



STATE OF WISCONSIN
Department of Safety and Professional Services
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DESIGNERS SECTION
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND LAND SURVEYORS
Room 121C, 1400 E. Washington Avenue, Madison
Contact: Berni Mattsson * 608-266-2112
April 17, 2012

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 description of the actions and deliberations of the Board.

FULL BOARD MEETING
8:30

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes – October 11, 2011 (3-6)**
- C. Secretary Matters
- D. Executive Director Matters**
 - 1) Board Appointments
 - Rules Committee
 - Screening Panel
 - 2) Annual Policy Review – Board Member Guidebook **(7-38)**
- E. Presentation of Proposed Stipulations, Final Decisions and Orders by the Division of Enforcement including any received after printing of the agenda
- F. Board Discussion Items including any received after printing of agenda**
 - 1) Division of Enforcement Matters
 - 2) Education and Examination Matters**
 - a. Exam Update Including Passage Rate
 - 3) Credentialing Matters
 - 4) Practice Question Matters**
 - a. Discussion Related to the Definition of Designer
 - 5) Legislation/Administrative Rule Matters**
 - a. Discussion and Action Related to 2011 Senate Bill 453 Related to General Department Responsibilities and changes to Wis. Stat. § 443 **(39-56)**
 - b. Discussion Related to Potential Revisions to AE-5 **(57-60)**
 - c. Update Related to LRB Legislative Draft 11-0257/2 **(61-76)**
 - 6) Liaison/Committee Reports
 - 7) Speaking Engagement, Travel, Public Relation Requests
- G. Informational Items

H. New Business

I. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)

J. Deliberation of Proposed Stipulations, Final Decisions and Orders including any received after printing of the agenda

K. Deliberation of other items including any received after printing of agenda

- 1) Case Closings
- 2) Case Status Report
- 3) Proposed Decisions
- 4) Summary Suspensions
- 5) Objections and Responses to Objections
- 6) Complaints
- 7) Administrative Warnings
- 8) Matters Relating to Costs
- 9) Monitoring Cases
- 10) Appearances from Requests Received or Renewed
- 11) Examination Matters
- 12) Application Matters
- 13) Professional Assistance Program Cases
- 14) Motions

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

M. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

N. Other Board Business

O. Next Meeting Date: October 9, 2012

ADJOURNMENT

**DESIGNER SECTION
A-E JOINT BOARD
MEETING MINUTES
OCTOBER 11, 2011**

Present: Scott Berg and Thomas Gasperetti

Present by Teleconference: Steven Tweed

Not Present: James Mickowski

Staff: Denise Aviles, Bureau Director; Yolanda McGowan, Legal Counsel;
Michelle Solem, Bureau Assistant; and other DRL staff

Scott Berg, Board Chair, called the meeting to order at 9:25 a.m. A quorum of 3 members was confirmed.

ADOPTION OF AGENDA

MOTION: Thomas Gasperetti moved, seconded by Steven Tweed, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Steven Tweed moved, seconded by Thomas Gasperetti, to approve the minutes of April 19, 2011 as published. Motion carried unanimously.

BUREAU DIRECTOR MATTERS

Denise Aviles provided the section with the meeting dates for 2012.

Elections

The Section conducted elections for the 2012 calendar year.

NOMINATION: Thomas Gasperetti nominated James Mickowski as chairperson. The chair called for additional nominations three times before calling the vote. James Mickowski was elected chairperson for the 2012 calendar year.

NOMINATION: Steven Tweed nominated Thomas Gasperetti as vice-chairperson. The chair called for additional nominations three times before calling the vote. Thomas Gasperetti was elected vice-chairperson for the 2012 calendar year.

NOMINATION: Thomas Gasperetti nominated Steven Tweed as secretary. The chair called for additional nominations three times before calling the vote. Steven Tweed was elected secretary for the 2012 calendar year.

Scott Berg made the following Board appointment:

Credentialing and Monitoring Liaison – James Mickowski

MOTION: Thomas Gasperetti moved, seconded by Steven Tweed, to authorize James Mickowski to act on behalf of the Board with respect to credentialing and monitoring matters that arise between meetings. Motion carried unanimously.

BOARD DISCUSSION

EDUCATION AND EXAMINATION MATTERS

a. Exam update including passage rate.

This item was tabled until the next meeting. This item will be a standing item on future agendas.

CREDENTIALING MATTERS

a. Review and discuss potential changes to Form 2835

The Section noted that the form needs to have all instances of Regulation and Licensing replaced with Safety and Professional Services.

LEGISLATION/ADMINISTRATIVE RULE MATTERS

a. Discussion related to the definition of "Designer"

Scott Berg reminded the Section that this has been a topic of discussion in the past. This item will be included on a future agenda for further discussion.

b. Review and discuss LRB legislation draft 11-0257/1 regarding proposed changes to ch. 443 Wis. Stats.

Scott Berg reviewed the suggested changes with the Section. It was noted that at the last meeting, the Section authorized Scott final review authority on behalf of the Board.

c. Discuss potential revisions to AE-5

This item is tabled to the next meeting.

CLOSED SESSION

MOTION: Thomas Gasperetti moved, seconded by Steven Tweed, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Scott Berg - yes; Thomas Gasperetti - yes; and Steven Tweed - yes. Motion carried unanimously. Open session recessed at 9:49 a.m.

RECONVENE TO OPEN SESSION

MOTION: Thomas Gasperetti moved, seconded by Steven Tweed, to reconvene into open session at 12:00 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

APPLICATION MATTERS

MOTION: Thomas Gasperetti moved, seconded by Steven Tweed, to act upon the applications reviewed for the meeting as noted in the application files. Motion carried unanimously.

APPLICATIONS REVIEWED ON OCTOBER 12, 2011

The Section took the following action on applications

PERMIT AS A DESIGNER OF ENGINEERING SYSTEMS

By Experience Provision -- ss. 443.07(1)(b), Stats.

Approved

- | | |
|-------------------------|-----------------------|
| 1. Osborne, Denise | 4. Hayes, Travis J |
| 2. Bergmann, Roy | 5. Prochaska, Phillip |
| 3. Bembnister, Joseph D | 6. Culver, Paul C |

Intent To Deny

- | | | | |
|----|-------------------|----|-----------------|
| 1. | Debord, David | 3. | Burant, Matthew |
| 2. | Echeverri, John L | | |

1. Examination Eligibility

Approved

- | | | | |
|----|------------------|----|----------------------|
| 1. | Coach, Timothy C | 3. | Russell, Johnathon T |
| 2. | Jansky, Leroy G | 4. | Solheim, Nicholas J |

Intent To Deny

1. Peterson, Jack C

Steven Tweed authorized Denise Aviles to initial application files on his behalf.

Yolanda McGowan thanked Scott Berg for his service to the Section. That sentiment was echoed by members of the section.

ADJOURNMENT

MOTION: Steven Tweed moved, seconded by Thomas Gasperetti, to adjourn the meeting at 12:05 p.m. Motion carried unanimously.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Michelle Solem		2) Date When Request Submitted: March 14, 2012 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Designer Section			
4) Meeting Date: March 27	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Review Board Member Guidebook	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Please review the Board Member Guidebook, sign the acknowledgement page to indicate your understanding of this document and submit your completed signature page to your Executive Director by May 23, 2012. Your completed signature page can be delivered in person at the upcoming meeting or after the meeting, you may mail, fax or scan and e-mail this information: Department of Safety and Professional Services Berni Mattsson, Executive Director 1400 E. Washington Ave Madison, WI 53703 E-mail: Berni.Mattsson@Wisconsin.gov Fax: 608-267-3816			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Department of Safety and Professional Services



Division of Board Services Board Member Guidebook

Division of Board Services

Board Member

Guidebook

Table of Contents

- Department Information
- Division of Board Services
- Powers and Responsibilities
- Agenda and Meetings
- Expenses and Travel
- Forms and Memos

Department Information

The Department of Safety and Professional Services

History:

The 2011-13 biennial budget, 2011 Wisconsin Act 32 created the Department of Safety and Professional Services (DSPS) by combining the Department of Regulation and Licensing (DRL) and the Divisions of Safety and Buildings and Environmental and Regulatory Services from the Department of Commerce.

Chapter 75, Laws of 1967, created DRL and attached to it 14 separate examining boards that had been independent agencies. The 1967 reorganization also transferred to the department some direct licensing and registration functions not handled by boards, including those for private detectives and detective agencies, charitable organizations, and professional fundraisers and solicitors.

DRL's responsibilities changed significantly since its creation. Initially, it performed routine housekeeping functions for the examining boards, which continued to function as independent agencies. Subsequently, a series of laws required the department to assume various substantive administrative functions previously performed by the boards and to provide direct regulation of several professions.

The DSPS Division of Safety and Buildings traces its roots to 1911 when the Legislature created the Industrial Commission in Chapter 485 to set standards for a safe place of employment. This "safe place" statute was extended in Chapter 588, Laws of 1913, to include public buildings, defined as "any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public, or by three or more tenants." The commission adopted its first building code in 1914. Programs added over the years include plumbing, heating, ventilation, air conditioning, energy conservation, private on-site waste treatment systems, accessibility for people with disabilities, and electrical inspection and certification. These responsibilities and the job of administering various other laws relating to the promotion of safety in public and private buildings, including enforcing building codes, and the licensure of occupations such as electricians and plumbers, were ultimately assumed by the Department of Commerce.

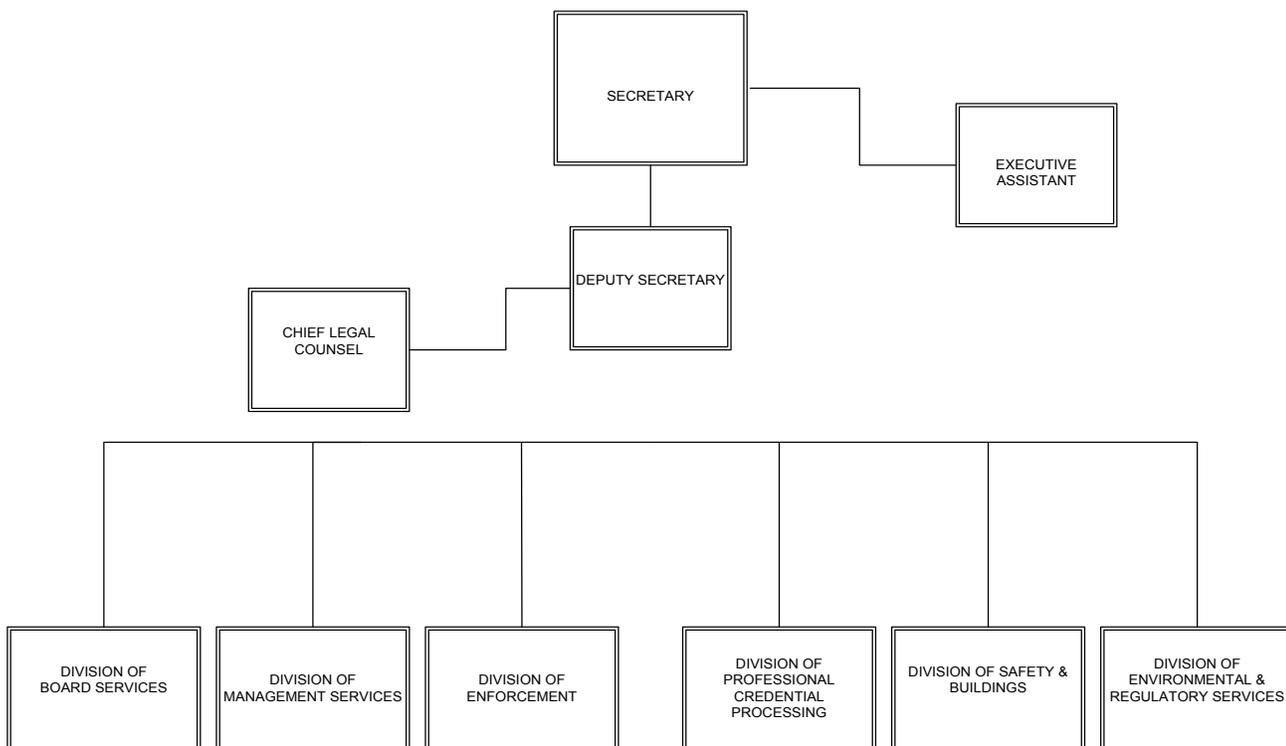
The DSPS Division of Environmental and Regulatory Services was created by 1995 Wisconsin Act 27 which transferred the PECFA program and the safety and buildings functions from the Department of Industry, Labor and Human Relations to the Department of Commerce.

The Department of Safety and Professional Services

Quick Facts

- Responsible for ensuring the safe and competent practice of licensed professionals in Wisconsin. The department also administers and enforces laws to assure safe and sanitary conditions in public and private buildings and regulates petroleum products and petroleum storage tank systems.
- Provides policy coordination and centralized administrative services for more than 70 boards, sections, councils, advisory committees, and direct licensing professions.
- Oversees the regulation of 200 types of credentials and specialty permits in more than 60 professional fields.
- Issues over 27,500 new credentials and renews more than 430,000 credential holders each biennium.
- Organized into six divisions and two offices:
 - Office of the Secretary
 - Division of Board Services
 - Division of Enforcement
 - Division of Environmental and Regulatory Services
 - Division of Management Services
 - Division of Professional Credential Processing
 - Office of Education and Examinations
 - Division of Safety and Buildings
- 379.6 full-time employees.
- Receives more than 2,500 consumer complaints per year.
- Verifies about 7,000 Wisconsin licenses per year to other states.

The Department of Safety and Professional Services Organizational Structure



Division of Board Services

Mission of DSPS and the Boards

To protect the health, safety and well-being of the citizens of Wisconsin by ensuring the safe and competent practice of licensed professionals at the least cost to the state.

To ensure the availability of safe and competent professional services by:

- fairly administering education, experience and examination requirements;
- establishing professional practice standards;
- ensuring compliance by enforcing occupational licensing laws.

Division of Board Services-Board Staff

17 staff in Board Services

1 Division Administrator

1 Program Assistant Supervisor

4 Executive Directors

4 Legal Counsel

4 Bureau Assistants

1 Adv-Paralegals

2 Paralegal

- There are approximately 300 board, council and committee members.
- A Bureau Director, Legal Counsel, and Bureau Assistant are assigned to each profession.
- The Division averages approximately 15 board, council and committee meetings each month.
- There are about 185 meetings scheduled each year.
- Provide the coordination and facilitation of a number of professional and administrative services to all of the regulatory boards, councils and committees.
- Provide administrative support.
- Coordinate and manage the business of each board, council or committee.
- Assist in facilitating the meetings.
- Provide professional services (analysis, evaluation and research).
- Coordinate drafting and implementation of laws, rules and policies.
- Coordinate board member travel and reimbursement processing.



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DIVISION OF BOARD SERVICES
BOARD ASSIGNMENTS

<p>Tom Ryan, Executive Director Sandy Nowack, Legal Counsel Karen Rude-Evans, Bureau Asst Shawn Leatherwood, Adv Paralegal</p>	<p>Denise Aviles, Executive Director Yolanda McGowan, Legal Counsel Michelle Solem, Bureau Asst Kris Anderson, Paralegal</p>	<p>Dan Williams, Executive Director Colleen Baird, Legal Counsel Kimberly Wood, Bureau Asst Sharon Henes, Paralegal</p>	<p>Berni Mattsson*, Executive Director Lydia Thompson, Legal Counsel David Carlson, Bureau Asst. Kris Anderson/Sharon Henes, Paralegal</p>
<ul style="list-style-type: none"> ▪ Medical Examining Board <ul style="list-style-type: none"> ▫ Athletic Trainers Affiliated Credentialing Board ▫ Council on Physician Assistants ▫ Dietitians Affiliated Credentialing Board ▫ Occupational Therapists Affiliated Credentialing Board ▫ Perfusionists Examining Council ▫ Podiatrists Affiliated Credentialing Board ▫ Respiratory Care Practitioners Examining Council ▫ Massage Therapy & Bodywork Therapy Affiliated Credentialing Board 	<ul style="list-style-type: none"> ▪ Accounting Examining Bd ▪ Architects, Landscape Architects, Professional Engineers, Designers & Land Surveyors Examining Board <ul style="list-style-type: none"> ▫ Architects Section ▫ Designers Section ▫ Engineers Section ▫ Landscape Architects Section ▫ Land Surveyors Section ▪ Barbering & Cosmetology Examining Board ▪ Chiropractic Examining Bd ▪ Crematory Authority Council ▪ Funeral Directors Ex. Bd ▪ Real Estate Board <ul style="list-style-type: none"> ▫ RE Contractual Forms Advisory Committee ▫ RE Curriculum & Examination Council 	<ul style="list-style-type: none"> ▪ Controlled Substances Board (Lydia Thompson – Legal Counsel) ▪ Geologists, Hydrologists & Soil Scientists Examining Bd. <ul style="list-style-type: none"> ▫ Geologists Section ▫ Hydrologists Section ▫ Soil Scientists Section ▪ Marriage & Family Therapy, Professional Counseling, and Social Work Examining Bd. <ul style="list-style-type: none"> ▫ Marriage & Family Therapist Section ▫ Professional Counselor Section ▫ Social Worker Section ▪ Nursing, Board of <ul style="list-style-type: none"> ▫ Examining Council on Licensed Practical Nurses ▫ Examining Council on Registered Nurses 	<ul style="list-style-type: none"> ▪ Auctioneer Board ▪ Cemetery Board ▪ Dentistry Examining Board ▪ Hearing & Speech Examining Board <ul style="list-style-type: none"> ▫ Council on Speech-Language Pathology & Audiology (Colleen Baird – Legal Counsel) ▪ Optometry Ex. Board ▪ Real Estate Appr. Board* <ul style="list-style-type: none"> ▫ REA App Adv Com ▪ Sign Language Interp. Council
<ul style="list-style-type: none"> ▪ Nursing Home Ad. Ex Bd (Colleen Baird – Legal Counsel) ▪ Physical Therapy Ex. Bd ▪ Radiography Ex. Bd ▪ Veterinary Ex. Bd 	<p>Direct Licensing:</p> <ul style="list-style-type: none"> ▪ Athletic Agents Adv. Com. ▪ Private Detectives ▪ Private Security Persons <ul style="list-style-type: none"> ▫ Firearms Permits ▫ Firearms Certifiers 	<ul style="list-style-type: none"> ▪ Pharmacy Examining Board (Lydia Thompson – Legal Counsel) ▪ Psychology Examining Board 	<p>Direct Licensing:</p> <ul style="list-style-type: none"> ▪ Acupuncture ▪ Licensed Midwives Advisory Committee ▪ Music, Art & Dance Therapy ▪ Professional Employer Organizations
<p>Direct Licensing:</p> <ul style="list-style-type: none"> ▪ Boxing ▪ Home Inspectors ▪ Interior Designers ▪ Peddlers ▪ Charitable Organizations ▪ Professional Fund Raisers 	<p>Direct Licensing:</p> <ul style="list-style-type: none"> ▪ Behavioral Analysts ▪ Sanitarians ▪ Substance Abuse Counselors 	<p>Where indicated by the following, the Bureau Assistants differ from the staff listing:</p> <ul style="list-style-type: none"> • Lydia – Green • Sandy – Purple • Colleen - Orange • Karen – Red • Michelle - Yellow • Kim – Blue 	<p>*Berni Mattsson also provides support to the Boards and Councils associated with the Division of Safety & Buildings.</p>

Powers and Responsibilities

Powers of Regulatory Bodies

- **Examining Boards**

Authority:

- Set standards of professional competence and conduct for the professions.
- Prepare, conduct and administer examinations.
- Grant and deny credentials (licenses).
- Impose discipline.

Appointed By: Governor with Senate confirmation.

Reimbursement: Per Diem: \$25
Expenses: Actual and necessary expenses incurred in the performance of Examining Board duties.

- **Affiliated Credentialing Boards**

Bodies that are attached to an Examining Board to regulate professions that do not practice independently of the profession regulated by the Examining Board or that practice in collaboration with the profession regulated by the Examining Board.

Authority: With the advice of the examining board to which it is attached, sets standards of professional competence and conduct for the profession under the Affiliated Credentialing Board's supervision, reviews the qualifications of prospective new practitioners, grants credentials, and takes disciplinary action against credential holders.

Appointed By: Governor with Senate confirmation.

Reimbursement: Per Diem: \$25
Expenses: Actual and necessary expenses incurred in the performance of Board duties.

- **Examining Councils and Councils**

Authority: Serve an Examining Board in an advisory capacity to:

- Formulate rules to be promulgated by the Examining Board or department for the regulation of the specific profession.

Appointed By: Some Councils have members appointed by the Governor and others have members appointed by an Examining Board. Senate confirmation is not required. The Governor has the authority to appoint all public members.

Reimbursement: Per Diem: No compensation
Expenses: Actual and necessary expenses incurred in the performance of Council duties.

- **Auctioneer and Real Estate Appraisers Boards**

Authority: Advisory in all matters, except:

- Screening complaints.
- Imposing discipline.

Appointed By: Governor with Senate confirmation.

Reimbursement: Per Diem: \$25
Expenses: Actual and necessary expenses incurred in the performance of Examining Board duties.

- **Direct Licensing Advisory Committees and Screening Panel;**

- No examining board.
- The Secretary of the Department directly regulates the profession or occupation.
- The Secretary has authority to appoint committee and panel members.
- Committee and panel members serve at the discretion and pleasure of the Secretary.
- The Committee or panel members make recommendations and advise the Secretary on issues relating to the specific profession

Appointed By: Department Secretary

Reimbursement: Per Diem: No compensation

Expenses: Actual and necessary expenses incurred in the

Responsibilities of a Board Member

- You are a public official who is dedicated to public service. You are willing to sacrifice your time and tolerate inconvenience, frustration, and scheduling conflicts to be available for board service.
- You have major responsibilities to the public and credential holders.
- You ARE NOT an advocate for private interest or professional groups.
- You must represent the highest standards of ethical and professional conduct.
- You must strive to avoid any relationship, activity or position that may influence, directly or indirectly, the performance of your official duties as a board member.
- You cannot serve as spokesperson for the board unless properly designated by the board.
- You must make public (and recuse yourself from) any conflict of interest that exists to ensure the integrity of the board and all of its decisions.
- You must comply with the rules of confidentiality, at all times, in dealings outside the board meeting.

Importance of Public Members

- You are the voice of the public.
- You expand the range of perspectives available for higher quality and more creative board action.
- You balance decisions that might otherwise favor one faction of the regulated group over another.
- You make the governing board more responsive to the public it affects.
- You reduce the potential for board decisions to be professionally biased.
- You lend credibility to board accessibility and decisions.
- Public Member Concerns:
 - Being intimidated by professional members' experience in the field.
 - May impede board activity if technical issues are not understood.
 - Afraid to ask questions for fear of slowing down the meeting.
 - Professional members not treating public members as Board peers.

Responsibilities of the Board Chair

- Recognize board members are entitled to speak or propose motions.
- Restate the motion after it has been seconded, then open for discussion.
- Close discussion and put motions to a vote. Restate the motion exactly as it was made or amended before calling for the question.
- Announce the result of the vote immediately. A tie vote defeats a motion requiring a majority of those voting. The chair may vote to make or break a tie.
- Avoid entering into any controversy or interfering with legitimate motions.
- Maintain order and proper procedure by making necessary rulings promptly and clearly.
- Expedite board business in every way compatible with the rights of the board members. You can allow brief remarks on motions, advise board members how to take action (proper motion or form of motion), or order proposed routing action without a formal vote (“If there is no objection, the minutes will stand approved as read. Hearing no objection, so ordered”).
- Protect the board from frivolous motions whose purpose is to obstruct the board’s business. You can refuse to entertain such motions. Never adopt such a course, however, merely to expedite business.
- Guard the board’s time by having board members vote to adopt an agenda at the beginning of the meeting. Follow the agenda faithfully. Do not permit unauthorized interruptions by spectators.

What Makes A Successful Board Member?

- Recognition that the goal of the board is the protection of the public.
- Embracing role as a public servant.
- Common sense and a willingness to ask questions.
- Commitment to attendance.
- Willingness to devote time and effort to the work of the board.
- Open .
- Team player.
- Fairness.
- An orderly approach to decision making.
- Ability to set aside personal/business interests.

Board Members Should Avoid:

- Obsession with a single issue.
- Self-serving by bringing own agenda to the table.
- Always taking the “contrarian” view—just for show.
- Expounding on strongly held opinions that are rarely backed by fact or research.
- Unpredictable participation or attendance.

Disappointments Experienced As Board Members:

- Personal goals for improvement of the profession have not been realized.
- The public has not been served fairly.
- Lack of effort and dedication on the part of other board members.
- The “wheels” of government do not move fast enough.

Dealing With The Volatile World Of Meetings

Some of the ideas are best undertaken by the Chair; however, you should feel free to help any meeting to progress. After all, why should you allow your time to be wasted?

- If a participant strays from the agenda item, call him/her back: “We should deal with that separately, but what do you feel about the issue X?”
- If there is confusion, you might ask: “Do I understand correctly that ...?”
- If you do not understand, say so: “I don’t understand that, would you explain it a little more; or, do you mean X or Y?”
- If a point is too vague ask for greater clarity: “What exactly do you have in mind?”
- If the speaker begins to ramble, wait until an inhalation of breath and jump in: “Yes, I understand that such and such, does anyone disagree?”
- If someone interrupts (someone other than the rambler), you should suggest that: “We can hear your contribution after Phoebe is finished.”
- If people chat, you might either simply state your difficulty in hearing/concentrating on the real speaker or ask them a direct question: “What do you think about that point?”
- If someone gestures disagreement with the speaker (e.g., by a grimace), then make sure they are brought into the discussion next: “What do you think Phoebe?”
- If there is an error, look for a good point first: “I see how that would work if X Y Z, but what would happen if A B C?”
- If you disagree, be *very* specific: “I disagree because

Ethics For Board Members

Public officials must not engage in unethical or the appearance of unethical behavior. Board members should be cognizant of how their actions may be perceived by the public.

If you have questions about certain activities, you are encouraged to consult with the attorney from the Division of Board Services assigned to your Board.

General Standards of Conduct For Board Members

- Board members must not act in an arbitrary or capricious manner in discharging any of their public duties. All Board member decisions whether the individual or collective ones must be based upon a reasoned consideration of facts applied to the correct law.

Primary Duties of All Board Members

- Be knowledgeable about the statutes and rules governing the Board.
- Review and make decisions on all issues presented to the Board in compliance with the law and with the ultimate goal of protecting the public.
- Be aware that Board members are viewed as representatives of the Board when they appear at public meetings and professional gatherings. Board members should not speak for the Board unless specifically authorized to do so.
- Refer public inquiries about Board issues directly to the bureau director for your Board.
- Do not participate in discussion or vote on any matter in which the Board member has a personal or professional conflict of interest.
- Prepare for Board meetings by careful review of materials. Board members shall come to the meetings with preliminary opinions of the issues to be discussed and questions for clarification.
- As a professional member of the Board, remain current in standards of practice through reviewing professional literature and attending educational programming and through actual practice or relationships with colleagues in practice.
- As a public member of the Board, become educated regarding the practice of the profession.
- Maintain absolute confidentiality regarding disciplinary matters, examinations, examination scores and other closed-session issues. The failure to maintain confidentiality could result in loss of immunity Board members enjoy for purposes of their actions as Board members.

Discipline

- The objectives of professional discipline include the following: (1) to promote the rehabilitation of the licensee; (2) to protect the public; and (3) to deter others from engaging in similar conduct.
- Punishment of the licensee is not an appropriate consideration.
- The statutory framework which creates the Board's authority will provide the options available for discipline.
- The goal of a regulatory board is to protect the public.

Standards of Ethical Conduct

■ The Five Commandments

- Do not act in an official capacity in a matter in which you have a private interest.
- Do not use your public position for a private benefit.
- Do not solicit or accept rewards or items or services likely to influence you.
- Do not use confidential information.
- Do not use your public position to obtain unlawful benefits.

■ Bias/ Conflict – Watch for:

- Financial Interests (employer/ employee/ competitor)
- Professional business Interests (have you worked with them in the past)
- Other – friends, non-friends
- Personal knowledge of facts which may not be in the record

Agendas and Meetings

Agendas and Meetings

- New Technologies – Share Point & Live Meeting.
- Agenda packets are mailed, emailed, and/or posted on Share Point about 7 calendar days prior to meeting.
- Agendas include:
 - Approval of the Agenda and Minutes
 - Open Session Items
 - Administrative Report
 - Legislation and Administrative Rules Issues
 - Public Hearings
 - Education and Exam Issues
 - Practice Questions
 - Current Issues Affecting the Profession
 - Closed Session items
 - Stipulations
 - Administrative Warnings
 - Deliberations on Proposed Disciplinary Actions
 - Case Closings
 - Monitoring Issues
 - Credentialing Issues
 - Exam Issues
- Agendas are published for public notice every Wednesday prior to the meeting on the Department's web site
- Meetings must comply with the Open Meetings Law.
- "To-Do" lists are distributed to staff within three (3) days after a meeting.
- Minutes are prepared within five (5) days after the board meeting.
 - Once the board approves the minutes, they are published on the Department's web site.

Expenses and Travel

General Expense Reimbursement Guidelines

- State statutes and Code of Ethics strictly prohibit any board member, his or her family, or co-workers from benefiting personally from free flight plans, lodging, meals, or other promotions which result from travel incurred in connection with board official business and paid from state or federal funds.
- All travel-related expenses are reimbursable within the limitations established by the Department of Employment Relations and the Department of Administration.
- Any board member whose appointment has been confirmed by the Senate or who has been nominated to fill a vacant board position is eligible to receive a per diem. Council and Committee members are not eligible for a per diem.
- Any board, council or committee member whose appointment has been confirmed by the Senate or who has been nominated to fill a vacant position is eligible to receive travel expenses for each day on which he or she has actually and necessarily engaged in the performance of board duties. If you are employed by the State of Wisconsin these requirements do not apply.
- All per diem and travel expense reimbursement vouchers must be submitted to the Department **within a month of the activity** in which payment is being requested.
- Any board member who wishes to attend out-of-state regional or national meetings or conventions must have prior approval by the Board and the Department, if he or she wishes to receive reimbursement for expenses by the Department.
- Employees in travel status are expected to use good judgment when incurring travel costs. Only expenses incurred while conducting official State business will be reimbursed. Reimbursement claims must represent actual, reasonable and necessary expenses.
- Reimbursement for air travel is limited to the lowest appropriate airfare which is defined as coach fare, which provides for not more than a 2-hour window from the traveler's preferred departure or arrival time and may require one plane transfer.
- Benefits from any airline promotion program, such as frequent flier points or credit vouchers, belong to the State and should be turned over to the Department.

Lodging Accommodations

- Hotel arrangements for board meetings are scheduled by the department for all board meetings at the beginning of each year.
- Lodging the night before a board meeting will be reimbursed provided the board member would have to leave home before 6:00 a.m. in order to be at the meeting site by the set meeting time.
- Maximum reimbursement rate for in-state lodging is \$70, except in Milwaukee, Waukesha and Racine counties where the rate is \$80.
- Maximum reimbursement rates for out-of-state lodging are determined by the Office of State Employment Relations. In cases where a board member stays at the conference site, the conference room rate is allowable.

Per Diem Guidelines

\$25 per day

(Only one per diem may be claimed per calendar day.)

Examples:

- Attend board meeting or participate in a board meeting by telephone.
- Attend a Screening Panel Session when held on a day other than a board meeting date, in person or by telephone.
- Senate confirmation hearing.
- Exam administration or test development
- Attend a legislative or other public hearing as an authorized representative of the board on matters directly related to the work of the board. Prior approval from the secretary is required for per diem payments for more than one board-authorized representative at a public hearing.
- Represents the board at a meeting of a governmental body or other organization where attendance is necessary to the performance of the board's official duties.

5-Hour Rule

- \$25 for performing a cumulative minimum of 5 hours engaged in:
 - Duties as a disciplinary case screener or board advisor including reviewing cases, consulting with investigators, etc. (NOTE: You will need to document the exact times performing these duties on your per diem form.
 - Preparation of board correspondence or articles
- Hours can only be claimed in the month the duties were performed. Hours cannot carry over to other months.

Insufficient Basis For Approval of a Per Diem

- Travel days to or from board meetings, conferences, and other events when there is no event business conducted.
- Reading board agendas, meeting packets, minutes or transcripts.
- Attendance at professional association meetings, conferences, seminars, exam administrator or test development if there has not been prior board authorization and approval of the Secretary's office.

Travel and Meal Guidelines

- **Mileage rate --** 48.5 cents per mile
- **Private Airplane--** 48.5 cents per mile
- **Meals** (*Maximum amounts*)

	<u>In-State Travel</u>	<u>Out-of-State Travel</u>
Breakfast	\$8	\$10
You must leave home before 6:00 a.m.		
Lunch	\$9	\$10
You must depart before 10:30 a.m. & return after 2:30 p.m.		
Dinner	\$17	\$20
You must return home after 7:00 p.m.		

NOTE: Alcoholic beverages may not be claimed for any meal.

- **Telephone:** One personal call home is reimbursable up to \$5 for each night in travel status.
- **Hotel Gratuities:** Gratuities to hotel employees are reimbursable up to \$2 on dates of departure and arrival, and up to \$2 per night for a stay at a hotel/motel.
- **Porterage:** Porterage costs at airports or bus terminals will be reimbursed. The claim should not exceed \$1 per piece of luggage.
- **Taxi/Shuttle:** Receipts are required for one-way fares exceeding \$25.

Examples of Non-reimbursable Items

This list is not all-inclusive

- Traffic citations, parking tickets and other fines
- Mileage charges incurred for personal reasons, e.g., sightseeing, side trips, etc.
- Additional charges for late checkout
- Taxi fares to and from restaurants
- Meals included in the cost of registration fees or airfare
- Flight insurance
- Cancellation charges (unless fully justified)
- Alcoholic beverages
- Spouse or family members' travel costs
- Lost/stolen cash or personal property
- Personal items, e.g., toiletries, luggage, clothing, etc.
- Repairs, towing service, etc., for personal vehicle
- Pay-for-view movies in hotel room; personal entertainment
- Child care costs and kennel costs

Forms and Memos

Department of Regulation & Licensing

PER DIEM REPORT

Month January Year 2011

INSTRUCTIONS: Send original (white) and first copy (yellow) to Bureau Director authorized to approve. Approving Bureau Director forwards original and first copy to Deputy Secretary, Department of Regulation and Licensing. Second copy (green) to be retained by claimant. Attach travel voucher if applicable.

NAME OF EXAMINING BOARD OR COUNCIL				BOARD OR COUNCIL MEMBER'S NAME			
Board				John Doe			
Day	Specify Number of Hours	Purpose Code	Where Performed	Day	Specify Number of Hours	Purpose Code	Where Performed
1				17			
2				18			
3				19			
4				20			
5	7	A	DRL- Madison	21			
6				22			
7				23	2	G	Home
8				24			
9				25			
10				26			
11	3	B	Teleconference – Home	27			
12				28			
13				29			
14				30			
15				31			
16							

TOTAL DAYS CLAIMED 2 @ \$ 25.00 = \$50.00

<p>CLAIMANT'S CERTIFICATION The undersigned certifies, in accordance with Sec. 16.53, Wis. Stats., that this account for per diem, amounting to \$25.00, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.</p>	<p>APPROVED:</p>
<p>Claimant's Signature _____ Date _____</p>	<p>Bureau Director _____ Date _____</p>
<p>Social Security Number _____</p>	<p>Secretary, Department of Regulation & Licensing</p> <p>Date _____</p>

Purpose Codes:

- A. Attend **Board meetings** in person or via teleconference call.
- B. Attend **Screening Panel** meetings on days other than board meeting days (teleconference calls)
- C. Attend **Hearings**, i.e., legislative, disciplinary or informal settlement conference hearings, on days other than board meeting days.
- D. Attend **Examinations**
- E. Attend **Test Development Sessions**, i.e., test review or analysis sessions, national testing sessions, tour of test facilities, etc.)
- F. Attend Senate Confirmation Hearings
- G. Review DOE cases
- H. Review credentialing applications other than at board meeting.
- G. Other (describe in detail)

Department Policy Deadline For Submitting Travel Vouchers and Per Diems

Effective: Immediately

Board Members will only be reimbursed for travel upon a motion made by the Board, Council, or Committee designating them as a representative and upon prior approval of the department.

Policy for Submitting Board Meeting Travel Reimbursement

All travel vouchers and per diems must be submitted to the Department after each meeting and no later than the month following the Board meeting.

Policy for Submitting Out-of-State Travel Reimbursement

All travel vouchers and per diem vouchers must be submitted no later than the month following the month in which the out-of-state travel occurred.

Forms Submitted after the Deadline

Due to the Department's budget being an annual appropriation, those vouchers that are not submitted in a timely manner become at risk of not being reimbursed.

Annual Appropriation:

The Department receives authority from the legislature to spend a set amount of money each fiscal year. None of the authorized set amount can be carried forward to the next fiscal year.

Division of Board Services
HOTEL RESERVATIONS POLICY & PROCEDURE

Effective January 1, 2010, the Department has selected the Fairfield Inn & Suites for all future hotel reservations.

Fairfield Inn
2702 Crossroads Dr
Madison, WI 53718
608-661-2700

- If the board member is not going to use the reserved hotel room, it is the responsibility of the board member to cancel the room by calling the hotel themselves.
- If the hotel room is not cancelled, the board member may be responsible to pay the bill.
- If a meeting is cancelled due to a lack of quorum or no business, it is the responsibility of the Department to cancel any room reservations.

QUORUM CONFIRMATION POLICY

- It is every board member's responsibility to ensure there is a quorum to conduct business at all board meetings.
- It is the responsibility of each board member to inform the executive director of any meeting dates in which they will not be able to attend.
- If Division staff does not hear from a board member, they will assume that the board member will be attending the scheduled meeting.
- A quorum check will not be conducted prior to each scheduled board meeting.
- The only time Division staff will conduct a quorum check will be if two or more board members contact the Division indicating they will not be able to attend an upcoming scheduled meeting.
- Every board member will receive a list of all approved meeting dates at the first board meeting of the New Year. Please use this as a reference to assist in planning for the year ahead.

INCLEMENT WEATHER POLICY & PROCEDURE

Quorum Note: For open session you need one more than half of the total board membership. If there is formal discipline you will need 2/3 of the total board membership.

- Teleconference and Live Meeting options should be offered in order to continue with the scheduled meeting.
- Hotel rooms for the night before should be provided for any Board member traveling more than 50 miles from Madison and the meeting starts before 10:00 a.m.
- If a Board member who has a hotel reservation already in place will not attend and/or the meeting is cancelled, the hotel room should be cancelled immediately.

Division of Board Services Board Member Guidebook

This Board Member Guidebook has been prepared for your information and understanding of the policies, expectations, and practices of the Department of Safety & Professional Services and the Division of Board Services. Please read it carefully. Upon completion of your review of this guidebook, sign the statement below, and return it to the Executive Director of your Board, Committee, or Council by the due date. A copy of this acknowledgment appears at the back of the guidebook for your records.

I, _____, have received and read a copy of the Division of Board Services Board Member Guidebook which outlines the policies, expectations, and practices of the Department of Safety & Professional Services and the Division of Board Services, as well as my responsibilities as a member of an attached Board, Council, or Committee.

I have familiarized myself with the contents of this guidebook. By my signature below, I acknowledge, understand, accept and agree to comply with the information contained in the Board Member Guidebook provided to me by the Division of Board Services. I understand this guidebook is not intended to cover every situation which may arise during my term, but is simply a general guide to the goals, policies, practices, and expectations of the Department of Safety & Professional Services.

(Member signature)

Please return by: _____
(put date here)

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(Member signature)

Please return by: _____
(put date here)

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Denise Aviles Executive Director		2) Date When Request Submitted: 3/12/2012 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Designers Section			
4) Meeting Date: April 17, 2012	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative/Admin Rule Matters: Discussion and Action related to 2011 Senate Bill 453 related to General Department Responsibilities and changes to Wis. Stat. § 443	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: n/a	
10) Describe the issue and action that should be addressed: Review, discuss and take any action deemed appropriate.			
11) Authorization			
Denise Aviles		3/12/12	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Business & Design Professions Bureau-
Relevant Sections of 2011 SB 453

2011 - 2012 LEGISLATURE

2011 SENATE BILL 453

February 9, 2012 - Introduced by Senator LEIBHAM, cosponsored by Representative RIVARD. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

Analysis by the Legislative Reference Bureau

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

This bill makes various changes to the authority and responsibilities of the Department of Safety and Professional Services (DSPS).

OCCUPATIONAL REGULATION

1.) [GENERAL] Under current law, DSPS may not issue or renew certain licenses that are specifically referred to in the statutes to applicants who are delinquent in family or child support payments or in payment of state taxes. This bill expands the scope of the types of licenses for which issuance or renewal must be denied due to support or tax delinquency to include all of the occupational and professional licenses issued by DSPS.

Under current law, DSPS may conduct investigations, hold hearings, and make findings to determine whether a person has engaged in a practice or used a professional title without a required credential. If, after holding a hearing, DSPS determines that the person does not have the appropriate credential, DSPS may issue a special order prohibiting the person from continuing the practice or using the title. DSPS may issue a temporary restraining order in lieu of holding a hearing if DSPS has reason to believe that the person has engaged in a practice or used a title without a required credential. If a person against whom a special order has been issued violates that order, the person is subject to forfeitures. If a person against whom a temporary restraining order has been issued violates that order, the person is subject to fines or imprisonment or both.

This bill clarifies that the authority granted to DSPS to impose fines or forfeitures against or imprison a person who has engaged in a practice or used a title without holding the appropriate credential is separate from and in addition to the authority granted to the various boards to enforce the laws and regulations applicable to the professions regulated by those boards.

Currently, DSPS requires by rule that a person who holds a credential issued by DSPS send a notice to DSPS within 48 hours of his or her conviction of a crime.

This bill places that requirement in the statutes.

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

2.) Current law grants authority to the **Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors** (examining board) to regulate the practice of architecture, the practice of landscape architecture, the practice of professional engineering, the practice of designing, and the practice of land surveying by individuals and corporate entities. This bill makes a number of changes to current law to clarify that separate architect, landscape architect, professional engineer, designer, and land surveyor sections of the examining board exercise exclusive authority over the separate professions.

Current law permits the examining board to reprimand an architect, landscape architect, or professional engineer or limit, suspend, or revoke the certificate of registration of any registrant, and the certificate of record of any engineer-in-training, who is found guilty of any violation of the rules of professional conduct promulgated by the examining board. Current law also permits the examining board, subject to rules promulgated by the examining board, to issue a new certificate of registration, certificate of record, or certificate of authorization, to replace any certificate that is revoked, lost, destroyed, or mutilated. Current law does not, however, explicitly grant authority to the examining board or to any section of the examining board to promulgate rules. This bill grants explicit authority to each section of the examining board to promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.

SECTION 154. 440.03 (13) (am) of the statutes is created to read:

440.03 (13) (am) A person holding a credential under chs. 440 to 480 who is convicted of a felony or misdemeanor anywhere shall send a notice of the conviction by 1st class mail to the department within 48 hours after the entry of the judgment of conviction. The department shall by rule determine what information and documentation the person holding the credential shall include with the written notice.

SECTION 155. 440.19 of the statutes is created to read:

440.19 Voluntary surrender of license, permit, or certificate. A person who holds a license, permit, or certificate of certification or registration issued under chs. 440 to 480 may voluntarily surrender that license, permit, or certificate of certification or registration. The department, examining board, affiliated credentialing board, or board of the department that issued the license, permit, or certificate of certification or registration may refuse to accept that surrender if a complaint has been filed or disciplinary proceeding has been commenced against the person under s. 440.20.

SECTION 156. 440.21 (4) (a) of the statutes is amended to read:

440.21 (4) (a) Any Notwithstanding any other provision of chs. 440 to 480 relating to fines, forfeitures, or imprisonment, any person who violates a special order issued under sub. (2) may be required to forfeit not more than \$10,000 for each offense. Each day of continued violation constitutes a separate offense. The attorney general or any district attorney may commence an action in the name of the state to recover a forfeiture under this paragraph.

SECTION 157. 440.21 (4) (b) of the statutes is amended to read:

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

440.21 (4) (b) Any Notwithstanding any other provision of chs. 440 to 480 relating to fines, forfeitures, or imprisonment, any person who violates a temporary restraining order or an injunction issued by a court upon a petition under sub. (3) may be fined not less than \$25 nor more than \$5,000 or imprisoned for not more than one year in the county jail or both.

SECTION 158. 440.26 (2) (c) 5. of the statutes is created to read:

440.26 (2) (c) 5. The department may, based on rules adopted by the department, refuse to issue a license under this section to an individual who has committed any of the acts described in sub. (6) (a) 1. to 5.

SECTION 165. 443.01 (2) of the statutes is amended to read:

443.01 (2) "Engineer-in-training" means a person who is a graduate in an engineering curriculum of 4 years or more from a school or college approved by the professional engineer section of the examining board as of satisfactory standing, or a person who has had 4 years or more of experience in engineering work of a character satisfactory to the ~~examining board~~ professional engineer section; and who, in addition, has successfully passed the examination in the fundamental engineering subjects prior to the completion of the requisite years in engineering work, as provided in s. 443.05, and who has been granted a certificate of record by the ~~examining board~~ professional engineer section stating that the person has successfully passed this portion of the professional examinations.

SECTION 166. 443.015 (title) of the statutes is amended to read:

443.015 (title) Examining board to establish continuing education requirements; promulgate rules.

SECTION 167. 443.015 of the statutes is renumbered 443.015 (1) and amended to read:

443.015 (1) The Each section of the examining board may establish continuing education requirements for renewal of a credential issued by that section under this chapter.

SECTION 168. 443.015 (2) of the statutes is created to read:

443.015 (2) 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.

SECTION 169. 443.03 (1) (intro.) of the statutes is amended to read:

443.03 (1) (intro.) An applicant for registration as an architect shall submit as 2satisfactory evidence to the architect section of the examining board all of the following:

SECTION 170. 443.03 (1) (a) of the statutes is amended to read:

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

443.03 (1) (a) That he or she has acquired a thorough knowledge of sound construction, building hygiene, architectural design and mathematics; ~~and~~.

SECTION 171. 443.03 (1) (b) (intro.) of the statutes is created to read:

443.03 (1) (b) (intro.) One of the following:

SECTION 172. 443.03 (1) (b) 1. of the statutes is renumbered 443.03 (1) (b) 1m. and amended to read:

443.03 (1) (b) 1m. A diploma of graduation, or a certificate, from an architectural school or college approved by the ~~examining board~~ architect section as of satisfactory standing, together with at least 2 years' practical experience of a character satisfactory to the ~~examining board~~ architect section in the design and construction of buildings; ~~or~~.

SECTION 173. 443.03 (1) (b) 2. of the statutes is amended to read:

443.03 (1) (b) 2. A specific record of 7 or more years of experience in architectural work of a character satisfactory to the ~~examining board~~ architect section in the design and construction of buildings.

SECTION 174. 443.03 (2) of the statutes is amended to read:

443.03 (2) Graduation in architecture from a school or college approved by the ~~examining board~~ architect section as of satisfactory standing shall be considered as equivalent to 5 years of experience, and the completion satisfactory to the ~~examining board~~ architect section of each year of work in architecture in such school or college without graduation shall be considered equivalent to one year of experience.

Graduation in a course other than architecture from a school or college approved by the ~~examining board~~ architect section as of satisfactory standing shall be considered as equivalent to not more than 4 years of experience.

SECTION 175. 443.035 (intro.) of the statutes is amended to read:

443.035 Registration requirements for landscape architects. (intro.)
The landscape architect section of the examining board shall register as a landscape architect an individual who does all of the following:

SECTION 176. 443.035 (1) of the statutes is amended to read:

443.035 (1) Submits to the department evidence satisfactory to the ~~examining board~~ landscape architect section of any of the following:

(a) That he or she has a bachelor's degree in landscape architecture, or a master's degree in landscape architecture, from a curriculum approved by the ~~examining board~~ landscape architect section and has at least 2 years of practical experience in landscape architecture of a character satisfactory to the ~~examining board~~ landscape architect section.

(b) That he or she has a specific record of at least 7 years of training and experience in the practice of landscape architecture including at least 2 years of courses in landscape architecture approved by the ~~examining board~~ landscape architect section, and 4 years of practical experience in landscape architecture of a character satisfactory to the ~~examining board~~ landscape architect section.

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

SECTION 177. 443.04 of the statutes is amended to read:

443.04 Registration requirements for professional engineers. An applicant for registration as a professional engineer shall submit satisfactory evidence to the professional engineer section of the examining board of all of the following:

(1m) A diploma of graduation, or a certificate, from an engineering school or college approved by the ~~examining board~~ professional engineer section as of satisfactory standing in an engineering course of not less than 4 years or a diploma of graduation or degree from a technical college approved by the ~~examining board~~ professional engineer section as of satisfactory standing in an engineering-related course of study of not less than 2 years.

(2m) (a) For an applicant possessing a diploma or certificate from a course of study of not less than 4 years as specified in sub. (1m), a specific record of 4 or more years of experience in engineering work of a character satisfactory to the ~~examining board~~ professional engineer section and indicating that the applicant is competent to be placed in responsible charge of engineering work.

(b) For an applicant possessing a diploma or degree from a course of study of not less than 2 years as specified in sub. (1m), a specific record of 6 or more years of experience in engineering work of a character satisfactory to the ~~examining board~~ professional engineer section and indicating that the applicant is competent to be placed in responsible charge of engineering work.

SECTION 178. 443.05 (1) (intro.), (a) and (b) and (2) of the statutes are amended to read:

443.05 (1) An applicant for certification as an engineer-in-training shall submit ~~as~~ satisfactory evidence to the professional engineer section of the examining board ~~as follows~~ one of the following:

(a) A diploma of graduation in engineering or a certificate in engineering from a school or college approved by the ~~examining board~~ professional engineer section as of satisfactory standing, ~~or,~~

(b) A specific record of 4 years or more of experience in engineering work of a character satisfactory to the ~~examining board~~ professional engineer section.

(2) Graduation in engineering from a school or college approved by the ~~examining board~~ professional engineer section as of satisfactory standing shall be considered as equivalent to 4 years of experience and the completion satisfactory to the ~~examining board~~ professional engineer section of each year of work in engineering in such school or college without graduation shall be considered as equivalent to one year of experience. Graduation in a course other than engineering from a school or college approved by the ~~examining board~~ professional engineer section as of satisfactory standing shall be considered as equivalent to 2 years of experience. No applicant may receive credit for more than 4 years of experience under this subsection.

SECTION 179. 443.06 (1) (a) of the statutes is amended to read:

443.06 (1) (a) Application for registration as a land surveyor or a permit to practice shall be made to the section under oath, on forms provided by the

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

department, which shall require the applicant to submit such information as the land surveyor section of the examining board deems necessary. The land surveyor section may require applicants to pass written or oral examinations or both. Applicants who do not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, shall be entitled to be registered or issued a permit to practice as land surveyors when satisfactory evidence is submitted that the applicant has met one or more of the requirements of sub. (2).

SECTION 180. 443.06 (2) (intro.) of the statutes is amended to read:

443.06 (2) REQUIREMENTS; CERTIFICATE OF REGISTRATION. (intro.) The land surveyor section may grant a certificate of registration as a land surveyor to any person who has submitted to it an application, the required fees, and one or more of the following:

SECTION 181. 443.06 (3) of the statutes is amended to read:

443.06 (3) PERMIT TO PRACTICE. The ~~examining board~~ land surveyor section may grant a permit to practice land surveying during the time an application is pending to a person who is not registered in this state, if the person has submitted an application for registration as a land surveyor and paid the required fee and holds an unexpired certificate which in the opinion of the ~~examining board~~ land surveyor section meets the requirements of sub. (2). The permit shall be revocable by the land surveyor section at its pleasure.

SECTION 182. 443.07 (1) (intro.) of the statutes is amended to read:

443.07 (1) (intro.) An applicant for a permit as a designer shall submit as evidence satisfactory to the designer section of the examining board ~~indicating one of the following to indicate~~ that he or she is competent to be in charge of such work as follows:

SECTION 183. 443.07 (1) (a) of the statutes is amended to read:

443.07 (1) (a) A specific record of 8 years or more of experience in specialized engineering design work and the satisfactory completion of a written examination in the field or branch, as determined by the ~~board~~ designer section, in which certification is sought ~~or~~.

SECTION 184. 443.07 (3) of the statutes is amended to read:

443.07 (3) Permits shall be granted, designated, and limited to the fields and subfields of technology as are determined by the ~~examining board~~ designer section and recognized in engineering design practice. Any person holding a permit may prepare plans and specifications and perform consultation, investigation, and evaluation in connection with the making of plans and specifications, within the scope of the permit, notwithstanding that such activity constitutes the practice of architecture or professional engineering under this chapter.

SECTION 185. 443.07 (5) of the statutes is amended to read:

443.07 (5) The permit shall, on its face, restrict the holder thereof to the specific field and subfields of designing in which the permittee acquired his or her experience

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

in designing. If qualified in more than one type of designing, persons may receive permits for more than one field or subfield of designing as may be determined by the ~~examining board~~ designer section.

SECTION 186. 443.08 (1) of the statutes is renumbered 443.08 (1) (a) and amended to read:

443.08 (1) (a) The practice of architecture ~~or professional engineering~~ pertaining to the internal operations of a firm, partnership, or corporation may be performed by employees if the architectural ~~or professional engineering~~ services are performed by or under the direct supervision of architects ~~or professional engineers~~ registered under this chapter, or persons exempt from registration under s. 443.14. Registered or exempt architectural ~~or professional engineering~~ employees may provide architectural ~~or professional engineering~~ data with respect to the manufacture, sale, and utilization of the products of the firm, partnership, or corporation to other registered or exempt architects ~~or professional engineers~~.

SECTION 187. 443.08 (1) (b) of the statutes is created to read:

443.08 (1) (b) The practice of professional engineering pertaining to the internal operations of a firm, partnership, or corporation may be performed by employees if the professional engineering services are performed by or under the direct supervision of professional engineers registered under this chapter, or persons exempt from registration under s. 443.14. Registered or exempt professional engineering employees may provide professional engineering data with respect to the manufacture, sale, and utilization of the products of the firm, partnership, or corporation to other registered or exempt professional engineers.

SECTION 188. 443.08 (2) of the statutes is renumbered 443.08 (2) (a) (intro.) and amended to read:

443.08 (2) (a) (intro.) The No individual architect registered under this chapter may practice or offer to practice architecture, professional engineering or designing by individual architects, professional engineers or designers registered or granted a permit under this chapter, through a firm, partnership or corporation as principals, officers, employees or agents, is permitted subject to this chapter, if a principal, officer, employee, or agent of a firm, partnership, or corporation unless all of the following are satisfied:

1. All personnel who practice or offer to practice in its behalf as architects, ~~professional engineers or designers~~ are registered ~~or granted a permit~~ under this chapter ~~and if the~~.

2. The firm, partnership, or corporation has been issued a certificate of authorization under sub. (3) (a) 1.

SECTION 189. 443.08 (2) (b) of the statutes is created to read:

443.08 (2) (b) No individual professional engineer registered under this chapter may practice or offer to practice professional engineering as a principal, officer, employee, or agent of a firm, partnership, or corporation unless all of the following are satisfied:

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

1. All personnel who practice or offer to practice in its behalf as professional engineers are registered under this chapter.

2. The firm, partnership, or corporation has been issued a certificate of authorization under sub. (3) (a) 2.

SECTION 190. 443.08 (2) (c) of the statutes is created to read:

443.08 (2) (c) No individual designer granted a permit under this chapter may practice or offer to practice designing as a principal, officer, employee, or agent of a firm, partnership, or corporation unless all of the following are satisfied:

1. All personnel who practice or offer to practice in its behalf as designers are granted a permit under this chapter.

2. The firm, partnership, or corporation has been issued a certificate of authorization under sub. (3) (a) 3.

SECTION 191. 443.08 (3) (a) of the statutes is renumbered 443.08 (3) (a) 1. and amended to read:

443.08 (3) (a) 1. A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment registered ~~or granted a permit~~ to practice architecture, ~~professional engineering or designing~~ in this state who will be in responsible charge of architecture, ~~professional engineering or designing~~ being practiced in this state through the firm, partnership, or corporation and other relevant information required by the architect section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The ~~examining board~~ architect section shall grant a certificate of authorization to a firm, partnership, or corporation complying with this subsection upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). This subsection does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

SECTION 192. 443.08 (3) (a) 2. of the statutes is created to read:

443.08 (3) (a) 2. A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment registered to practice professional engineering in this state who will be in responsible charge of professional engineering being practiced in this state through the firm, partnership, or corporation and other relevant information required by the professional engineer section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The professional engineer section shall grant a certificate of authorization to a firm, partnership, or corporation complying with this subsection upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). This

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

subsection does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

SECTION 193. 443.08 (3) (a) 3. of the statutes is created to read:

443.08 (3) (a) 3. A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment granted a permit to practice designing in this state who will be in responsible charge of designing being practiced in this state through the firm, partnership, or corporation and other relevant information required by the designer section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The designer section shall grant a certificate of authorization to a firm, partnership, or corporation complying with this subsection upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). This subsection does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

SECTION 194. 443.08 (4) (a) of the statutes is renumbered 443.08 (4) (a) 1. and amended to read:

443.08 (4) (a) 1. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing architecture, landscape architecture, professional engineering or designing be relieved of responsibility for architectural, landscape architectural, professional engineering or designing services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

SECTION 195. 443.08 (4) (a) 2. of the statutes is created to read:

443.08 (4) (a) 2. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing landscape architecture be relieved of responsibility for landscape architectural services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

SECTION 196. 443.08 (4) (a) 3. of the statutes is created to read:

443.08 (4) (a) 3. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing professional engineering be relieved of responsibility for professional engineering services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

SECTION 197. 443.08 (4) (a) 4. of the statutes is created to read:

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

443.08 (4) (a) 4. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing designing be relieved of responsibility for designing services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

SECTION 198. 443.08 (4) (b) of the statutes is renumbered 443.08 (4) (b) 1. and amended to read:

443.08 (4) (b) 1. All final drawings, specifications, plans, reports, or other architectural, ~~engineering or designing~~ papers or documents involving the practice of architecture, ~~professional engineering or designing, or landscape architectural papers or documents prepared by a landscape architect registered under this chapter,~~ prepared for the use of a firm, partnership, or corporation, for delivery by it to any person, or for public record within the state shall be dated and bear the signature and seal of the architect, ~~landscape architect, professional engineer or designer~~ who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

SECTION 199. 443.08 (4) (b) 2. of the statutes is created to read:

443.08 (4) (b) 2. All final drawings, specifications, plans, reports, or other landscape architectural papers or documents prepared by a landscape architect registered under this chapter, prepared for the use of a firm, partnership, or corporation, for delivery by it to any person, or for public record within the state shall be dated and bear the signature and seal of the landscape architect who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

SECTION 200. 443.08 (4) (b) 3. of the statutes is created to read:

443.08 (4) (b) 3. All final drawings, specifications, plans, reports, or other engineering papers or documents involving the practice of professional engineering, prepared for the use of a firm, partnership, or corporation, for delivery by it to any person, or for public record within the state shall be dated and bear the signature and seal of the professional engineer who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

SECTION 201. 443.08 (4) (b) 4. of the statutes is created to read:

443.08 (4) (b) 4. All final drawings, specifications, plans, reports, or other designing papers or documents involving the practice of designing, prepared for the use of a firm, partnership, or corporation, for delivery by it to any person, or for public record within the state shall be dated and bear the signature and seal of the designer who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

SECTION 202. 443.08 (5) of the statutes is renumbered 443.08 (5) (a) and amended to read:

443.08 (5) (a) No firm, partnership, or corporation may engage in the practice of or offer to practice architecture, ~~professional engineering or designing~~ in this state, or use

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

in connection with its name, or otherwise assume, use or advertise any title or description tending to convey the impression that it is engaged in the practice of architecture, ~~professional engineering or designing~~, nor may it advertise or offer to furnish an architectural, ~~professional engineering or designing~~ service, unless the firm, partnership, or corporation has complied with this chapter.

SECTION 203. 443.08 (5) (b) of the statutes is created to read:

443.08 **(5)** (b) No firm, partnership, or corporation may engage in the practice of or offer to practice professional engineering in this state, or use in connection with its name, or otherwise assume, use or advertise any title or description tending to convey the impression that it is engaged in the practice of professional engineering, nor may it advertise or offer to furnish a professional engineering service, unless the firm, partnership, or corporation has complied with this chapter.

SECTION 204. 443.08 (5) (c) of the statutes is created to read:

443.08 **(5)** (c) No firm, partnership, or corporation may engage in the practice of or offer to practice designing in this state, or use in connection with its name, or otherwise assume, use or advertise any title or description tending to convey the impression that it is engaged in the practice of designing, nor may it advertise or offer to furnish a designing service, unless the firm, partnership, or corporation has complied with this chapter.

SECTION 205. 443.09 (4m) of the statutes is amended to read:

443.09 **(4m)** No person may be registered as a landscape architect under this chapter unless he or she passes a written examination or written and oral examinations conducted or approved by the landscape architect section of the examining board under sub. (5).

SECTION 206. 443.09 (5) of the statutes is amended to read:

443.09 **(5)** Written or written and oral examinations shall be held at such time and place as the landscape architect section of the examining board determines. The scope of the examinations and the methods of procedure shall be prescribed by the ~~examining board~~ landscape architect section with special reference to the applicant's ability to design and supervise architectural, landscape architectural, or engineering work, which shall promote the public welfare and ensure the safety of life, health, and property. A candidate failing an examination may, upon application and payment of the required reexamination fee, be examined again by the ~~examining board~~ landscape architect section. No restrictions may be placed on the number of times an unsuccessful candidate may be reexamined, except that after failure of 3 reexaminations, the ~~examining board~~ landscape architect section may require a one-year waiting period before further reexamination.

SECTION 207. 443.10 (1) (a) to (d) of the statutes are amended to read:

443.10 **(1)** (a) The appropriate section of the examining board may, upon application and the payment of the required fee, grant a certificate of registration as an architect, as a landscape architect, or as a professional engineer to any person who holds an unexpired certificate of similar registration issued to the person by the

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects, landscape architects, or professional engineers are of a standard not lower than specified in this chapter.

(b) The appropriate section of the examining board may, upon application and payment of the required fee, grant a certificate of registration as an architect, as a landscape architect, or as a professional engineer to any person who holds an unrevoked card or certificate of national reciprocal registration, issued by any state, territory, or possession of the United States or by any country, which is in conformity with the regulations of the national council of state board of architectural, or engineering examiners, or council of landscape architectural registration boards, and who complies with the regulations of the ~~examining board~~ appropriate section, except as to qualifications and registration fee.

(c) The professional engineer section of the examining board may, upon application therefor, and the payment of the required fee, grant a certificate-of-record as engineer-in-training to any person who holds an unexpired certificate of similar certification issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the certification of engineers-in-training are of a standard not lower than specified in this chapter.

(d) The appropriate section of the examining board may, upon application and payment of the required fee, grant a permit to practice or to offer to practice architecture, landscape architecture, or professional engineering to a person who is not a resident of and has no established place of business in this state, or who has recently become a resident of this state, if the person holds an unexpired certificate of similar registration issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects, landscape architects, or professional engineers are of a standard not lower than specified in this chapter.

SECTION 208. 443.10 (2) (c) of the statutes is amended to read:

443.10 (2) (c) The appropriate section of the examining board shall grant a certificate of registration upon payment of the registration fee to any applicant who, in the opinion of the ~~examining board~~ appropriate section, has satisfactorily met all the applicable requirements of this chapter. The certificate shall authorize the practice of architecture, landscape architecture, or professional engineering, as appropriate.

SECTION 209. 443.10 (2) (d) of the statutes is amended to read:

443.10 (2) (d) The granting of a certificate of registration by the appropriate section of the examining board shall be evidence that the person named in the certificate is entitled to all the rights and privileges of a registered architect, a registered landscape architect, or a registered professional engineer under the classification stated on the certificate, while the certificate remains unrevoked or unexpired.

SECTION 210. 443.10 (2) (f) of the statutes is amended to read:

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

443.10 (2) (f) The professional engineer section of the examining board shall grant a certificate of record as engineer-in-training to any applicant who, in the opinion of the ~~examining board~~ professional engineer section, has satisfactorily met all the requirements of this section pertaining to engineers-in-training.

SECTION 211. 443.10 (2) (h) of the statutes is amended to read:

443.10 (2) (h) Certificates of record as engineers-in-training shall expire on July 31st of the 10th year after their issuance unless extended by the professional engineer section of the examining board. An application for extension shall contain evidence satisfactory to the ~~examining board~~ professional engineer section that the applicant's professional experience has been delayed.

SECTION 212. 443.10 (3) of the statutes is amended to read:

443.10 (3) EMERGENCY RULES; LIMITATION. ~~The~~ No section of the examining board may ~~not~~ adopt or change, by emergency rule, any requirement for the registration of or issuance of a permit to any applicant under this chapter.

SECTION 213. 443.10 (4) (a) and (b) of the statutes are amended to read:

443.10 (4) (a) A list, showing the names and addresses of all engineers-in-training certified by the professional engineer section of the examining board during the period from July 1 to June 30, shall be prepared each year by the ~~examining board~~ professional engineer section. The list shall be obtainable by purchase at cost.

(b) ~~The~~ Each section of the examining board shall keep a record of its proceedings together with a record of all other information pertaining to its proceedings as may be deemed necessary by that section of the ~~examining~~ board. The records of ~~the~~ each section of the examining board shall be prima facie evidence of the proceedings of that section of the examining board set forth in the records, and a transcript thereof, duly certified by the secretary of that section of the examining board under seal, shall be admissible in evidence with the same effect as if the original were produced.

SECTION 214. 443.11 (1) (intro.) of the statutes is amended to read:

443.11 (1) (intro.) The appropriate section of the examining board may reprimand an architect, landscape architect, or professional engineer or limit, suspend, or revoke the certificate of registration of any registrant, and the certificate of record of any engineer-in-training, who is found guilty of:

SECTION 215. 443.11 (1) (e) of the statutes is amended to read:

443.11 (1) (e) Any violation of the rules of professional conduct adopted and promulgated by that section of the examining board.

SECTION 216. 443.11 (2) of the statutes is amended to read:

443.11 (2) The appropriate section of the examining board may reprimand a firm, partnership, or corporation holding a certificate of authorization issued under this chapter or may limit, suspend, or revoke such a certificate if any of the agents, employees, or officers of the firm, partnership, or corporation has committed any act

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

or has been guilty of any conduct which would authorize a reprimand or a limitation, suspension, or revocation of the certificate of registration of a registrant or the certificate of record of an engineer-in-training under this chapter, unless the firm, partnership, or corporation submits evidence satisfactory to the appropriate section of the examining board that the agent, employee, or officer is not now practicing or offering to practice architecture, landscape architecture, or professional engineering in its behalf.

SECTION 217. 443.11 (3) of the statutes is amended to read:

443.11 (3) Any person may make charges that any registrant, holder of a certificate of record as engineer-in-training or corporate holder of a certificate of authorization has committed an act for which a reprimand or limitation, suspension, or revocation of registration is authorized under sub. (1). Such charges shall be in writing, shall be sworn to by the person making them and shall be submitted to the appropriate section of the examining board. The appropriate section of the examining board may, on its own motion, make such charges. All charges, unless dismissed by the appropriate section of the examining board as unfounded or trivial, shall be heard by the appropriate section of the examining board, subject to the rules promulgated under s. 440.03 (1).

SECTION 218. 443.11 (4) of the statutes is amended to read:

443.11 (4) If after a hearing under sub. (3), 3 members of a section of the examining board vote in favor of sustaining charges specified in sub. (3), the appropriate section of the examining board shall reprimand or limit, suspend, or revoke the certificate of registration of the registered architect, registered landscape architect, or registered professional engineer, the certificate of record of the holder of a certificate as engineer-in-training, or the certificate of authorization of a firm, partnership, or corporation.

SECTION 219. 443.11 (5) of the statutes is amended to read:

443.11 (5) The ~~action~~ actions of each section of the examining board under this section shall be subject to review in the manner provided in ch. 227.

SECTION 220. 443.11 (6) of the statutes is amended to read:

443.11 (6) The appropriate section of the examining board, for reasons ~~the appropriate section of the examining board~~ it considers sufficient, may reissue a certificate of registration or a certificate of record to any person, or a certificate of authorization to any firm, partnership, or corporation, whose certificate has been revoked, ~~except for a certificate revoked~~ under s. ~~440.12~~, this section if 3 members of the section of the examining board vote in favor of such reissuance. Subject to the rules of the examining board, the appropriate section of the examining board may, upon payment of the required fee, issue a new certificate of registration, certificate of record or certificate of authorization, to replace any certificate that is revoked, lost, destroyed or mutilated.

SECTION 221. 443.13 of the statutes is renumbered 443.13 (1) (intro.) and amended to read:

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

443.13 (1) (intro.) The designers' section of the examining board may limit, suspend, or revoke a permit or reprimand the permittee if the permittee is guilty of ~~fraud~~ any of the following:

(a) Fraud or deceit in obtaining the permit, ~~gross,~~

(b) Gross negligence, incompetency, or misconduct in practice, ~~signing,~~

(c) Signing documents not prepared by the permittee or under the permittee's control, ~~knowingly,~~

(d) Knowingly aiding or abetting unauthorized designing of engineering systems as stated in s. 443.07 (3) by persons not granted permits under this chapter ~~or conviction,~~

(e) Conviction of a felony, subject to ss. 111.321, 111.322, and 111.335, or adjudication of mental incompetency by a court of competent jurisdiction.

(2) If, after a hearing conducted under the rules promulgated under s. 440.03 (1) before the designers' section of the examining board, two-thirds of the members of the section vote in favor of sustaining the charges, the designers' section of the examining board shall reprimand the permittee or limit, suspend, or revoke the permit. The action of the designers' section of the examining board under this section is subject to review under ch. 227.

SECTION 222. 443.14 (1) of the statutes is renumbered 443.14 (1) (a) and amended to read:

443.14 (1) (a) An employee of a person holding a certificate of registration ~~in this state in architecture under s. 443.10~~ who is engaged in the practice of architecture ~~or professional engineering~~ and an employee of a person temporarily exempted from registration in architecture under this section, if the practice of the employee does not include responsible charge of architecture ~~or professional engineering~~ practice.

SECTION 223. 443.14 (1) (b) of the statutes is created to read:

443.14 (1) (b) An employee of a person holding a certificate of registration in professional engineering under s. 443.10 who is engaged in the practice of professional engineering and an employee of a person temporarily exempted from registration in professional engineering under this section, if the practice of the employee does not include responsible charge of professional engineering practice.

SECTION 224. 443.14 (4) of the statutes is renumbered 443.14 (4) (a) and amended to read:

443.14 (4) (a) Any person who practices architecture ~~or professional engineering~~, exclusively as a regular employee of a private company or corporation, by rendering to the company or corporation architectural ~~or professional engineering~~ services in connection with its operations, so long as the person is thus actually and exclusively employed and no longer, if the company or corporation has at least one architect ~~or professional engineer~~ who is registered under this chapter in responsible charge of the company's or corporation's architectural ~~or professional engineering~~ work in this state.

SECTION 225. 443.14 (4) (b) of the statutes is created to read:

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

443.14 (4) (b) Any person who practices professional engineering, exclusively as a regular employee of a private company or corporation, by rendering to the company or corporation professional engineering services in connection with its operations, so long as the person is thus actually and exclusively employed and no longer, if the company or corporation has at least one professional engineer who is registered under this chapter in responsible charge of the company's or corporation's professional engineering work in this state.

SECTION 226. 443.18 (1) (a) of the statutes is amended to read:

443.18 (1) (a) Any person who practices or offers to practice architecture, landscape architecture, or professional engineering in this state, or who uses the term "architect," "landscape architect," or "professional engineer" as part of the person's business name or title, except as provided in s. 443.08 (6), or in any way represents himself or herself as an architect, landscape architect, or a professional engineer unless the person is registered or exempted in accordance with this chapter, or unless the person is the holder of an unexpired permit issued under s. 443.10 (1) (d), or any person presenting or attempting to use as his or her own the certificate of registration of another, or any person who gives any false or forged evidence of any kind to the examining board or to any section of the examining board or to any member of the examining board or to any member of any section of the examining board in obtaining a certificate of registration, or any person who falsely impersonates any other registrant of like or different name, or any person who attempts to use an expired or revoked certificate of registration, or violates any of the provisions of this section, may be fined not less than \$100 nor more than \$500 or imprisoned for not more than 3 months or both.

SECTION 227. 443.18 (2) (a) and (b) of the statutes are amended to read:

443.18 (2) (a) If it appears upon complaint to the examining board or to any section of the examining board by any person, or is known to the examining board or to any section of the examining board that any person who is neither registered nor exempt under this chapter nor the holder of an unexpired permit under s. 443.10 (1) (d) is practicing or offering to practice, or is about to practice or to offer to practice, architecture, landscape architecture, or professional engineering in this state, the appropriate section of the examining board or the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name and on behalf of this state against any such person to enjoin the person from practicing or offering to practice architecture, landscape architecture, or professional engineering.

(b) If it appears upon complaint or is known to the land surveyor section of the examining board that any person who is not authorized is practicing or offering to practice land surveying in this state, the land surveyor section, the department of justice, or the district attorney of the proper county may, in addition to other remedies, bring action in the name and on behalf of the state to enjoin the person from practicing or offering to practice land surveying.

Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

SECTION 241. Effective dates. This act takes effect on the 30th day after the day of publication, except as follows:

(1) SECTION 239 of this act takes effect on the day after publication.

(END)

chapter A–E 5 was created effective March 1, 1987.

Chapter A-E 5 DESIGNER OF ENGINEERED SYSTEMS

A–E 5.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11 and

443.07, Stats. The purpose of rules in this chapter is to interpret

basic experience and examination requirements for obtaining a ~~designer permit~~ [Designer of Engineered Systems registration](#) as specified in s. 443.07, Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3–1–87.

A–E 5.02 Application for [permitRegistration](#). Any applicant who

files an application but who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and fee.

Note: Applications are available [online at www.drl.wi.gov](http://www.drl.wi.gov) or upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, February, 1987, No. 374, eff. 3–1–87; am. Register, January, 1999, No. 517, eff. 2–1–99.

A–E 5.03 General experience requirement. (1) GENERAL.

An applicant’s experience shall demonstrate that the applicant has a working knowledge of all of the following:

- (a) Basic mathematics, physics and mechanics.
- (b) Materials and structures.
- (c) Administrative codes and other relevant Wisconsin law.
- (d) Graphic techniques, including drafting and sketching.

(2) AREAS OF EXPERIENCE. To qualify as satisfactory experience in the design of engineering systems under s. 443.07, Stats., the experience of an applicant for a permit shall be substantially in the field or subfield for which the applicant has applied. Fields

and subfield are described in s. A–E 5.06. The experience shall be in areas of design practice designated under subs. (3) and (4), or

other areas which, in the opinion of the board, provide the applicant with knowledge or practice at least equivalent to that which is generally acquired by experience in the areas listed. An applicant

need not have experience in all areas of practice listed under subs. (3) and (4). However, all applicants shall have experience in those areas listed in sub. (3) (a) and (b). Academic coursework which provides the applicant with knowledge and skills in some of the areas of practice listed under subs. (3) and (4) may be claimed as equivalent to experience.

(3) REQUIRED AREAS OF EXPERIENCE. All applicants shall have experience in the following areas:

(a) *Research and development.* 1. Problem identification, including consideration of alternative approaches to problem

solving.

2. Planning, including selecting a theoretical or experimental approach.

3. Execution of plan, including completing design calculations.

4. Interpreting and reporting results.

(b) *Design.* 1. Definition of safety, health and environmental constraints.

2. Selection of materials and components.

3. Production of final designs.

4. Preparation of detailed working drawings.

5. Evaluation of design solution for adherence to laws and codes and obtain approval.

(4) OTHER AREAS OF EXPERIENCE. Qualifying experience includes:

(a) *Other design.* 1. Identification of design objectives.

2. Definition of performance specifications and functional requirements, including materials, energy balances, and environmental considerations.

3. Formulation of conceptual design specifications.

4. Definition of physical properties of all key materials.

5. Preparation of designs, layouts, models and systems diagrams.

6. Preparation of supporting technical information.

7. Preparation of bid documents, including conducting a contract evaluation.

8. Preparation of specifications and data sheets.

9. Interaction with [engineers-professionals](#) from other areas of work.

10. Consultation with contractors, suppliers and installers.

11. [InspectionObservation](#) of [purchased-specified](#) equipment and materials for conformity [to the design intent](#). specifications.

(b) *Construction.* 1. Assistance in design implementation during manufacturing or construction.

2. Assistance in design implementation during start up.

3. Revision of design as required including “[as-builtRecord](#)” drawings and specifications.

4. Certification in completing and testing.

5. Provision of field service assistance.

6. Reviewing of completed work.

(c) *Maintenance.* 1. Development of preventive maintenance schedules.

2. Recording of failures, repairs and replacement of equipment.

3. Determination of causes of equipment, structure or schedule failures.

(5) EXPERIENCE LIMITATION. Not more than one year of satisfactory experience may be granted for any calendar year.

History: Cr. Register, February, 1987, No. 374, eff. 3–1–87; am. (2), Register, October, 1991, No. 430, eff. 11–1–91; am. (1) (intro.) to (c), Register, January, 1999, No. 517, eff. 2–1–99.

A–E 5.04 Examination. (1) WRITTEN EXAMINATION FOR

DESIGNER OF ENGINEERING-ENGINEERED SYSTEMS;
SCOPE OF EXAMINATION. (a)

The written examination in each field and subfield shall include questions and problems applying to the following basic content areas:

1. Basic mathematics, physics and mechanics.
2. Materials and structures.
3. Graphic techniques, ~~including drafting and sketching, reading and interpreting blueprints interpretation of construction documents~~ and preparing specifications.
4. Administrative code and other relevant Wisconsin laws.
(b) The examination for registration in the field of electrical systems requires the applicant to demonstrate competency in all of the following:
 1. User requirements for both primary and secondary distribution, illumination, controls and switches and communication systems.
 2. Power, including resistance heating, signals and motors.**(c)** The examination for registration in the field of fire suppression systems requires the applicant to demonstrate competency in all of the following:
 1. User requirements for fire protection of life and property, life safety requirements, methods of fire prevention, wet and dry standpipes, use of fire retardants and fire proof materials.
 2. Suppression.
 3. Fire characteristics.
 4. Smoke.
 5. Gases.**(db)** The examination for a permit registration in the field of heating, ventilating and air conditioning systems requires an applicant to demonstrate competency in all of the following:
 1. User requirements for maintenance of temperature.
 2. Humidity and ventilation systems.
 3. Energy sources.
 4. Heating, ventilating and air conditioning systems, including ducted, piped, unitary, steam and hot water systems.
 5. Manual, electric and pneumatic control systems, including air distribution, heat transfer, energy conservation and air changing systems.**(ee)** The examination for a permit registration in the field of plumbing systems requires an applicant to demonstrate competency in all of the following:
 1. User requirements for water supply, drainage and disposal, including private septic waste treatment systems.
 2. Gaseous distribution systems, including processing piping, oxygen, air and other gases, heating and utilities.**(fd)** The examination for a permit registration in the subfield of private sewage systems as defined in s. 145.01 (12), Stats., requires an applicant to demonstrate competency in all of the following:

1. Knowledge of soils;
2. Design of private sewage systems;
3. Applicable administrative code and statutory provisions;
4. Knowledge of applications and reports, including but not limited to soil boring and percolation reports;
5. Mapping skills and interpretation;
6. Knowledge of all systems in the subfield and design of the systems; and
7. Environmental issues.

~~(e) The examination for a permit in the field of electrical systems requires the applicant to demonstrate competency in all of the following:~~

1. ~~User requirements for both primary and secondary distribution, illumination, controls and switches and communication systems.~~
 2. ~~Power, including resistance heating, signals and motors.~~
- ~~(f) The examination for a permit in the field of fire protection systems requires the applicant to demonstrate competency in all of the following:~~
1. ~~User requirements for fire protection of life and property, life safety requirements, methods of fire prevention, wet and dry standpipes, use of fire retardants and fire proof materials.~~
 2. ~~Suppression.~~
 3. ~~Fire characteristics.~~
 4. ~~Smoke.~~
 5. ~~Gases.~~

(2) REQUIREMENTS FOR ENTRANCE TO EXAMINATIONS. To be eligible to take a written examination for a permit registration as a ~~designer~~ Designer of Engineered Systems, an applicant shall have 7 years of approved experience in specialized engineering design work, up to 4 years of which may be equivalent academic training or apprenticeship as provided in s. 443.07 (2), Stats.

(3) APPLICATION FOR EXAMINATION. An application for examination must be filed with the board no later than 2 months before the scheduled date for the examination.

Note: An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

(4) EXAMINATION AND REFUND FEES. The fee for a ~~designer~~ Designer of Engineered System examination and the requirements for a refund of fees are specified in s. 440.05, Stats., and ch. RL 4.

(5) TIME, DATE AND SITE OF EXAMINATIONS. The examinations shall be held at a time, date and site specified by the board.

(6) GRADING OF WRITTEN EXAMINATIONS. The passing scores set by the board represent the minimum competency required to

protect public health and safety. An applicant's experience rating is not considered by the board in grading the applicant's written examination.

(7) REEXAMINATION PROCEDURE. An applicant ~~for a designer examination~~ who fails an examination ~~or any part of an examination~~ may retake ~~any part of~~ the examination ~~failed~~ at a regularly-scheduled administration of the examination. ~~If an applicant fails to pass on reexamination of the parts failed, or the current examination parts equivalent to the parts failed, within 4 years from the date of receipt of the results of the first failure of the examination or any part of the examination, the applicant is required to take and pass the entire examination.~~ If the applicant retakes the ~~entire~~ examination, the applicant shall pay the ~~original~~ examination fee under s. 440.05 (1), Stats. ~~The board shall determine which parts of a current examination are equivalent to the examination parts failed by an applicant.~~

Note: A list of all current examination fees may be obtained ~~online at www.drl.wi.gov or~~ at no charge from the Office of Examinations, Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

(8) EXAMINATION REVIEW. ~~(a) One-year limitation. An applicant for a designer examination may review questions on any part of an examination failed by the applicant within one year from the date of the examination, as specified in s. 443.09 (6), Stats. An applicant may review the examination only once.~~
~~(b) Review procedure. Failing candidates shall be notified of the procedure to schedule a review of the appropriate examination parts. The applicant may take notes on the examination questions reviewed. No notes may be retained by the applicant following the review. The review may not take place within 30 days prior to a scheduled examination. If the section confirms the failing status following its review, the application shall be deemed incomplete, and the applicant may be reexamined under sub. (7).~~

(9) CHEATING. Any applicant for registration who receives aid or cheats in any other manner in connection with the examination shall be barred from completing the examination or shall not be given a passing grade, or both.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) (a) (intro.), renum. (1) (d) and (e) to be (1) (e) and (f), cr. (1) (d), Register, October, 1991, No.

430, eff. 11-1-91; am. (7), Register, June, 1994, No. 462, eff. 7-1-94; am. (8) (b), Register, March, 1996, No. 483, eff. 4-1-96; am. (8), Register, October, 1996, No. 490, eff. 11-1-96; am. (1) (a) 1. to 3., (b) (intro.) to 4., (c) (intro.) and 1., (e) (intro.) and 1., (f) (intro.) to 4. and (6), cr. (9), Register, January, 1999, No. 517, eff. 2-1-99.

A-E 5.05 Application contents. An application shall include all of the following:

- (1)** Transcripts or apprenticeship records verifying the applicant's education and training.
- (2)** References from 3 individuals who have personal knowledge of the applicant's work involving the preparation of plans and specifications, one of whom shall be a registered architect, professional engineer or a designer of engineered systems.
- (3)** A chronological history of the applicant's employment.
- (4)** Any additional data, exhibits or references showing the extent and quality of the applicant's technological experience that may be required by the Designer of Engineered Systems section.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (2), Register, October, 1991, No. 430, eff. 11-1-91; am. (1), Register, January, 1993, No. 445, eff. 2-1-93; am. (intro.) to (3), Register, January, 1999, No. 517, eff. 2-1-99.

A-E 5.06 Designer of Engineered Systems permit registration limitations. **(1)** Design services

which may be performed by designers of engineered systems are the preparation of plans, s and specifications, consultation, investigation and evaluation in connection with the preparation of plans and specifications in those the fields and subfield set forth in sub. (2).
(2) Permits Registration for the design of engineering engineered systems shall be issued in the following fields and subfield:

- (a) (a) The field of heating, ventilation and air conditioning electrical systems.
 - a. Includes design of electrical systems within the constraints of the property line or beyond to the point of connection to a utility provider located in a right-of-way.
 - b. Electrical systems may include, but are not limited to: power, lighting, fire alarm, security, data, grounding, lightning protection, notification, communication and signaling.
- (b) (b) The field of plumbing fire suppression systems.
 - a. Includes design of fire protection, fire suppression or fire extinguishment systems within the constraints of the property line or beyond to the point of connection to a utility provider located in a right-of-way.
 - b. Fire suppression systems may include, but are not limited to: site fire protection means, building fire suppression systems or fire protection systems for specific equipment

but excluding fire alarm systems, power supply, plumbing or other work strictly regulated elsewhere.

(c) (e)-The subfield of private sewage heating, ventilating and air conditioning (HVAC) systems.

- a. Includes design of building heating, ventilating and air conditioning systems within the constraints of the property line or beyond to the point of connection to a utility provider located in a right-of-way.
- b. HVAC systems may include, but are not limited to: any method to heat, cool, ventilate or otherwise control the environmental conditions associated within a defined building, space or process.
- c. Related systems include, but are not limited to: nonpotable water, compressed air, vacuum, natural gas, LP gas and petroleum based systems, among others that are not strictly regulated as plumbing, electrical or fire suppression piping systems.

(d) (d)-The field of electrical-plumbing systems.

- a. Includes design of plumbing and piping systems within the constraints of the property line or beyond to the point of connection to a utility provider located in a right-of-way.
- b. Plumbing systems may include, but are not limited to: site related storm sewer, sanitary sewer, water service, combination fire/water service mains, private on-site wastewater treatment systems (POWTS); building related storm drainage, clearwater drainage, sanitary sewer, gray water, venting, potable water, nonpotable water, multipurpose fire/water system, water treatment, chemical waste systems, swimming pool piping systems, food service piping systems and other building service piping systems not strictly regulated as fire suppression or HVAC.
- c. Related piping systems include, but are not limited to: nonpotable water, site fire protection, turf irrigation, compressed air, vacuum, natural gas, LP gas, laboratory piping systems, medical piping systems and petroleum based systems, among others.

(e) (e)-The plumbing subfield of fire-protection private sewage systems.

- a. Design is limited to private sewage systems and includes design of private on-site wastewater treatment systems (POWTS) within the constraints of the property line or a special purpose district.
- b. Private sewage systems for sewage treatment and disposal may include, and is limited to: the sewer extension from the immediate inside or proposed inside foundation wall of the building to the POWTS septic tank, pump chambers, soil absorption field, an approved alternate sewage system, holding tank, associated

piping, equipment, controls and alarms, but excluding the power supply or work strictly regulated elsewhere as electrical or plumbing systems.

15 ARCHITECTS, ENGINEERS, DESIGNERS AND SURVEYORS **A-E 5.06**

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

Register, December, 2005, No. 600

~~(3) Permit-The designer of engineered systems personal numbers-stamp or seal shall designate the fields or subfield of registration to~~

~~which permits are restricted-~~

~~(4) A designer of engineered systems may not perform design services in those fields~~

~~or subfield for which they do not hold a permit, unless the designer person~~

~~or building involved is exempt under ss. 443.14 and 443.15, Stats.~~

~~(6) (a) A master plumber's license restricted to private sewage systems issued pursuant to s. 145.14, Stats., shall be deemed equivalent to 4 years of approved experience in designing private~~

~~sewage systems. The mathematics and mechanical science portions~~

~~of the examination for the subfield of private sewage systems may be waived for an applicant who holds such license. An~~

~~applicant who does not hold such license shall take the mathematics,~~

~~mechanical science and practice portions of the examination for the subfield of private sewage systems.~~

~~(b) A plumbing design permit in the subfield of private sewage~~

~~systems shall be limited to the design of septic tanks for private~~

~~sewage disposal systems, drain fields designed to serve such septic~~

~~tanks, and the sewer service from the septic tank or sewer extensions from mains to the immediate inside or proposed~~

~~inside foundation wall of the building.~~

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1), (2) (intro.),

(a) and (b), (3) and (4), renum. (2) (c) and (d) to be (2) (d) and (e) and am., cr. (2) (c)

and (6), Register, October, 1991, No. 430, eff. 11-1-91; am. (2) (a), (b) and (d), r. (5),

Register, January, 1999, No. 517, eff. 2-1-99.



2011 BILL

1 **AN ACT to repeal** 443.07 (2) and 443.07 (4); **to renumber and amend** 443.13
2 and 443.18 (1) (a); **to amend** 15.405 (2) (intro.), 15.405 (2) (a), 15.405 (2) (b),
3 440.03 (13) (b) 22., 440.08 (2) (a) 14., 440.08 (2) (a) 27., chapter 443 (title), 443.01
4 (3), 443.07 (title), 443.07 (3), 443.07 (5), 443.08 (title), (1), (2), (3) (a), (4), (5) and
5 (6), 443.13 (title), 443.16, 443.17, 443.18 (2) (a), 443.18 (3) and 703.11 (2) (b); **to**
6 **repeal and recreate** 443.07 (1); and **to create** 443.01 (1m) and 443.01 (5m)
7 of the statutes; **relating to:** regulation of designers of engineered systems.

Analysis by the Legislative Reference Bureau

This bill makes a number of changes to the laws governing designers of engineered systems, regulated under current law by the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors (examining board) in the Department of Safety and Professional Services (department). This bill changes the name of the regulated person from designer or designer of engineering systems to designer of engineered systems, and defines a designer of engineered systems as a person who engages in or holds himself or herself out as capable of engaging in the practice of design of engineered systems. The bill defines the practice of design of engineered systems as the performance of any professional service requiring the application of engineering principals and data, in any of several fields and subfields, to the public welfare or to the safeguarding of life,

BILL

health, or property in connection with any public or private utility, structure, project, plant, building, machine, equipment, process, or works. The definition includes the following fields and subfields: the field of heating, ventilation, and air conditioning systems; the field of electrical systems; the field of fire protection systems; the field of plumbing systems; and the subfield of private sewage systems in the field of plumbing systems.

Under current law, an applicant for a permit as a designer of engineering systems must submit evidence to the examining board that the individual has a record of experience of either eight years if the experience is in specialized engineering work and the individual has completed a written examination or 12 years if the individual is at least 35 years of age and the individual was actively engaged in the state in the preparation of plans, specifications, designs, or layouts in certain specified fields. Current law also authorizes the examining board to grant the holder of a master plumber's license a permit as a designer of plumbing systems. Current law requires the examining board to restrict the holder of a permit to the specific field or subfield for which the permit holder has experience.

This bill authorizes the examining board to grant a permit to an individual with a specific record of experience of at least eight years who has successfully completed a written examination in the field or subfield for which the permit is sought. An applicant who has completed or graduated from an engineering technology program or an apprenticeship program approved by the examining board may receive one year of credit towards the experience requirement for each year of training or apprenticeship, up to four years. An applicant who has completed or graduated from a program other than an engineering technology program may receive one year of credit towards the experience requirement for each year of training, up to two years. An applicant who has completed work in the practice of design of engineered systems under the direct supervision of a registered architect, registered professional engineer, permitted designer of engineered systems, or other individual who holds a credential in the same field or subfield as the applicant may receive up to one year of credit towards the experience requirement for each year of supervised work. The bill eliminates the examining board's authority to grant a permit to an individual who holds a master plumber's license.

Current law permits employees of a firm, partnership, or corporation to engage in the practice of architecture or professional engineering pertaining to the internal operations of the firm, partnership, or corporation but only if the practice of architecture or professional engineering is performed under the direct supervision of architects or engineers either registered or exempt from registration under current law. Current law also prohibits a person from engaging in the practice of architecture, landscape architecture, or professional engineering under any name other than the name under which the person was originally licensed or registered if the examining board finds that the changed name operates to unfairly compete with another practitioner or mislead the public as to the identity of the person. Current law prohibits a registered architect, landscape architect, or professional engineer from impressing his or her seal or sign on a document if the document was not prepared under the direction or control of the person and from engaging in other

BILL

actions that would result in the unauthorized practice of architecture, landscape architecture, or professional engineering. Finally, current law permits the examining board to investigate the unauthorized practice of architecture, landscape architecture, or professional engineering, and requires the imposition of fines of not less than \$100 nor more than \$500, or imprisonment, or both upon a person who engages in prohibited activities. This bill makes each of these provisions applicable to designers of engineered systems and the practice of design of engineered systems. The bill also changes the minimum fine to \$500 and the maximum fine to \$5,000 and makes the imposition of a fine, or imprisonment, or both, discretionary, rather than mandatory.

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

1 **SECTION 1.** 15.405 (2) (intro.) of the statutes, as affected by 2011 Wisconsin Act
2 32, is amended to read:

3 15.405 (2) EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
4 PROFESSIONAL ENGINEERS, DESIGNERS OF ENGINEERED SYSTEMS, AND LAND SURVEYORS.
5 (intro.) There is created an examining board of architects, landscape architects,
6 professional engineers, designers of engineered systems, and land surveyors in the
7 department of safety and professional services. Any professional member appointed
8 to the examining board shall be registered to practice architecture, landscape
9 architecture, professional engineering, the design of engineering engineered
10 systems, or land surveying under ch. 443. The examining board shall consist of the
11 following members appointed for 4-year terms: 3 architects, 3 landscape architects,
12 3 professional engineers, 3 designers of engineered systems, 3 land surveyors, and
13 10 public members.

14 **SECTION 2.** 15.405 (2) (a) of the statutes is amended to read:

15 15.405 (2) (a) In operation, the examining board shall be divided into an
16 architect section, a landscape architect section, an engineer section, a designer of
17 engineered systems section, and a land surveyor section. Each section shall consist

BILL

1 of the 3 members of the named profession appointed to the examining board and 2
2 public members appointed to the section. The examining board shall elect its own
3 officers, and shall meet at least twice annually.

4 **SECTION 3.** 15.405 (2) (b) of the statutes is amended to read:

5 15.405 (2) (b) All matters pertaining to passing upon the qualifications of
6 applicants for and the granting or revocation of registration, and all other matters
7 of interest to either the architect, landscape architect, engineer, designer of
8 engineered system, or land surveyor section shall be acted upon solely by the
9 interested section.

10 **SECTION 4.** 440.03 (13) (b) 22. of the statutes is amended to read:

11 440.03 (13) (b) 22. Designer of engineering engineered systems.

12 **SECTION 5.** 440.08 (2) (a) 14. of the statutes is amended to read:

13 440.08 (2) (a) 14. Architectural, professional engineering, or engineering
14 designer of engineered systems firm, partnership, or corporation: February 1 of each
15 even-numbered year.

16 **SECTION 6.** 440.08 (2) (a) 27. of the statutes is amended to read:

17 440.08 (2) (a) 27. Designer of engineering engineered systems: February 1 of
18 each even-numbered year.

19 **SECTION 7.** Chapter 443 (title) of the statutes is amended to read:

20 **CHAPTER 443**
21 **EXAMINING BOARD OF ARCHITECTS,**
22 **LANDSCAPE ARCHITECTS,**
23 **PROFESSIONAL ENGINEERS,**
24 **DESIGNERS OF ENGINEERED SYSTEMS,**
25 **AND LAND SURVEYORS**

BILL

1 **SECTION 8.** 443.01 (1m) of the statutes is created to read:

2 443.01 **(1m)** “Designer of engineered systems” means a person who engages in
3 or holds himself or herself out as capable of engaging in the practice of design of
4 engineered systems.

5 **SECTION 9.** 443.01 (3) of the statutes is amended to read:

6 443.01 **(3)** “Examining board” means the examining board of architects,
7 landscape architects, professional engineers, designers of engineered systems, and
8 land surveyors.

9 **SECTION 10.** 443.01 (5m) of the statutes is created to read:

10 443.01 **(5m)** (a) “Practice of design of engineered systems” means the
11 performance of any professional service requiring the application of engineering
12 principals and data, in any field or subfield identified in par. (b), to the public welfare
13 or the safeguarding of life, health, or property in connection with any public or
14 private utility, structure, project, plant, building, machine, equipment, process, or
15 works. In this paragraph, “professional service” includes consultation,
16 investigation, evaluation, planning, design, alteration, operation, and the
17 responsible supervision of construction.

18 (b) The “practice of design of engineered systems” is limited to the following
19 fields and subfield:

- 20 1. The field of heating, ventilation, and air conditioning systems.
- 21 2. The field of electrical systems.
- 22 3. The field of fire protection systems.
- 23 4. The field of plumbing systems.
- 24 5. The subfield of private sewage systems in the field of plumbing systems.

25 **SECTION 11.** 443.07 (title) of the statutes is amended to read:

BILL

1 **443.07** (title) **Permit requirements: designers of engineering**
2 **engineered systems.**

3 **SECTION 12.** 443.07 (1) of the statutes is repealed and recreated to read:

4 **443.07 (1)** The examining board may grant a permit as a designer of engineered
5 systems under sub. (3) to an individual who applies to the examining board on a form
6 prepared by the examining board and submits the applicable fees under s. 440.05 (1)
7 together with evidence satisfactory to the examining board that the individual has
8 all of the following:

9 (a) A specific record of at least 8 years of experience in the field or subfield of
10 the practice of design of engineered systems in which the permit is being sought. The
11 examining board may award an applicant credit toward the experience required
12 under this paragraph for any of the following for which the examining board
13 determines the applicant has provided sufficient evidence:

14 1. The successful completion of or graduation from an engineering technology
15 program or apprenticeship program approved by the examining board. The
16 examining board may award up to one year of credit for each year of training or
17 apprenticeship, but may not award more than a total of 4 years of credit under this
18 subdivision.

19 2. The successful completion of or graduation from a program other than a
20 program in engineering technology. The examining board may award up to one year
21 of credit for each year of training, but may not award more than a total of 2 years of
22 credit under this subdivision.

23 3. Work in the practice of design of engineered systems under the direct
24 supervision of a registered architect or registered professional engineer, of an
25 individual who holds a permit as a designer of engineered systems in the same field

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1 or subfield as the applicant, or of an individual who holds a credential issued by the
2 department of safety and professional services or by the department of workforce
3 development in the same field or subfield as the applicant. The examining board may
4 award up to one year of credit for each year of work in the practice of design of
5 engineered systems under this subdivision.

6 (b) Successfully completed a written examination in the field or subfield of the
7 practice of design of engineered systems in which the permit is being sought.

8 **SECTION 13.** 443.07 (2) of the statutes is repealed.

9 **SECTION 14.** 443.07 (3) of the statutes is amended to read:

10 443.07 (3) ~~Permits~~ The examining board shall be granted, designated and
11 limited to the fields and subfields of technology as are determined by the examining
12 board and recognized in engineering design practice grant permits under this section
13 in the field or subfield in which an applicant has submitted evidence of training and
14 for which the applicant has applied under sub. (1). Any person holding a permit may
15 prepare plans and specifications and perform consultation, investigation, and
16 evaluation in connection with the making of plans and specifications, within the
17 scope of the permit, notwithstanding that such activity constitutes the practice of
18 architecture or professional engineering under this chapter.

19 **SECTION 15.** 443.07 (4) of the statutes is repealed.

20 **SECTION 16.** 443.07 (5) of the statutes is amended to read:

21 443.07 (5) ~~The~~ A permit granted under sub. (3) shall, on its face, restrict the
22 holder thereof to the specific field and subfields or subfield of designing the practice
23 of design of engineered systems, identified under s. 443.01 (5m) (b), in which the
24 permittee acquired his or her experience in designing and for which the permittee
25 applied under sub. (1). ~~If a person is qualified in more than one type of designing,~~

BILL**SECTION 16**

1 persons field or subfield of the practice of design of engineered systems, the
2 examining board may receive permits grant to the person a permit to engage in the
3 practice of design of engineered systems for more than one each field or subfield of
4 designing as may be determined by the examining board for which the person is
5 qualified under sub. (1).

6 **SECTION 17.** 443.08 (title), (1), (2), (3) (a), (4), (5) and (6) of the statutes are
7 amended to read:

8 **443.08 (title) Registration or permit requirement: firms, partnerships,**
9 **and corporations. (1)** The practice of architecture ~~or~~, professional engineering,
10 or design of engineered systems pertaining to the internal operations of a firm,
11 partnership, or corporation may be performed by employees if, in the case of
12 architects and professional engineers, the architectural or professional engineering
13 services are performed practice of architecture or professional engineering is
14 engaged in by or under the direct supervision of architects or professional engineers
15 registered under this chapter, or persons exempt from registration under s. 443.14,
16 or, in the case of designers of engineered systems, the practice of design of engineered
17 systems is engaged in by or under the direct supervision of designers of engineered
18 systems granted a permit under this chapter. Registered or exempt architectural
19 architects or professional engineering ~~employees~~ engineers or designers of
20 engineered systems holding a permit under this chapter may provide architectural
21 ~~or professional engineering data used in connection with the practice of architecture,~~
22 professional engineering, or design of engineered systems with respect to the
23 manufacture, sale, and utilization of the products of the firm, partnership, or
24 corporation to other registered or exempt architects or professional engineers or

BILL

1 other designers of engineered systems holding a permit under this chapter,
2 respectively.

3 (2) The practice of or the offer to engage in the practice of architecture,
4 professional engineering, or ~~designing~~ design of engineered systems by individual
5 architects, professional engineers, or designers of engineered systems registered or
6 granted a permit under this chapter, through a firm, partnership, or corporation as
7 principals, officers, employees, or agents, is permitted subject to this chapter, if all
8 personnel who practice or offer to practice in its behalf as architects, professional
9 engineers, or designers of engineered systems are registered or granted a permit
10 under this chapter and if the firm, partnership, or corporation has been issued a
11 certificate of authorization under sub. (3).

12 (3) (a) A firm, partnership, or corporation desiring a certificate of authorization
13 shall submit an application to the department on forms provided by the department,
14 listing the names and addresses of all officers and directors, and all individuals in
15 its employment registered or granted a permit to engage in the practice of
16 architecture, professional engineering, or ~~designing~~ design of engineered systems in
17 this state who will be in responsible charge of the practice of architecture,
18 professional engineering, or ~~designing~~ being practiced design of engineered systems
19 in this state through the firm, partnership, or corporation, and other relevant
20 information required by the examining board. A similar type of form shall also
21 accompany the renewal fee. If there is a change in any of these persons, the change
22 shall be reported on the same type of form, and filed with the department within 30
23 days after the effective date of the change. The examining board shall grant a
24 certificate of authorization to a firm, partnership, or corporation complying with this
25 subsection upon payment of the initial credential fee determined by the department

BILL

1 under s. 440.03 (9) (a). This subsection does not apply to firms, partnerships, or
2 corporations exempt under s. 443.14 (3) or (5).

3 (4) (a) No firm, partnership, or corporation may be relieved of responsibility for
4 the conduct or acts of its agents, employees, or officers by reason of its compliance
5 with this chapter, nor may any individual ~~practicing~~ engaged in the practice of
6 architecture, landscape architecture, professional engineering, or designing the
7 design of engineered systems be relieved of responsibility for architectural,
8 ~~landscape architectural, professional engineering or designing services performed~~
9 services performed in connection with the practice of architecture, landscape
10 architecture, professional engineering, or design of engineered systems by reason of
11 his or her employment or relationship with the firm, partnership, or corporation.

12 (b) All final drawings, specifications, plans, reports, or other architectural,
13 ~~engineering or designing~~ papers or documents ~~involving~~ involved in the practice of
14 architecture, professional engineering, or ~~designing~~ design of engineered systems,
15 or landscape architectural papers or documents prepared by a landscape architect
16 registered under this chapter, prepared for the use of a firm, partnership, or
17 corporation, for delivery by it to any person or for public record within the state shall
18 be dated and bear the signature and seal of the architect, landscape architect,
19 professional engineer, or designer of engineered systems who was in responsible
20 charge of their preparation. This paragraph does not apply to persons exempt under
21 s. 443.14 (3), (4), or (5).

22 (5) No firm, partnership, or corporation may engage in the practice of or offer
23 to engage in the practice of architecture, professional engineering, or ~~designing~~
24 design of engineered systems in this state, or use in connection with its name or
25 otherwise assume, use, or advertise any title or description tending to convey the

BILL

1 impression that it is engaged in the practice of architecture, professional
2 engineering, or ~~designing~~ design of engineered systems, nor may it advertise or offer
3 to furnish an ~~architectural, professional engineering or designing~~ service in
4 connection with the practice of architecture, professional engineering, or design of
5 engineered systems, unless the firm, partnership, or corporation has complied with
6 this chapter.

7 (6) Any firm, partnership, or corporation using the word “engineering” or any
8 of its derivatives in its name prior to April 24, 1964, shall be permitted to continue
9 to do so and shall be permitted to use such word in any new firm, partnership, or
10 corporation formed as a result of a reorganization of the firm, partnership, or
11 corporation, if the firm, partnership, or corporation does not engage in the practice
12 of or offer to engage in the practice of architecture, professional engineering, or
13 ~~designing~~ design of engineered systems unless it complies with all other applicable
14 provisions of this chapter.

15 **SECTION 18.** 443.13 (title) of the statutes is amended to read:

16 **443.13** (title) **Disciplinary proceedings against designers of**
17 **engineering engineered systems.**

18 **SECTION 19.** 443.13 of the statutes is renumbered 443.13 (1) (intro.) and
19 amended to read:

20 443.13 (1) (intro.) The Subject to the rules promulgated under s. 440.03 (1), the
21 examining board may make investigations and conduct hearings and may deny,
22 limit, suspend, or revoke a permit granted to a designer of engineered systems or
23 reprimand the permittee if it finds that an applicant for a permit or the permittee
24 is guilty of fraud has been adjudicated mentally incompetent by a court of competent
25 jurisdiction or has done any of the following:

BILL**SECTION 19**

1 (a) Engaged in fraud or deceit in obtaining the permit, ~~gross.~~

2 (b) Engaged in the practice of design of engineered systems with gross
3 negligence, incompetency or misconduct in practice, ~~signing.~~

4 (c) Signed documents not prepared by the permittee or under the permittee's
5 control, ~~knowingly aiding or abetting.~~

6 (d) Knowingly aided or abetted the unauthorized designing practice of
7 engineering design of engineered systems as ~~stated in s. 443.07 (3)~~ by persons a
8 person not granted permits a permit under this chapter ~~or conviction of a felony,~~
9 ~~subject.~~

10 (e) Subject to ss. 111.321, 111.322, and 111.335, ~~or adjudication of mental~~
11 ~~incompetency by a court of competent jurisdiction. If, after a hearing conducted~~
12 ~~under the rules promulgated under s. 440.03 (1) before the designers' section of the~~
13 ~~examining board, two-thirds of the members of the section vote in favor of sustaining~~
14 ~~the charges, the examining board shall reprimand the permittee or limit, suspend~~
15 ~~or revoke the permit. The action been convicted of a felony.~~

16 (2) The actions of the examining board ~~is~~ under sub. (1) are subject to review
17 under ch. 227.

18 **SECTION 20.** 443.16 of the statutes is amended to read:

19 **443.16 Change of name.** No person may engage in the practice of
20 architecture, landscape architecture, ~~or professional engineering, or design of~~
21 engineered systems in this state under any other given name or any other surname
22 than that under which the person was originally licensed, or granted a permit, or
23 registered to practice in this or any other state, in any instance in which the
24 examining board, after a hearing, finds that practicing under the changed name
25 operates to unfairly compete with another practitioner or to mislead the public as to

BILL

1 identity or to otherwise result in detriment to the profession or the public. This
2 section does not apply to a change of name resulting from marriage or divorce.

3 **SECTION 21.** 443.17 of the statutes is amended to read:

4 **443.17 Seal or stamp; aiding unauthorized practice.** No person who is
5 registered under this chapter to engage in the practice of architecture, landscape
6 architecture, or professional engineering, and no person who holds a permit under
7 this chapter to engage in the practice of design of engineered systems may impress
8 his or her seal or stamp upon documents which have not been prepared by the person
9 or under his or her direction and control, knowingly permit his or her seal or stamp
10 to be used by any other person, or in any other manner knowingly aid or abet the
11 unauthorized practice of architecture ~~or~~, professional engineering, or design of
12 engineered systems, or the unauthorized use of the title “landscape architect” by
13 persons not authorized under this chapter.

14 **SECTION 22.** 443.18 (1) (a) of the statutes is renumbered 443.18 (1) (a) (intro.)
15 and amended to read:

16 443.18 (1) (a) (intro.) Any person who ~~practices~~ does any of the following may
17 be fined not less than \$500 nor more than \$5,000 or imprisoned for not more than 3
18 months or both:

19 1. Engages in the practice of or offers to engage in the practice of architecture,
20 landscape architecture, ~~or~~ professional engineering, or design of engineered systems
21 in this state, or who uses the term “architect,” “landscape architect,” ~~or~~ “professional
22 engineer” engineer,” or “designer of engineered systems” as part of the person’s
23 business name or title, except as provided in s. 443.08 (6), or in any way represents
24 himself or herself as an architect, a landscape architect, ~~or~~ a professional engineer,
25 or a designer of engineered systems unless the person is registered, holds a permit

BILL

1 issued under, or is exempted in accordance with this chapter, or unless the person
2 is the holder of an unexpired permit issued under s. 443.10 (1) (d), ~~or any person~~
3 presenting.

4 3. Presents or attempting attempts to use as his or her own the certificate of
5 registration or permit of another, ~~or any person who gives~~.

6 4. Gives any false or forged evidence of any kind to the examining board or to
7 any member of the examining board ~~in obtaining~~ to obtain a certificate of
8 registration, ~~or any person who falsely impersonates~~ permit.

9 5. Impersonates any other registrant or permittee of like or different name, ~~or~~
10 ~~any person who attempts~~.

11 6. Attempts to use an expired or revoked certificate of registration, ~~or violates~~
12 permit.

13 7. Violates any of the provisions of this section, ~~may be fined not less than \$100~~
14 ~~nor more than \$500 or imprisoned for not more than 3 months or both~~.

15 **SECTION 23.** 443.18 (2) (a) of the statutes is amended to read:

16 443.18 **(2)** (a) If it appears upon complaint to the examining board by any
17 person, or is known to the examining board, that any person who is ~~neither~~ not
18 registered ~~nor~~ under this chapter, does not hold a permit under s. 443.07, is not
19 exempt under this chapter ~~nor the holder of, and does not hold~~ an unexpired permit
20 under s. 443.10 (1) (d) is ~~practicing~~ engaging in the practice of or offering to engage
21 in the practice of, or is about to engage in the practice of or to offer to engage in the
22 practice of, architecture, landscape architecture, ~~or~~ professional engineering, or
23 design of engineered systems in this state, the examining board or the attorney
24 general or the district attorney of the proper county may investigate and may, in
25 addition to any other remedies, bring action in the name and on behalf of this state

BILL

1 against any such person to enjoin the person from ~~practicing~~ engaging in the practice
2 of or offering to engage in the practice of architecture, landscape architecture, or
3 professional engineering, or design of engineered systems.

4 **SECTION 24.** 443.18 (3) of the statutes is amended to read:

5 443.18 (3) PENALTIES; LAW ENFORCEMENT. Any person who violates this chapter
6 shall may be fined not more than \$500 \$5,000 or imprisoned not more than 3 months
7 or both.

8 **SECTION 25.** 703.11 (2) (b) of the statutes is amended to read:

9 703.11 (2) (b) A survey of the property described in the declaration complying
10 with minimum standards for property surveys adopted by the examining board of
11 architects, landscape architects, professional engineers, designers of engineered
12 systems, and land surveyors and showing the location of any unit or building located
13 or to be located on the property.

14 **SECTION 26. Nonstatutory provisions.**

15 (1) Notwithstanding section 440.08 (2) (a) 27. of the statutes, as affected by this
16 act, the department of safety and professional services shall renew a permit for
17 designing engineering systems that was granted under section 443.07 of the statutes
18 before the effective date of this subsection as though it were a permit to engage in
19 the practice of design of engineered systems granted under section 443.07 of the
20 statutes, as affected by this act, and shall, on the face of the renewed permit, restrict
21 the holder to the fields or subfields of the practice of design of engineered systems,
22 as specified under section 443.01 (5m) (b) of the statutes, as created by this act, that
23 correlate, as determined by the department of safety and professional services, to the
24 fields or subfields of designing that were specified on the face of the permit for
25 designing engineering systems.

