September 4, 2021.<br><br>Scope Statement for ch. A-E 3 to be presented to the Architect Section at the April 24, 2019 meeting. |

**III. Rules that are obsolete or that have been rendered unnecessary:**

| Rule        | Description of why the rule is obsolete or has been rendered unnecessary.         | Action taken to address or reason for not taking an action    |
|-------------|---|---|
| s. A-E 2.05 | Replacing the term "board" with "section" to be more accurate in rules of general | Scope Statement for ch. A-E 2 requested on November 30, 2018. |

|   |   |   |
|---|---|---|
|   | applicability, in accordance with statutory changes in 2011 Act 146.  |   |
| ss. A-E<br>3.05, A-E<br>4.07, A-E<br>9.05 | Because the sections have determined that applicants should take a national exam to satisfy statutory requirements, specific provisions related to examination conduct are unnecessary. | Scope Statement for ch. A-E 3 to be presented to the Architect Section at the April 24, 2019 meeting.<br><br>Scope Statement for ch. A-E 4, SS 008-18, expires August 12, 2020.<br><br>Scope Statement, SS 024-19, was published on March 4, 2019 and expires on September 4, 2021. |
| s. A-E<br>3.03 (1)                        | Updating the name of the Intern Architect Development Program with the new name provided by the National Council of Architectural Registration Boards.                                  | Final rule submitted to the Legislature, CR 18-029.   |

**IV. Rules that are duplicative or, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:**

After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are duplicative, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction.

**V. Rules that are economically burdensome:**

| Rule               |   | Action taken to address or reason for not taking an action    |
|--------------------|---|---|
| s. A-E<br>8.04 (5) | The provision will be revised to ensure that it is not interpreted in an unnecessarily economically burdensome way. | Scope Statement for ch. A-E 8 requested on November 30, 2018. |

Thank you.

Sincerely,



Rosheen Styczinski

Chairperson

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

on which the petition and proposed rule were submitted to the committee.

3. Following receipt of the petition and proposed rule submitted by the legislative council staff under subd. 2., the joint committee for review of administrative rules shall review the petition and proposed rule and may do any of the following:

a. Approve the agency's petition if the committee determines that the proposed rule would repeal an unauthorized rule.

b. Deny the agency's petition.

c. Request that the agency make changes to the proposed rule and resubmit the petition and proposed rule under subd. 1.

4. The committee shall inform the agency in writing of its decision as to the petition.

(c) If the joint committee for review of administrative rules approves a petition to repeal an unauthorized rule as provided in par. (b) 3. a., the agency shall promulgate the proposed rule by filing a certified copy of the rule with the legislative reference bureau under s. 227.20, together with a copy of the committee's decision.

**SECTION 7.** 227.29 of the statutes is created to read:

**227.29 Agency review of rules and enactments. (1)**

By March 31 of each odd-numbered year, each agency with any rules published in the code shall submit a report to the joint committee for review of administrative rules listing all of the following rules promulgated or otherwise administered by that agency:

(a) Unauthorized rules, as defined in s. 227.26 (4) (a), together with a description of the legislation that eliminated the agency's authority to promulgate any such rule.

(b) Rules for which the authority to promulgate has been restricted, together with a description of the legislation that restricted that authority.

(c) Rules that are obsolete or that have been rendered unnecessary, together with a description of why those rules are obsolete or have been rendered unnecessary.

(d) Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction, together with a citation to or the text of any such statute, regulation, or ruling.

(e) Rules that the agency determines are economically burdensome.

(2) The report under sub. (1) shall also include all of the following:

(a) A description of the agency's actions, if any, to address each rule listed in the report. If the agency has not taken any action to address a rule listed in the report, the agency shall include an explanation for not taking action.

(b) A description of the status of each rule listed in the previous year's report not otherwise listed.

(c) If the agency determines that there is no rule as described under sub. (1) (a), (b), (c), (d), or (e), a statement of that determination.

(3) If an agency identifies an unauthorized rule under sub. (1) (a) and is not otherwise in the process of promulgating a rule that repeals the unauthorized rule, the agency shall, within 30 days after the agency submits the report, submit a petition to the legislative council staff under s. 227.26 (4) (b) 1. to repeal the unauthorized rule if the agency has not previously done so.

(4) (a) In this subsection, "enactment" means an act or a portion of an act that is required to be published under s. 35.095 (3) (a).

(b) Each agency shall review enactments to determine whether any part of an enactment does any of the following:

1. Eliminates or restricts the agency's authority to promulgate any rules promulgated or otherwise administered by that agency.

2. Renders any rules promulgated or otherwise administered by that agency obsolete or unnecessary.

3. Renders, for any reason, any rules promulgated or otherwise administered by that agency not in conformity with or superseded by a state statute, including due to statutory numbering or terminology changes in the enactment.

4. Requires or otherwise necessitates rule making by the agency.

(c) If an agency determines that any consequence specified in par. (b) 1. to 4. results from an enactment or part of an enactment, within 6 months after the applicable effective date for the enactment or part of the enactment, the agency shall do one or more of the following, as applicable, to address the consequence identified by the agency and notify the joint committee for review of administrative rules of its action:

1. Submit a statement of the scope of a proposed rule under s. 227.135 (2), unless the enactment requires otherwise or unless the agency submits a notice to the committee explaining why it is unable to submit the statement of scope within that time period and an estimate of when the agency plans to submit the statement of scope.

2. In the case of an affected rule that the agency determines is an unauthorized rule, as defined in s. 227.26 (4) (a), submit a petition to the legislative council staff under s. 227.26 (4) (b) 1.

3. In the case of a consequence specified under par. (b) 3. that can be addressed by the legislative reference bureau using its authority under s. 13.92 (4) (b), submit a request to the legislative reference bureau to use that authority.

**SECTION 8. Initial applicability.**

(1) The treatment of section 227.29 (4) of the statutes first applies to enactments published by the legislative

| <b>Administrative Rule</b>  | <b>Status of Current Project</b>  | <b>Anticipated Next Steps</b>   | <b>Comments</b>   |
|---|---|---|---|
| A-E 1 to 13, relating to retired credential status  | Draft emergency and permanent rules were approved by the Rules Committee in October 2020. | The emergency rules will go into effect December 1, 2020. A public hearing on the emergency and permanent rules is anticipated for December 2020. |   |
| A-E 2, relating to general requirements and procedures: Act 108 review  | Draft permanent rules were approved by the Rules Committee in October 2020.               | A public hearing on the rules is anticipated for April 2021.  |   |
| A-E 3, relating to architect registration examination: In response to the Act 108 report, correcting outdated exam provisions                 | The final rules have been approved by the Legislature.                                    | The Board may adopt the final rules at its November 30, 2020 meeting.   |   |
| A-E 4, relating to professional engineer registration: Updating and revising the chapter for clarity and consistency with national standards. | The rules have been finalized with an effective date of July 1, 2020                      | N/A   | <i>As this rule project has been finalized, it will not appear on the next Report</i> |
| A-E 5, relating to the designer permit: Updating the chapter to provide clarification on experience requirements                              | The final rules and legislative report have been approved by the Governor's Office.       | The final rules and legislative report will be submitted to the Legislature for approval in January 2021.   | <i>The Designer Section does not have quorum.</i>                                     |
| A-E 6, relating to professional land surveyor licensure: Updating the chapter to provide clarification on Wisconsin experience requirements   | The final rules and legislative report have been approved by the Governor's Office.       | The final rules and legislative report will be submitted to the Legislature for approval in January 2021.   |   |

| <b>Administrative Rule</b>   | <b>Status of Current Project</b>  | <b>Anticipated Next Steps</b>   | <b>Comments</b> |
|--|---|---|-----------------|
| A-E 7, relating to minimum standards for property surveys: Updating the chapter to provide clarification for licensees | The final rules have been approved by the Legislature.                      | The Board may adopt the final rules at its November 30, 2020 meeting  |                 |
| A-E 8, relating to professional conduct: Act 108 Review  | Draft permanent rules were approved by the Rules Committee in October 2020. | A public hearing on the rules is anticipated for April 2021.          |                 |
| A-E 9, relating to landscape architect registration: Update to ensure compliance with 2017 Act 278.                    | The final rules have been approved by the Legislature.                      | The Board may adopt the final rules at its November 30, 2020 meeting. |                 |

| <b>Pending Bills</b>                               | <b>Status</b>  | <b>Anticipated Next Steps</b>   | <b>Comments</b>  |
|--|--|---|--|
| <a href="#">SB156/AB163</a><br>Retired Status Bill | Enacted into law ( <a href="#">2019 Wisconsin Act 94</a> )   | The emergency rules will go into effect December 1, 2020. A public hearing on the emergency and permanent rules is anticipated for December 2020. | <i>2019 Wisconsin Act 94 has a December 1, 2020 effective date</i> |
| <a href="#">SB303/AB324</a> Interior Designers     | Senate Bill 330 passed the Senate on January 21, 2020.<br><br>Assembly Bill 324 referred to the <i>Assembly Committee on State Affairs</i> on June 27, 2019. Public hearing held on February 20, 2020. | As the Assembly has adjourned, it is very unlikely further action will be taken this Legislative session.   |  |

## **Pending and Possible Rulemaking Projects - Electronic Sealing and Stamping of Documents**

As part of its comprehensive review of chs. A-E 2 and 8, the Rules Committee discussed whether to address the issue of electronic sealing and stamping of documents. It was determined the issue would not be addressed under the comprehensive review, but brought to the Board to consider whether a separate rule project should be initiated.

In considering whether to initiate a new rule project to address electronic sealing and stamping of documents, the following comments provided by Karl Linck in his capacity as liaison to DSPS staff for developing the report required under s. 227.29, Stats., are provided for the Board's information.

### **Chapter A-E 2: General Requirements and Procedures**

This section suffers from the old assumption that a seal is an embossed seal into paper. The section also gets a bit confusing going between seals and stamps.

I would suggest the following:

Eliminate current wording in section A-E 2.02 (3) which reads:

"A rubber stamp, identical in size, design and content to a board-approved seal, may be used as a substitute for a registration seal."

Replace wording in section A-E 2.02 (3) with a portion of the wording modified from A-E 2.02 (7) which could read:

"The registration seal may be crimp type, rubber stamp, or electronic. No stickers are allowed."

Most of A-E 2.02 (7) other than the first sentence of it probably would then belong with the new A-E 2.02 (3). However, A-E 2.02 (7) has repetitive wording that just needs cleaning up.

### **Chapter A-E 7: Minimum Standards for Property Surveys**

A-E 7.05 (8)

If the concept that a seal could be embossed, stamp, or electronic, then wording could just refer to "seal".

### **Chapter A-E 8: Professional Conduct**

A-E 8.10 & 8.11

8.10 is title "stamping", 8.10 uses repeatedly "sealed or stamped", and 8.11 uses "sealing" but does not include "stamp". Once again, maybe the main term should just be "seal" which can be defined in A-E 2 as: embossed, stamp, or electronic.