



PDHonline Course R801 (4 PDH)

Wisconsin Board Rules and Professional Conduct

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PDH Online | PDH Center

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An Approved Continuing Education Provider

Wisconsin Board Rules and Professional Conduct

Course Outline

Besides meeting specific requirements, such as education, experience, and examination, a licensee must get familiar with the Board Rules in order to practice engineering in any state. While the Rules do vary from state to state, the basic requirements for the professional conduct and responsibility are very similar throughout the United States. In this course, the student is required to study the rules and regulations published by the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors. This course includes a multiple-choice quiz at the end, which is designed to enhance the understanding of course materials.



Learning Objective

At the conclusion of this course, the student will be familiar with:

- The rules and regulations published by the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors;
- Various forms of professional misconducts prohibited by the Board;
- The mandatory continuing education requirements; and
- The roles and responsibilities of a professional engineer/land surveyor.

Background

The Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors adopted the mandatory continuing education in January, 2012, which requires each licensee to complete thirty hours of professional development (30 PDHs) during each license renewal biennium. The required 30 PDHs must include a minimum of two (2) PDHs in the area of professional conduct and ethics. In addition, registrants must obtain a minimum of 13 PDHs, per biennium, via courses where the registrant interacts in real time in a traditional classroom setting, computer conferencing or interactive video conference where participants are present in the same room or logged in at the same time and can communicate directly with each other and ask questions of the instructor (note: PDHonline webinars meet this requirement). In order to renew a license by the 7/31/2014 renewal deadline, all Wisconsin licensees must complete 30 PDHs between 8/1/2012-7/31/2014. This course is designed to help a Wisconsin licensee meet this new requirement.

Licensees may download Engineer Continuing Education Tracking Form (in PDF or Excel) from the Board website. However, licensees are not required to submit the Continuing Education Tracking Form and copies of completion certificates for license renewal. The Continuing Education Tracking Form and copies of completion certificates must be submitted if/when specifically requested by the Board.

Course Introduction

Many state boards periodically disclose in their newsletters or on their websites the disciplinary actions taken by the boards against the licensees who violated the Board Rules. The most common types of violations are:

1. Performed services outside his/her area of competence.
2. Practiced engineering without being licensed in the state of the project.
3. Practiced or offered to practice engineering while not properly licensed.
4. Failed to have a resident licensed professional in responsible charge in each office.
5. Failed to properly sign, seal and date documents.
6. Affixed his/her seal to work not done under his/her direct supervision or responsible charge and without preparing his/her own evaluations and written report.
7. Affixed his/her seal to inadequate design documents, failing to protect the public.



Other types of violations include:

1. Produced a deficient, substandard or inaccurate report, failing to protect the public.
2. Contracted with non-licensed individual to provide certain professional services.
3. Failed to avoid conflicts of interests.
4. Committed a crime.

To avoid the above violations, it is highly recommended for all licensees to periodically review the Board Laws and Rules. As a professional engineer, the licensee shall at all times recognize the primary obligation to protect the safety, health, property and welfare of the public. If a licensee's engineering judgment is overruled under circumstances where the safety, health or welfare of the public is endangered, he/she shall inform the proper authorities and his/her employer of the situation as may be appropriate.

Course Content

In this course, you are required to study the following document:

Appendix A - Excerpts from Wisconsin Statutes and Administrative Code Relating to the Practice of Professional Engineers and Land Surveyors

Course Summary

To safeguard the life, health, property and welfare of the public, licensed professional engineers/land surveyors must fully understand the Board Laws and Rules. A licensee who violates any provision of the Laws and Rules may be subject to disciplinary action, such as a fine, reprimand, probation, suspension or revocation of the license.



Appendix A

*Excerpts from Wisconsin Statutes and
Administrative Code Relating to the Practice of
Professional Engineers and Land Surveyors*

**WISCONSIN STATUTES
AND
ADMINISTRATIVE CODE**

**RELATING TO THE PRACTICE OF
ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS
AND LAND SURVEYORS**

OCTOBER 2012



State of Wisconsin
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CHAPTER 443**EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS**

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Cross-reference: See definitions in s. 440.01

443.01 Definitions. In this chapter, unless the context provides otherwise:

(1) “Architect” means a person who is legally qualified to practice architecture.

(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 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 professional engineer section stating that the person has successfully passed this portion of the professional examinations.

(3) “Examining board” means the examining board of architects, landscape architects, professional engineers, designers and land surveyors.

(3g) “Landscape architect” means a person who practices landscape architecture.

(3r) “Landscape architecture” means the performance of a professional service involving conceptual land planning and conceptual design for integrated land development based on the analysis of environmental characteristics, operational requirements, land use or commensurate land values. “Landscape architecture” includes the investigation, selection or allocation of land or water resources for appropriate uses; the formulation of graphic or written criteria for a land planning or land construction program; the preparation, review or analysis of a master plan for land use or development; the production of a graphic land area, grading, drainage, planting or land construction plan; and the planning of a road, bridge or other structure with respect to the aesthetic requirements of the area on which it will be constructed, except that “landscape architecture” does not include any of the following:

(a) Professional services performed by a registered architect or by a person who has in effect a permit under s. 443.10 (1) (d).

(b) Professional services performed by a professional engineer or by a person who has in effect a permit under s. 443.10 (1) (d).

(c) Professional services performed by a registered land surveyor or by a person who has in effect a permit under s. 443.06 (3).

(d) The practice of planning as is customarily done by a regional, park, or urban planner, or by a person participating on a planning board or commission, within the scope of that practice.

(e) The practice of a natural resource professional, including a biologist, professional geologist, as defined in s. 470.01 (5), or professional soil scientist, as defined in s. 470.01 (7).

(f) The actions of a person who is under the supervision of a licensed landscape architect or an employee of a licensed landscape architect, unless the person assumes responsible charge, design, or supervision.

(g) Work performed on property by an individual who owns or has control over the property, or work performed by a person hired by an individual who owns or has control of the property.

(h) Making plans or drawings for the selection, placement, or use of plants or site features.

(4) “Land surveying” means any service comprising the determination of the location of land boundaries and land boundary corners; the preparation of maps showing the shape and area of tracts of land and their subdivisions into smaller tracts; the preparation of maps showing the layout of roads, streets and rights-of-way of same to give access to smaller tracts; and the preparation of official plats, or maps, of land in this state.

(5) “Practice of architecture” includes any professional service, such as consultation, investigation, evaluation, planning, architectural and structural design, or responsible supervision of construction, in connection with the construction of any private or public buildings, structures, projects, or the equipment thereof, or addition to or alterations thereof, in which the public welfare or the safeguarding of life, health or property is concerned or involved.

(6) “Practice of professional engineering” includes any professional service requiring the application of engineering principles and data, in which the public welfare or the safeguarding of life, health or property is concerned and involved, such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction, alteration, or operation, in connection with any public or private utilities, structures, projects, bridges, plants and buildings, machines, equipment, processes and works. A person offers to practice professional engineering if the person by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be a professional engineer; or who through the use of some other title implies that he or she is a professional engineer; or who holds himself or herself out as able to practice professional engineering.

(7) “Professional engineer” means a person who by reason of his or her knowledge of mathematics, the physical sciences and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in engineering practice as defined in sub. (6).

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(8) “Responsible supervision of construction” means a professional service, as distinguished from superintending of construction, and means the performance, or the supervision thereof, of reasonable and ordinary on-site observations to determine that the construction is in substantial compliance with the approved drawings, plans and specifications.

History: 1971 c 42, 215, 307; 1975 c 9, 39, 199, 200, 334, 421; 1977 c 29, 125, 418; 1979 c 34, 98; 1979 s 162 s 38 (7); 1979 c 167; 1979 c 221 s 780; 1979 c 355; 1983 a 189 ss 274, 329 (18); 1993 a 463, 465, 491; 1997 a 300; 2009 a 123; 2011 a 146

The duties of county surveyors and other land surveyors and minimum standards for property surveys are discussed 69 Atty Gen 160

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

(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.

History: 2007 a 47; 2011 a 146

Cross-reference: See also chs A–E 10, 13, Wis adm code

443.02 Practice requirements and registration: general provisions. (1) Any person practicing or offering to practice architecture or professional engineering in this state shall comply with this chapter.

(2) No person may practice architecture, landscape architecture, or professional engineering in this state unless the person has been duly registered, is exempt under s. 443.14 or has in effect a permit under s. 443.10 (1) (d).

(3) No person may offer to practice architecture, landscape architecture, or professional engineering or use in connection with the person’s name or otherwise assume, use or advertise any title or description tending to convey the impression that he or she is an architect, landscape architect, or professional engineer or advertise to furnish architectural, landscape architectural, or professional engineering services unless the person has been duly registered or has in effect a permit under s. 443.10 (1) (d).

(4) No person may practice land surveying in this state or use or advertise any title or description tending to convey the impression that the person is a land surveyor unless the person has been issued a certificate of registration or granted a permit to practice under this chapter.

History: 1971 c 164 s 88; 1971 c 215; 1975 c 39; 1977 c 29, 418; 1979 c 34, 167, 355; 1993 a 463, 465; 1997 a 300; 1999 a 85; 2009 a 123

Cross-reference: See also A–E, Wis adm code

443.03 Registration requirements for architects.

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

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

(b) One of the following:

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

2. A specific record of 7 or more years of experience in architectural work of a character satisfactory to the architect section in the design and construction of buildings.

(2) Graduation in architecture from a school or college approved by the architect section as of satisfactory standing shall be considered as equivalent to 5 years of experience, and the completion satisfactory to the 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. Gradua-

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

History: 1979 c 167; 2011 a 146

Cross-reference: See also ch A–E 3, Wis adm code

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

(1) Submits to the department evidence satisfactory to the 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 landscape architect section and has at least 2 years of practical experience in landscape architecture of a character satisfactory to the 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 landscape architect section, and 4 years of practical experience in landscape architecture of a character satisfactory to the landscape architect section.

(2) Satisfies the applicable requirements under s. 443.09.

History: 1993 a 465; 2011 a 146

Cross-reference: See also ch A–E 9, Wis adm code

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 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 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 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 professional engineer section and indicating that the applicant is competent to be placed in responsible charge of engineering work.

History: 1979 c 167; 1983 a 328; 1999 a 85; 2009 a 350; 2011 a 146

Cross-reference: See also ch A–E 4, Wis adm code

The authority of the examining board is discussed 70 Atty Gen 156

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

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

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

(2) Graduation in engineering from a school or college approved by the professional engineer section as of satisfactory standing shall be considered as equivalent to 4 years of experience and the completion satisfactory to the 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 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.

History: 1979 c 167; 2011 a 146

Cross-reference: See also ch A–E 4, Wis adm code

443.06 Registration requirements for land surveyors.

(1) REGISTRATION, APPLICATION, QUALIFYING EXPERIENCE (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 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).

(b) Each year, but not more than 4 years, of work or training completed in a curriculum in land surveying approved by the land surveyor section, or responsible charge of land surveying teaching may be considered as equivalent to one year of qualifying experience in land surveying work, and each year, but not more than 4 years completed in a curriculum other than land surveying approved by the land surveyor section, may be considered as equivalent to one-half year of qualifying experience.

(2) REQUIREMENTS; CERTIFICATE OF REGISTRATION 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:

(a) A record of completion of a course in land surveying of not less than 2 years' duration approved by the land surveyor section together with 2 years of practice in land surveying work of satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work, if the applicant has passed an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section before July 1, 2000.

(am) Evidence satisfactory to the land surveyor section that he or she has received a bachelor's degree in a course in land surveying or a related field that has a duration of not less than 4 years and is approved by the land surveyor section, and that he or she has engaged in at least 2 years of land surveying practice of satisfactory character that indicates that the applicant is competent to practice land surveying, if the applicant has passed an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section after June 30, 2000.

(b) A record of 6 years of practice in land surveying of satisfactory character, which indicates that the applicant is competent to be placed in responsible charge of such work, if the applicant has passed an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section before July 1, 2000.

(bm) Evidence satisfactory to the land surveyor section that he or she has received an associate degree in a course in land surveying or a related field that has a duration of not less than 2 years and is approved by the land surveyor section, and that he or she has engaged in at least 4 years of land surveying practice of satisfactory character that indicates that the applicant is competent to practice land surveying, if the applicant has passed an oral and written or written examination administered by the land surveyor

section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section after June 30, 2000.

(c) A record of 20 years of practice in land surveying of satisfactory character, which indicates that the applicant is competent to be placed in responsible charge of such work, if the applicant is not less than 45 years of age and has passed an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section before January 1, 1995.

(cm) Evidence satisfactory to the land surveyor section that he or she has engaged in at least 10 years of land surveying practice of satisfactory character that indicates that the applicant is competent to practice land surveying, if the applicant has passed an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section after June 30, 2000.

(d) An unexpired certificate of registration as a land surveyor issued to the applicant by the proper authority in any state or territory or possession of the United States or in any other country whose requirements meet or exceed the requirement for registration in this subsection, if the applicant has passed an oral and written or written examination administered by the land surveyor section.

(e) A record of satisfactory completion of an apprenticeship training course in land surveying prescribed by the department of workforce development, of satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work, if the applicant has passed an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section before July 1, 2000.

(em) Evidence satisfactory to the land surveyor section that he or she has completed an apprenticeship training course in land surveying prescribed by the department of workforce development, and has engaged in a period of additional land surveying practice of satisfactory character that indicates that the applicant is competent to practice land surveying and that, when added to the period of the apprenticeship, totals at least 8 years of land surveying practice, if the applicant has passed an oral and written or written examination administered by the land surveyor section. This paragraph applies to actions of the land surveyor section on applications for land surveyors' certificates that are submitted to the land surveyor section after June 30, 2000.

(3) PERMIT TO PRACTICE The 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 land surveyor section meets the requirements of sub. (2). The permit shall be revocable by the land surveyor section at its pleasure.

History: 1979 c 167; 1981 c 380; 1981 c 391 s 211; 1987 a 27; 1993 a 462; 1995 a 27 s 9130 (4); 1997 a 3, 27; 2011 a 146

Cross-reference: See also ch A–E 6, Wis adm code

443.07 Permit requirements: designers of engineering systems.

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

(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 designer section, in which certification is sought.

(b) A specific record of 12 years of experience by any person at least 35 years of age who was actively engaged in this state in

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the preparation of plans, specifications, designs and layouts in specific fields or branches as designated under sub. (3). Such a person may be granted a permit to offer and perform services in the designated field or branch.

(2) Completion of technological academic training or apprenticeship program approved by the board may be considered equivalent to experience, but should not exceed a total of 4 years. The successful completion of each year of academic work without graduation shall be equivalent to one year of experience. Graduation from a course other than engineering technology shall be equivalent to 2 years of experience under this subsection.

(3) Permits shall be granted, designated, and limited to the fields and subfields of technology as are determined by the 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.

(4) A master plumber's license under ch. 145 shall be considered equivalent to the work experience and satisfactory completion of a written examination in the field of plumbing systems, and the holder of a master plumber's license shall be issued a permit as a designer of plumbing systems upon the making of an application and the payment of the permit fee.

(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 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 designer section.

(6) The renewal date for permits under this section is specified under s. 440.08 (2) (a), and the fee for renewal of such permits is determined by the department under s. 440.03 (9) (a).

History: 1979 c 167; 1991 a 39; 2007 a 20; 2011 a 146

Cross-reference: See also ch A–E 5, Wis adm code

Although designer of plumbing systems permits must be issued to applicants who are licensed master plumbers, the examining board has wide discretion to establish design of engineering systems classifications in fields and subfields of technology recognized in engineering design practice and to determine the competence of applicants who hold restricted or temporary master plumber's licenses 60 Atty Gen 37

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

(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.

(2) (a) No individual architect registered under this chapter may practice or offer to practice architecture, 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 architects are registered under this chapter.

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

(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:

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.

(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.

(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 to practice architecture in this state who will be in responsible charge of architecture 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 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).

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

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 sub-

section 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).

(b) The renewal date for certificates of authorization under this section is specified under s. 440.08 (2) (a), and the fee for renewal of such certificates is determined by the department under s. 440.03 (9) (a).

(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 be relieved of responsibility for architectural services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

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.

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.

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.

(b) 1. All final drawings, specifications, plans, reports, or other architectural papers or documents involving the practice of architecture, 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 who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

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).

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).

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).

(5) (a) No firm, partnership, or corporation may engage in the practice of or offer to practice architecture 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 architecture, nor may it advertise or offer to furnish an architectural service, unless the firm, partnership, or corporation has complied with this chapter.

(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.

(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.

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

History: 1979 c 167; 1983 a 129; 1987 a 27; 1991 a 39; 1993 a 463, 465, 491; 1997 a 300; 2007 a 20; 2011 a 146

Whether the use of “engineer” or “engineering” in a business title violates this chapter requires a case-by-case analysis 70 Atty Gen 131

443.09 Examinations and experience requirements for architect, landscape architect and engineer applicants. (1) In considering the qualifications of an applicant as an architect, landscape architect or professional engineer, responsible charge of architectural, landscape architectural or engineering teaching may be construed as experience.

(2) Subject to ss. 111.321, 111.322 and 111.335, no person who has an arrest or conviction record is eligible for registration as an architect, a landscape architect or a professional engineer, or certification as an engineer-in-training.

(3) Written examinations shall be required of every applicant for certification as engineer-in-training.

(4) Written or written and oral examinations shall be required of every applicant for registration as an architect or a professional engineer. Only one form of examination may be required for all applicants. The examination shall be reasonably related to the skills likely to be needed by an applicant practicing the profession at the time of examination and seek to determine the applicant’s preparedness to exercise such skills.

(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).

(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 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 landscape architect section. No restrictions may be placed on the number of times an unsuccessful candidate may be reexamined, except that

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after failure of 3 reexaminations, the landscape architect section may require a one-year waiting period before further reexamination.

History: 1979 c 167; 1981 c 380; 1981 c 391 s 211; 1983 a 328; 1993 a 463, 465, 491; 1995 a 27 ss 6606, 9116 (5); 1997 a 300; 2009 a 350; 2011 a 146

Cross-reference: See also chs A–E 3, 4, and 9, Wis adm code

443.10 Applications, certificates, rules and roster.

(1) CERTIFICATE OF REGISTRATION OR RECORD; PERMIT; RECIPROCALITY PROVISIONS (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 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 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.

(2) APPLICATIONS FOR REGISTRATION, FEES, CONTENTS OF CERTIFICATION, EXPIRATION (a) Applications for registration or for a certificate of record shall be on forms provided by the department and shall contain statements made under oath showing the applicant's education and detail summary of the applicant's technical work and not less than 5 references, of whom 3 or more shall have personal knowledge of the applicant's architectural, landscape architectural or engineering experience in the case of an application for registration or of the applicant's technical education or engineering work in the case of an application for a certificate of record.

(b) The fees for examinations and licenses granted under this chapter are specified in s. 440.05, and the fee for renewal of such licenses is determined by the department under s. 440.03 (9) (a).

(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 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.

(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.

(e) The renewal date for certificates of registration for architects, landscape architects, and professional engineers is specified under s. 440.08 (2) (a), and the fee for renewal of such certificates is determined by the department under s. 440.03 (9) (a).

(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 professional engineer section, has satisfactorily met all the requirements of this section pertaining to engineers-in-training.

(g) A certificate of record as engineer-in-training is evidence that the engineer-in-training to whom it is issued has successfully passed the portion of the examinations in the fundamental engineering subjects required of an applicant for registration as a professional engineer.

(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 professional engineer section that the applicant's professional experience has been delayed.

(3) EMERGENCY RULES; LIMITATION No section of the examining board may adopt or change, by emergency rule, any requirement for the registration of or issuance of a permit to any applicant under this chapter.

(4) ROSTER; RECORDS (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 professional engineer section. The list shall be obtainable by purchase at cost.

(b) 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 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.

(5) FEES; RENEWALS The land surveyor's section shall grant a certificate of registration as a land surveyor to any applicant who has met the applicable requirements of this chapter. The renewal date for the certificate is specified under s. 440.08 (2) (a), and the renewal fee for the certificate is determined by the department under s. 440.03 (9) (a).

(6) ROSTER A roster showing the names and mailing addresses of all registered surveyors shall be prepared annually by the secretary and made available for purchase at cost, and a copy shall be placed on file with the department of financial institutions.

History: 1979 c 167 ss 9, 10, 23, 24, 41, 42, 53; 1979 c 221 s 780; 1979 c 355; 1981 c 3; 1987 a 27; 1991 a 39; 1993 a 463, 465, 491; 1995 a 27; 1997 a 27, 300; 2007 a 20; 2009 a 123; 2011 a 146

Cross-reference: See also chs A–E 3, 4, and 9, Wis adm code

The examining board of architects, professional engineers, designers and land surveyors lacks the power to adopt a rule prohibiting competitive bidding on projects by architects, engineers, designers, or surveyors 61 Atty Gen 369

443.11 Disciplinary proceedings against architects, landscape architects and engineers. (1) 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:

(a) Fraud or deceit in obtaining a certificate of registration or a certificate of record.

(b) Signing or impressing his or her seal or stamp upon documents not prepared by him or her or under his or her control or knowingly permitting his or her seal or stamp to be used by any other person.

(c) Knowingly aiding or abetting the unauthorized practice of architecture or professional engineering by persons not registered under this chapter.

(d) Any gross negligence, incompetency or misconduct in the practice of architecture as a registered architect, of landscape architecture as a registered landscape architect or of professional engineering as a registered professional engineer, or in the professional activity of a holder of a certificate of record as engineer–in–training.

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

(f) 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, a certified copy of the record of conviction or adjudication of incompetency to be conclusive evidence of such conviction or incompetency.

(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 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.

(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).

(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.

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

(6) The appropriate section of the examining board, for reasons 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 under 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.

History: 1979 c 167; 1981 c 334 s 25 (1); 1993 a 463, 465, 491; 1997 a 237, 300; 1999 a 32, 186; 2009 a 123; 2011 a 146

Gross negligence, incompetency, or misconduct is discussed. The failure of an engineer to properly design a roof truss would not show incompetence, but the board might find gross negligence. *Vivian v. Examining Board of Architects*, 61 Wis 2d 627, 213 N W 2d 359 (1974)

443.12 Disciplinary proceedings against land surveyors. (1) The section may reprimand or limit, suspend or revoke the certificate of registration of any land surveyor for the practice of any fraud or deceit in obtaining the certificate, or any gross negligence, incompetence or misconduct in the practice of land surveying.

(2) Charges of fraud, deceit, gross negligence, incompetence or misconduct may be made against any surveyor by the section or any person. Such charges may be made on information and belief, but shall be in writing, stating the specific acts, be signed by the complainant and be submitted to the examining board. All charges shall be heard according to the rules promulgated under s. 440.03 (1).

(3) If after a hearing 3 members vote in favor of reprimand or limiting, suspending or revoking the certificate of registration of a land surveyor, the section shall notify the surveyor to that effect. The surveyor shall return the certificate to the examining board immediately on receipt of notice of a revocation. The action of the section may be reviewed under ch. 227.

(4) The section, for reasons it deems sufficient, may reinstate a certificate of registration that has been revoked, if 3 members vote in favor of such reinstatement. This subsection does not apply to a certificate of registration that is revoked under s. 440.12.

History: 1979 c 167, 357; 1997 a 237

443.13 Disciplinary proceedings against designers of engineering systems. (1) The designers' section of the examining board may limit, suspend, or revoke a permit or reprimand the permittee if the permittee is guilty of any of the following:

(a) Fraud or deceit in obtaining the permit.

(b) Gross negligence, incompetency, or misconduct in practice.

(c) Signing documents not prepared by the permittee or under the permittee's control.

(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.

(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.

History: 1979 c 167; 1981 c 334 s 25 (1); 2011 a 146

443.14 Exempt persons. The following persons, while practicing within the scope of their respective exemptions, shall be exempt from this chapter:

(1) (a) An employee of a person holding a certificate of registration in architecture under s. 443.10 who is engaged in the practice of architecture 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 practice.

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(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.

(2) Officers and employees of the federal government while engaged within this state in the practice of architecture, landscape architecture or professional engineering for the federal government.

(3) A public service company and its regular employees acting in its behalf where the professional engineering services rendered are in connection with its facilities which are subject to regulation, supervision and control by a commission of this state or of the federal government.

(4) (a) Any person who practices architecture, exclusively as a regular employee of a private company or corporation, by rendering to the company or corporation architectural 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 who is registered under this chapter in responsible charge of the company's or corporation's architectural work in this state.

(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.

(5) A person engaged in the manufacture of a product or unit, including laboratory research affiliates of the person, where the services performed are the design, assembly, manufacture, sale or installation of that product or unit. "Product or unit" does not include any building.

(6) Notwithstanding any other provision of this chapter, contractors, subcontractors or construction material or equipment suppliers are not required to register under this chapter to perform or undertake those activities which historically and customarily have been performed by them in their respective trades and specialties, including, but not limited to, the preparation and use of drawings, specifications or layouts within a construction firm or in construction operations, superintending of construction, installation and alteration of equipment, cost estimating, consultation with architects, professional engineers or owners concerning materials, equipment, methods and techniques, and investigations or consultation with respect to construction sites, provided all such activities are performed solely with respect to the performance of their work on buildings or with respect to supplies or materials furnished by them for buildings or structures or their appurtenances which are, or which are to be, erected, enlarged or materially altered in accordance with plans and specifications prepared by architects or professional engineers, or by persons exempt under subs. (1) to (5) while practicing within the scope of their exemption.

(7) This chapter does not require manufacturers or their material or equipment suppliers to register under this chapter in order to enable them to perform engineering in the design, assembly, manufacture, sale or installation of their respective products.

(8) The following persons doing surveying work are exempt from the provisions of this chapter:

(a) An employee of a land surveyor registered in this state or authorized to practice under a permit, while working under the supervision of the employer. Such exempt employee shall not be in responsible charge of land surveying.

(b) Officers and employees of the federal government while engaged in land surveying for the federal government.

(c) Employees of this state while engaged in land surveying for the state.

(d) Employees of public utilities regulated by the public service commission in land surveying for such utilities.

(9) A license shall not be required for an owner to survey his or her own land for purposes other than for sale.

(10) Any person employed by a county or this state who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65 and who is certified under s. 92.18.

(11) Any land surveyor registered under s. 443.06 who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65.

(12m) A well driller who is licensed under s. 280.15 (2m), or an employee of a well drilling business that is registered under s. 280.15 (1), who is engaged in well drilling, as defined in s. 280.01 (8).

NOTE: Sub. (12m) is amended eff. 4–1–15 by 2011 Wis. Act 150 to read:

(12m) A driller who is licensed under s. 280.15 (2m), or an employee of a drilling business that is registered under s. 280.15 (1), who is engaged in well drilling, as defined in s. 280.01 (8), or heat exchange drilling, as defined in s. 280.01 (2c).

(13) A professional engineer who, while engaged in the practice of professional engineering in accordance with this chapter, collects, investigates, interprets or evaluates data relating to soil, rock, groundwater, surface water, gases or other earth conditions, or uses that data for analysis, consultation, planning, design or construction.

(14) A person who, while engaged in the practice of professional geology, hydrology or soil science as defined in s. 470.01 (2), (3) or (4), practices professional engineering, if the acts that involve the practice of professional engineering are also part of the practice of professional geology, hydrology or soil science.

(15) A person employed by the federal government who is engaged in this state in the practice of landscape architecture for the federal government.

History: 1979 c 167 ss 5, 21, 40, 48; 1979 c 355; 1983 a 189 s 329 (18); 1991 a 309; 1993 a 463, 465, 491; 1995 a 227; 1997 a 27, 300; 2005 a 360; 2009 a 123; 2011 a 146, 150

443.15 Exempt buildings. (1) Nothing in this chapter prevents any person from advertising and performing services, including consultation, investigation, evaluation, in connection with and making plans and specifications for, or supervising the erection, enlargement or alterations of any of the following buildings:

(a) Dwellings for single families, and outbuildings in connection with single-family dwellings, including, but not limited to, barns and private garages.

(b) Apartment buildings used exclusively as the residence of not more than 2 families.

(c) Buildings used exclusively for agricultural purposes.

(d) Temporary buildings or sheds used exclusively for construction purposes, not exceeding 2 stories in height, and not used for living quarters.

(2) Nothing in this chapter prevents any person, firm or corporation from making plans and specifications for or supervising the erection, enlargement or alteration of any new building containing less than 50,000 cubic feet total volume or addition to a building which by reason of such addition results in a building containing less than 50,000 cubic feet total volume or structural alteration to a building containing less than 50,000 cubic feet total volume. Nothing in this chapter prevents any person, firm or corporation from making repairs or interior alterations to buildings which do not affect health or safety.

(3) Any multiple family building having a common roof and party walls shall be deemed a single building for purposes of this section.

(4) This section does not apply to inspection and service work done by employees of insurance rating bureaus, insurance service bureaus, insurance companies or insurance agents.

History: 1979 c 167

443.16 Change of name. No person may practice architecture, landscape architecture, or professional engineering in this state under any other given name or any other surname than that under which the person was originally licensed or registered to practice in this or any other state, in any instance in which the examining board, after a hearing, finds that practicing under the changed name operates to unfairly compete with another practitioner or to mislead the public as to identity or to otherwise result in detriment to the profession or the public. This section does not apply to a change of name resulting from marriage or divorce.

History: 1979 c 98 s 1; 1979 c 167 s 20; 1979 c 337 s 15; 1979 c 355; 1993 a 463, 465, 491; 1997 a 300; 2009 a 123

443.17 Seal or stamp; aiding unauthorized practice.

No person who is registered under this chapter to practice architecture, landscape architecture or professional engineering may impress his or her seal or stamp upon documents which have not been prepared by the person or under his or her direction and control, knowingly permit his or her seal or stamp to be used by any other person or in any other manner knowingly aid or abet the unauthorized practice of architecture or professional engineering or the unauthorized use of the title “landscape architect” by persons not authorized under this chapter.

History: 1979 c 167; 1993 a 463, 465, 491; 1997 a 300

443.18 Penalties; law enforcement. (1) UNAUTHORIZED PRACTICE; PENALTY

(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.

(b) All duly constituted officers of the law of this state or any political subdivision shall enforce this chapter and prosecute any persons violating this chapter.

(2) INJUNCTION (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.

(3) PENALTIES; LAW ENFORCEMENT Any person who violates this chapter shall be fined not more than \$500 or imprisoned not more than 3 months or both.

History: 1979 c 167 ss 27, 28, 45, 46; 1981 c 20; 1993 a 463, 465, 491; 1997 a 300; 1995 a 85; 2009 a 123; 2011 a 146

Chapter A-E 1

AUTHORITY

A-E 1 01 Authority
A-E 1 02 Definitions

A-E 1 03 Rulemaking

Note: Chapter A-E 1 as it existed on February 28, 1987 was repealed and a new chapter A-E 1 was created effective March 1, 1987

A-E 1.01 Authority. (1) The rules in chs. A-E 1 to 13 are adopted under authority in ss. 15.08 (5) (b), 227.11 and ch. 443, Stats.

History: Cr Register, February, 1987, No 374, eff 3-1-87; correction made under s 13.93 (2m) (b) 7, Stats., Register, February, 2000, No 530; CR 11-014: am. Register December 2011 No. 672, eff. 1-1-12.

A-E 1.02 Definitions. In chs. A-E 1 to 13:

(1) “Board” or “joint board” means the examining board of architects, landscape architects, professional engineers, designers and land surveyors.

(2) “Department” means the department of safety and professional services.

(3) “Section of the board” means either the architect section, the landscape architect section, the professional engineer section,

the designer section or the land surveyor section.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am (intro), (1) and (3), Register, June, 1995, No 474, eff 7-1-95; am (1) and (3), Register, February, 2000, No 530, eff 3-1-00; correction in (intro) made under s 13.93 (2m) (b) 7, Stats., Register, February, 2000, No 530; CR 11-014: am. (intro.) Register December 2011 No. 672, eff. 1-1-12; correction in sub. (2) made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672.

A-E 1.03 Rulemaking. (1) PROCEDURE The joint board may approve and adopt rules proposed by any section of the board.

(2) RULES COMMITTEE (a) *Composition.* The rules committee of the board is comprised of one member from each section and 3 public members. The board chair shall appoint the 3 public members from any of the 5 sections of the board.

(b) *Authority and responsibility.* The rules committee shall act for the joint board in rulemaking proceedings except for final approval as specified in sub. (1).

History: Cr Register, February, 1987, No 374, eff 3-1-87; am (2) (a), Register, June, 1995, No 474, eff 7-1-95; am (2) (a), Register, February, 2000, No 530, eff 3-1-00

Chapter A-E 2

GENERAL REQUIREMENTS AND PROCEDURES

A-E 2 01	Purpose
A-E 2 02	Registration seals
A-E 2 03	Branch offices

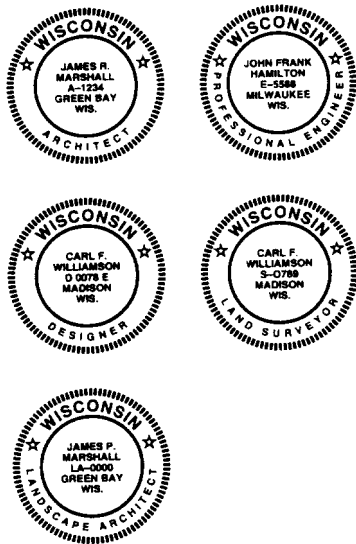
A-E 2 04	Change of address
A-E 2 05	Failure to be registered

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

History: Cr [Register](#), February, 1987, No 374, eff 3-1-87; am [Register](#), June, 1995, No 474, eff 7-1-95; am [Register](#), January, 1999, No 517, eff 2-1-99; am [Register](#), February, 2000, No 530, eff 3-1-00; [CR 11-014](#); am. [Register](#) December 2011 No. 672, eff. 1-1-12.

A-E 2.02 Registration seals. (1) Each architect, landscape architect, professional engineer, designer and land surveyor shall obtain a seal that complies with board specifications for registration seals. The overall diameter may not be less than 1 $\frac{5}{8}$ inches nor more than 2 inches. Each seal shall include the registrant's name, registration or permit number and city.

(2) The following designs for registration seals have been approved:



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

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

(5) If more than one sheet is bound together in a volume, the registrant or permit holder who prepared or directed and controlled the preparation of the volume, may sign, seal and date only the title or index sheet if the signed sheet identifies clearly all other sheets comprising the bound volume and if any other sheets which

are prepared by or under the direction and control of another registrant or permit holder are signed, sealed and dated by the other registrant or permit holder.

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

(7) (a) All seals or stamps affixed to drawings and specifications to be filed as public documents shall be original. No stickers or electronically scanned images shall be allowed.

(b) All seals and stamps on drawings and specifications to be filed as public documents shall be signed and dated by the registered professional in one of the following manners:

1. In a permanent ink contrasting with the seal and the background.

2. Utilizing an electronic signature meeting the requirements of s. 137.06, Stats., if permitted by the governmental unit that is to receive the drawings and specifications.

Note: 2003 Wis Act 294 repealed s 137 06, Stats

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

(8) Plans, specifications and calculations for buildings and structures not exempt under s. 443.15, Stats., which have been prepared by an architect or professional engineer other than the Wisconsin registered architect or engineer who is submitting the plans, specifications and calculations for filing as public documents, may be submitted if all of the following conditions are satisfied:

(a) The plans, specifications and calculations shall have been prepared by or under the supervision of an architect or professional engineer licensed in some state of the United States, and shall bear the signature and seal or stamp of the architect or professional engineer who prepared them or under whose supervision and control they were prepared.

(b) A certificate, dated, signed and sealed by the Wisconsin registered architect or professional engineer who is submitting the plans, specifications and calculations for filing as public documents, shall be attached to the plans, specifications and calculations. The certificate shall indicate that the plans, specifications and calculations were prepared by an architect or professional engineer other than the submitting registered architect or professional engineer; shall describe the work performed by the submitting registered architect or professional engineer; and shall include statements to the effect that the plans and specifications have been reviewed and comply with all applicable local and state building codes, and that the reviewing registered architect or professional engineer will be responsible for the supervision of construction in accordance with the requirements of the state, and of the county and municipality where the building or structure is to be erected. If the registered architect or professional engineer who originally prepared the plans, specifications and calculations was registered in Wisconsin at the time they were prepared, the certificate shall also specify why the original architect or professional

engineer is not submitting the plans, specifications and calculations for approval.

History: Cr Register, February, 1987, No 374, eff 3-1-87; cr (7), Register, January, 1993, No 445, eff 2-1-93; am (1), (2), (4) and (6), Register, June, 1995, No 474, eff 7-1-95; am (1), (2), (4) and (6), Register, February, 2000, No 530, eff 3-1-00; cr (8), Register, November, 2000, No 539, eff 12-1-00; CR 01-034: r and recr (7), Register December 2001 No 552, eff 1-1-02

A-E 2.03 Branch offices. (1) DEFINITIONS In this section,

(a) "Firm" means any sole proprietorship, partnership or corporation located in Wisconsin which provides or offers to provide architectural, landscape architectural, professional engineering, design or land surveying services to the public.

(b) "Resident" means a currently-registered architect, landscape architect, professional engineer, designer or land surveyor who spends the majority of his or her working schedule in one firm location and who is in charge of and responsible for the type of services offered or provided from that location.

(2) RESIDENT REQUIRED; RESPONSIBILITIES Every firm maintaining one or more places of business in Wisconsin shall have:

(a) A resident architect in each separate business location which provides or offers to provide architectural services.

(b) A resident professional engineer in each separate business location which provides or offers to provide professional engineering services.

(c) A resident designer in each separate business location which provides or offers to provide designing services.

(d) A resident land surveyor in each separate business location which provides or offers to provide land surveying services.

(e) A resident landscape architect in each separate business location which provides or offers to provide landscape architectural services.

(3) NOTICE Every firm shall notify the board of at least one resident who is in charge of and responsible for each separate business location.

(4) RESIDENT LIMITATION A resident may not be in charge of or responsible for services offered or provided from more than one business location.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am (1) (a) and (b), cr (2) (e) and (f), Register, June, 1995, No 474, eff 7-1-95; am (2) (intro), Register, January, 1999, No 517, eff 2-1-99; am (1) (a) and (b), r (2) (f), Register, February, 2000, No 530, eff 3-1-00

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

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

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

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

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

History: Cr Register, March, 1996, No 483, eff 4-1-96

Chapter A-E 3

ARCHITECT REGISTRATION

A-E 3 01 Authority and purpose
A-E 3 02 Application for registration
A-E 3 03 Architectural experience

A-E 3 04 Education as an experience equivalent for registration as an architect
A-E 3 05 Examination
A-E 3 06 Application contents

Note: Chapter A-E 3 as it existed on February 28, 1987 was repealed and a new chapter A-E 3 was created effective March 1, 1987

A-E 3.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11, 443.03, 443.09 and 443.10, Stats. The purpose of rules in this chapter is to interpret basic education, experience and examination requirements for registration as an architect as specified in ss. 443.03, 443.09 and 443.10, Stats.

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

A-E 3.02 Application for registration. An 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 upon request to the board office located at PO Box 8935, 1400 East Washington Avenue, 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 3.03 Architectural experience. (1) In satisfaction of the 2 year experience requirement of s. 443.03 (1) (b) 1., Stats., or in satisfaction of 2 years of the 7 year requirement of s. 443.03 (1) (b) 2., Stats., applicants for registration as an architect shall complete the intern architect development program sponsored by the national council of architectural registration boards and the American institute of architects, or shall submit evidence of experience in architectural work which the board finds is substantially equivalent to the experience obtained by completing the intern architect development program.

Note: A current copy of the Intern Development Program Table of Training Requirements may be obtained from the Bureau of Business and Design Professions located at 1400 East Washington Avenue, PO Box 8935, Madison, Wisconsin 53708

(2) Satisfactory experience in architectural work shall consist of related practical training including at least one year of experience in the design and construction of buildings under the supervision of a registered architect, professional engineer, or exempt person as defined in s. 443.14, Stats., prior or subsequent to acquisition of approved educational equivalents.

(3) To qualify as satisfactory experience in architectural work, employment shall consist of at least 2 or more continuous months.

(4) Not more than one year of credit for satisfactory experience in architectural work may be granted for any calendar year.

(5) An individual acquiring supervised experience in architectural work under this section for the purpose of satisfying the requirements of s. 443.03 (1) (b), Stats., may use the title "architectural intern."

History: Cr Register, February, 1987, No 374, eff 3-1-87; r and recr Register, November, 1990, No 419, eff 1-1-93; am, cr (2) to (4), Register, January, 1993, No 445, eff 2-1-93; r Figure, Register, January, 1999, No 517, eff 2-1-99; CR 02-111: cr (5) Register May 2003 No 569, eff 6-1-03

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

(2) The architect section shall approve all curricula in architecture that are accredited by the national architectural accrediting board (NAAB).

(3) Each 45 quarter hours or 30 semester hours of credit earned is equivalent to one year of work experience. The maximum equivalent that may be obtained is set forth in the table in figure 3.04 (3).

Figure 3.04 (3)
Table of Education and Experience Equivalents for Architects

Education	Maximum Experience Equivalent
Architectural Degree [Accredited by the National Architectural Accrediting Board (NAAB) — U005D]	5 years
Planning, Architectural Engineering, Structural Engineering or Non-Accredited Architectural Studies Degree	4 years
Courses in NAAB Accredited Architecture Program Without Degree	4 years
Planning, Architectural Engineering, Structural Engineering or Non-Accredited Architectural Studies Courses Without Degree	3 years
Other Bachelor Degrees	3 years
Other Courses Without Degrees	2 years
NAAB Accredited Master of Architecture Degree Subsequent to Accredited Bachelor of Architectural Degree	Considered as 1/2 year

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

A-E 3.05 Examination. (1) ARCHITECT EXAMINATION REQUIRED An applicant for registration as an architect, unless applying under s. 443.10 (1), Stats., shall successfully complete an examination on architectural services which measures the knowledge and skills necessary to competently practice architecture. The examination shall test the following architectural services and service elements:

- (a) *Pre-design.*
 1. Design objectives.
 2. Space requirements.
 3. Space relations.
 4. Flexibility and expansibility.
 5. Site requirements.
- (b) *Site design.*
 1. Land utilization.
 2. Structures placement.
 3. Form relationships.
 4. Movement, circulation and parking.
 5. Utility systems.

6. Surface and subsurface conditions.
 7. Ecological requirements.
 8. Deeds, zoning and construction.
 9. Topography and relations to surrounding.
 10. Architectural management and coordination.
 11. Cost.
- (c) *Building design.* 1. Building sections, elevations and plans.
2. Selections and layout of building systems.
 3. Structural considerations.
 4. Mechanical considerations.
 5. Electrical considerations.
 6. Civil considerations.
 7. Interior considerations.
 8. Design documentation.
- (d) *Building systems.* 1. Structural systems.
2. Lateral forces.
 3. Mechanical, electrical and plumbing.
 4. Miscellaneous systems.
 5. Materials and methods.
 6. Coordination.
 7. Cost consideration.
- (e) *Construction documents and services.* 1. Architectural drawings.
2. Structural drawings.
 3. Interior drawings.
 4. Specifications.
 5. Cost estimates.
 6. Bidding documents.
 7. Organization and handling bids.
 8. Bids evaluation.
 9. Coordination and management.
 10. Construction administration in office.
 11. Construction administration in field.
 12. Field tests.
 13. Quotation requests and change orders.
 14. Construction cost accounting.
 15. Project close-out.

(2) REQUIREMENTS FOR ENTRANCE TO THE EXAMINATION To be eligible to take a scheduled examination, the applicant shall submit documentation certifying he or she has all but one year of academic credit and qualifying architectural experience, as specified in s. 443.03 (1) (b) 1., Stats., or all but one year of qualifying architectural experience, as specified in s. 443.03 (1) (b) 2., Stats., or graduated from a national architectural accrediting board accredited degree program and obtained a national council of architectural registration boards established intern development program training record.

(3) APPLICATION FOR EXAMINATION An application for examination shall 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) GRADING The passing scores set by the board represent the minimum competency required to protect public health and safety.

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

(6) EXAMINATION AND REFUND FEES The fee for an architect examination and requirements for refund of fees are specified in s. 440.05, Stats., and ch. SPS 4.

(7) RE-EXAMINATION PROCEDURE An applicant who began the examination procedure in or after June of 1983 for an architect 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. The board shall determine which parts of a current examination are equivalent to the examination parts failed by an applicant.

(8) EXAMINATION REVIEW (a) *One-year limitation.* An applicant for an architect 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.

Note: Subsection (8) was invalidated by the repeal of s. 443.09 (6), Stats., in 2009 Wis Act 350 and will be removed in future rule-making by the Board

(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 (2) and (7), Register, January, 1993, No 445, eff 2-1-93; am (8) (b), Register, March, 1996, No 483, eff 4-1-96; am (8) (a), Register, October, 1996, No 490, eff 11-1-96; am (4), cr (9), Register, January, 1999, No 517, eff 2-1-99; CR 09-079; am (2) Register June 2010 No 654, eff 7-1-10; correction in (6) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

A-E 3.06 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 at least 5 individuals having personal knowledge of the applicant's experience in the practice of architecture, 3 of whom are registered architects.

(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 experience that may be required by the architect section.

History: Cr Register, January, 1993, No 445, eff 2-1-93; am (intro) to (3), Register, January, 1999, No 517, eff 2-1-99

Chapter A-E 4

PROFESSIONAL ENGINEER REGISTRATION

A-E 4 01	Authority and purpose	A-E 4 06	Education as an experience equivalent for registration
A-E 4 02	Application for registration	A-E 4 07	Engineer-in-training
A-E 4 03	Engineering experience	A-E 4 08	Examinations
A-E 4 04	Experience credit limitation	A-E 4 09	Application contents
A-E 4 05	Requirements for registration as a professional engineer		

Note: Chapter A-E 4 as it existed on February 28, 1987 was repealed and a new chapter A-E 4 was created effective March 1, 1987

A-E 4.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11, 443.04, 443.05, 443.09 and 443.10, Stats. The purpose of rules in this chapter is to interpret basic education, experience and examination requirements for registration as a professional engineer as specified in ss. 443.04, 443.05, 443.09 and 443.10, Stats.

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

A-E 4.02 Application for registration. An 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 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, May, 1990, No 413, eff 6-1-90; am Register, January, 1999, No 517, eff 2-1-99

A-E 4.03 Engineering experience. To qualify as satisfactory experience in engineering work for the purpose of meeting requirements of s. 443.04, Stats., an applicant's experience shall include the application of engineering principles and data and shall demonstrate an applicant's progressive development of competence to do engineering work. The experience shall be acquired in the areas of engineering practice listed in subs. (1) to (7) or in other areas of engineering practice or academic course work which in the opinion of the board provides the applicant with a knowledge of engineering principles and data at least equivalent to that which would be acquired by experience in the areas of practice listed. Experience in all areas listed is not required.

(1) RESEARCH AND DEVELOPMENT (a) Problem identification, including consideration of alternative approaches to problem solving.

(b) Planning, including selecting a theoretical or experimental approach.

(c) Execution of plan, including completing design calculations.

(d) Interpreting and reporting results, including all of the following:

1. Evaluating project feasibility studies.
2. Analyzing research and development data.
3. Producing interpretive reports.
4. Formulating conclusions and recommendations.
5. Producing final reports.

(2) DESIGN (a) Problem identification, including all of the following:

1. Identifying design objectives.
2. Identifying possible design concepts or methods.
3. Selecting methods to be employed in consideration of aesthetics, cost and reliability.
4. Defining performance specifications and functional requirements such as materials, energy balances and environmental considerations.
5. Formulating conceptual design specifications.

6. Defining physical properties of all key materials.

(b) Planning, including defining safety, health and environmental constraints.

(c) Execution of plan, including all of the following:

1. Developing design concepts.
2. Conducting feasibility studies.
3. Evaluating design and design methods.
4. Solving design problems.
5. Preparing designs, layouts and models.
6. Selecting materials and components.
7. Conducting value analysis of design.
8. Producing final designs.
9. Preparing supporting technical information.
10. Preparing detailed working drawings.
11. Preparing specifications and data sheets.

12. Interacting with engineers from other areas of work such as research and development and construction.

(d) Interpreting and reporting results, including all of the following:

1. Evaluating design for conformity to specifications.
2. Evaluating design solutions for efficiency, economic and technical feasibility and economic alternatives.
3. Evaluating design impact on public health, safety and welfare.
4. Evaluating design solution for adherence to laws and codes.
5. Evaluating product liability risk.
6. Reviewing designs with clients or management.
7. Preparing final reports.

(e) Implementation of results, including interacting with engineers from other disciplines of engineering.

(3) CONSTRUCTION (a) Problem identification, including checking working drawings and specifications.

(b) Execution of plan, including all of the following:

1. Consulting with designers.
2. Identifying and requesting design changes.

(4) MANUFACTURING, PRODUCTION AND OPERATIONS (a) Planning, including all of the following:

1. Proposing design or methods improvement.
2. Planning operational processes and strategies.

(b) Execution of plan, including all of the following:

1. Preparing equipment, system and process specifications.
2. Determining feasibility of new or improved products, systems and processes.

(c) Interpreting and reporting results, including preparing final reports.

(5) MAINTENANCE (a) Problem identification, including determining causes of failures in equipment, structures or schedules.

(b) Interpreting and reporting results, including reporting the causes of failures in equipment, structures or schedules.

(6) ADMINISTRATION Administration and management, including execution of plan by communicating with others.

(7) OTHER ENGINEERING TASKS (a) Conducting systems analysis or operations research.

(b) Serving as a consultant or specialist to individual or business clients.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am (1) (a) to (d) 4, (2) (a) (intro) to 5, (b) to (c) 11, (d) (intro) to 6, (e), (3) to (7) (a), Register, January, 1999, No 517, eff 2-1-99

A-E 4.04 Experience credit limitation. Not more than one year of satisfactory experience credit may be granted for any calendar year.

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

A-E 4.05 Requirements for registration as a professional engineer. (1) Requirements for registration under s. 443.04 (1) (a), Stats., are as follows:

(a) A bachelor of science degree from a school or college of engineering accredited by the engineering accreditation commission of the accreditation board for engineering and technology (EAC/ABET) in an engineering course of not less than 4 years, or a diploma of graduation in an engineering course of not less than 4 years deemed by the board to be equivalent to a B.S. degree in engineering from an EAC/ABET accredited school or college of engineering.

(b) Not less than 4 years of experience within the 10 years preceding the application in engineering work of a character satisfactory to the board indicating that the applicant is competent to practice engineering. Experience gained in obtaining a master's degree in engineering and experience gained in obtaining a Ph.D. in engineering or in an engineering related program shall each be deemed equivalent to one year of qualifying experience.

(c) Successful completion of the fundamentals of engineering examination and the principles and practice of engineering examination.

Note: Section 443 04 (1) (a), Stats., was renumbered to s 443 04 (1m), Stats., and amended by 2009 Wis Act 350 Subsection (1) will be modified accordingly in future rule-making by the Board

(2) Requirements for registration under s. 443.04 (1) (b), Stats., are as follows:

(a) A specific record of 8 or more years of experience within the 10 years preceding the application in engineering work of a character satisfactory to the board indicating that the applicant is competent to be placed in responsible charge of the work, or a combination of engineering experience and equivalent education totaling 8 years.

(b) Successful completion of the fundamentals of engineering and the principles and practice of engineering examination.

Note: Section 443 04 (1) (b), Stats., was renumbered to s 443 04 (2m) (a), Stats., and amended by 2009 Wis Act 350 Subsection (2) will be modified accordingly in future rule-making by the Board

(3) Requirements for registration under s. 443.04 (1) (c), Stats., are as follows:

(a) A specific record of not less than 12 years experience within the 15 years preceding the application in engineering work of a character satisfactory to the board indicating that the applicant is competent to practice engineering, or a combination of experience and equivalent education totaling 12 years.

(b) Submission of documentary evidence establishing to the satisfaction of the board that the applicant has acquired by practical experience or professional education sufficient knowledge of mathematics, the physical sciences and the principles of engineering to competently practice engineering.

(c) Successful completion of the principles and practice of engineering examination.

Note: Subsection (3) was invalidated by the repeal of s 443 04 (1) (c), Stats., in 2009 Wis Act 350 and will be removed in future rule-making by the Board

(4) Requirements for registration under s. 443.04 (1) (d), Stats., are as follows:

(a) A bachelor of science degree from a school or college of engineering accredited by the engineering accreditation commission of the accreditation board for engineering and technology (EAC/ABET) in an engineering course of not less than 4 years, or a diploma of graduation in an engineering course of not less than 4 years deemed by the board to be equivalent to a B.S. degree in engineering from an EAC/ABET accredited school or college of engineering.

(b) Not less than 8 years of experience in engineering work within the 10 years preceding application of a character satisfactory to the board indicating that the applicant is competent to practice engineering. Experience gained in obtaining a master's degree in engineering and experience gained in obtaining a Ph.D. in engineering or in an engineering related program shall each be deemed equivalent to one year of qualifying experience.

(c) Submission of a statement describing provisions of Wisconsin law which govern the practice of engineering.

(d) Submission of evidence that the applicant has had at least 6 months of engineering experience in Wisconsin or has had sufficient contacts with this state to make the applicant familiar with Wisconsin engineering law and practice.

Note: Subsection (4) was invalidated by the repeal of s 443 04 (1) (d), Stats., in 2009 Wis Act 350 and will be removed in future rule-making by the Board

(5) If an engineering degree is from an international educational institution, the applicant shall provide an official evaluation by a transcript evaluation service acceptable to the board which shows that the degree is equivalent to a B.S. or higher degree in an engineering program accredited by the engineering accreditation commission of the accreditation board for engineering and technology. The board may approve the degree if it finds equivalence.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am (1), cr (3) and (4), Register, January, 1993, No 445, eff 2-1-93; r and recr Register, March, 1996, No 483, eff 4-1-96; am (1) (b), (2) (a), (3) (a) and (4) (b), Register, November, 2000, No 539, eff 12-1-00; CR 04-119; am (1) (c), (2) (b), (3) (c) and (4) (c) Register December 2005 No 600, eff 1-1-06

A-E 4.06 Education as an experience equivalent for registration. For the purpose of meeting experience requirements for registration as a professional engineer under s. 443.04 (1) (b) and (c), Stats., an applicant may claim education as equivalent to experience as follows:

Note: 2009 Wis Act 350 repealed s 443 04 (1) (c), Stats., and renumbered and amended s 443 04 (1) (b), Stats., to be s 443 04 (2m) (a), Stats. This section will be modified accordingly in future rule-making by the Board

(1) Completion of each year of engineering coursework at a school or college of engineering accredited by the engineering accreditation commission of the accreditation board for engineering and technology (EAC/ABET) in an engineering program of not less than 4 years, or completion of each year of engineering coursework at a school or college of engineering in an engineering program of not less than 4 years deemed by the board to be equivalent to an EAC/ABET accredited school or college of engineering program, shall be deemed equivalent to one year of qualifying experience.

(2) Completion of each year of engineering coursework at a school or college of engineering in an engineering program of not less than 4 years deemed by the board not to be equivalent to an EAC/ABET accredited school or college of engineering shall be deemed equivalent to not more than 7/8 of one year of qualifying experience.

(3) Completion of each year of coursework in engineering technology at a school or college of engineering technology accredited by the technology accrediting commission of the accreditation board for engineering and technology in an engineering technology program of not less than 4 years shall be deemed equivalent to 3/4 of one year of qualifying experience.

(4) Completion of each year of coursework in engineering technology at a school or college of engineering technology not accredited by the technology accreditation commission of the

accreditation board for engineering and technology in an engineering technology program of not less than 4 years shall be deemed equivalent to not more than 2/3 of one year of qualifying experience.

(5) Completion of each year of coursework leading to a B.S. degree in engineering related sciences, including but not limited to physics, mathematics and chemistry, from a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located shall be deemed equivalent to 3/4 of one year of qualifying experience.

(6) Completion of each year of coursework leading to a B.S. degree in areas other than engineering or engineering related sciences from a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located shall be deemed to be equivalent to not more than 1/2 of one year of qualifying experience.

(7) Engineering experience gained in a cooperative educational program shall be evaluated on an individual basis but may not be deemed to be equivalent to more than a total of one year of qualifying experience. To obtain equivalent work experience credit, an applicant shall submit a record of work completed in the cooperative educational program with the application for registration. The engineering section shall determine the amount of equivalent experience awarded by evaluating the record of work completed using the criteria in s. A-E 4.03.

History: Cr Register, February, 1987, No 374, eff 3-1-87; r. and recr Register, March, 1996, No 483, eff 4-1-96

A-E 4.07 Engineer-in-training. An applicant for certification as an engineer-in-training shall take and pass a fundamentals examination.

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

A-E 4.08 Examinations. (1) SCOPE OF WRITTEN EXAMINATIONS (a) The fundamentals examination requires an understanding of the physical and mathematical sciences involved in the fundamentals of engineering.

(b) The principles and practice examination requires the ability to apply engineering principles and judgment to problems in general engineering fields such as chemical, civil, electrical and mechanical fields.

(2) REQUIREMENTS FOR ENTRANCE TO EXAMINATIONS (a) To be eligible to take the examination on fundamentals of engineering, the applicant shall:

1. Be of not less than senior standing in an accredited B.S. engineering program;
2. Have at least 4 years of engineering experience qualifying under s. A-E 4.03; or
3. Have a combination of engineering experience qualifying under s. A-E 4.03 and education qualifying under s. A-E 4.05 totalling at least 4 years.

(b) To be eligible to take the examination on the principles and practices of engineering, the applicant shall:

1. Have a B.S. degree from an accredited engineering program, and at least 4 years of engineering experience qualifying under s. A-E 4.03;
2. Have at least 8 years of engineering experience qualifying under s. A-E 4.03; or
3. Have a combination of engineering experience qualifying under s. A-E 4.03 and education qualifying under s. A-E 4.05 totalling at least 8 years.

Note: Subsection (2) was affected by the repeal of s 443 04 (1) (c) and (d), Stats., in 2009 Wis Act 350 and will be revised in future rule-making by the Board

(3) APPLICATION FOR EXAMINATION An application for examination must be filed with the board no later than 90 days before the scheduled date for the examination. An applicant applying for reexamination shall file the application for reexamination no later than 45 days before the scheduled date for the next examination.

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

(4) EXAMINATION AND REFUND FEES The fee for an engineer-in-training or professional engineer examination and requirements for refund of fees are specified in s. 440.05, Stats., and ch. SPS 4.

(5) PLACE AND TIME OF EXAMINATIONS The examinations shall be held at sites and on dates designated 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. Experience ratings may not be weighed as a part of the examinations.

(7) EXAMINATION REVIEW (a) *One-year limitation.* An applicant for an engineer 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.

Note: Subsection (7) was invalidated by the repeal of s 443 09 (6), Stats., in 2009 Wis Act 350 and will be removed in future rule-making by the Board

(8) 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) (b), Register, May, 1990, No 413, eff 6-1-90; r and recr (2), Register, June, 1993, No 450, eff 10-1-93; am (1) (b) and (c), Register, December, 1993, No 456, eff 1-1-94; am (3), Register, August, 1995, No 476, eff 9-1-95; am (7) (b), Register, March, 1996, No 483, eff 4-1-96; am (7) (a), Register, October, 1996, No 490, eff 11-1-96; am (1) (a), (3) and (6), cr (8), Register, January, 1999, No 517, eff 2-1-99; CR 04-119; r (1) (c) Register December 2005 No 600, eff 1-1-06; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

A-E 4.09 Application contents. (1) An application for initial registration shall include all of the following:

- (a) Transcripts or apprenticeship records verifying the applicant's education and training.
- (b) References from at least 5 individuals having personal knowledge of the applicant's experience in professional engineering, 3 or more of whom are registered professional engineers.
- (c) A chronological history of the applicant's employment.
- (d) Any additional data, exhibits or references showing the extent and quality of the applicant's experience that may be required by the professional engineer section.

(2) An application for registration by comity from another state shall include all of the following:

- (a) Verification of registration submitted directly from all states, territories or provinces of Canada where the applicant is or has been registered, including a statement regarding any disciplinary action taken.
- (b) Any additional data, exhibits or references showing the extent and quality of the applicant's experience that may be required by the section.

History: Cr Register, January, 1993, No 445, eff 2-1-93; am Register, January, 1999, No 517, eff 2-1-99; CR 03-087: renum (intro) and (1) to (4) to be (1) (intro), (a) to (d) and am (1) (intro) and (b), cr (2) Register May 2005 No 593, eff 6-1-05

Chapter A-E 5

DESIGNER PERMIT

A-E 5 01	Authority and purpose
A-E 5 02	Application for permit
A-E 5 03	General experience requirement

A-E 5 04	Examination
A-E 5 05	Application contents
A-E 5 06	Designer permit limitation

Note: Chapter A-E 5 as it existed on February 28, 1987, was repealed and a new chapter A-E 5 was created effective March 1, 1987

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 as specified in s. 443.07, Stats.

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

A-E 5.02 Application for permit. 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 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 from other areas of work.
 10. Consultation with contractors, suppliers and installers.
 11. Inspection of purchased equipment and materials for conformity 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 built" 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 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 and preparing specifications.
 4. Administrative code and other relevant Wisconsin laws.
- (b) The examination for a permit 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.

(c) The examination for a permit 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 systems.
2. Gaseous distribution systems, including processing piping, oxygen, air and other gases, heating and utilities.

(d) The examination for a permit in the subfield of private sewage systems as defined in s. 145.01 (12), Stats., requires an applicant to demonstrate competency in:

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 as a designer of engineering 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 examination and requirements for refund of fees are specified in s. 440.05, Stats., and ch. SPS 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 at no charge from the Office of Examinations, Department of Safety and Professional Services, 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).

Note: Subsection (8) was invalidated by the repeal of s. 443.09 (6), Stats., in 2009 Wis Act 350 and will be removed in future rule-making by the Board

(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; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

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 designer.

(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 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 permit limitation. (1) Design services which may be performed by designers are the preparation of plans and specifications, consultation, investigation and evaluation in connection with the preparation of plans and specifications in those fields and subfield set forth in sub. (2).

(2) Permits for the design of engineering systems shall be issued in the following fields and subfield:

(a) The field of heating, ventilation and air conditioning systems.

(b) The field of plumbing systems.

(c) The subfield of private sewage systems.

- (d) The field of electrical systems.
- (e) The field of fire protection systems.
- (3)** Permit numbers shall designate the fields or subfield to which permits are restricted.
- (4)** Designers may not perform design services in those fields or subfield for which they do not hold a permit, unless the designer 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 sys-

tems 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

Chapter A–E 6

LAND SURVEYOR REGISTRATION

A–E 6 01	Authority and purpose
A–E 6 02	Application for registration
A–E 6 03	Land surveying experience
A–E 6 04	Educational requirements for land surveyors

A–E 6 05	Examination
A–E 6 06	Application contents
A–E 6 07	Temporary permits

A–E 6.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11, 443.01 (4) and 443.06, Stats. The purpose of rules in this chapter is to interpret basic education, experience and examination requirements for registration as a land surveyor as specified in s. 443.06, Stats.

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

A–E 6.02 Application for registration. 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 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 6.03 Land surveying experience. (1) To qualify as “practice in land surveying work of a satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work” under s. 443.06, Stats., the experience of an applicant shall be in areas of land surveying practice designated under pars. (a) and (b), or other areas which, in the opinion of the board, provide the applicant with knowledge of practice of land surveying at least equivalent to that which is generally acquired by experience in the areas listed. An applicant need not have experience in all areas listed below. However, all applicants shall have experience in the areas listed in par. (a) 1. and 2. Academic coursework which provides the applicant with knowledge and skills in some areas of practice listed in pars. (a) and (b) may be claimed as equivalent to experience.

(a) At least two-thirds of an applicant’s experience shall be acquired in all of the following:

1. Locating land boundaries and land boundary corners including all of the following services:
 - a. Researching public and private records and interpreting legal descriptions, deeds, and survey maps.
 - b. Locating lost and obliterated corners and United States public land survey system corners and reestablishing or perpetuating monuments of the corners.
 - c. Establishing, reestablishing and perpetuating survey monuments.
 - d. Subdividing sections.
 - e. Establishing or retracing property lines to determine length and bearing.
 - f. Reestablishing obliterated property lines.
 - g. Preparing descriptions of real property from data acquired by field measurements and other evidence of property location.
 - h. Conducting resurveys.
2. Preparing maps including all of the following:
 - a. Maps of sections or portions of sections or townships as established by the original public land survey and subdivisions of those sections in accordance with the statutes of the United States and the rules and regulations made by the secretary of the interior in conformity thereto.

b. Subdivision plats prepared in accordance with the Wisconsin statutes or local ordinances.

c. Certified survey maps prepared in accordance with the Wisconsin statutes or local ordinances.

e. Official plats or maps of land in this state in accordance with ch. A–E 7.

(b) Not more than one-third of an applicant’s experience may be acquired in:

1. Preparing highway and railroad rights-of-way maps.
2. Construction staking for highways, roads, streets or similar projects within the boundaries of established rights-of-way.
3. Performing topographic surveys.
4. Developing control networks for aerial photography unless property lines are used for control.
5. Performing new building layout or construction surveys.
6. Transportation project plats in accordance with s. 84.095, Stats., and ss. Trans 233.03 and 233.04.
7. Condominium plats prepared in accordance with s. 703.11, Stats.

(2) Not more than one year of satisfactory experience credit may be granted for any calendar year.

History: Cr Register, February, 1987, No 374, eff 3–1–87; am (1) (a) (intro) to 1 h, 2 (intro) to c and (b) 1 to 4, Register, January, 1999, No 517, eff 2–1–99; CR 06–057: am (1) (a) 1 a, b, c, and g, and 2 e, r (1) (a) 1 i and 2 d, cr (1) (b) 6 and 7, Register May 2007 No 617, eff 6–1–07; CR 09–030: am (1) (a) 2 e and (b) 7 Register December 2009 No 648, eff 1–1–10

A–E 6.04 Educational requirements for land surveyors. (1) To meet the educational requirements of s. 443.06 (2) (a) and (bm), Stats., an applicant for registration as a land surveyor shall have satisfactorily completed at least 60 semester credits in a civil engineering or land surveying curriculum including no less than 12 semester credits in land surveying which shall be in the following categories of study:

(a) No less than 8 of the 12 credits may be in courses concentrating on the legal principles of land surveying and the technical aspects of land surveying. These courses shall include areas of study such as research of public and private records, principles of evidence and the interpretation of written documents used in boundary determination, the study of the legal elements of land surveying including those involving resurveys, boundary disputes, defective descriptions, riparian rights and adverse possession, the study of the professional and judicial functions of a land surveyor, the study of surveying methods for measuring distance and angular values, note keeping, computation and writing descriptions and the study of the Wisconsin Statutes and local ordinances relating to the preparation of subdivision maps and plats.

(b) No more than 4 credits may be in courses related to land surveying such as “engineering surveying,” “municipal surveying,” “route surveying,” “highway surveying,” “topographic surveying,” “geodetic surveying,” “photogrammetry,” “cartography,” “construction surveying,” “air photo interpretation,” “artillery surveying,” “geographic information systems,” “land information systems” and remote sensing systems.”

(2) To meet the educational requirements of s. 443.06 (2) (am), Stats., an applicant for registration as a land surveyor shall have done either of the following:

(a) Received a bachelor's degree in a course of study in land surveying of not less than 4 years duration from a college or university accredited by a regional accrediting agency approved by the state where the college or university is located; or

(b) Received a bachelor's degree in civil engineering of not less than 4 years duration from a college or university accredited by a regional accrediting agency approved by the state where the college or university is located. The curriculum shall include no less than 16 of 24 semester credits in courses concentrating on the legal principles of land surveying and the technical aspects of land surveying. These courses shall include areas of study such as research of public and private records, principles of evidence and the interpretation of written documents used in boundary determination, the study of the legal elements of land surveying including those involving resurveys, boundary disputes, defective descriptions, riparian rights and adverse possession, the study of the professional and judicial functions of a land surveyor, the study of surveying methods for measuring distance and angular values, note keeping, computation and writing descriptions and the study of the Wisconsin statutes and local ordinances relating to the preparation of subdivision maps and plats, other land divisions and real property creation. The applicant may be allowed to receive up to 8 credits in certain other courses relating to surveying. These courses may include "engineering surveying," "municipal surveying," "route surveying," "highway surveying," "topographic surveying," "geodetic surveying," "photogrammetry," "cartography," "construction surveying," "air photo interpretation," "artillery surveying," "geographic information systems," "land information systems" and "remote sensing systems."

History: Cr Register, February, 1987, No 374, eff 3-1-87; am (intro), Register, January, 1999, No 517, eff 2-1-99; renum (intro), (1) and (2) to be (1) (intro), (a) and (b) and am (1) (intro), cr (2), Register, November, 2000, No 539, eff 12-1-00; CR 01-092: am (2) (b) Register June 2002 No 558, eff 7-1-03; CR 06-057: am (1) (b) and (2) (b), Register May 2007 No 617, eff 6-1-07

A-E 6.05 Examination. (1) LAND SURVEYOR EXAMINATION REQUIRED Applicants for registration as a land surveyor shall take and pass an examination. The examination parts are the national fundamentals of surveying examination, the national principles and practice of surveying examination and the state jurisdictional examination, which is relative to Wisconsin specific practice. Each of the 3 required examinations is scored separately.

(2) **SCOPE OF WRITTEN EXAMINATION** (a) The fundamentals of land surveying examination requires an understanding of mathematics, physics, surveying methods for measuring horizontal, vertical and angular values, topographic and photogrammetric mapping, notekeeping, property surveys, computations, descriptions and plats.

(b) The national principles and practice examination and the state jurisdictional examination require an ability to apply principles and judgment to problems involving the U.S. system of public land surveys, Wisconsin plane coordinate surveys, the relocation of lost and obliterated corners, the legal essentials of resurveys, disputed boundaries, defective deed descriptions, riparian rights, adverse possession, the Wisconsin statutes relating to land surveying including the preparation and filing of plats, the writing and interpreting of land descriptions, the technical essentials of land surveying and subdivision of lands including practical problems requiring a knowledge of the basic theory and fundamental concepts of field astronomy, geometry of curves, topography and photogrammetry.

(3) **REQUIREMENTS FOR ENTRANCE TO EXAMINATIONS** (a) Prior to July 1, 2000, to be eligible to take the "fundamentals of land surveying" examination, an applicant shall have complied with s. A-E 6.04 (1), or have at least 4 years of practice in land surveying,

or a combination of work and training in a course in land surveying and practice in land surveying which totals at least 4 years.

(b) Prior to July 1, 2000, to be eligible to take the "principles and practice of land surveying" examination, an applicant shall have complied with s. A-E 6.04 (1) and have at least 2 years of approved practice in land surveying, or have at least 5 years of approved practice in land surveying, or a combination of at least 5 years of approved work and training in a course in land surveying and practice in land surveying.

(c) After June 30, 2000, to be eligible to take the "fundamentals of land surveying" examination, an applicant shall have done one of the following:

1. Complied with s. A-E 6.04 (2).

2. Complied with s. A-E 6.04 (1).

3. Have at least 5 years of practice in land surveying, or a combination of work and training in a course in land surveying and practice in land surveying which totals at least 5 years.

4. Have completed an apprenticeship training course in land surveying prescribed by the department of workforce development, and engaged in a period of additional land surveying of a satisfactory character that, when added to the period of apprenticeship, totals at least 6 years of land surveying practice.

(d) After June 30, 2000, to be eligible to take the "principles and practice of land surveying" examination, an applicant shall have done one of the following:

1. Complied with s. A-E 6.04 (2) and have at least one year of approved practice in land surveying.

2. Complied with s. A-E 6.04 (1) and have at least 3 years of approved practice in land surveying.

3. Have at least 9 years of approved practice in land surveying, or a combination of at least 9 years of approved work and training in a course in land surveying and practice in land surveying.

4. Have completed an apprenticeship training course in land surveying prescribed by the department of workforce development, and engaged in a period of additional land surveying of a satisfactory character that, when added to the period of apprenticeship, totals at least 7 years of land surveying practice.

(4) **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

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

(6) **EXAMINATION AND REFUND FEES** The fee for land surveyor examinations and requirements for refund of fees are specified in s. 440.05, Stats., and ch. SPS 4.

(7) **EXAMINATION GRADING** The passing scores set by the board represent the minimum competency required to protect public health and safety. Experience rating may not be weighed as part of the examination grade.

(8) **REEXAMINATION PROCEDURE** An applicant for a land surveyor 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 at no charge from the Office of Examinations, Department of Safety and Professional Services, 1400 East Washington Avenue, PO Box 8935, Madison, WI 53708

(9) EXAMINATION REVIEW (a) One-year limitation. An applicant for a land surveyor 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. (8).

Note: Subsection (9) was invalidated by the repeal of s. 443.09 (6), Stats., and will be removed in future rule-making by the Board

(10) 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) and (6), Register, January, 1993, No 445, eff 2-1-93; am (8), Register, June, 1994, No 462, eff 7-1-94; am (9) (b), Register, March, 1996, No 483, eff 4-1-96; am (9) (a), Register, October, 1996, No 490, eff 11-1-96; rn (7) (a) to be (7) and am., r (7) (b), cr (10), Register, January, 1999, No 517, eff 2-1-99; am (1), (3) (a) and (b), cr (3) (c) and (d), Register, November, 2000, No 539, eff 12-1-00; CR 04-118: am (1) and (2) (b) Register December 2005 No 600, eff 1-1-06; **correction in (6) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.**

A-E 6.06 Application contents. An application for registration shall include all of the following:

- (1) Transcripts verifying the applicant's education.
- (2) References from at least 5 individuals having personal knowledge of the applicant's experience in land surveying, 3 of whom are registered land surveyors.

(3) A chronological history of the applicant's employment.

(4) Any additional data, exhibits or references indicating the extent and quality of the applicant's experience which the land surveyor section may require.

History: Cr Register, February, 1987, No 374, eff 3-1-87; renum and am (2), Register, January, 1993, No 445, eff 2-1-93; correction made under s. 13.93, (2m) (b) 1, Stats., Register, March, 1993, No 447; am (intro) to (3), Register, January, 1999, No 517, eff 2-1-99

A-E 6.07 Temporary permits. (1) An applicant for registration to practice land surveying in this state who has paid the required fee and who holds an unexpired certificate of registration as a land surveyor in another state with requirements for registration which, in the opinion of the land surveyor section, are substantially equivalent to the requirements for registration in this state may be granted a temporary permit to practice land surveying pending the applicant's completion of the state jurisdictional examination.

(2) Subject to sub. (3), a temporary permit granted under this section expires on the date of the next scheduled state jurisdictional examination if the applicant fails to appear for the examination. If the applicant appears for the examination, a temporary permit granted under this section expires on the date upon which the applicant is notified that he or she has passed or failed the state jurisdictional examination.

(3) The section may grant an extension of the temporary permit if the applicant is prevented by exigent circumstances from sitting for the next regularly scheduled examination, and may in those circumstances permit the applicant to sit for the examination on a date other than the date of the regularly scheduled examination.

(4) The temporary permit is revocable by the section at its pleasure, pursuant to s. 443.06 (3), Stats.

History: CR 02-090: cr Register December 2002 No 564, eff 1-1-03; CR 04-118: am (1) and (2) Register December 2005 No 600, eff 1-1-06

Chapter A-E 7

MINIMUM STANDARDS FOR PROPERTY SURVEYS

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A-E 7 02	Property survey, definition
A-E 7 03	Boundary location
A-E 7 04	Descriptions

A-E 7 05	Maps
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A-E 7 07	Monuments
A-E 7 08	U S public land survey monument record

A-E 7.01 Scope. The minimum standards of this chapter apply to every property survey performed in this state except:

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

(2) The land surveyor and his or her client or employer may agree in a signed statement to exclude any land surveying work from the requirements of this chapter except the preparation of a U.S. public land survey monument record and a map of work performed. The map prepared by the land surveyor for the client or employer shall include:

(a) A note which states that an agreement to exclude work from the requirements of this chapter has been made and the names of the parties making the agreement.

(b) The accuracy of linear measurements between points, if the minimum accuracy established by s. A-E 7.06 (2) has been waived.

(c) The difference between the sum of the individual measured angles and the theoretical sum, and the difference between the sum of the total measured angles and the theoretical sum, if the minimum accuracy established by s. A-E 7.06 (3) has been waived.

(d) The latitude and departure closure ratio of any closed traverse, if the minimum accuracy established by s. A-E 7.06 (4) has been waived.

(e) Dimensional accuracy of bearings, angles and distances as shown on the map, if the minimum accuracy established by s. A-E 7.06 (5) has been waived.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am (2), Register, May, 1989, No 401, eff 6-1-89; am (2), cr (2) (a) to (e), Register, December, 1993, No 456, eff 1-1-94

A-E 7.02 Property survey, definition. In this chapter, "property survey" means any land surveying which includes as one of its principal purposes describing, monumenting, locating the boundary lines of or mapping one or more parcels of land. The term includes the restoration, perpetuation or reestablishment of a U.S. public survey corner.

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

A-E 7.03 Boundary location. Every property survey shall be made in accordance with the records of the register of deeds as nearly as is practicable. The surveyor shall acquire data necessary to retrace record title boundaries such as deeds, maps, certificates of title and center line and other boundary line locations. The surveyor shall analyze the data and make a careful determination of the position of the boundaries of the parcel being surveyed. The surveyor shall make a field survey, traversing and connecting monuments necessary for location of the parcel and coordinate the facts of the survey with the analysis. The surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners.

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

A-E 7.04 Descriptions. Descriptions defining land boundaries written for conveyance or other purposes shall be complete, providing unequivocal identification of lines or boundaries. The description shall contain necessary ties to adjoining together with data and dimensions sufficient to enable the description to be mapped and retraced and shall describe the land surveyed by government lot, recorded private claim, quarter-quarter section, section, township, range and county and by metes and bounds commencing with some corner marked and established by the U.S. public land survey; or, if the land is located in a recorded subdivision, a recorded addition to the subdivision, or recorded certified survey map, then by the number or other description of the lot, block or sub-division of the land which has been previously tied to a corner marked and established by the U.S. public land survey.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am Register, May, 1989, No 401, eff 6-1-89

A-E 7.05 Maps. A map shall be drawn for every property survey showing information developed by the survey. The map shall:

(1) Be drawn to a convenient scale.

(2) Be referenced as provided in s. 59.73 (1), Stats.

(3) Show the exact length and bearing of the boundaries of the parcels surveyed. Where the boundary lines show bearings, lengths or locations which vary from those recorded in deeds, abutting plats, or other instruments there shall be the following note placed along such lines, "recorded as (show recorded bearing, length or location)".

(4) Describe all monuments used for determining the location of the parcel and show by bearing and distance their relationship to the surveyed parcel and indicate whether such monuments were found or placed.

(5) Identify the person for whom the survey was made, the date of the survey, and describe the parcel as provided in s. A-E 7.04.

(6) Bear the stamp or seal and signature of the land surveyor under whose direction and control the survey was made with a statement certifying that the survey is correct to the best of the surveyor's knowledge and belief.

(7) Be filed as required by s. 59.45 (1), Stats.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am (4) and (5), cr (7), Register, May, 1989, No 401, eff 6-1-89; correction in (6) made under s 13 93 (2m) (b) 5, Stats, Register, March, 1993, No 447; am (1) to (5) and (7), Register, January, 1999, No 517, eff 2-1-99

A-E 7.06 Measurements. (1) Measurements shall be made with instruments and methods capable of attaining the required accuracy for the particular problem involved.

(2) The minimum accuracy of linear measurements between points shall be 1 part in 3,000 on all property lines of boundary or interior survey.

(3) In a closed traverse the sum of the measured angles shall agree with the theoretical sum by a difference not greater than 30 seconds per angle, or the sum of the total angles may not differ

from the theoretical sum by more than 120 seconds, whichever is smaller.

(4) Any closed traverse depicted on a property survey map shall have a latitude and departure closure ratio of less than 1 in 3,000.

(5) Bearings or angles on any property survey map shall be shown to the nearest 30 seconds. Distances shall be shown to the nearest 1/100th foot.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am (5), Register, May, 1989, No 401, eff 6-1-89

A-E 7.07 Monuments. The type and position of monuments to be set on any survey shall be determined by the nature of the survey, the permanency required, the nature of the terrain, the cadastral features involved, and the availability of material.

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

A-E 7.08 U.S. public land survey monument record.

(1) **WHEN MONUMENT RECORD REQUIRED** A U.S. public land survey monument record shall be prepared and filed with the county surveyor's office as part of any land survey which includes or requires the perpetuation, restoration, reestablishment or use of a U.S. public land survey corner, and,

(a) There is no U.S. public land survey monument record for the corner on file in the office of the county surveyor or the register of deeds for the county in which the corner is located; or,

(b) The land surveyor who performs the survey accepts a location for the U.S. public land survey corner which differs from that shown on a U.S. public land survey monument record filed in the office of the county surveyor or register of deeds for the county in which the corner is located; or,

(c) The witness ties or U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been destroyed or disturbed.

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

Note: A copy of the board-approved form is available from the Department of Safety and Professional Services, Bureau of Business and Design Professions, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708

(3) **MONUMENT RECORD REQUIREMENTS** A U.S. public land survey monument record shall show the location of the corner and shall include all of the following elements:

(a) The identity of the corner, as referenced to the U.S. public land survey system.

(b) A description of any record evidence, monument evidence, occupational evidence, testimonial evidence or any other material evidence considered by the surveyor, and whether the monument was found or placed.

(c) Reference ties to at least 4 witness monuments. Witness monuments shall be concrete, natural stone, iron, bearing trees or other equally durable material, except wood other than bearing trees

(d) A plan view drawing depicting the relevant monuments and reference ties which is sufficient in detail to enable accurate relocation of the corner monument if the corner monument is disturbed.

(e) A description of any material discrepancy between the location of the corner as restored or reestablished and the location of that corner as previously restored or reestablished.

(f) Whether the corner was restored through acceptance of an obliterated evidence location or a found perpetuated location.

(g) Whether the corner was reestablished through lost-corner-proportionate methods.

(h) The directions and distances to other public land survey corners which were used as evidence or used for proportioning in determining the corner location.

(i) The stamp and signature or seal and signature of the land surveyor under whose direction and control the corner location was determined and a statement certifying that the U.S. public land survey monument record is correct and complete to the best of his or her knowledge and belief.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am (1) and (3) (c), Register, May, 1989, No 401, eff 6-1-89; am (3) (a) to (h), Register, January, 1999, No 517, eff 2-1-99; reprinted to restore dropped copy in (1) (intro) Register November 2007 No 623

Chapter A-E 8

PROFESSIONAL CONDUCT

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A-E 8.01 Authority. The rules of conduct in this chapter are adopted under authority of ss. 15.08 (5) (b), 227.11 and ch. 443, Stats.

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

A-E 8.02 Intent. The intent of the examining board in adopting this chapter is to establish rules of professional conduct for the professions of architecture, landscape architecture, professional engineering, designing and land surveying. A violation of any standard specified in this chapter may result in disciplinary action under ss. 443.11 to 443.13, Stats.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am Register, June, 1995, No 474, eff 7-1-95; am Register, February, 2000, No 530, eff 3-1-00

A-E 8.03 Definitions. In ch. 443, Stats., and chs. A-E 1 to 9:

(1) "Gross negligence in the practice of architecture, landscape architecture, professional engineering, designing or land surveying" means the performance of professional services by an architect, landscape architect, professional engineer, designer or land surveyor which does not comply with an acceptable standard of practice that has a significant relationship to the protection of health, safety or public welfare and is performed in a manner indicating that the professional knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.

(2) "Incompetency in the practice of architecture, landscape architecture, professional engineering, designing or land surveying" means conduct which demonstrates any of the following:

(a) Lack of ability or fitness to discharge the duty owed by an architect, landscape architect, professional engineer, designer or land surveyor to a client or employer or to the public.

(b) Lack of knowledge of the fundamental principles of the profession or an inability to apply fundamental principles of the profession.

(c) Failure to maintain competency in the current practices and methods applicable to the profession.

(3) "Misconduct in the practice of architecture, landscape architecture, professional engineering, designing or land surveying" means an act performed by an architect, landscape architect, professional engineer, designer or land surveyor in the course of the profession which jeopardizes the interest of the public, including any of the following:

(a) Violation of federal or state laws, local ordinances or administrative rules relating to the practice of architecture, landscape architecture, professional engineering, designing or land surveying.

(b) Preparation of deficient plans, drawings, maps, specifications or reports.

(c) Engaging in conduct which evidences a lack of trustworthiness to transact the business required by the profession.

(d) Misrepresentation of qualifications such as education, specialized training or experience.

(4) "Responsible supervision of construction" is defined in s. 443.01 (8), Stats.

(5) (a) "Supervision," "direct supervision," "responsible charge," and "direction and control," mean direct, personal, active supervision and control of the preparation of plans, drawings, documents, specifications, reports, maps, plats and charts.

(b) The terms in par. (a) include the following:

1. Selection or development of standards, methods and materials to be used.

2. Selection of alternatives to be investigated and the comparison of alternatives for the professional work.

3. Testing to evaluate materials or completed works, either in new or existing projects.

4. Knowledge of applicable codes and professional standards.

5. Knowledge of the technical capabilities of the personnel they rely upon to perform the professional work.

(c) The terms in par. (a) do not include the following:

1. Indirect or casual supervision.

2. Delegation of any decision requiring professional judgment.

3. Casual review or inspection of prepared plans, drawings, specifications, maps, plats, charts, reports or other documents.

4. Mere assumption by an architect, landscape architect, professional engineer, designer or land surveyor of responsibility for work without having control of the work.

5. Assuming charge, control or direct supervision of work in which the architect, landscape architect, professional engineer, designer or land surveyor does not have technical proficiency.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am (intro), (1), (2) (intro), (a), (3) (intro), (a), (5) (d) and (e), Register, June, 1995, No 474, eff 7-1-95; am (2) (intro) to (b), (3) (intro) to (c), (5) (intro) to (d), Register, January, 1999, No 517, eff 2-1-99; am (1), (2) (intro) and (a), (3) (intro), (a), (5) (d) and (e), Register, February, 2000, No 530, eff 3-1-00; correction in (intro) made under s 13.93 (2m) (b) 7, Stats, Register December 2005 No 600; CR 09-033: r and recr (5) Register December 2009 No 648, eff 1-1-10

A-E 8.04 Offers to perform services shall be truthful. When offering to perform professional services, an architect, landscape architect, professional engineer, designer or land surveyor:

(1) Shall accurately and truthfully represent to a prospective client or employer the capabilities and qualifications which the registrant has to perform the services to be rendered.

(2) Shall represent the costs and completion times of a proposed project to a client or prospective client as accurately and truthfully as is reasonably possible.

(3) May not offer to perform, nor perform, services which the registrant is not qualified to perform by education or experience without retaining the services of another who is qualified.

(4) May not use advertising or publicity which is fraudulent or deceptive.

(5) May not represent that he or she is engaged in a partnership or association with another unless there exists in fact a partnership or association.

(6) May not collect a fee for recommending the services of another unless written notice is first given to all parties concerned.

(7) May not practice under a firm name that misrepresents the identity of those practicing in the firm or misrepresents the type of services which the individuals, firm or partnership is authorized and qualified to perform.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am (intro), Register, June, 1995, No 474, eff 7-1-95; am (1) to (6), Register, January, 1999, No 517, eff 2-1-99; am (intro), Register, February, 2000, No 530, eff 3-1-00

A-E 8.05 Conflicts of interest. (1) An architect, landscape architect, professional engineer, designer or land surveyor:

(a) Shall avoid conflicts of interest. If an unavoidable conflict of interest arises, the registrant shall immediately inform the client or employer of all the circumstances which may interfere with or impair the registrant's obligation to provide professional services. Under these circumstances a registrant may not proceed to provide professional services without the full approval and consent of the client or employer.

(b) Shall notify the employer or client and withdraw from employment at any time if it becomes apparent that it is not possible to faithfully discharge the responsibilities and duties owed to the client or employer.

(c) May not agree to perform professional services for a client or employer if the registrant has a significant financial or other interest which would impair or interfere with the registrant's responsibility to faithfully discharge professional services on behalf of the client or employer.

(d) May not accept payment from any party other than a client or employer for a particular project or may not have any direct or indirect financial interest in a service or phase of a service to be provided as part of a project unless the employer or client approves.

(e) May not solicit or accept anything of value from material or equipment suppliers in return for specifying or endorsing a product.

(f) May not violate the confidences of a client or employer, except as otherwise required by rules in this chapter.

(g) May not perform services for a client or employer while a full-time employee of another employer without notifying all parties concerned.

(2) Nothing in these rules limits a registrant's professional responsibility to an owner of a project when the registrant is employed by a person or firm under contract to construct and furnish design services for that project.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am (1) (intro), Register, June, 1995, No 474, eff 7-1-95; am (1) (a) to (f), Register, January, 1999, No 517, eff 2-1-99; am (1) (intro), Register, February, 2000, No 530, eff 3-1-00

A-E 8.06 Professional obligations. An architect, landscape architect, professional engineer, designer or land surveyor:

(1) Shall use reasonable care and competence in providing professional services.

(2) May not evade the professional or contractual responsibility which the registrant has to a client or employer.

(3) May not enter into an agreement which provides that a person not legally and actually qualified to perform professional services has control over the registrant's judgment as related to public health, safety or welfare.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am (intro), Register, June, 1995, No 474, eff 7-1-95; am (1) and (2), Register, January, 1999, No 517, eff 2-1-99; am (intro), Register, February, 2000, No 530, eff 3-1-00

A-E 8.07 Unauthorized practice. An architect, professional engineer, designer or land surveyor:

(1) Shall assist in enforcing laws which prohibit the unlicensed practice of architecture, professional engineering, designing and land surveying by reporting violations to the board.

(2) May not delegate professional responsibility to unlicensed persons and may not otherwise aid or abet the unlicensed practice of architecture, professional engineering, designing or land surveying.

Note: Sections 443.02 (2) and (3), Stats., were amended by 2009 Wis. Act 123 to include landscape architects within their scopes. Section A-E 8.07 (intro) will be modified in future rule-making by the Board.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am Register, June, 1995, No 474, eff 7-1-95; am (1), Register, January, 1999, No 517, eff 2-1-99; am Register, February, 2000, No 530, eff 3-1-00

A-E 8.08 Maintenance of professional standards. An architect, landscape architect, professional engineer, designer or land surveyor:

(1) Shall furnish the board with information indicating that any person or firm has violated provisions in ch. 443, Stats., rules in this chapter or other legal standards applicable to the profession.

(2) May not discuss with any individual board member any disciplinary matter under investigation or in hearing.

(3) Shall respond in a timely manner to a request by the board, a section of the board or the department for information in conjunction with an investigation of a complaint filed against a registrant. There is a rebuttable presumption that a registrant who takes longer than 30 days to respond to a request for information has not acted in a timely manner.

(4) Shall notify the department in writing if the registrant has been disciplined for unprofessional conduct in other states where the registrant holds a credential or has violated federal or state laws, local ordinances or administrative rules, not otherwise reportable under s. SPS 4.09 (2), which are related to the practice of an architect, landscape architect, professional engineer, designer or land surveyor. The notification shall be submitted within 48 hours of the disciplinary finding or violation of law and shall include copies of the findings, judgments and orders so that the department may determine whether the circumstances are substantially related to the practice of the registrant.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am (intro), Register, June, 1995, No 474, eff 7-1-95; am (1), Register, January, 1999, No 517, eff 2-1-99; am (intro), Register, February, 2000, No 530, eff 3-1-00; CR 09-034; cr (3) and (4) Register December 2009 No 648, eff 1-1-10; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

A-E 8.09 Adherence to statutes and rules. An architect, landscape architect, professional engineer, designer or land surveyor:

(1) Shall comply with the requirements in ch. 443, Stats., rules in this chapter and all other federal, state and local codes which relate to the practice of architecture, landscape architecture, professional engineering, designing and land surveying.

(2) May not engage in conduct that may adversely affect his or her fitness to practice architecture, landscape architecture, professional engineering, designing or land surveying.

History: Cr Register, February, 1987, No 374, eff 3-1-87; am Register, June, 1995, No 474, eff 7-1-95; am (1), Register, January, 1999, No 517, eff 2-1-99; am Register, February, 2000, No 530, eff 3-1-00

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

(2) No land surveyor may sign, seal or stamp any maps, plats, charts, or reports for land surveying practice which are not prepared by the land surveyor or under his or her personal direction and control.

(3) No architect, landscape architect, professional engineer, designer or land surveyor shall allow work performed by him or

her or under his or her personal direction and control to be signed, sealed or stamped by another except that an architect, landscape architect, professional engineer, designer or land surveyor working under the personal direction and control of another registrant may allow that registrant to sign and seal or stamp the work.

History: Cr [Register, February, 1987, No 374](#), eff 3-1-87; am (1) and (3), [Register, June, 1995, No 474](#), eff 7-1-95; am (1) and (3), [Register, February, 2000, No 530](#), eff 3-1-00

A-E 8.11 Suspension of registration; effect. Any registrant whose registration has been suspended is prohibited during the term of the suspension from engaging in any of the following:

(1) Offering to perform any service which requires registra-

tion.

(2) Performing any professional service which requires registration.

(3) Signing or sealing plans, specifications, reports, maps, plats, or charts prepared for the practice of architecture, landscape architecture, professional engineering, designing or land surveying.

(4) Entering into contracts the performance of which require registration.

(5) Engaging in responsible supervision of construction as defined in s. [443.01 \(8\)](#), Stats.

History: Cr [Register, February, 1987, No 374](#), eff 3-1-87; am (3), [Register, June, 1995, No 474](#), eff 7-1-95; am (intro) to (4), [Register, January, 1999, No 517](#), eff 2-1-99; am (3), [Register, February, 2000, No 530](#), eff 3-1-00

Chapter A-E 9

LANDSCAPE ARCHITECT REGISTRATION

A-E 9 01	Authority and purpose
A-E 9 02	Application for registration
A-E 9 03	Experience as a landscape architect

A-E 9 04	Education
A-E 9 05	Examinations
A-E 9 06	Application contents

A-E 9.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11, 443.035, 443.09 and 443.10, Stats. The purpose of the rules in this chapter is to interpret basic education, experience and examination requirements for registration as a landscape architect as specified in ss. 443.035, 443.09 and 443.10, Stats.

History: Cr Register, June, 1995, No 474, eff 7-1-95

A-E 9.02 Application for registration. An applicant who files an application but 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: Application forms are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708

History: Cr Register, June, 1995, No 474, eff 7-1-95; am Register, January, 1999, No 517, eff 2-1-99

A-E 9.03 Experience as a landscape architect.

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

(2) Areas of experience in the practice of landscape architecture include:

(a) Project development, management and training, including developing project goals, determining political and legal restraints, scheduling, budgeting and contract compliance.

(b) Professional practice, including preparing contracts, fulfilling insurance requirements, determining appropriate scope of practice, and ensuring compliance with all legal requirements.

(c) Site analysis, including gathering and reviewing site analysis data; studying and documenting environmental factors and impacts; producing site analyses of existing physical, psychosocial, human factor, economic and regulatory conditions; analyzing results of site data to determine project feasibility; and making recommendations based on site analyses.

(d) Preliminary design, including developing and reviewing potential programs to ensure optimum results; developing design programs to best ensure a client's goals and objectives; developing spatial study plans showing design components; developing potential design alternatives; presenting draft designs and preliminary plans to clients; coordinating with allied professionals; developing preliminary cost estimates; determining regulatory approval requirements; and rendering detailed exhibits of preliminary plans for client approval.

(e) Design development, including establishing planting lists, establishing irrigation requirements, establishing construction elements, establishing grading plans, establishing lighting plans, refining cost estimates, and reviewing for compliance with fed-

eral, state and local codes, with the requirements of the Americans with disabilities act of 1990 (42 USC 12131) and with required public approvals.

(f) Preparation of construction documents, including inventorying required construction documents; preparing demolition plans; preparing tree removal and preservation plans; preparing grading and drainage plans; preparing detailed layout staking or construction plans; performing calculations required by local regulatory bodies; obtaining soil tests; preparing planting plans; preparing lighting plans; preparing construction details for all site elements for construction implementation; and coordinating each of these elements with other project design professionals.

(g) Construction administration, including preparing cost estimates for all elements of a project; obtaining client and regulatory approvals; compiling bid documents; assisting clients in contractor selection; ensuring quality control as projects progress; conducting and documenting regular site meetings; responding to field questions and issues; verifying contractor billings; issuing necessary change orders; creating punch lists for review of design implementation; conducting final walk-throughs to verify design compliance; and conducting post-construction evaluation visits.

(3) Not more than one year of satisfactory experience credit may be granted for any calendar year.

History: Cr Register, June, 1995, No 474, eff 7-1-95

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

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

History: Cr Register, June, 1995, No 474, eff 7-1-95; corrections made under s. 13.93 (2m) (b) 7, Stats., Register, September, 1999, No 525

A-E 9.05 Examinations. (1) SCOPE OF WRITTEN EXAMINATIONS (a) After December 31, 1995, an applicant for initial registration as a landscape architect shall pass an examination determined by the examining board to assess knowledge required for the professional practice of landscape architecture.

(b) After December 31, 1995, an applicant for initial registration as a landscape architect and all applicants applying for registration under s. 443.10 (1) (a), (b) and (d), Stats., shall pass a writ-

ten examination, administered by the section, on barrier free design.

(c) The passing scores set by the board represent the minimum competency required to protect public health and safety.

(2) REQUIREMENTS FOR ENTRANCE TO EXAMINATIONS To be eligible to take the examinations required under this section, an applicant shall submit to the board satisfactory evidence of having met the requirements under ss. 443.035 (1) (a) or (b) and 443.09 (2), Stats.

(3) APPLICATION FOR EXAMINATION An applicant for initial registration shall file an application for examination with the board not less than 90 days before the scheduled date of the examination.

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

(4) EXAMINATION AND REFUND FEES The fee for the examinations for landscape architects, and the requirements for refund of fees are specified in s. 440.05, Stats., and ch. SPS 4, respectively.

(5) PLACE AND TIME OF EXAMINATIONS The examinations required by this section shall be held at sites and on dates designated by the board.

(6) EXAMINATION REVIEW (a) *One-year limitation.* An applicant for a landscape architect 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).

Note: Subsection (6) was invalidated by the repeal of s. 443.09 (6), Stats., in 2009 Wis Act 350 and will be removed in future rule-making by the Board

(7) REEXAMINATION An applicant failing any part of an examination may be reexamined on the part or parts failed, except that after failure of 3 reexaminations, the board shall require a one-year waiting period before further reexaminations on the part or parts failed.

(8) 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, June, 1995, No 474, eff 7-1-95; am (6) (b), Register, March, 1996, No 483, eff 4-1-96; am (6) (a), Register, October, 1996, No 490, eff 11-1-96; cr (1) (c) and (8), am (3), Register, January, 1999, No 517, eff 2-1-99; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

A-E 9.06 Application contents. An application for registration as a landscape architect shall include:

(1) Official transcripts of graduate and undergraduate training, properly attested to by the degree granting institution and submitted by the institution directly to the board.

(2) A chronological history of the applicant's employment or other qualifying experience.

(3) References from at least 5 individuals, 3 of whom have personal knowledge of the applicant's experience in landscape architecture and are engaged in the practice of landscape architecture. If 3 references from individuals who are engaged in the practice of landscape architecture are not available, the board may accept references from individuals actively engaged in the practice of an allied profession. After December 31, 1995, one of the 3 references having personal knowledge of the applicant's experience in landscape architecture shall be licensed or registered as a landscape architect by the licensing authority of some licensing jurisdiction in the United States or Canada.

(4) The fee required under s. 440.05 (1), Stats.

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

(6) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the board to determine whether the circumstances of the pending criminal charge or criminal conviction are substantially related to the circumstances of the practice of landscape architecture.

(7) Any additional data, exhibits or references showing the extent and quality of the applicant's experience that may be required by the landscape architect section.

History: Cr Register, June, 1995, No 474, eff 7-1-95

Chapter A–E 10

CONTINUING EDUCATION FOR LAND SURVEYORS

A–E 10 01 Authority and purpose

A–E 10 02 Definitions

A–E 10 03 Continuing education requirements

A–E 10 04 Standards for approval

A–E 10 05 Certificate of completion, proof of attendance

A–E 10 06 Recordkeeping

A–E 10 07 Waiver of continuing education

A–E 10 08 Comity

A–E 10.01 Authority and purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern biennial continuing education of land surveyor registrants.

History: CR 09–032; cr. Register December 2009 No. 648, eff. 1–1–10.

A–E 10.02 Definitions. As used in this chapter:

(1) “Biennium” means a 2–year period beginning February 1 of each even–numbered year.

(2) “Continuing education” means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the registrant in the practice of land surveying and for improvement of the safety and welfare of the public.

(3) “Professional development activities” means organized educational programs on topics related to the practice or theory of land surveying and which foster the enhancement of general or specialized knowledge, practice and values of land surveying.

(4) “Professional development hour” or “PDH”, unless specified otherwise, means 50 minutes of instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity.

History: CR 09–032; cr. Register December 2009 No. 648, eff. 1–1–10.

A–E 10.03 Continuing education requirements.

(1) (a) Beginning in the February 2012 biennial registration period, unless granted a waiver under s. A–E 10.07, every registrant shall complete at least 20 hours of approved professional development hours or equivalent continuing education hours, pertinent to the practice of land surveying, except that between initial registration and the first renewal period, a new registrant shall not be required to comply with the continuing education requirements for the first renewal of registration.

(b) During each biennial registration period, the registrant shall complete a minimum of 2 professional development hours of the total number required in each of the following categories:

1. Programs, courses or activities in the area of Wisconsin statutes and rules that regulate professional land surveyors and surveys.

2. Programs, courses or activities in the area of professional conduct and ethics.

3. Programs, courses or activities in the area of land surveying or related sciences.

(2) Continuing education offered by approved providers shall include the following:

(a) Successful completion of online, correspondence, televised, videotaped, or other short courses or tutorials.

(b) Successful completion of a college or university course in the area of land surveying, related sciences or surveying ethics. One semester credit hour of course work is equivalent to 20 professional development hours and one quarter credit hour of course work is equivalent to 13.5 professional development hours.

(c) Successful completion of land surveying courses or programs offering professional development hours on land surveying topics.

(d) Active participation and successful completion of land surveying programs, seminars, tutorials, workshops, short courses or in–house courses.

(e) Attending program presentations at related technical or professional meetings at which at least 50 minutes is spent discussing surveying issues or attending a lecture on survey–related issues, or both. Each qualified meeting will be awarded one professional development hour.

(f) Teaching or instructing courses or programs on a land surveying topic. Teaching credit is counted for teaching a course or seminar for the first time only and does not apply to faculty in the performance of their regularly assigned duties. Two professional development hours will be awarded for every 50 minutes of teaching or presentation.

(g) Authoring land surveying related papers or articles that appear in circulated journals or trade magazines. Credit is earned in the biennium of publication. A maximum of 5 professional development hours per renewal will be awarded for this activity.

(3) Continuing education shall be completed within the preceding biennium.

(4) A land surveyor who fails to meet the continuing education or professional development hours by the renewal date, as specified in s. 440.08 (2) (a) 39., Stats., may not engage in the practice of land surveying until the registration is renewed based upon proof of compliance with the continuing education requirements.

History: CR 09–032; cr. Register December 2009 No. 648, eff. 1–1–10.

A–E 10.04 Standards for approval. (1) To be approved for credit, a continuing education program shall meet all of the following criteria:

(a) The program includes instruction in an organized method of learning contributing directly to the professional competency of the registrant and pertains to subject matters which integrally relate to the practice of the profession.

(b) The program is conducted by individuals who have specialized education, training or experience and are considered qualified concerning the subject matter of the program.

(c) The program provides proof of attendance by the registrants and fulfills pre–established goals and objectives.

(2) The land surveyor section may approve providers for continuing education programs including the following:

(a) Wisconsin society of land surveyors.

(b) National council of examiners for engineering and surveying.

(c) National society of professional land surveyors.

(d) American congress on surveying and mapping.

(e) Colleges, universities or other educational institutions approved by the land surveyor section.

(f) Other technical or professional societies or organizations.

(3) An advisory committee selected by the land surveyor section will make recommendations as to approval of courses, credit, PDH value for courses and other methods of earning credit.

(4) Credit for college or technical school courses approved by the land surveyor section shall be based upon course credit established by the college or technical school.

History: CR 09-032; cr. Register December 2009 No. 648, eff. 1-1-10.

A-E 10.05 Certificate of completion, proof of attendance. (1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The land surveyor section may conduct a random audit of its registrants on a biennial basis for compliance with these requirements. It is the responsibility of each registrant to retain or otherwise produce evidence of compliance.

(3) The land surveyor section may require additional evidence demonstrating compliance with the continuing education requirements, including a certificate of attendance or documentation of completion or credit for the courses completed.

(4) If there appears to be a lack of compliance with the continuing education or professional development requirements, the land surveyor section shall notify a registrant in writing and request submission of evidence of compliance within 30 days of the notice.

(5) The land surveyor section may require a registrant to appear for an interview to address any deficiency or lack of compliance with the continuing education or professional development requirements.

History: CR 09-032; cr. Register December 2009 No. 648, eff. 1-1-10.

A-E 10.06 Recordkeeping. It shall be the responsibility of the registrant to maintain records of continuing education or professional development hours for at least 2 bienniums from the date the certificate or statement of attendance is signed. The recordkeeping shall include all of the following:

(1) The name and address of the sponsor or provider.

(2) A brief statement of the subject matter.

(3) Printed program schedules, registration receipts, certificates of attendance, or other proof of participation.

(4) The number of hours attended in each program and the date and place of the program.

History: CR 09-032; cr. Register December 2009 No. 648, eff. 1-1-10.

A-E 10.07 Waiver of continuing education. (1) A renewal applicant seeking renewal of registration without having fully complied with the continuing education requirements shall file a renewal application along with the required fee, and a statement setting forth the facts concerning non-compliance and requesting a waiver of the requirements. The request for waiver shall be made prior to the renewal date. Extreme hardship shall be determined on an individual basis by the land surveyor section. If the land surveyor section finds from the affidavit or any other evidence submitted that extreme hardship has been shown, the land surveyor section shall waive enforcement of the continuing education requirements for the applicable renewal period.

(2) In this section, extreme hardship means an inability to devote sufficient hours to fulfilling the continuing education requirements during the applicable renewal period because of one of the following:

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

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

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

(d) A retirement from the occupation of land surveying whereby the renewal applicant no longer receives remuneration from providing land surveying services.

(e) Any other extenuating circumstances.

(3) A renewal applicant who prior to the expiration date of the license submits a request for a waiver, shall be deemed to be in good standing until the final decision on the application by the land surveyor section.

History: CR 09-032; cr. Register December 2009 No. 648, eff. 1-1-10.

A-E 10.08 Comity. An applicant for registration from another state who applies for registration to practice land surveying under s. A-E 6.06, shall submit proof of completion of continuing education obtained in another jurisdiction within the 2 years prior to application.

History: CR 09-032; cr. Register December 2009 No. 648, eff. 1-1-10.

Chapter A–E 11

CONTINUING EDUCATION FOR LANDSCAPE ARCHITECTS

A–E 11 01	Authority and purpose
A–E 11 02	Definitions
A–E 11 03	Continuing education requirements
A–E 11 04	Standards for approval

A–E 11 05	Certificate of completion, proof of attendance
A–E 11 06	Recordkeeping
A–E 11 07	Waiver of continuing education
A–E 11 08	Reciprocity

A–E 11.01 Authority and purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern biennial continuing education of landscape architect registrants.

History: CR 09–081: cr. Register June 2010 No. 654, eff. 7–1–10.

A–E 11.02 Definitions. As used in this chapter:

(1) “Biennium” means a 2–year period beginning August 1 of each even numbered year.

(2) “Continuing education” means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the registrant in the practice of landscape architecture for the benefit of the health, safety and welfare of the public.

(3) “Continuing education hour” means 50 minutes of instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity.

(4) “Health, safety and welfare” or “HSW” means any topics or subjects related to the practice of landscape architecture which are deemed appropriate to safeguard the public health, safety and welfare, including the proper planning, design and construction of buildings, structures, infrastructures, and the spaces within and surrounding buildings and structures that meet the following criteria:

(a) Minimize the risk of injury to persons or property and comply with applicable building and safety codes.

(b) Are durable, environmentally friendly, cost effective, and conserve resources.

(c) Are aesthetically appealing.

(d) Function properly in all relevant respects.

(e) Enhance the public’s sense of well–being, harmony and integration with the surrounding environment.

History: CR 09–081: cr. Register June 2010 No. 654, eff. 7–1–10.

A–E 11.03 Continuing education requirements.

(1) (a) Prior to the August 2012 biennial registration period and in each biennial registration period thereafter, unless granted a waiver under s. A–E 11.07, every registrant shall complete at least 24 hours of approved continuing education except that between initial registration and the first renewal period a new registrant is not required to comply with the requirements for the first renewal of registration.

(b) Continuing education shall be in the topics or subject areas of landscape architecture, building design, landscape design, environmental or land use analysis, life safety, landscape architectural programming, site planning, site and soils analyses, plant material, accessibility, lateral forces, selection of building systems and structural systems, construction methods, contract documentation and construction administration, or the Wisconsin statutes and rules regulating landscape architects.

(c) No less than 16 hours shall be in HSW topics.

(d) No less than 2 hours shall be in professional conduct and ethics.

(2) Continuing education activities that will meet the requirements of sub. (1) include the following:

(a) Online, correspondence, televised, videotaped, or other short courses or tutorials.

(b) A college or university course in the area of landscape architecture or related sciences. One college or university semester credit hour of course work is equivalent to 16 continuing education hours and one college or university quarter credit hour of course work is equivalent to 12 continuing education hours.

(c) Landscape architecture programs, seminars, tutorials, workshops, short courses or in–house courses conducted by an instructor where the student and instructor interact simultaneously in real–time, including traditional classroom or live events.

(d) Presentations at related technical or professional meetings at which at least one hour is spent discussing landscape architecture or attending a lecture on related topics, or both. Each qualified meeting may be awarded one continuing education hour.

(e) Teaching courses or programs on landscape architecture topics. Teaching credit may be counted for teaching a course for the first time only and does not apply to faculty in the performance of their regularly assigned duties. Three continuing education hours shall be awarded for every 50 minutes of teaching or presentation, not to exceed a total of 6 hours per biennium.

(f) Authoring landscape architecture related papers or articles that appear in circulated journals or trade magazines. One continuing education hour may be awarded for every 50 minutes spent in authoring a landscape architecture related paper or article which is published in a circulated journal, not to exceed a total of 6 hours per biennium.

(g) Serving as a jury panel member on a professional landscape architect work or design competition.

(h) Providing professional service to the public by serving as an officer or committee member of a technical or professional society, board, commission or other organization related to landscape architecture. Two continuing education hours shall be awarded for one full year of service, not to exceed a total of 2 hours per biennium.

(i) Educational tours of landscape architecturally significant projects which are sponsored by a college, professional organization or system supplier, not to exceed 8 continuing education hours per biennium.

(3) Continuing education hours shall be completed within the 2 year period prior to the registration renewal date.

(4) A landscape architect who fails to meet the continuing education requirements by the renewal date, as specified in s. 440.08 (2) (a) 38m., Stats., may not engage in the practice of landscape architecture until the registration is renewed based upon compliance with the continuing education requirements, unless granted a waiver under s. A–E 11.07.

History: CR 09–081: cr. Register June 2010 No. 654, eff. 7–1–10.

A–E 11.04 Standards for approval. (1) To be approved for credit, a continuing education activity shall meet all of the following criteria:

(a) The activity constitutes an organized method of instruction which contributes directly to the professional competency of the registrant and pertains to subject matters which integrally relate to the practice of the profession.

(b) The activity is conducted by individuals who have specialized education, training or experience and are considered qualified concerning the subject matter of the program.

(c) The activity provides proof of attendance or completion by the registrant and fulfills pre-established goals and objectives.

(2) Approved providers of continuing education programs may include the following:

- (a) American Society of Landscape Architects.
- (b) Council of Landscape Architectural Registration Boards.
- (c) Urban Land Institute.
- (d) American Nursery and Landscape Association.
- (e) American Planning Association.
- (f) National Society of Professional Engineers.
- (g) National Recreation and Park Association.
- (h) American Institute of Architects.
- (i) Construction Specifications Institute.
- (j) State or federal training programs.
- (k) Colleges, universities or other educational institutions.

(3) The landscape architect section or its designee may make recommendations as to approval of continuing education hour value for activities and other methods of earning credit offered by providers not listed in sub. (2) (a) to (k).

History: CR 09-081: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 11.05 Certificate of completion, proof of attendance. (1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The landscape architect section may conduct a random audit of its registrants on a biennial basis for compliance with these requirements. If audited, a registrant shall provide evidence of compliance.

(3) The landscape architect section may require additional evidence demonstrating compliance with the continuing education requirements including a certificate of attendance or documentation of completion or credit for the courses completed.

(4) If a registrant appears to lack compliance with the continuing education requirements, the landscape architect section shall notify a registrant in writing and request submission of evidence of compliance within 30 days of the notice.

(5) The landscape architect section may require a registrant to appear for an interview to address any deficiency or lack of compliance with the continuing education requirements.

History: CR 09-081: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 11.06 Recordkeeping. The registrant shall maintain records of continuing education for at least 4 years from the date of the program. The recordkeeping shall include all of the following:

- (1) The name and address of the sponsor or provider.
- (2) A brief statement of the subject matter.
- (3) Printed schedules, registration receipts, certificates of attendance, or other proof of participation.
- (4) The number of hours attended in each activity and the date and place of the activity.

History: CR 09-081: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 11.07 Waiver of continuing education. (1) In this section, "extreme hardship" means an inability to fulfill the continuing education requirements during the applicable renewal period because of one of the following:

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

(b) An incapacitating illness documented by a statement from a licensed health care provider resulting in an inability to participate in a continuing education activity.

(c) A retirement from the occupation of landscape architecture whereby the renewal applicant no longer receives remuneration from providing landscape architecture services.

(d) Any other extenuating circumstances.

(2) A renewal applicant seeking renewal of registration without having fully complied with the continuing education requirements shall file a renewal application along with the required fee, and a statement setting forth the facts concerning non-compliance and requesting a waiver of the requirements. The request for waiver shall be submitted to the landscape architect section prior to the renewal date. Extreme hardship shall be determined on an individual basis by the landscape architect section. If the landscape architect section finds, based upon the affidavit or any other evidence submitted by the registrant that extreme hardship has been shown, the enforcement of the continuing education requirements for the applicable renewal period shall be waived or the time frame for completion extended.

(3) A renewal applicant who prior to the expiration of the license submits a request for a waiver, shall be deemed to be in good standing until the final decision on the application by the landscape architect section.

History: CR 09-081: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 11.08 Reciprocity. An applicant for registration from another state who applies for registration to practice landscape architecture under s. A-E 9.06, may receive credit for completion of continuing education obtained in another jurisdiction within the 2 years prior to application if the landscape architect section determines that the continuing education is substantially equivalent to the requirements of this chapter.

History: CR 09-081: cr. Register June 2010 No. 654, eff. 7-1-10.

Chapter A–E 12

CONTINUING EDUCATION FOR ARCHITECTS

A–E 12 01	Authority and purpose
A–E 12 02	Definitions
A–E 12 03	Continuing education requirements
A–E 12 04	Compliance
A–E 12 05	Standards for approval

A–E 12 06	Certificate of completion, proof of attendance
A–E 12 07	Recordkeeping
A–E 12 08	Exemption
A–E 12 09	Reciprocity

A–E 12.01 Authority and purpose. The rules in this chapter are adopted by the examining board of architects, landscape architects, professional engineers, designers and land surveyors pursuant to ss. 15.08 (5) (b), 227.11 (2) and 443.015, Stats., and govern the biennial continuing education requirements for architect registrants.

History: CR 09–080; cr. Register June 2010 No. 654, eff. 7–1–10.

A–E 12.02 Definitions. As used in this chapter:

(1) “Asynchronous” means a process of learning where instructor–student interaction is delayed over time allowing the learners to participate intermittently according to their schedule, and be geographically separate from the instructor, and includes correspondence courses, e–learning, instructional television, or online courses.

(2) “Biennium” means a 2–year period beginning August 1 of each even–numbered year.

(3) “Contact hour” means 50 minutes of instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity.

(4) “Continuing education” means professional educational activity designed to advance the professional skills and knowledge of a registrant in the practice of architecture for the improvement of the public health, safety and welfare.

(5) “Health, safety and welfare topic” or “HSW topic” means technical or professional subjects which safeguard the public’s health, safety and welfare including building design; landscape design; environmental or land use analysis; life safety; architectural programming; site planning; site and soil analysis; plant material; accessibility; structural systems consideration; lateral forces; building codes; evaluation and selection of building systems, products or materials; construction methods; contract documentation; construction administration; energy conservation; zoning and governance policies and procedures; sustainability; mold mitigation; the impact of design on human physiology and neurology; state statutes, rules and ordinances that regulate architects or the practice of architecture; and professional conduct and ethics.

(6) “Synchronous” means a process of learning where the student and instructor interact simultaneously in real–time, including traditional classroom events, computer conferencing, interactive video conferences or online communications where participants are logged on at the same time and communicate directly with each other.

History: CR 09–080; cr. Register June 2010 No. 654, eff. 7–1–10.

A–E 12.03 Continuing education requirements.

(1) Prior to the August 2012 biennial registration period and the 2 year period preceding each biennial registration period, unless granted an exemption under s. A–E 12.08, every registrant shall complete at least 24 contact hours of continuing education, of which 16 contact hours shall be in HSW topics pertinent to the practice of architecture.

(2) Continuing education may be obtained by successful completion of any of the following:

(a) Structured educational activities in which the teaching methodology, either synchronous or asynchronous learning, consists primarily of the systemic presentation of information by qualified individuals or organizations which present identifiable technical and professional subjects in a planned manner.

(b) A college or university course in the area of architecture, related sciences and ethics. One college or university semester credit hour is equivalent to 15 contact hours. One college or university quarter credit hour is equivalent to 10 contact hours.

(c) Seminars, tutorials, monographs, lectures, presentations, workshops, short courses or in–house courses in person or via distance education by computer, video or telephone.

(d) Attending technical or professional membership meetings at which at least one contact hour is spent discussing architecture issues, attending a lecture on architecture–related issues, or both. Each qualified meeting will be awarded one contact hour.

(e) Teaching or instructing an architectural course in the area of architecture, related sciences or professional ethics. Teaching credit may not apply to full–time faculty at a college, university or educational institution. Teaching credit may be valid for the initial presentation only and claimed for credit only once. Teaching credit does not apply to faculty in the performance of their regularly assigned duties. One college or university semester credit hour of teaching is equivalent to 15 contact hours. One college or university quarter credit hour of teaching is equivalent to 10 contact hours.

(f) Serving as a member of a professional board, commission, committee of the state or its political subdivisions related to architectural matters, including planning commissions, building code advisory boards, urban renewal boards, code study committees or regulatory boards. A maximum of 2 contact hours shall be awarded per year.

History: CR 09–080; cr. Register June 2010 No. 654, eff. 7–1–10.

A–E 12.04 Compliance. (1) Continuing education shall be completed within the preceding biennium. Continuing education hours earned in excess of the minimum requirements for renewal of registration may be carried forward to the next renewal period but is limited to a maximum of 8 contact hours.

(2) A registrant who fails to meet the continuing education requirements by the renewal date, as specified in s. 440.08 (2) (a) 13., Stats., may not engage in the practice of architecture until the registration is renewed based upon proof of compliance with the continuing education requirements.

(3) A registrant who has a lapsed registration shall complete the minimum number of hours of continuing education required during the current biennium prior to renewal of the registration. Additional hours of continuing education may be required if a credential holder has failed to renew his or her registration within 5 years after its renewal date to demonstrate continued competence in the practice of architecture.

History: CR 09–080; cr. Register June 2010 No. 654, eff. 7–1–10.

A-E 12.05 Standards for approval. (1) To be approved for credit, a continuing education program shall meet all of the following criteria:

(a) The program includes instruction in an organized method of learning contributing directly to the professional competency of the registrant and pertains to subject matters which integrally relate to the practice of the profession.

(b) The program is conducted by individuals who have specialized education, training or experience and are considered qualified concerning the subject matter of the program.

(c) The program provides proof of attendance or certificate of completion, which may include course completion examinations, to fulfill pre-established goals and objectives.

(2) The architect section may approve providers for continuing education programs including the following:

(a) American Institute of Architects.

(b) Construction Specifications Institute.

(c) National Council of Architectural Registration Boards.

(d) Accredited colleges, universities or other educational institutions and schools of architecture.

(e) Other technical or professional societies or similar organizations devoted to architectural education, design or construction technology education.

History: CR 09-080: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 12.06 Certificate of completion, proof of attendance. (1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The architect section may require additional evidence demonstrating compliance with the continuing education requirements including a certificate of attendance or documentation of completion or credit for the courses completed.

(3) The architect section may conduct a random audit on a biennial basis of its registrants for compliance with these requirements. It is the responsibility of each registrant to retain or otherwise provide evidence of compliance. A registrant may use the American Institute of Architects continuing education system transcript service to document and record his or her continuing education and as evidence of compliance with the continuing education requirements.

(4) If there appears to be a lack of compliance with the continuing education requirements, the architect section shall notify a registrant in writing and request submission of evidence of compliance within 30 days of notification.

(5) The architect section may require a registrant to appear for an interview to address any deficiency or lack of compliance with the continuing education requirements.

(6) If a registrant has failed to comply with the continuing education requirements, the registrant may request an extension of time from the architect section to acquire additional hours to satisfy the requirements.

History: CR 09-080: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 12.07 Recordkeeping. A registrant shall maintain records of continuing education contact hours for at least 4 years from the date the certificate or statement of attendance is signed. A minimum of at least one contact hour is required for recordkeeping purposes, with increments of one-quarter contact hour allowed thereafter. The recordkeeping shall include all of the following:

(1) The name and address of the sponsor or provider.

(2) A brief statement of the subject matter and whether it involves HSW topics.

(3) Printed program schedules, registration receipts, certificates of attendance, examination scores, or other proof of participation.

(4) The date and place of the program.

(5) The number of contact hours.

History: CR 09-080: cr. Register June 2010 No. 654, eff. 7-1-10.

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

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

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

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

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

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

(c) Any other extenuating circumstances.

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

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

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

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

History: CR 09-080: cr. Register June 2010 No. 654, eff. 7-1-10.

A-E 12.09 Reciprocity. An applicant for registration from another state or jurisdiction who applies for registration to practice architecture shall, in addition to the information required under s. A-E 3.06, submit proof of completion of continuing education obtained in another state or jurisdiction within the 2 years prior to application, including those recognized by the National Council of Architectural Registration Boards, Union of International Architects or Royal Institute of British Architects. The completion of continuing education in another state or jurisdiction shall be deemed to satisfy the continuing education requirements in this state provided that the other state or jurisdiction accepts the Wisconsin continuing education requirements as satisfying their continuing education requirements and those requirements are equal to or greater than the requirements in this state.

History: CR 09-080: cr. Register June 2010 No. 654, eff. 7-1-10.

Chapter A–E 13

CONTINUING EDUCATION FOR PROFESSIONAL ENGINEERS

A–E 13 01	Authority and purpose	A–E 13 06	Certificate of completion; proof of attendance
A–E 13 02	Definitions	A–E 13 07	Recordkeeping
A–E 13 03	Continuing education requirements	A–E 13 08	Waiver of continuing education
A–E 13 04	Examples of qualifying activities	A–E 13 09	Comity
A–E 13 05	Standards for approval	A–E 13 10	Late renewal

A–E 13.01 Authority and purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2), and 443.015, Stats., and govern biennial continuing education for professional engineer registrants.

History: CR 11–014; cr. Register December 2011 No. 672, eff. 1–1–12.

A–E 13.02 Definitions. As used in this chapter:

(1) “Biennium” means a 2–year period beginning August 1 of each even–numbered year.

(2) “College semester hour” means receiving credit for completing a regularly offered course in a school or college of engineering accredited by the EAC/ABET that has testing with a passing grade required and has provisions for additional out–of–class study requirements. Credit for college approved courses will be based upon course credit established by the college. One “college semester hour” equals 45 PDHs. Monitoring or auditing courses that do not require regular testing with a passing grade will only count the actual class contact hours.

(3) “College quarter hour” means receiving credit for completing a regularly offered course in a school or college of engineering accredited by the EAC/ABET that has testing with a passing grade required and has provisions for additional out–of–class study requirements. Credit for college approved courses will be based upon course credit established by the college. One “college quarter hour” equals 30 PDHs. Monitoring or auditing courses that do not require regular testing with a passing grade will only count the actual class contact hours.

(4) “Continuing education” means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the registrant in the practice of professional engineering. Regular duties are not considered qualifying activities.

(5) “Continuing education unit” or “CEU” means a unit of credit customarily used for continuing education courses. One “continuing education unit” equals 10 PDHs.

(6) “Course” or “activity” means any qualifying “course” or “activity” with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the registrant’s practice of professional engineering.

(7) “EAC/ABET” means the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology.

(8) “Professional development hour” or “PDH” means a period of 50 minutes of actual instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity. “PDHs” should be rounded down to the nearest half hour and reported in increments of half hour with no activity of under a half hour being acceptable as qualifying for “PDH” credit. “PDHs” shall not exceed the actual contact clock hours of actual attendance.

History: CR 11–014; cr. Register December 2011 No. 672, eff. 1–1–12.

A–E 13.03 Continuing education requirements.

(1) (a) Beginning in the biennial registration period commencing

August 1, 2012 and ending July 31, 2014, unless granted a waiver under s. A–E 13.08, every registrant shall complete at least 30 hours of approved PDHs or equivalent continuing education units, pertinent to the practice of professional engineering, except that between initial registration and the first renewal period, a new registrant shall not be required to comply with the continuing education requirements for the first renewal of registration.

(b) During each biennial registration period, the registrant shall complete a minimum of 2 PDHs in the area of professional conduct and ethics.

(c) During each biennial registration period, credit for a minimum of 13 PDHs shall be obtained via courses where the registrant interacts in real time in a traditional classroom setting, computer conferencing, or interactive video conference where participants are present in the same room or logged in at the same time and can communicate directly with each other and ask questions of the instructor.

(d) If a registrant obtains more than 30 PDHs in a biennium, a maximum of 15 of the excess PDHs may be used toward the continuing education requirement in the next biennium. Excess credits cannot be used to satisfy the requirements of par. (b) or (c).

(2) Continuing education may be obtained through any of the following means:

(a) Completing courses taken at a school or college of engineering accredited by the EAC/ABET.

(b) Completing short courses or tutorials and distance education courses offered through correspondence, DVDs, or the internet.

(c) Presenting or attending qualifying seminars, in–house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences.

(d) Teaching or instructing in pars. (a) to (c). PDHs may only be counted for the initial offering or presentation of a course or program. Full–time faculty may not claim PDHs for teaching done as part of their regular duties. For teaching in pars. (a) to (d), multiply the PDHs earned by a factor of 2.

(e) Authoring published papers, articles, or books in the registrant’s area of professional practice that has been published in book form or in circulated journals or trade magazines. Five PDHs will be granted in the biennium in which each publication occurred. For peer reviewed papers, articles, or books in the registrant’s area of professional practice, 10 PDHs will be granted in the biennium in which each publication occurred.

(f) Actively participating in professional and technical societies. A maximum of 2 PDHs will be awarded for active participation as an officer or committee member in any one society in any one year. A maximum of 4 PDHs may be obtained under this paragraph in any biennium. PDHs are not earned until the end of each year of service is completed.

(g) Attainment of a patent relevant to the registrant’s area of professional practice. Ten PDHs will be awarded for each patent.

(3) Except as provided in s. A–E 13.08, a professional engineer who fails to meet the continuing education requirements by the renewal date, as specified in s. 440.08 (2) (a) 35., Stats., may

not engage in the practice of professional engineering until the registration is renewed in accordance with ss. A-E 2.05 and 13.10.

History: CR 11-014; cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.04 Examples of qualifying activities. The following are examples of qualifying activities:

(1) Completing or attending courses, seminars, instruction, in-house programs, or training of engineering content related to the registrant's practice of professional engineering.

(2) Attending technical or professional society meetings when an engineering topic is presented as a principal part of the program.

(3) Teaching a course for the first time or teaching a course previously taught if substantial time was spent in updating material.

(4) Attending webinar courses where attendance is verified and program material meets the requirements.

(5) Completing correspondence courses on an engineering topic where lessons are prepared and returned for correction, grading, or both, and where testing at the end of the course is required.

History: CR 11-014; cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.05 Standards for approval. (1) To be approved for PDHs, a continuing education program shall meet all of the following criteria:

(a) The program includes instruction in an organized method of learning contributing directly to the professional competency of the registrant and pertaining to subject matters which integrally relate to the practice of the profession.

(b) The program is conducted by individuals who have specialized education, training, or experience and are considered qualified concerning the subject matter of the program.

(c) The program fulfills pre-established goals and objectives.

(d) The program provides attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

(2) The professional engineer section has final authority with respect to acceptance of activities, courses, credit, PDH value for courses, and other methods of earning PDHs, except the following are examples of accepted providers for continuing education programs:

(a) Colleges, universities, or other EAC/ABET approved educational institutions approved by the professional engineer section.

(b) Continuing education courses meeting all the requirements of the International Association for Continuing Education and Training.

(c) Technical or professional societies or organizations as approved by the professional engineer section or its designee.

(d) Other providers as approved by the professional engineer section or its designee.

History: CR 11-014; cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.06 Certificate of completion; proof of attendance. (1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The professional engineer section may conduct a random audit of its registrants on a biennial basis for compliance with these requirements. It is the responsibility of each registrant to retain or otherwise produce evidence of compliance.

(3) If a request for evidence of compliance is requested by the professional engineer section or its designee, the registrant shall submit the requested information or documentation within 30

days of receiving the written notice. Failure to do so will result in denial of registrant's application for renewal.

History: CR 11-014; cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.07 Recordkeeping. (1) A registrant shall maintain records of their continuing education units and PDHs earned for a minimum of the 3 most recent biennia on a form approved by the professional engineer section.

(2) Records required include but are not limited to attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

(3) If a continuing education course was awarded CEUs, the CEUs shall be converted by the applicant or registrant to PDHs for recordkeeping purposes.

History: CR 11-014; cr. Register December 2011 No. 672, eff. 1-1-12.

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

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

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

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

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

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

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

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

(5) A renewal applicant who receives a waiver under sub. (4) may not engage in the practice of professional engineering until he or she meets the requirements of s. A-E 13.10.

(6) A renewal applicant, who prior to the expiration date of the license submits a request for a waiver, pays the renewal fee and provides a statement setting forth the facts concerning noncompliance and the basis of the request, shall be deemed to be in good standing until the final decision on the application is issued by the professional engineer section. If a finding of extreme hardship is not determined, an applicant may not engage in the practice of professional engineering until he or she meets the requirements of s. A-E 13.10.

History: CR 11-014; cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.09 Comity. An applicant for registration from another state who applies for registration to practice professional engineering under s. A-E 4.09 (2), shall submit proof of completion of 30 PDHs of qualifying continuing education that complies with the requirements of ch. A-E 13 within the 2 year period prior to their application.

History: CR 11-014; cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.10 Late renewal. A renewal applicant who has failed to renew his or her credential by the established renewal date shall obtain all required PDHs and submit a record with information as specified under s. A-E 13.07 prior to the registrant's registration being renewed. If the total delinquent PDHs exceed

60 for all renewal periods since their last renewal, then 60 shall be the maximum required for late renewal. An applicant who has failed to be registered for a period greater than 5 years shall be subject to the provisions of s. [A-E 2.05 \(2\)](#).

History: [CR 11-014](#); cr. [Register December 2011 No. 672](#), eff. 1-1-12.

Chapter SPS 1

PROCEDURES TO REVIEW DENIAL OF AN APPLICATION

SPS 1 01	Authority and scope	SPS 1 07	Request for hearing
SPS 1 03	Definitions	SPS 1 08	Procedure
SPS 1 04	Examination failure: retake and hearing, consequences of cheating on an examination or breach of examination security	SPS 1 09	Conduct of hearing
SPS 1 05	Notice of intent to deny, notice of denial and notice of cheating on an examination or breach of examination security	SPS 1 10	Service
SPS 1 06	Parties to a denial review proceeding	SPS 1 11	Failure to appear
		SPS 1 12	Withdrawal of request
		SPS 1 13	Transcription fees

Note: Chapter RL 1 was renumbered chapter SPS 1 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

SPS 1.01 Authority and scope. Rules in this chapter are adopted under authority in s. 440.03 (1), Stats., for the purpose of governing review of a decision to deny an application. Rules in this chapter do not apply to denial of an application for renewal of a credential. Rules in this chapter shall apply to applications received on or after July 1, 1996.

Note: Procedures used for denial of an application for renewal of a credential are found in Ch SPS 2, Wis Admin Code and s 227.01 (3) (b), Stats

History: Cr Register, October, 1985, No 358, eff 11-1-85; am., Register, July, 1996, No 487, eff 8-1-96

SPS 1.03 Definitions. In this chapter:

(1) "Applicant" means any person who applies for a credential from the applicable credentialing authority. "Person" in this subsection includes a business entity.

(1g) "Breach of examination security" means any of the following:

(a) Removing from the examination room any examination materials without authorization.

(b) Reproducing, or assisting a person in reproducing, any portion of the credentialing examination by any means and without authorization.

(c) Paying a person to take the credentialing examination to discover the content of any portion of the credentialing examination.

(d) Obtaining examination questions or other examination materials, except by specific authorization before, during, or after an examination.

(e) Using, or purporting to use, improperly obtained examination questions or materials to instruct or prepare an applicant for the credentialing examination.

(f) Selling, distributing, buying, receiving or having unauthorized possession of any portion of a future, current, or previously administered credentialing examination.

(1r) "Cheating on an examination" includes:

(a) Communicating with other persons inside or outside of the examination room concerning examination content using any means of communication while the examination is being administered.

(b) Copying the answers of another applicant, or permitting answers to be copied by another applicant.

(c) Substituting another person to write one or more of the examination answers or papers in the place of the applicant.

(d) Referring to "notes," textbooks or other unauthorized information sources inside or outside the examination room while the examination is being administered.

(e) Disclosing the nature or content of any examination question or answer to another person prior to, during, or subsequent to the conclusion of the examination.

(f) Removing or attempting to remove any examination materials, notes or facsimiles of examination content such as photo, audiovisual, or electronic records from the examination room.

(g) Violating rules of conduct of the examination.

(2) "Credential" means a license, permit, or certificate of certification or registration that is issued under chs. 440 to 480, Stats.

(3) "Credentialing authority" means the department or an attached examining board, affiliated credentialing board or board having authority to issue or deny a credential.

(4) "Denial review proceeding" means a class 1 proceeding as defined in s. 227.01 (3) (a), Stats., in which a credentialing authority reviews either a decision to deny a completed application for a credential or a determination of cheating on an examination or breach of examination security.

(5) "Department" means the department of safety and professional services.

(6) "Division" means the division of enforcement in the department.

(7) "Office of examinations" means the office of examinations in the department.

History: Cr Register, October, 1985, No 358, eff 11-1-85; correction in (4) made under s 13.93 (2m) (b) 7, Stats., Register, May, 1988, No 389; am (1), (4), r (2), renum (3) to be (5), cr (2), (3), (6), Register, July, 1996, No 487, eff 8-1-96; CR 05-050: cr (1g), (1r) and (7), am (4) Register January 2006 No 601, eff 2-1-06; correction in (5) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671.

SPS 1.04 Examination failure: retake and hearing, consequences of cheating on an examination or breach of examination security. (1) An applicant may request a hearing to challenge the validity, scoring or administration of an examination if the applicant has exhausted other available administrative remedies, including, but not limited to, internal examination review and regrading, and if either:

(a) The applicant is no longer eligible to retake a qualifying examination.

(b) Reexamination is not available within 6 months from the date of the applicant's last examination.

(2) A failing score on an examination does not give rise to the right to a hearing if the applicant is eligible to retake the examination and reexamination is available within 6 months from the date of the applicant's last examination.

Note: An applicant is not eligible for a license until his or her application is complete. An application is not complete until an applicant has submitted proof of having successfully passed any required qualifying examination. If an applicant fails the qualifying examination, but has the right to retake it within 6 months, the applicant is not entitled to a hearing under this chapter.

(3) (a) Consequences imposed for cheating on an examination or for committing a breach of examination security shall be related to the seriousness of the offense and may include: denial of grades; entering of a failing grade on all examinations in which cheating occurred; restrictions on reexamination; or denial of licensure. If more than one applicant are involved in a connected offense of cheating on an examination or breach of examination

security, each applicant knowingly involved is subject to the consequences in this section.

(b) Restrictions on reexamination may include denying the applicant the right to retake the examination for a specified period of time or the imposition of a permanent bar on reexamination.

(c) The department may provide information on the consequences imposed upon an applicant to other jurisdictions where the applicant may apply for credentialing or examination.

(d) If an approved or credentialed school or instructor is found to have facilitated actions constituting cheating on an examination or breach of examination security, the school or instructor may be subject to disciplinary action or revocation of approval.

History: Cr, Register, July, 1996, No 487, eff 8-1-96; CR 05-050: cr (3) Register January 2006 No 601, eff 2-1-06

SPS 1.05 Notice of intent to deny, notice of denial and notice of cheating on an examination or breach of examination security. (1) NOTICE OF INTENT TO DENY (a) A notice of intent to deny may be issued upon an initial determination that the applicant does not meet the eligibility requirements for a credential. A notice of intent to deny shall contain a short statement in plain language of the basis for the anticipated denial, specify the statute, rule or other standard upon which the denial will be based and state that the application shall be denied unless, within 45 calendar days from the date of the mailing of the notice, the credentialing authority receives additional information which shows that the applicant meets the requirements for a credential. The notice shall be substantially in the form shown in Appendix I.

(b) If the credentialing authority does not receive additional information within the 45 day period, the notice of intent to deny shall operate as a notice of denial and the 45 day period for requesting a hearing described in s. SPS 1.07 shall commence on the date of mailing of the notice of intent to deny.

(c) If the credentialing authority receives additional information within the 45 day period which fails to show that the applicant meets the requirements for a credential, a notice of denial shall be issued under sub. (2).

(2) NOTICE OF DENIAL If the credentialing authority determines that an applicant does not meet the requirements for a credential, the credentialing authority shall issue a notice of denial in the form shown in Appendix II. The notice shall contain a short statement in plain language of the basis for denial, specify the statute, rule or other standard upon which the denial is based, and be substantially in the form shown in Appendix II.

(3) NOTICE OF CHEATING ON AN EXAMINATION OR BREACH OF EXAMINATION SECURITY If after an investigation the office of examinations determines there is probable cause to believe that an applicant has cheated on an examination or breached examination security and the office of examinations and the applicant cannot agree upon a consequence acceptable to the credentialing authority, the office of examinations shall issue a notice of cheating on an examination or breach of examination security. The notice shall:

(a) Include the name and address of the applicant, the examination involved, and a statement identifying with reasonable particularity the grounds for the conclusion that the applicant has cheated on an examination or breached examination security.

(b) Be mailed to the applicant at the address provided in the materials submitted by the applicant when applying to take the examination. Notice is effective upon mailing.

History: Cr, Register, July, 1996, eff 8-1-96; CR 05-050: cr (3) Register January 2006 No 601, eff 2-1-06; correction in (1) (b) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 1.06 Parties to a denial review proceeding. Parties to a denial review proceeding are the applicant, the credential-

ing authority and any person admitted to appear under s. 227.44 (2m), Stats.

History: Cr Register, October, 1985, No 358, eff 11-1-85; renum from RL 1 04 and am , Register, July, 1996, No 487, eff 8-1-96

SPS 1.07 Request for hearing. An applicant may request a hearing within 45 calendar days after the mailing of a notice of denial by the credentialing authority or notice of cheating on an examination or breach of examination security by the office of examinations. The request shall be in writing and set forth all of the following:

(1) The applicant's name and address.

(2) The type of credential for which the applicant has applied.

(3) A specific description of the mistake in fact or law which constitutes reasonable grounds for reversing the decision to deny the application for a credential or for reversing a determination of cheating on an examination or a determination of breach of examination security. If the applicant asserts that a mistake in fact was made, the request shall include a concise statement of the essential facts which the applicant intends to prove at the hearing. If the applicant asserts a mistake in law was made, the request shall include a statement of the law upon which the applicant relies.

History: Cr, Register, July, 1996, No 487, eff 8-1-96; CR 05-050: am (intro) and (3) Register January 2006 No 601, eff 2-1-06

SPS 1.08 Procedure. The procedures for a denial review proceeding are:

(1) REVIEW OF REQUEST FOR HEARING Within 45 calendar days of receipt of a request for hearing, the credentialing authority or its designee shall grant or deny the request for a hearing on a denial of a credential or on a determination of cheating on an examination or a determination of breach of examination security. A request shall be granted if requirements in s. SPS 1.07 are met, and the credentialing authority or its designee shall notify the applicant of the time, place and nature of the hearing. If the requirements in s. SPS 1.07 are not met, a hearing shall be denied, and the credentialing authority or its designee shall inform the applicant in writing of the reason for denial. For purposes of a petition for review under s. 227.52, Stats., a request is denied if a response to a request for hearing is not issued within 45 calendar days of its receipt by the credentialing authority.

(2) DESIGNATION OF PRESIDING OFFICER An administrative law judge employed by the department shall preside over denial hearings, unless the credentialing authority designates otherwise. The administrative law judge shall be an attorney in the department designated by the department general counsel, an employee borrowed from another agency pursuant to s. 20.901, Stats., or a person employed as a special project or limited term employee by the department, except that the administrative law judge may not be an employee in the division.

(3) DISCOVERY Unless the parties otherwise agree, no discovery is permitted, except for the taking and preservation of evidence as provided in ch. 804, Stats., with respect to witnesses described in s. 227.45 (7) (a) to (d), Stats. An applicant may inspect records under s. 19.35, Stats., the public records law.

(4) BURDEN OF PROOF The applicant has the burden of proof to show by evidence satisfactory to the credentialing authority that the applicant meets the eligibility requirements set by law for the credential. The office of examinations has the burden of proof to show by a preponderance of the evidence that the applicant cheated on an examination or breached examination security.

History: Cr, Register, July, 1996, No 487, eff 8-1-96; CR 05-050: am (1) and (4) Register January 2006 No 601, eff 2-1-06; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 1.09 Conduct of hearing. (1) RECORD A stenographic, electronic or other record shall be made of all hearings in which the testimony of witnesses is offered as evidence, and of other oral proceedings when requested by a party.

(2) **ADJOURNMENTS** The presiding officer may, for good cause, grant continuances, adjournments and extensions of time.

(3) **SUBPOENAS** (a) Subpoenas for the attendance of any witness at a hearing in the proceeding may be issued in accordance with s. 227.45 (6m), Stats.

(b) A presiding officer may issue protective orders according to the provisions of s. 805.07, Stats.

(4) **MOTIONS** All motions, except those made at hearing, shall be in writing, filed with the presiding officer and a copy served upon the opposing party not later than 5 days before the time specified for hearing the motion.

(5) **EVIDENCE** The credentialing authority, the office of examinations and the applicant shall have the right to appear in person or by counsel, to call, examine and cross-examine witnesses and to introduce evidence into the record. If the applicant submits evidence of eligibility for a credential which was not submitted to the credentialing authority prior to denial of the application, the presiding officer may request the credentialing authority to reconsider the application and the evidence of eligibility not previously considered.

(5m) **CONFIDENTIALITY OF EXAMINATION RECORDS** The presiding officer shall take appropriate precautions to preserve examination security in conjunction with the conduct of a hearing held pursuant to this section.

(6) **BRIEFS** The presiding officer may require the filing of briefs.

(7) **LOCATION OF HEARING** All hearings shall be held at the offices of the department in Madison unless the presiding officer determines that the health or safety of a witness or of a party or an emergency requires that a hearing be held elsewhere.

History: Cr, Register, July, 1996, No 487, eff 8-1-96; CR 05-050: am (5), cr (5m) Register January 2006 No 601, eff 2-1-06

SPS 1.10 Service. Service of any document on an applicant may be made by mail addressed to the applicant at the last address filed in writing by the applicant with the credentialing authority. Service by mail is complete on the date of mailing.

History: Cr Register, October, 1985, No 358, eff 11-1-85; renum from RL 1 06 and am, Register, July, 1996, No 487, eff 8-1-96

SPS 1.11 Failure to appear. In the event that neither the applicant nor his or her representative appears at the time and

place designated for the hearing, the credentialing authority may take action based upon the record as submitted. By failing to appear, an applicant waives any right to appeal the action taken by the credentialing authority.

History: Cr Register, October, 1985, No 358, eff 11-1-85; renum from RL 1 07 and am, Register, July, 1996, No 487, eff 8-1-96; CR 05-050: am Register January 2006 No 601, eff 2-1-06

SPS 1.12 Withdrawal of request. A request for hearing may be withdrawn at any time. Upon receipt of a request for withdrawal, the credentialing authority shall issue an order affirming the withdrawal of a request for hearing on the denial or on the determination of cheating on an examination or determination of breach of examination security.

History: Cr, Register, July, 1996, No 487, eff 8-1-96; CR 05-050: am Register January 2006 No 601, eff 2-1-06

SPS 1.13 Transcription fees. (1) The fee charged for a transcript of a proceeding under this chapter shall be computed by the person or reporting service preparing the transcript on the following basis:

(a) If the transcript is prepared by a reporting service, the fee charged for an original transcription and for copies shall be the amount identified in the state operational purchasing bulletin which identifies the reporting service and its fees.

(b) If a transcript is prepared by the department, the department shall charge a transcription fee of \$1.75 per page and a copying charge of \$.25 per page. If 2 or more persons request a transcript, the department shall charge each requester a copying fee of \$.25 per page, but may divide the transcript fee equitably among the requesters. If the department has prepared a written transcript for its own use prior to the time a request is made, the department shall assume the transcription fee, but shall charge a copying fee of \$.25 per page.

(2) A person who is without means and who requires a transcript for appeal or other reasonable purposes shall be furnished with a transcript without charge upon the filing of a petition of indigency signed under oath. For purposes of this section, a determination of indigency shall be based on the standards used for making a determination of indigency under s. 977.07, Stats.

History: Cr, Register, July, 1996, No 487, eff 8-1-96

Chapter SPS 1
APPENDIX I
NOTICE OF INTENT TO DENY

[DATE]

[NAME] and

ADDRESS of APPLICANT]

Re: Application for [TYPE OF CREDENTIAL]; Notice of Intent to Deny

Dear [APPLICANT]:

PLEASE TAKE NOTICE that the state of Wisconsin [CREDENTIALING AUTHORITY] has reviewed your application for a [TYPE OF CREDENTIAL]. On the basis of the application submitted, the [CREDENTIALING AUTHORITY] intends to deny your application for reasons identified below unless, within 45 calendar days from the date of the mailing of this notice, the [CREDENTIALING AUTHORITY] receives additional information which shows that you meet the requirements for a credential.

[STATEMENT OF REASONS FOR DENIAL]

The legal basis for this decision is:

[SPECIFY THE STATUTE, RULE OR OTHER STANDARD UPON WHICH THE DENIAL WILL BE BASED]

If the [CREDENTIALING AUTHORITY] does not receive additional information within the 45 day period, this notice of intent to deny shall operate as a notice of denial and the 45 day period you have for requesting a hearing shall commence on the date of mailing of this notice of intent to deny.

[Designated Representative of Credentialing Authority]

PLEASE NOTE that you have a right to a hearing on the denial of your application if you file a request for hearing in accordance with the provisions of Ch. SPS 1 of the Wisconsin Administrative Code. If you do not submit additional information in support of your application, you may request a hearing within 45 calendar days after the mailing of this notice. Your request must be submitted in writing to the [CREDENTIALING AUTHORITY] at:

Department of Safety and Professional Services
 1400 East Washington Avenue
 P.O. Box 8935
 Madison, WI 53708-8935

The request must contain your name and address, the type of credential for which you have applied, a specific description of the mistake in fact or law that you assert was made in the denial of your credential, and a concise statement of the essential facts which you intend to prove at the hearing. You will be notified in writing of the [CREDENTIALING AUTHORITY'S] decision. Under s. SPS 1.08 of the Wisconsin Administrative Code, a request for a hearing is denied if a response to a request for a hearing is not issued with 45 days of its receipt by the [CREDENTIALING AUTHORITY]. Time periods for a petition for review begin to run 45 days after the [CREDENTIALING AUTHORITY] has received a request for a hearing and has not responded.

Chapter SPS 1
APPENDIX II
NOTICE OF DENIAL

[DATE]
[NAME and
ADDRESS OF APPLICANT]

Re: Application for [TYPE OF CREDENTIAL]; Notice of Denial

Dear [APPLICANT]:

PLEASE TAKE NOTICE that the state of Wisconsin [CREDENTIALING AUTHORITY] has reviewed your application for a [TYPE OF CREDENTIAL] and denies the application for the following reasons:

[STATEMENT OF REASONS FOR DENIAL]

The legal basis for this decision is:

[SPECIFY THE STATUTE, RULE OR OTHER STANDARD UPON
WHICH THE DENIAL WILL BE BASED]

[Designated Representative of Credentialing Authority]

PLEASE NOTE that you have a right to a hearing on the denial of your application if you file a request for hearing in accordance with the provisions of Ch. [SPS 1](#) of the Wisconsin Administrative Code. You may request a hearing within 45 calendar days after the mailing of this notice of denial. Your request must be submitted in writing to the [CREDENTIALING AUTHORITY] at:

Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

The request must contain your name and address, the type of credential for which you have applied, a specific description of the mistake in fact or law that you assert was made in the denial of your credential, and a concise statement of the essential facts which you intend to prove at the hearing. You will be notified in writing of the [CREDENTIALING AUTHORITY'S] decision. Under s. [SPS 1.08](#) of the Wisconsin Administrative Code, a request for a hearing is denied if a response to a request for a hearing is not issued within 45 days of its receipt by the [CREDENTIALING AUTHORITY]. Time periods for a petition for review begin to run 45 days after the [CREDENTIALING AUTHORITY] has received a request for a hearing and has not responded.

Chapter SPS 2

PROCEDURES FOR PLEADING AND HEARINGS

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SPS 2 08	Service and filing of complaint, notice of hearing and other papers	SPS 2 20	Extension of time limits in disciplinary actions against physicians

Note: Chapter RL 2 was renumbered chapter SPS 2 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

SPS 2.01 Authority. The rules in ch. SPS 2 are adopted pursuant to authority in s. 440.03 (1), Stats., and procedures in ch. 227, Stats.

History: Cr Register, October, 1978, No 274, eff 11-1-78; am Register, May, 1982, No 317, eff 6-1-82; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 2.02 Scope; kinds of proceedings. The rules in this chapter govern procedures in class 2 proceedings, as defined in s. 227.01 (3) (b), Stats., against licensees before the department and all disciplinary authorities attached to the department, except that s. SPS 2.17 applies also to class 1 proceedings, as defined in s. 227.01 (3) (a), Stats.

History: Cr Register, October, 1978, No 274, eff 11-1-78; am Register, May, 1982, No 317, eff 6-1-82; corrections made under s. 13.93 (2m) (b) 7, Stats, Register, May, 1988, No 389; am Register, June, 1992, No 438, eff 7-1-92; emerg am eff 11-14-95; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 2.03 Definitions. In this chapter:

- (1) "Complainant" means the person who signs a complaint.
- (2) "Complaint" means a document which meets the requirements of ss. SPS 2.05 and 2.06.
- (3) "Department" means the department of safety and professional services.
- (4) "Disciplinary authority" means the department or the attached examining board or board having authority to revoke the license of the holder whose conduct is under investigation.
- (5) "Disciplinary proceeding" means a proceeding against one or more licensees in which a disciplinary authority may determine to revoke or suspend a license, to reprimand a licensee, to limit a license, to impose a forfeiture, or to refuse to renew a license because of a violation of law.
- (6) "Division" means the division of enforcement in the department.
- (7) "Informal complaint" means any written information submitted to the division or any disciplinary authority by any person which requests that a disciplinary proceeding be commenced against a licensee or which alleges facts, which if true, warrant discipline.
- (8) "Licensee" means a person, partnership, corporation or association holding any license, permit, certificate or registration granted by a disciplinary authority or having any right to renew a license, permit, certificate or registration granted by a disciplinary authority.
- (9) "Respondent" means the person against whom a disciplinary proceeding has been commenced and who is named as respondent in a complaint.
- (10) "Settlement conference" means a proceeding before a disciplinary authority or its designee conducted according to s.

SPS 2.036, in which a conference with one or more licensee is held to attempt to reach a fair disposition of an informal complaint prior to the commencement of a disciplinary proceeding.

History: Cr Register, October, 1978, No 274, eff 11-1-78; am (1) and (6), renum (7) and (8) to be (8) and (9), cr (7), Register, May, 1982, No 317, eff 6-1-82; r (1), renum (2) to (4) to be (1) to (3), cr (4) and (10), am (5), (7) and (8), Register, June, 1992, No 438, eff 7-1-92; correction in (2), (3), (10) made under s. 13.92 (4) (b) 6., 7., Stats., Register November 2011 No. 671.

SPS 2.035 Receiving informal complaints. All informal complaints received shall be referred to the division for filing, screening and, if necessary, investigation. Screening shall be done by the disciplinary authority, or, if the disciplinary authority directs, by a disciplinary authority member or the division. In this section, screening is a preliminary review of complaints to determine whether an investigation is necessary. Considerations in screening include, but are not limited to:

- (1) Whether the person complained against is licensed;
- (2) Whether the violation alleged is a fee dispute;
- (3) Whether the matter alleged, if taken as a whole, is trivial; and
- (4) Whether the matter alleged is a violation of any statute, rule or standard of practice.

History: Cr Register, May, 1982, No 317, eff 6-1-82; am (intro) and (3), Register, June, 1992, No 438, eff 7-1-92

SPS 2.036 Procedure for settlement conferences. At the discretion of the disciplinary authority, a settlement conference may be held prior to the commencement of a disciplinary proceeding, pursuant to the following procedures:

(1) **SELECTION OF INFORMAL COMPLAINTS** The disciplinary authority or its designee may determine that a settlement conference is appropriate during an investigation of an informal complaint if the information gathered during the investigation presents reasonable grounds to believe that a violation of the laws enforced by the disciplinary authority has occurred. Considerations in making the determination may include, but are not limited to:

(a) Whether the issues arising out of the investigation of the informal complaint are clear, discrete and sufficiently limited to allow for resolution in the informal setting of a settlement conference; and

(b) Whether the facts of the informal complaint are undisputed or clearly ascertainable from the documents received during investigation by the division.

(2) **PROCEDURES** When the disciplinary authority or its designee has selected an informal complaint for a possible settlement conference, the licensee shall be contacted by the division to determine whether the licensee desires to participate in a settlement conference. A notice of settlement conference and a description of settlement conference procedures, prepared on forms prescribed by the department, shall be sent to all participants in

advance of any settlement conference. A settlement conference shall not be held without the consent of the licensee. No agreement reached between the licensee and the disciplinary authority or its designee at a settlement conference which imposes discipline upon the licensee shall be binding until the agreement is reduced to writing, signed by the licensee, and accepted by the disciplinary authority.

(3) ORAL STATEMENTS AT SETTLEMENT CONFERENCE Oral statements made during a settlement conference shall not be introduced into or made part of the record in a disciplinary proceeding.

History: Cr Register, June, 1992, No 438, eff 7-1-92

SPS 2.037 Parties to a disciplinary proceeding. Parties to a disciplinary proceeding are the respondent, the division and the disciplinary authority before which the disciplinary proceeding is heard.

History: Cr Register, May, 1982, No 317, eff 6-1-82; renum from RL 2 036 and am , Register, June, 1992, No 438, eff 7-1-92

SPS 2.04 Commencement of disciplinary proceedings. Disciplinary proceedings are commenced when a notice of hearing is filed in the disciplinary authority office or with a designated administrative law judge.

History: Cr Register, February, 1979, No 278, eff 3-1-79; am Register, June, 1992, No 438, eff 7-1-92

SPS 2.05 Pleadings to be captioned. All pleadings, notices, orders, and other papers filed in disciplinary proceedings shall be captioned: "BEFORE THE _____" and shall be entitled: "IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST _____, RESPONDENT."

History: Cr Register, October, 1978, No 274, eff 11-1-78

SPS 2.06 Complaint. A complaint may be made on information and belief and shall contain:

(1) The name and address of the licensee complained against and the name and address of the complainant;

(2) A short statement in plain language of the cause for disciplinary action identifying with reasonable particularity the transaction, occurrence or event out of which the cause arises and specifying the statute, rule or other standard alleged to have been violated;

(3) A request in essentially the following form: "Wherefore, the complainant demands that the disciplinary authority hear evidence relevant to matters alleged in this complaint, determine and impose the discipline warranted, and assess the costs of the proceeding against the respondent;" and,

(4) The signature of the complainant.

History: Cr Register, October, 1978, No 274, eff 11-1-78; am (intro), (3) and (4), Register, June, 1992, No 438, eff 7-1-92

SPS 2.07 Notice of hearing. (1) A notice of hearing shall be sent to the respondent at least 10 days prior to the hearing, unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than 48 hours in advance of the hearing.

(2) A notice of hearing to the respondent shall be substantially in the form shown in Appendix 1 and signed by a disciplinary authority member or an attorney in the division.

History: Cr Register, October, 1978, No 274, eff 11-1-78; am (2) (intro), Register, February, 1979, No 278, eff 3-1-79; r and recr Register, June, 1992, No 438, eff 7-1-92

SPS 2.08 Service and filing of complaint, notice of hearing and other papers. (1) The complaint, notice of hearing, all orders and other papers required to be served on a respondent may be served by mailing a copy of the paper to the respondent at the last known address of the respondent or by any procedure described in s. 801.14 (2), Stats. Service by mail is complete upon mailing.

(2) Any paper required to be filed with a disciplinary authority may be mailed to the disciplinary authority office or, if an administrative law judge has been designated to preside in the matter, to the administrative law judge and shall be deemed filed on receipt at the disciplinary authority office or by the administrative law judge. An answer under s. SPS 2.09, and motions under s. SPS 2.15 may be filed and served by facsimile transmission. A document filed by facsimile transmission under this section shall also be mailed to the disciplinary authority. An answer or motion filed by facsimile transmission shall be deemed filed on the first business day after receipt by the disciplinary authority.

History: Cr Register, October, 1978, No 274, eff 11-1-78; am (2), Register, June, 1992, No 438, eff 7-1-92; correction in (2) made under s. 13.92 (4) (b) 7, Stats., Register November 2011 No. 671.

SPS 2.09 Answer. (1) An answer to a complaint shall state in short and plain terms the defenses to each cause asserted and shall admit or deny the allegations upon which the complainant relies. If the respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation, the respondent shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the allegations denied. The respondent shall make denials as specific denials of designated allegations or paragraphs but if the respondent intends in good faith to deny only a part or a qualification of an allegation, the respondent shall specify so much of it as true and material and shall deny only the remainder.

(2) The respondent shall set forth affirmatively in the answer any matter constituting an affirmative defense.

(3) Allegations in a complaint are admitted when not denied in the answer.

(4) An answer to a complaint shall be filed within 20 days from the date of service of the complaint.

History: Cr Register, October, 1978, No 274, eff 11-1-78; am (4), Register, February, 1979, No 278, eff 3-1-79; am (1), (3) and (4), Register, June, 1992, No 438, eff 7-1-92

SPS 2.10 Administrative law judge. (1) DESIGNATION Disciplinary hearings shall be presided over by an administrative law judge employed by the department unless the disciplinary authority designates otherwise. The administrative law judge shall be an attorney in the department designated by the department general counsel, an employee borrowed from another agency pursuant to s. 20.901, Stats., or a person employed as a special project or limited term employee by the department, except that the administrative law judge may not be an employee in the division.

(2) AUTHORITY An administrative law judge designated under this section to preside over any disciplinary proceeding has the authority described in s. 227.46 (1), Stats. Unless otherwise directed by a disciplinary authority pursuant to s. 227.46 (3), Stats., an administrative law judge presiding over a disciplinary proceeding shall prepare a proposed decision, including findings of fact, conclusions of law, order and opinion, in a form that may be adopted as the final decision in the case.

(3) SERVICE OF PROPOSED DECISION Unless otherwise directed by a disciplinary authority, the proposed decision shall be served by the administrative law judge on all parties with a notice providing each party adversely affected by the proposed decision with an opportunity to file with the disciplinary authority objections and written argument with respect to the objections. A party adversely affected by a proposed decision shall have at least 10 days from the date of service of the proposed decision to file objections and argument.

History: Cr Register, October, 1978, No 274, eff 11-1-78; r and recr (1), Register, November, 1986, No 371, eff 12-1-86; correction in (2) made under s 13.93 (2m) (b) 7, Stats , Register, May, 1988, No 389; am Register, June, 1992, No 438, eff 7-1-92

SPS 2.11 Prehearing conference. In any matter pending before the disciplinary authority the complainant and the respondent, or their attorneys, may be directed by the disciplinary

authority or administrative law judge to appear at a conference or to participate in a telephone conference to consider the simplification of issues, the necessity or desirability of amendments to the pleadings, the admission of facts or documents which will avoid unnecessary proof and such other matters as may aid in the disposition of the matter.

History: Cr Register, October, 1978, No 274, eff 11-1-78; am Register, June, 1992, No 438, eff 1992

SPS 2.12 Settlements. No stipulation or settlement agreement disposing of a complaint or informal complaint shall be effective or binding in any respect until reduced to writing, signed by the respondent and approved by the disciplinary authority.

History: Cr Register, October, 1978, No 274, eff 11-1-78; am Register, June, 1992, No 438, eff 7-1-92

SPS 2.13 Discovery. The person prosecuting the complaint and the respondent may, prior to the date set for hearing, obtain discovery by use of the methods described in ch. 804, Stats., for the purposes set forth therein. Protective orders, including orders to terminate or limit examinations, orders compelling discovery, sanctions provided in s. 804.12, Stats., or other remedies as are appropriate for failure to comply with such orders may be made by the presiding officer.

History: Cr Register, October, 1978, No 274, eff 11-1-78

SPS 2.14 Default. If the respondent fails to answer as required by s. SPS 2.09 or fails to appear at the hearing at the time fixed therefor, the respondent is in default and the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence. The disciplinary authority may, for good cause, relieve the respondent from the effect of such findings and permit the respondent to answer and defend at any time before the disciplinary authority enters an order or within a reasonable time thereafter.

History: Cr Register, October, 1978, No 274, eff 11-1-78; am Register, June, 1992, No 438, eff 7-1-92; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 2.15 Conduct of hearing. (1) PRESIDING OFFICER The hearing shall be presided over by a member of the disciplinary authority or an administrative law judge designated pursuant to s. SPS 2.10.

(2) RECORD A stenographic, electronic or other record shall be made of all hearings in which the testimony of witnesses is offered as evidence.

(3) EVIDENCE The complainant and the respondent shall have the right to appear in person or by counsel, to call, examine, and cross-examine witnesses and to introduce evidence into the record.

(4) BRIEFS The presiding officer may require the filing of briefs.

(5) MOTIONS All motions, except those made at hearing, shall be in writing, filed with the presiding officer and a copy served upon the opposing party not later than 5 days before the time specified for hearing the motion.

(6) ADJOURNMENTS The presiding officer may, for good cause, grant continuances, adjournments and extensions of time.

(7) SUBPOENAS (a) Subpoenas for the attendance of any witness at a hearing in the proceeding may be issued in accordance with s. 885.01, Stats. Service shall be made in the manner provided in s. 805.07 (5), Stats. A subpoena may command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein.

(b) A presiding officer may issue protective orders according to the provision the provisions of s. 805.07, Stats.

(8) LOCATION OF HEARING All hearings shall be held at the offices of the department of safety and professional services in Madison unless the presiding officer determines that the health or

safety of a witness or of a party or an emergency requires that a hearing be held elsewhere.

History: Cr Register, October, 1978, No 274, eff 11-1-78; am (1), (5) and (6), cr (8), Register, June, 1992, No 438, eff 7-1-92; correction in (1), (8) made under s. 13.92 (4) (b) 6., 7., Stats., Register November 2011 No. 671.

SPS 2.16 Witness fees and costs. Witnesses subpoenaed at the request of the division or the disciplinary authority shall be entitled to compensation from the state for attendance and travel as provided in ch. 885, Stats.

History: Cr Register, October, 1978, No 274, eff 11-1-78; am Register, June, 1992, No 438, eff 7-1-92

SPS 2.17 Transcription fees. (1) The fee charged for a transcript of a proceeding under this chapter shall be computed by the person or reporting service preparing the transcript on the following basis:

(a) If the transcript is prepared by a reporting service, the fee charged for an original transcription and for copies shall be the amount identified in the state operational purchasing bulletin which identifies the reporting service and its fees.

(b) If a transcript is prepared by the department, the department shall charge a transcription fee of \$1.75 per page and a copying charge of \$.25 per page. If 2 or more persons request a transcript, the department shall charge each requester a copying fee of \$.25 per page, but may divide the transcript fee equitably among the requesters. If the department has prepared a written transcript for its own use prior to the time a request is made, the department shall assume the transcription fee, but shall charge a copying fee of \$.25 per page.

(2) A person who is without means and who requires a transcript for appeal or other reasonable purposes shall be furnished with a transcript without charge upon the filing of a petition of indigency signed under oath.

History: Cr Register, October, 1978, No 274, eff 11-1-78; am (1) Register, May, 1982, No 317, eff 6-1-82; r and recr Register, June, 1992, No 438, eff 7-1-92; am (1) (b), Register, August, 1993, No 452, eff 9-1-93

SPS 2.18 Assessment of costs. (1) The proposed decision of an administrative law judge following hearing shall include a recommendation whether all or part of the costs of the proceeding shall be assessed against the respondent.

(2) If a respondent objects to the recommendation of an administrative law judge that costs be assessed, objections to the assessment of costs shall be filed, along with any other objections to the proposed decision, within the time established for filing of objections.

(3) The disciplinary authority's final decision and order imposing discipline in a disciplinary proceeding shall include a determination whether all or part of the costs of the proceeding shall be assessed against the respondent.

(4) When costs are imposed, the division and the administrative law judge shall file supporting affidavits showing costs incurred within 15 days of the date of the final decision and order. The respondent shall file any objection to the affidavits within 30 days of the date of the final decision and order. The disciplinary authority shall review any objections, along with the affidavits, and affirm or modify its order without a hearing.

History: Cr Register, June, 1992, No 438, eff 7-1-92

SPS 2.20 Extension of time limits in disciplinary actions against physicians. (1) AUTHORITY AND PURPOSE The rules in this section are adopted under the authority of ss. 15.08 (5) (b), 227.11 (2) and 448.02 (3) (cm), Stats., to govern the extension of time limits in disciplinary actions against physicians.

(2) COMPUTING TIME LIMITS In computing time limits under s. 448.02 (3) (cm), Stats., the date of initiating an investigation shall be the date of the decision to commence an investigation of an informal complaint following the screening of the informal complaint under s. SPS 2.035, except that if the decision to commence an investigation of an informal complaint is made more

than 45 days after the date of receipt of the informal complaint in the division, or if no screening of the informal complaint is conducted, the time for initiating an investigation shall commence 45 days after the date of receipt of the informal complaint in the division. The date that the medical examining board initiates a disciplinary action shall be the date that a disciplinary proceeding is commenced under s. [SPS 2.04](#).

(3) PROCEDURE FOR REQUESTING AN EXTENSION OF TIME The medical examining board or the division on behalf of the medical examining board shall make a written request for an extension of time under s. [448.02 \(3\) \(cm\)](#), Stats., to the secretary of the department of safety and professional services and shall state all of the following:

(a) The nature of the investigation and the date of initiating the investigation.

(b) The number of days the medical examining board requires as an extension in order to determine whether a physician is guilty of unprofessional conduct or negligence in treatment and to initiate disciplinary action.

(c) The reasons why the medical examining board has not made a decision within the time specified under s. [448.02 \(3\) \(cm\)](#), Stats.

(4) FACTORS TO BE CONSIDERED In deciding whether to grant or deny a specified extension of time for the medical examining board to determine whether a physician is guilty of unprofessional conduct or negligence in treatment, the secretary of the depart-

ment of safety and professional services shall consider the information set forth in the request and at least the following factors:

(a) The nature and complexity of the investigation including the cause of any delays encountered during the investigation.

(b) Whether delays encountered during the screening of the complaint or the complaint handling process were caused in whole or part by the fact that record custodians, witnesses, or persons investigated did not make a timely response to requests for records or other evidence.

(c) Whether civil or criminal litigation relating to the matter investigated caused any delay in the investigation.

(d) The quality and complexity of evidence available to the medical examining board.

(e) The extent to which the physician will be prejudiced by an extension of time.

(f) The potential harm to the public if the investigation is terminated without a determination of whether the physician complained about is guilty of unprofessional conduct or negligence in treatment.

(5) APPROVE OR DENY AN EXTENSION The secretary of the department of safety and professional services shall approve or deny a request for an extension within 20 days of receipt. A request not approved within 20 days shall be deemed denied.

History: CR 02-103; or Register March 2004 No 579, eff 4-1-04; correction in (2), (3) (intro.), (4) (intro.), (5) made under s. [13.92 \(4\) \(b\) 6., 7.](#), Stats., Register November 2011 No. 671.

Chapter SPS 2
APPENDIX I
NOTICE OF HEARING

THE STATE OF WISCONSIN

To each person named above as a respondent:

You are hereby notified that disciplinary proceedings have been commenced against you before the (#1). The Complaint, which is attached to this Notice, states the nature and basis of the proceeding. This proceeding may result in disciplinary action taken against you by the (#2). This proceeding is a class 2 proceeding as defined in s. 227.01 (3) (b), Wis. Stats.

Within 20 days from the date of service of the complaint, you must respond with a written Answer to the allegations of the Complaint. You may have an attorney help or represent you. The Answer shall follow the general rules of pleading contained in s. SPS 2.09. If you do not provide a proper Answer within 20 days, you will be found to be in default, and a default judgment may be entered against you on the basis of the complaint and other evidence and the (#3) may take disciplinary action against you and impose the costs of the investigation, prosecution and decision of this matter upon you without further notice or hearing.

The original of your Answer should be filed with the Administrative Law Judge who has been designated to preside over this matter pursuant to s. SPS 2.10, who is:

(#4)

Administrative Law Judge
Division of Hearings and Appeals
5005 University Avenue, Suite 201
P. O. Box 7875
Madison, Wisconsin 53705-5400

You should also file a copy of your Answer with the complainant's attorney, who is:

(#5)

Department of Safety and Professional Services
Division of Enforcement
P. O. Box 8935
Madison, Wisconsin 53708

A hearing on the matters contained in the Complaint will be held at the time and location indicated below:

Hearing Date, Time and Location

Date: (#6)

Time: (#7)

Location: Room (#8)
1400 East Washington Avenue
Madison, Wisconsin

or as soon thereafter as the matter may be heard. The questions to be determined at this hearing are whether the license previously issued to you should be revoked or suspended, whether such license should be limited, whether you should be reprimanded, whether, if authorized by law, a forfeiture should be imposed, or whether any other discipline should be imposed on you. You may be represented by an attorney at the hearing. The legal authority and procedures under which the hearing is to be held is set forth in s. 227.44, Stats., s. (#9), Stats., ch. SPS 2, and s. (#10).

If you do not appear for hearing at the time and location set forth above, you will be found to be in default, and a default judgment may be entered against you on the basis of the complaint and other evidence and the (#11) may take disciplinary action against you and impose the costs of the investigation, prosecution and decision of this matter upon you without further notice or hearing.

If you choose to be represented by an attorney in this proceeding, the attorney is requested to file a Notice of Appearance with the disciplinary authority and the Administrative Law Judge within 20 days of your receiving this Notice.

Dated at Madison, Wisconsin this _____ day
of _____, 2_____.

Signature of Licensing Authority Member or Attorney

(#12)

INSERTIONS

1. Disciplinary authority
2. Disciplinary authority
3. Disciplinary authority
4. Administrative Law Judge
5. Complainant's attorney
6. Date of hearing
7. Time of hearing
8. Location of hearing
9. Legal authority (statute)
10. Legal authority (administrative code)
11. Disciplinary authority
12. Address and telephone number of person signing the complaint

Chapter SPS 3

ADMINISTRATIVE INJUNCTIONS

SPS 3 01	Authority	SPS 3 09	Administrative law judge
SPS 3 02	Scope; kinds of proceedings	SPS 3 10	Prehearing conference
SPS 3 03	Definitions	SPS 3 11	Settlements
SPS 3 04	Pleadings to be captioned	SPS 3 12	Discovery
SPS 3 05	Petition for administrative injunction	SPS 3 13	Default
SPS 3 06	Notice of hearing	SPS 3 14	Conduct of hearing
SPS 3 07	Service and filing of petition, notice of hearing and other papers	SPS 3 15	Witness fees and costs
SPS 3 08	Answer	SPS 3 16	Transcription fees

Note: Chapter RL 3 was renumbered chapter SPS 3 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

SPS 3.01 Authority. The rules in ch. SPS 3 are adopted pursuant to authority in ss. 440.03 (1) and 440.21, Stats.

History: Cr Register, July, 1993, No 451, eff 8-1-93; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 3.02 Scope; kinds of proceedings. The rules in this chapter govern procedures in public hearings before the department to determine and make findings as to whether a person has engaged in a practice or used a title without a credential required under chs. 440 to 459, Stats., and for issuance of an administrative injunction.

History: Cr Register, July, 1993, No 451, eff 8-1-93

SPS 3.03 Definitions. In this chapter:

(1) “Administrative injunction” means a special order enjoining a person from the continuation of a practice or use of a title without a credential required under chs. 440 to 459, Stats.

(2) “Credential” means a license, permit, or certificate of certification or registration that is issued under chs. 440 to 459, Stats.

(3) “Department” means the department of safety and professional services.

(4) “Division” means the division of enforcement in the department.

(5) “Petition” means a document which meets the requirements of s. SPS 3.05.

(6) “Respondent” means the person against whom an administrative injunction proceeding has been commenced and who is named as respondent in a petition.

History: Cr Register, July, 1993, No 451, eff 8-1-93; correction in (3), (5) made under s. 13.92 (4) (b) 6., 7., Stats., Register November 2011 No. 671.

SPS 3.04 Pleadings to be captioned. All pleadings, notices, orders, and other papers filed in an administrative injunction proceeding shall be captioned: “BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES” and shall be entitled: “IN THE MATTER OF A PETITION FOR AN ADMINISTRATIVE INJUNCTION INVOLVING _____, RESPONDENT.”

History: Cr Register, July, 1993, No 451, eff 8-1-93; correction made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671.

SPS 3.05 Petition for administrative injunction. A petition for an administrative injunction shall allege that a person has engaged in a practice or used a title without a credential required under chs. 440 to 459, Stats. A petition may be made on information and belief and shall contain:

(1) The name and address of the respondent and the name and address of the attorney in the division who is prosecuting the petition for the division;

(2) A short statement in plain language of the basis for the division’s belief that the respondent has engaged in a practice or used a title without a credential required under chs. 440 to 459,

Stats., and specifying the statute or rule alleged to have been violated;

(3) A request in essentially the following form: “Wherefore, the division demands that a public hearing be held and that the department issue a special order enjoining the person from the continuation of the practice or use of the title;” and,

(4) The signature of an attorney authorized by the division to sign the petition.

History: Cr Register, July, 1993, No 451, eff 8-1-93

SPS 3.06 Notice of hearing. (1) A notice of hearing shall be sent to the respondent by the division at least 10 days prior to the hearing, except in the case of an emergency in which shorter notice may be given, but in no case may the notice be provided less than 48 hours in advance of the hearing.

(2) A notice of hearing to the respondent shall be essentially in the form shown in Appendix I and signed by an attorney in the division.

History: Cr Register, July, 1993, No 451, eff 8-1-93

SPS 3.07 Service and filing of petition, notice of hearing and other papers. (1) The petition, notice of hearing, all orders and other papers required to be served on a respondent may be served by mailing a copy of the paper to the respondent at the last known address of the respondent or by any procedure described in s. 801.14 (2), Stats. Service by mail is complete upon mailing.

(2) Any paper required to be filed with the department may be mailed to the administrative law judge designated to preside in the matter and shall be deemed filed on receipt by the administrative law judge. An answer under s. SPS 3.08, and motions under s. SPS 3.14 may be filed and served by facsimile transmission. A document filed by facsimile transmission under this section shall also be mailed to the department. An answer or motion filed by facsimile transmission shall be deemed filed on the first business day after receipt by the department.

History: Cr Register, July, 1993, No 451, eff 8-1-93; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 3.08 Answer. (1) An answer to a petition shall state in short and plain terms the defenses to each allegation asserted and shall admit or deny the allegations upon which the division relies. If the respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation, the respondent shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the allegations denied. The respondent shall make denials as specific denials of designated allegations or paragraphs but if the respondent intends in good faith to deny only a part or to provide a qualification of an allegation, the respondent shall specify so much of it as true and material and shall deny only the remainder.

(2) The respondent shall set forth affirmatively in the answer any matter constituting an affirmative defense.

(3) Allegations in a petition are admitted when not denied in the answer.

(4) An answer to a petition shall be filed within 20 days from the date of service of the petition.

History: Cr Register, July, 1993, No 451, eff 8-1-93

SPS 3.09 Administrative law judge. (1) DESIGNATION Administrative injunction proceedings shall be presided over by an administrative law judge. The administrative law judge shall be an attorney in the department designated by the department general counsel, an employee borrowed from another agency pursuant to s. 20.901, Stats., or a person employed as a special project or limited term employee by the department. The administrative law judge may not be an employee in the division.

(2) **AUTHORITY** An administrative law judge designated under this section has the authority described in s. 227.46 (1), Stats. Unless otherwise directed under s. 227.46 (3), Stats., an administrative law judge shall prepare a proposed decision, including findings of fact, conclusions of law, order and opinion, in a form that may be adopted by the department as the final decision in the case.

(3) **SERVICE OF PROPOSED DECISION** The proposed decision shall be served by the administrative law judge on all parties with a notice providing each party adversely affected by the proposed decision with an opportunity to file with the department objections and written argument with respect to the objections. A party adversely affected by a proposed decision shall have at least 10 days from the date of service of the proposed decision to file objections and argument.

History: Cr Register, July, 1993, No 451, eff 8-1-93

SPS 3.10 Prehearing conference. In any matter pending before the department, the division and the respondent may be directed by the administrative law judge to appear at a conference or to participate in a telephone conference to consider the simplification of issues, the necessity or desirability of amendments to the pleading, the admission of facts or documents which will avoid unnecessary proof and such other matters as may aid in the disposition of the matter.

History: Cr Register, July, 1993, No 451, eff 8-1-93

SPS 3.11 Settlements. No stipulation or settlement agreement disposing of a petition or informal petition shall be effective or binding in any respect until reduced to writing, signed by the respondent and approved by the department.

History: Cr Register, July, 1993, No 451, eff 8-1-93

SPS 3.12 Discovery. The division and the respondent may, prior to the date set for hearing, obtain discovery by use of the methods described in ch. 804, Stats., for the purposes set forth therein. Protective orders, including orders to terminate or limit examinations, orders compelling discovery, sanctions provided in s. 804.12, Stats., or other remedies as are appropriate for failure to comply with such orders may be made by the administrative law judge.

History: Cr Register, July, 1993, No 451, eff 8-1-93

SPS 3.13 Default. If the respondent fails to answer as required by s. SPS 3.08 or fails to appear at the hearing at the time fixed therefor, the respondent is in default and the department may make findings and enter an order on the basis of the petition and other evidence. The department may, for good cause, relieve the respondent from the effect of the findings and permit the respondent to answer and defend at any time before the department enters an order or within a reasonable time thereafter.

History: Cr Register, July, 1993, No 451, eff 8-1-93; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 3.14 Conduct of hearing. (1) ADMINISTRATIVE LAW JUDGE The hearing shall be presided over by an administrative law judge designated pursuant to s. SPS 3.09.

(2) **RECORD** A stenographic, electronic or other record shall be made of all hearings in which the testimony of witnesses is offered as evidence.

(3) **EVIDENCE** The division and the respondent shall have the right to appear in person or by counsel, to call, examine, and cross-examine witnesses and to introduce evidence into the record.

(4) **BRIEFS** The administrative law judge may require the filing of briefs.

(5) **MOTIONS** (a) *How made.* An application to the administrative law judge for an order shall be by motion which, unless made during a hearing or prehearing conference, shall be in writing, state with particularity the grounds for the order, and set forth the relief or order sought.

(b) *Filing.* A motion shall be filed with the administrative law judge and a copy served upon the opposing party not later than 5 days before the time specified for hearing the motion.

(c) *Supporting papers.* Any briefs or other papers in support of a motion, including affidavits and documentary evidence, shall be filed with the motion.

(6) **ADJOURNMENTS** The administrative law judge may, for good cause, grant continuances, adjournments and extensions of time.

(7) **SUBPOENAS** (a) Subpoenas for the attendance of any witness at a hearing in the proceeding may be issued in accordance with s. 885.01, Stats. Service shall be made in the manner provided in s. 805.07 (5), Stats. A subpoena may command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein.

(b) An administrative law judge may issue protective orders according to the provisions of s. 805.07, Stats.

(8) **LOCATION OF HEARING** All hearings shall be held at the offices of the department in Madison unless the administrative law judge determines that the health or safety of a witness or of a party or an emergency requires that a hearing be held elsewhere.

History: Cr Register, July, 1993, No 451, eff 8-1-93; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 3.15 Witness fees and costs. Witnesses subpoenaed at the request of the division shall be entitled to compensation from the state for attendance and travel as provided in ch. 885, Stats.

History: Cr Register, July, 1993, No 451, eff 8-1-93

SPS 3.16 Transcription fees. (1) The fee charged for a transcript of a proceeding under this chapter shall be computed by the person or reporting service preparing the transcript on the following basis:

(a) If the transcript is prepared by a reporting service, the fee charged for an original transcription and for copies shall be the amount identified in the state operational purchasing bulletin which identifies the reporting service and its fees.

Note: The State Operational Purchasing Bulletin may be obtained from the Department of Administration, State Bureau of Procurement, 101 E Wilson Street, 6th Floor, P.O. Box 7867, Madison, Wisconsin 53707-7867

(b) If a transcript is prepared by the department, the department shall charge a transcription fee of \$1.75 per page and a copying charge of \$.25 per page. If 2 or more persons request a transcript, the department shall charge each requester a copying fee of \$.25 per page, but may divide the transcript fee equitably among the requesters. If the department has prepared a written transcript for its own use prior to the time a request is made, the department shall assume the transcription fee, but shall charge a copying fee of \$.25 per page.

(2) A person who is without means and who requires a transcript for appeal or other reasonable purposes shall be furnished with a transcript without charge upon the filing of an affidavit showing that the person is indigent according to the standards adopted in rules of the state public defender under ch. 977, Stats.

History: Cr Register, July, 1993, No 451, eff 8-1-93

Chapter SPS 4

DEPARTMENT APPLICATION PROCEDURES AND APPLICATION FEE POLICIES

SPS 4 01	Authorization	SPS 4 06	Refunds
SPS 4 02	Definitions	SPS 4 07	Investigation
SPS 4 03	Time for review and determination of credential applications	SPS 4 08	Photographs and fingerprints
SPS 4 04	Fees for examinations, reexaminations and proctoring examinations	SPS 4 09	Credential holder charges or convictions
SPS 4 05	Fee for test review		

Note: Chapter RL 4 was renumbered chapter SPS 4 under s 13 92 (4) (b) 1, Stats, Register November 2011 No 671

SPS 4.01 Authorization. The following rules are adopted by the department of safety and professional services pursuant to ss. 440.05, 440.06 and 440.07, Stats.

History: Cr Register, October, 1978, No 274, eff 11-1-78; am Register, July, 1996, No 487, eff 8-1-96; correction made under s 13 92 (4) (b) 6, Stats, Register November 2011 No 671

SPS 4.02 Definitions. (1) “Applicant” means a person who applies for a license, permit, certificate or registration granted by the department or a board.

(1g) “Arrest record” means information indicating that an individual has been apprehended, taken into custody or detention, held for investigation, arrested, charged with, indicted or tried for any felony, misdemeanor or other offense pursuant to any law enforcement or military authority.

(2) “Authority” means the department or the attached examining board or board having authority to grant the credential for which an application has been filed.

(3) “Board” means the board of nursing and any examining board attached to the department.

(3e) “Conviction record” means information indicating that an individual has been convicted of any felony, misdemeanor or other offense, has been adjudicated delinquent, has been less than honorably discharged, or has been placed on probation, fined, imprisoned, placed on extended supervision or paroled pursuant to any law enforcement or military authority.

(3m) “Credential” means a license, permit, or certificate of certification or registration that is issued under chs. 440 to 480, Stats.

(3s) “Credentialing authority” means the department or an attached examining board, affiliated credentialing board or board having authority to issue or deny a credential.

(4) “Department” means the department of safety and professional services.

(5) “Examination” means the written and practical tests required of an applicant by the authority.

(5m) “Investigate” means to determine the arrest and conviction record of an applicant or holder of a credential, including but not limited to:

(a) Determining whether an applicant or holder of a credential has been charged with or convicted of a crime.

(b) Determining the facts and circumstances surrounding an arrest, criminal charge, or conviction.

(c) Determining the outcome and status of an arrest, criminal charges or conviction record, including completion of sentence imposed, probationary terms or parole.

(d) Requiring disclosure of arrest or conviction record by an applicant.

(6) “Service provider” means a party other than the department or board who provides examination services such as applica-

tion processing, examination products or administration of examinations.

History: Cr Register, October, 1978, No 274, eff 11-1-78; renum (1) to (4) to be (4), (3), (1), (5) and am (5), cr (2) and (6), Register, July, 1996, No 487, eff 8-1-96; CR 04-097: cr (1g), (3e), (3m), (3s) and (5m) Register May 2005 No 593, eff 6-1-05; correction in (4) made under s 13 92 (4) (b) 6, Stats, Register November 2011 No 671

SPS 4.03 Time for review and determination of credential applications. (1) **TIME LIMITS** An authority shall review and make a determination on an original application for a credential within 60 business days after a completed application is received by the authority unless a different period for review and determination is specified by law.

(2) **COMPLETED APPLICATIONS** An application is completed when all materials necessary to make a determination on the application and all materials requested by the authority have been received by the authority.

(3) **EFFECT OF DELAY** A delay by an authority in making a determination on an application within the time period specified in this section shall be reported to the permit information center under s. 227.116, Stats. Delay by an authority in making a determination on an application within the time period specified in this section does not relieve any person from the obligation to secure approval from the authority nor affect in any way the authority’s responsibility to interpret requirements for approval and to grant or deny approval.

History: Cr Register, August, 1992, No 440, eff 9-1-92; renum from RL 4 06 and am, Register, July, 1996, No 487, eff 8-1-96

SPS 4.04 Fees for examinations, reexaminations and proctoring examinations. (1) **EXAMINATION FEE SCHEDULE** A list of all current examination fees may be obtained at no charge from the Office of Examinations, Department of Safety and Professional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

(3) **EXPLANATION OF PROCEDURES FOR SETTING EXAMINATION FEES** (a) Fees for examinations shall be established under s. 440.05 (1) (b), Stats., at the department’s best estimate of the actual cost of preparing, administering and grading the examination or obtaining and administering an approved examination from a service provider.

(b) Examinations shall be obtained from a service provider through competitive procurement procedures described in ch. Adm 7.

(c) Fees for examination services provided by the department shall be established based on an estimate of the actual cost of the examination services. Computation of fees for examination services provided by the department shall include standard component amounts for contract administration services, test development services and written and practical test administration services.

(d) Examination fees shall be changed as needed to reflect changes in the actual costs to the department. Changes to fees shall be implemented according to par. (e).

(e) Examination fees shall be effective for examinations held 45 days or more after the date of publication of a notice in application forms. Applicants who have submitted fees in an amount less than that in the most current application form shall pay the correct amount prior to administration of the examination. Overpayments shall be refunded by the department. Initial credential fees shall become effective on the date specified by law.

(4) REEXAMINATION OF PREVIOUSLY LICENSED INDIVIDUALS
Fees for examinations ordered as part of a disciplinary proceeding or late renewal under s. 440.08 (3) (b), Stats., are equal to the fee set for reexamination in the most recent examination application form, plus \$10 application processing.

(5) PROCTORING EXAMINATIONS FOR OTHER STATES (a) Examinations administered by an authority of the state may be proctored for persons applying for credentials in another state if the person has been determined eligible in the other state and meets this state's application deadlines. Examinations not administered by an authority of the state may only be proctored for Wisconsin residents or licensees applying for credentials in another state.

(b) Department fees for proctoring examinations of persons who are applying for a credential in another state are equal to the cost of administering the examination to those persons, plus any additional cost charged to the department by the service provider.

History: Cr Register, October, 1978, No 274, eff 11-1-78; r and recr Register, May, 1986, No 365, eff 6-1-86; am Register, December, 1986, No 372, eff 1-1-87; am Register, September, 1987, No 381, eff 10-1-87; am (3), Register, September, 1988, No 393, eff 10-1-88; am (3), Register, September, 1990, No 417, eff 10-1-90; r and recr (1) to (3), cr (4), renum Figure and am Register, April, 1992, No 436, eff 5-1-92; am (4) Figure, cr (5), Register, July, 1993, No 451, eff 8-1-93; r and recr Register, November, 1993, No 455, eff 12-1-93; r (2), am (3) (a), (b), (c), (e), (4), (5), Register, July, 1996, No 487, eff 8-1-96; correction in (1) made under s 13 92 (4) (b) 6, Stats, Register November 2011 No 671

SPS 4.05 Fee for test review. (1) The fee for supervised review of examination results by a failing applicant which is conducted by the department is \$28.

(2) The fee for review of examination results by a service provider is the fee established by the service provider.

History: Cr Register, April, 1992, No 436, eff 5-1-92; am Register, July, 1996, No 487, eff 8-1-96

SPS 4.06 Refunds. (1) A refund of all but \$10 of the applicant's examination fee and initial credential fee submitted to the department shall be granted if any of the following occurs:

(a) An applicant is found to be unqualified for an examination administered by the authority.

(b) An applicant is found to be unqualified for a credential for which no examination is required.

(c) An applicant withdraws an application by written notice to the authority at least 10 days in advance of any scheduled examination.

(d) An applicant who fails to take an examination administered by the authority either provides written notice at least 10 days in advance of the examination date that the applicant is unable to take the examination, or if written notice was not provided, submits a written explanation satisfactory to the authority that the applicant's failure to take the examination resulted from extreme personal hardship.

(2) An applicant eligible for a refund may forfeit the refund and choose instead to take an examination administered by the authority within 18 months of the originally scheduled examination at no added fee.

(3) An applicant who misses an examination as a result of being called to active military duty shall receive a full refund. The applicant requesting the refund shall supply a copy of the call up orders or a letter from the commanding officer attesting to the call up.

(4) Applicants who pay fees to service providers other than the department are subject to the refund policy established by the service provider.

History: Cr Register, October, 1978, No 274, eff 11-1-78; am (2) (intro), Register, May, 1986, No 365, eff 6-1-86; am (1) and (2) (intro), renum (2) (c) and (3) to be (3) and (4), cr (5), Register, September, 1987, No 381, eff 10-1-87; r and recr (1) and (4), Register, April, 1992, No 436, eff 5-1-92; r (2), renum (3) to (5) to be (2) to (4), Register, July, 1993, No 451, eff 8-1-93; renum from RL 4 03 and am, Register, July, 1996, No 487, eff 8-1-96

SPS 4.07 Investigation. The department shall investigate whether an applicant for any of the following credentials has been charged with or convicted of a crime:

- (1) Accountant, certified public.
- (2) Acupuncturist.
- (3) Advanced practice nurse prescriber.
- (4) Aesthetician.
- (5) Aesthetics instructor.
- (6) Appraiser, real estate, certified general.
- (7) Appraiser, real estate, certified residential.
- (8) Appraiser, real estate, licensed.
- (9) Architect.
- (10) Athlete agent.
- (11) Athletic trainer.
- (12) Auctioneer.
- (13) Audiologist.
- (14) Barber or cosmetologist.
- (15) Barbering or cosmetology instructor.
- (16) Barbering or cosmetology manager.
- (17) Boxer.
- (18) Cemetery preneed seller.
- (19) Cemetery salesperson.
- (20) Chiropractor.
- (21) Dental hygienist.
- (22) Dentist.
- (23) Designer of engineering systems.
- (24) Dietitian.
- (25) Drug distributor.
- (26) Drug manufacturer.
- (27) Electrologist.
- (28) Electrology instructor.
- (29) Engineer, professional.
- (30) Fund-raising counsel.
- (31) Funeral director.
- (32) Hearing instrument specialist.
- (33) Home inspector.
- (34) Landscape architect.
- (35) Land surveyor.
- (36) Manicuring instructor.
- (37) Manicurist.
- (38) Marriage and family therapist.
- (39) Massage therapist or bodyworker.
- (40) Music, art or dance therapist.
- (41) Nurse, licensed practical.
- (42) Nurse, registered.
- (43) Nurse-midwife.
- (44) Nursing home administrator.
- (45) Occupational therapist.
- (46) Occupational therapy assistant.
- (47) Optometrist.
- (48) Perfusionist.
- (49) Pharmacist.

- (50) Physical therapist.
- (51) Physical therapist assistant.
- (52) Physician.
- (53) Physician assistant.
- (54) Podiatrist.
- (55) Private detective.
- (56) Private practice school psychologist.
- (57) Private security person.
- (58) Professional counselor.
- (59) Professional fund-raiser.
- (60) Professional geologist.
- (61) Professional hydrologist.
- (62) Professional soil scientist.
- (63) Psychologist.
- (64) Real estate broker.
- (65) Real estate salesperson.
- (66) Registered interior designer.
- (66m) Registered sanitarian.
- (67) Respiratory care practitioner.
- (68) Social worker.
- (69) Social worker, advanced practice.
- (70) Social worker, independent.
- (71) Social worker, independent clinical.
- (72) Speech-language pathologist.
- (73) Time-share salesperson.
- (74) Veterinarian.
- (75) Veterinary technician.

History: CR 04-097: cr Register May 2005 No 593, eff 6-1-05; CR 06-125: cr (66m) Register July 2007 No 619, eff 8-1-07

SPS 4.08 Photographs and fingerprints. (1) The department may require an applicant for any of the credentials set forth in s. SPS 4.07 and not listed in sub. (2) to be photographed and fingerprinted as a part of the credentialing process, if there exists reason to believe that the applicant has failed to accurately describe his or her conviction record. The department may refer photographs and fingerprints so obtained to the department of justice for internal analysis or submission to the federal bureau of investigation for the purpose of verifying the identity of the applicant fingerprinted and obtaining records of his or her criminal arrests and convictions.

(2) The department shall require an applicant for a physician license under s. 448.02 to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the applicant's fingerprints. The department of justice may submit the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of the applicant fingerprinted and obtaining records of his or her criminal arrests and convictions. The department shall charge the applicant any fees, costs, or other expenses incurred in conducting any investigation under this rule.

History: CR 04-097: cr Register May 2005 No 593, eff 6-1-05; correction made under s 13 92 (4) (b) 7, Stats, Register November 2011 No 671; CR 11-027: renum 4.08 to be 4.08 (1) and am., cr. (2) Register January 2012 No. 673, eff. 2-1-12.

SPS 4.09 Credential holder charges or convictions.

(1) Pursuant to the procedures set forth in ch. SPS 2 for the screening of informal complaints, the department may investigate whether a holder of any of the credentials set forth in s. SPS 4.07 has been arrested, charged with or convicted of a crime for the purposes of determining whether the circumstances of the arrest, charge or conviction substantially relate to the circumstances of the credentialed activity.

(2) A holder of any of the credentials set forth in s. SPS 4.07 who is convicted of a felony or misdemeanor in this state or elsewhere shall notify the department in writing of the date, place and nature of the conviction or finding within 48 hours after the entry of the judgment of conviction. Notice shall be made by mail and shall be proven by showing proof of the date of mailing the notice. Notice shall include a copy of the judgment of conviction and a copy of the complaint or other information which describes the nature of the crime and the judgment of conviction in order that the department may determine whether the circumstances of the crime of which the credential holder was convicted are substantially related to the practice of the credential holder.

(3) As a part of an investigation the department may require a holder of any of the credentials set forth in s. SPS 4.07 to be photographed and fingerprinted, if the credential holder's arrest or conviction record is relevant to the investigation and a search based solely upon the credential holder's name is unlikely to provide complete and accurate information. The department may refer photographs and fingerprints so obtained to the department of justice for internal analysis or submission of the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

History: CR 04-097: cr Register May 2005 No 593, eff 6-1-05; correction in (1), (2), (3) made under s 13 92 (4) (b) 7, Stats, Register November 2011 No 671

Chapter SPS 6

SUMMARY SUSPENSIONS

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SPS 6 03	Definitions
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SPS 6 11	Delegation

Note: Chapter RL 6 was renumbered chapter SPS 6 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

SPS 6.01 Authority and intent. (1) This chapter is adopted pursuant to authority in ss. 227.11 (2) (a) and 440.03 (1), Stats., and interprets s. 227.51 (3), Stats.

(2) The intent of the department in creating this chapter is to specify uniform procedures for summary suspension of licenses, permits, certificates or registrations issued by the department or any board attached to the department in circumstances where the public health, safety or welfare imperatively requires emergency action.

History: Cr Register, May, 1988, No 389, eff 6-1-88

SPS 6.02 Scope. This chapter governs procedures in all summary suspension proceedings against licensees before the department or any board attached to the department. To the extent that this chapter is not in conflict with s. 448.02 (4), Stats., the chapter shall also apply in proceedings brought under that section.

History: Cr Register, May, 1988, No 389, eff 6-1-88

SPS 6.03 Definitions. In this chapter:

(1) "Board" means the bingo control board, real estate board or any examining board attached to the department.

(2) "Department" means the department of safety and professional services.

(3) "Disciplinary proceeding" means a proceeding against one or more licensees in which a licensing authority may determine to revoke or suspend a license, to reprimand a licensee, or to limit a license.

(4) "License" means any license, permit, certificate, or registration granted by a board or the department or a right to renew a license, permit, certificate or registration granted by a board or the department.

(5) "Licensee" means a person, partnership, corporation or association holding any license.

(6) "Licensing authority" means the bingo control board, real estate board or any examining board attached to the department, the department for licenses granted by the department, or one acting under a board's or the department's delegation under s. SPS 6.11.

(7) "Petitioner" means the division of enforcement in the department.

(8) "Respondent" means a licensee who is named as respondent in a petition for summary suspension.

History: Cr Register, May, 1988, No 389, eff 6-1-88; correction in (2), (6) made under s. 13.92 (4) (b) 6., 7., Stats., Register November 2011 No. 671.

SPS 6.04 Petition for summary suspension. (1) A petition for a summary suspension shall state the name and position of the person representing the petitioner, the address of the petitioner, the name and licensure status of the respondent, and an assertion of the facts establishing that the respondent has engaged in or is likely to engage in conduct such that the public health, safety or welfare imperatively requires emergency suspension of the respondent's license.

(2) A petition for a summary suspension order shall be signed upon oath by the person representing the petitioner and may be made on information and belief.

(3) The petition shall be presented to the appropriate licensing authority.

History: Cr Register, May, 1988, No 389, eff 6-1-88

SPS 6.05 Notice of petition to respondent. Prior to the presenting of the petition, the petitioner shall give notice to the respondent or respondent's attorney of the time and place when the petition will be presented to the licensing authority. Notice may be given by mailing a copy of the petition and notice to the last-known address of the respondent as indicated in the records of the licensing authority as provided in s. 440.11 (2), Stats., as created by 1987 Wis. Act 27. Notice by mail is complete upon mailing. Notice may also be given by any procedure described in s. 801.11, Stats.

History: Cr Register, May, 1988, No 389, eff 6-1-88

SPS 6.06 Issuance of summary suspension order.

(1) If the licensing authority finds that notice has been given under s. SPS 6.05 and finds probable cause to believe that the respondent has engaged in or is likely to engage in conduct such that the public health, safety or welfare imperatively requires emergency suspension of the respondent's license, the licensing authority may issue an order for summary suspension. The order may be issued at any time prior to or subsequent to the commencement of a disciplinary proceeding under s. SPS 2.04

(2) The petitioner may establish probable cause under sub. (1) by affidavit or other evidence.

(3) The summary suspension order shall be effective upon service under s. SPS 6.08, or upon actual notice of the summary suspension order to the respondent or respondent's attorney, whichever is sooner, and continue through the effective date of the final decision and order made in the disciplinary proceeding against the respondent, unless the license is restored under s. SPS 6.09 prior to a formal disciplinary hearing.

History: Cr Register, May, 1988, No 389, eff 6-1-88; correction in (1), (3) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 6.07 Contents of summary suspension order.

The summary suspension order shall include the following:

(1) A statement that the suspension order is in effect and continues until the effective date of a final order and decision in the disciplinary proceeding against the respondent, unless otherwise ordered by the licensing authority;

(2) Notification of the respondent's right to request a hearing to show cause why the summary suspension order should not be continued;

(3) The name and address of the licensing authority with whom a request for hearing should be filed;

(4) Notification that the hearing to show cause shall be scheduled for hearing on a date within 20 days of receipt by the licensing authority of respondent's request for hearing, unless a later time is requested by or agreed to by the respondent;

(5) The identification of all witnesses providing evidence at the time the petition for summary suspension was presented and identification of the evidence used as a basis for the decision to issue the summary suspension order;

(6) The manner in which the respondent or the respondent's attorney was notified of the petition for summary suspension; and

(7) A finding that the public health, safety or welfare imperatively requires emergency suspension of the respondent's license.

History: Cr Register, May, 1988, No 389, eff 6-1-88

SPS 6.08 Service of summary suspension order. An order of summary suspension shall be served upon the respondent in the manner provided in s. 801.11, Stats., for service of summons.

History: Cr Register, May, 1988, No 389, eff 6-1-88

SPS 6.09 Hearing to show cause. (1) The respondent shall have the right to request a hearing to show cause why the summary suspension order should not be continued until the effective date of the final decision and order in the disciplinary action against the respondent.

(2) The request for hearing to show cause shall be filed with the licensing authority which issued the summary suspension order. The hearing shall be scheduled and heard promptly by the licensing authority but no later than 20 days after the filing of the request for hearing with the licensing authority, unless a later time is requested by or agreed to by the licensee.

(3) At the hearing to show cause the petitioner and the respondent may testify, call, examine and cross-examine witnesses, and offer other evidence.

(4) At the hearing to show cause the petitioner has the burden to show by a preponderance of the evidence why the summary suspension order should be continued.

(5) At the conclusion of the hearing to show cause the licensing authority shall make findings and an order. If it is determined that the summary suspension order should not be continued, the suspended license shall be immediately restored.

History: Cr Register, May, 1988, No 389, eff 6-1-88

SPS 6.10 Commencement of disciplinary proceeding. (1) A notice of hearing commencing a disciplinary proceed-

ing under s. SPS 2.06 against the respondent shall be issued no later than 10 days following the issuance of the summary suspension order or the suspension shall lapse on the tenth day following issuance of the summary suspension order. The formal disciplinary proceeding shall be determined promptly.

(2) If at any time the disciplinary proceeding is not advancing with reasonable promptness, the respondent may make a motion to the hearing officer or may directly petition the appropriate board, or the department, for an order granting relief.

(3) If it is found that the disciplinary proceeding is not advancing with reasonable promptness, and the delay is not as a result of the conduct of respondent or respondent's counsel, a remedy, as would be just, shall be granted including:

(a) An order immediately terminating the summary suspension; or

(b) An order compelling that the disciplinary proceeding be held and determined by a specific date.

History: Cr Register, May, 1988, No 389, eff 6-1-88; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 6.11 Delegation. (1) A board may by a two-thirds vote:

(a) Designate under s. 227.46 (1), Stats., a member of the board or an employee of the department to rule on a petition for summary suspension, to issue a summary suspension order, and to preside over and rule in a hearing provided for in s. SPS 6.09; or

(b) Appoint a panel of no less than two-thirds of the membership of the board to rule on a petition for summary suspension, to issue a summary suspension order, and to preside over and rule in a hearing provided for in s. SPS 6.09.

(2) In matters in which the department is the licensing authority, the department secretary or the secretary's designee shall rule on a petition for summary suspension, issue a summary suspension order, and preside over and rule in a hearing provided for in s. SPS 6.09.

(3) Except as provided in s. 227.46 (3), Stats., a delegation of authority under subs. (1) and (2) may be continuing.

History: Cr Register, May, 1988, No 389, eff 6-1-88; correction in (1) (a), (b), (2) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

Chapter SPS 7

PROFESSIONAL ASSISTANCE PROCEDURE

SPS 7 01	Authority and intent	SPS 7 07	Intradepartmental referral
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SPS 7 06	Standards for approval of treatment facilities or individual therapists		

Note: Chapter RL 7 was renumbered chapter SPS 7 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671

SPS 7.01 Authority and intent. (1) The rules in this chapter are adopted pursuant to authority in ss. 15.08 (5) (b), 51.30, 146.82, 227.11 and 440.03, Stats.

(2) The intent of the department in adopting rules in this chapter is to protect the public from credential holders who are impaired by reason of their abuse of alcohol or other drugs by promoting early identification of chemically dependent professionals and encouraging rehabilitation. This goal will be advanced by providing an option that may be used in conjunction with the formal disciplinary process for qualified credential holders committed to their own recovery. This procedure is intended to apply when allegations are made that a credential holder has practiced a profession while impaired by alcohol or other drugs or whose ability to practice is impaired by alcohol or other drugs or when a credential holder contacts the department and requests to participate in the procedure. It may be used in conjunction with the formal disciplinary process in situations where allegations exist that a credential holder has committed misconduct, negligence or violations of law, other than practice while impaired by alcohol or other drugs. The procedure may then be utilized to promote early identification of chemically dependent professionals and encourage their rehabilitation. Finally, the department's procedure does not seek to diminish the prosecution of serious violations but rather it attempts to address the problem of alcohol and other drug abuse within the enforcement jurisdiction of the department.

(3) In administering this program, the department intends to encourage board members to share professional expertise so that all boards in the department have access to a range of professional expertise to handle problems involving impaired professionals.

History: Cr Register, January, 1991, No 421, eff 2-1-91; am (2), Register, July, 1996, No 487, eff 8-1-96; CR 10-081: am (2) Register December 2010 No 660, eff 1-1-11

SPS 7.02 Definitions. In this chapter:

(1) "Board" means any board, examining board or affiliated credentialing board attached to the department.

(2) "Board liaison" means the board member designated by the board or the secretary or the secretary's designee as responsible for approving credential holders for the professional assistance procedure under s. SPS 7.03, for monitoring compliance with the requirements for participation under s. SPS 7.04, and for performing other responsibilities delegated to the board liaison under these rules.

(2a) "Coordinator" means a department employee who coordinates the professional assistance procedure.

(2b) "Credential holder" means a person holding any license, permit, certificate or registration granted by the department or any board. For purposes of this chapter, "credential holder" includes a person with a pending application for a credential for a period not to exceed one year from the date the application for the credential was submitted to the department.

(3) "Department" means the department of safety and professional services.

(4) "Division" means the division of enforcement in the department.

(5) "Informal complaint" means any written information submitted by any person to the division, department or any board which requests that a disciplinary proceeding be commenced against a credential holder or which alleges facts, which if true, warrant discipline. "Informal complaint" includes requests for disciplinary proceedings under s. 440.20, Stats.

(6) "Medical review officer" means a medical doctor or doctor of osteopathy who is a licensed physician and who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with an individual's medical history and any other relevant biomedical information.

(7) "Procedure" means the professional assistance procedure.

(8) "Program" means any entity approved by the department to provide the full scope of drug testing services for the department.

History: Cr Register, January, 1991, No 421, eff 2-1-91; am (1), (2), (5), cr (2a), (2b), r (6), Register, July, 1996, No 487, eff 8-1-96; cr (6) and (8), Register, January, 2001, No 541, eff 2-1-01; CR 10-081: am (1) to (2b), (7) Register December 2010 No 660, eff 1-1-11; correction in (2), (3) made under s. 13.92 (4) (b) 6., Register November 2011 No. 671.

SPS 7.03 Referral to and eligibility for the procedure.

(1) A credential holder who contacts the department and requests to participate in the procedure shall be referred to the board liaison and the coordinator for determination of acceptance into the procedure.

(2) A credential holder who has been referred to the procedure and considered for eligibility shall be provided with an application for participation.

(3) All informal complaints involving allegations of impairment due to alcohol or chemical dependency shall be screened and investigated pursuant to s. SPS 2.035. After investigation, informal complaints involving impairment may be referred to the procedure along with a summary of the investigative results in the form of a draft statement of conduct to be used as a basis for the statement of conduct under s. SPS 7.05 (1) (a) and considered for eligibility for the procedure or for formal disciplinary proceedings under ch. SPS 2. The credential holder shall be provided with a written explanation of the credential holder's options for resolution of the matter through participation in the procedure and of the formal disciplinary process pursuant to ch. SPS 2.

(4) Eligibility for the procedure shall be determined by the board liaison and coordinator who shall review all relevant materials including investigative results and the credential holder's application for participation. Eligibility shall be determined upon criteria developed by the coordinator in consultation with the disciplinary authority. The decision on eligibility shall be consistent with the purposes of these procedures as described in s. SPS 7.01 (2). Credential holders who have committed violations of law may be eligible for the procedure. The board liaison shall have

responsibility to make the determination of eligibility for the procedure.

(5) The credential holder shall obtain a comprehensive assessment for chemical dependency from a treatment facility or individual therapist approved under s. [SPS 7.06](#). The credential holder shall arrange for the treatment facility or individual therapist to file a copy of its assessment with the board liaison or coordinator. The board liaison and the credential holder may agree to waive this requirement. The obtaining of the assessment shall not delay admission into the procedure.

(6) If a credential holder is determined to be ineligible for the procedure, the credential holder may be referred to the division for prosecution.

(7) A credential holder determined to be ineligible for the procedure by the board liaison or the department may, within 10 days of notice of the determination, request the credentialing authority to review the adverse determination.

History: Cr Register, January, 1991, No 421, eff 2-1-91; am (2) to (6), Register, July, 1996, No 487, eff 8-1-96; CR 10-081: renum (1) and (3) to (6) to be (3) to (7) and am (3) to (6), cr (1), am (2) Register December 2010 No 660, eff 1-1-11; correction in (3), (4), (5) made under s. [13.92 \(4\) \(b\) 7., Stats., Register November 2011 No. 671.](#)

SPS 7.04 Requirements for participation. (1) A credential holder who participates in the procedure shall:

- (a) Sign an agreement for participation under s. [SPS 7.05](#).
- (b) Remain free of alcohol, controlled substances, and prescription drugs, unless prescribed for a valid medical purpose.
- (c) Timely enroll and participate in a program for the treatment of chemical dependency conducted by a facility or individual therapist approved pursuant to s. [SPS 7.06](#).
- (d) Comply with any treatment recommendations and work restrictions or conditions deemed necessary by the board liaison or department.
- (e) Submit random monitored physiological specimens for the purpose of screening for alcohol or controlled substances provided by a drug testing program approved by the department under s. [SPS 7.11](#), as required.
- (f) Execute releases valid under state and federal law to allow access to the credential holder's counseling, treatment and monitoring records.
- (g) Have the credential holder's supervising therapist and work supervisors file quarterly reports with the coordinator.
- (h) Notify the coordinator of any changes in the credential holder's employer within 5 days.
- (i) File quarterly reports documenting the credential holder's attendance at meetings of self-help groups such as alcoholics anonymous or narcotics anonymous.

(2) If the board liaison or department determines, based on consultation with the person authorized to provide treatment to the credential holder or monitor the credential holder's enrollment or participation in the procedure, or monitor any drug screening requirements or restrictions on employment under sub. (1), that a credential holder participating in the procedure has failed to meet any of the requirements set under sub. (1), the board liaison may refer the credential holder to the division. A failure to maintain abstinence is considered a relapse and shall be reviewed by the board liaison to determine whether the credential holder should be referred to the division. The board liaison may review the complete record in making this determination.

(3) If a credential holder violates the agreement and no referral to the division occurs, then a new admission under s. [SPS 7.05 \(1\) \(a\)](#) shall be obtained for relapses and for misconduct, negligence or violations of law which are substantial. If a new admission is not obtained, then a referral to the division by the coordinator shall occur.

History: Cr Register, January, 1991, No 421, eff 2-1-91; am Register, July, 1996, No 487, eff 8-1-96; am (1) (e), Register, January, 2001, No 541, eff 2-1-01; CR 10-081: am (1) (e), (f), (2), (3) Register December 2010 No 660, eff 1-1-11;

correction in (1) (a), (c), (e), (3) made under s. [13.92 \(4\) \(b\) 7., Stats., Register November 2011 No. 671.](#)

SPS 7.05 Agreement for participation. (1) The agreement for participation in the procedure shall at a minimum include:

(a) A statement describing conduct the credential holder agrees occurred relating to participation in the procedure and an agreement that the statement may be used as evidence in any disciplinary proceeding under ch. [SPS 2](#).

(b) An acknowledgement by the credential holder of the need for treatment for chemical dependency;

(c) An agreement to participate at the credential holder's expense in an approved treatment regimen.

(d) An agreement to submit to random monitored drug screens provided by a drug testing program approved by the department under s. [SPS 7.11](#) at the credential holder's expense, if deemed necessary by the board liaison.

(e) An agreement to submit to practice restrictions at any time during the treatment regimen as deemed necessary by the board liaison.

(f) An agreement to furnish the coordinator with signed consents for release of information from treatment providers and employers authorizing the release of information to the coordinator and board liaison for the purpose of monitoring the credential holder's participation in the procedure.

(g) An agreement to authorize the board liaison or coordinator to release information described in pars. (a), (c) and (e), the fact that a credential holder has been dismissed under s. [SPS 7.07 \(3\) \(a\)](#) or violated terms of the agreement in s. [SPS 7.04 \(1\) \(b\) to \(e\)](#) and (h) concerning the credential holder's participation in the procedure to the employer, therapist or treatment facility identified by the credential holder and an agreement to authorize the coordinator to release the results of random monitored drug screens under par. (d) to the therapist identified by the credential holder.

(h) An agreement to participate in the procedure for a period of time as established by the board.

(2) The board liaison may include additional requirements for an individual credential holder, if the circumstances of the informal complaint or the credential holder's condition warrant additional safeguards.

(3) The board or board liaison may include a promise of confidentiality that all or certain records shall remain closed and not available for public inspection and copying. Any promise is subject to s. [SPS 7.08](#) and ends upon a referral to the division. Information and records may be made available to staff within the department on an as-needed basis, to be determined by the coordinator.

History: Cr Register, January, 1991, No 421, eff 2-1-91; am (1) (a) to (g) and (2), Register, July, 1996, No 487, eff 8-1-96; am (1) (d), Register, January, 2001, No 541, eff 2-1-01; CR 10-081: am (3) Register December 2010 No 660, eff 1-1-11; correction in (1) (a), (d), (g), (3) made under s. [13.92 \(4\) \(b\) 7., Stats., Register November 2011 No. 671.](#)

SPS 7.06 Standards for approval of treatment facilities or individual therapists. (1) The board or board liaison shall approve a treatment facility designated by a credential holder for the purpose of participation in the procedure if:

(a) The facility is certified by appropriate national or state certification agencies.

(b) The treatment program focus at the facility is on the individual with drug and alcohol abuse problems.

(c) Facility treatment plans and protocols are available to the board liaison and coordinator.

(d) The facility, through the credential holder's supervising therapist, agrees to file reports as required, including quarterly progress reports and immediate reports if a credential holder withdraws from therapy, relapses, or is believed to be in an unsafe condition to practice.

(2) As an alternative to participation by means of a treatment facility, a credential holder may designate an individual therapist for the purpose of participation in the procedure. The board liaison shall approve an individual therapist who:

(a) Has credentials and experience determined by the board liaison to be in the credential holder's area of need.

(b) Agrees to perform an appropriate assessment of the credential holder's therapeutic needs and to establish and implement a comprehensive treatment regimen for the credential holder.

(c) Forwards copies of the therapist's treatment regimen and office protocols to the coordinator.

(d) Agrees to file reports as required to the coordinator, including quarterly progress reports and immediate reports if a credential holder withdraws from therapy, relapses, or is believed to be in an unsafe condition to practice.

(3) If a board liaison does not approve a treatment facility or therapist as requested by the credential holder, the credential holder may, within 10 days of notice of the determination, request the board to review the board liaison's adverse determination.

History: Cr Register, January, 1991, No 421, eff 2-1-91; am Register, July, 1996, No 487, eff 8-1-96; r (1) (d) and (2) (d), renam (1) (e) and (2) (e) to be (1) (d) and (2) (d) and am , Register, January, 2001, No 541, eff 2-1-01

SPS 7.07 Intradepartmental referral. (2) The division may refer individuals named in informal complaints to the board liaison for acceptance into the procedure.

(3) The board liaison may refer cases involving the following to the division for investigation or prosecution:

(a) Credential holders participating in the procedure who fail to meet the requirements of their rehabilitation program.

(b) Credential holders who apply and who are determined to be ineligible for the procedure where the board liaison is in possession of information indicating misconduct, negligence or a violation of law.

(c) Credential holders who do not complete an agreement for participation where the board liaison is in possession of information indicating misconduct, negligence or a violation of law.

(d) Credential holders initially referred by the division to the board liaison who fail to complete an agreement for participation.

(e) Credential holders who request early termination of an agreement for participation. In making the decision if a referral should occur, the board liaison shall consider whether the credential holder's therapist approves the early termination and whether this opinion is supported by a second therapist selected by the department who shall always be consulted and shall concur.

(4) The board liaison shall refer credential holders who relapse in the context of the work setting to the division for investigation and prosecution. A credential holder referred under this subsection who has not been dismissed from the procedure may continue to participate in the procedure.

History: Cr Register, January, 1991, No 421, eff 2-1-91; am (1), (3) (a) to (d), Register, July, 1996, No 487, eff 8-1-96; CR 10-081: r (1), am (3) (a), (b), (c), cr (3) (e), (4) Register December 2010 No 660, eff 1-1-11

SPS 7.08 Records. (1) CUSTODIAN All records relating to the procedure including applications for participation, agreements for participation and reports of participation shall be maintained in the custody of the department secretary or the secretary's designee.

(2) AVAILABILITY OF PROCEDURE RECORDS FOR PUBLIC INSPECTION Any requests to inspect procedure records shall be made to the custodian. The custodian shall evaluate each request on a case by case basis using the applicable law relating to open records and giving appropriate weight to relevant factors in order to determine whether public interest in nondisclosure outweighs the public interest in access to the records, including the reputational interests of the credential holder, the importance of confidentiality to the functional integrity of the procedure, the existence of any promise of confidentiality, statutory or common law rules which

accord a status of confidentiality to the records and the likelihood that release of the records will impede an investigation. The fact of a credential holder's participation in the procedure and the status of that participation may be disclosed to credentialing authorities of other jurisdictions.

(3) TREATMENT RECORDS Treatment records concerning individuals who are receiving or who at any time have received services for mental illness, developmental disabilities, alcoholism, or drug dependence which are maintained by the department, by county departments under s. 51.42 or 51.437, Stats., and their staffs and by treatment facilities are confidential under s. 51.30, Stats., and shall not be made available for public inspection.

(4) PATIENT HEALTH CARE RECORDS Patient health care records are confidential under s. 146.82, Stats., and shall not be made available to the public without the informed consent of the patient or of a person authorized by the patient or as provided under s. 146.82 (2), Stats.

History: Cr Register, January, 1991, No 421, eff 2-1-91; am (2), Register, July, 1996, No 487, eff 8-1-96; CR 10-081: am (2) Register December 2010 No 660, eff 1-1-11

SPS 7.09 Report. The board liaison or coordinator shall report on the procedure to the board at least twice a year and if requested to do so by a board.

History: Cr Register, January, 1991, No 421, eff 2-1-91; am Register, July, 1996, No 487, eff 8-1-96

SPS 7.10 Applicability of procedures to direct licensing by the department. This procedure may be used by the department in resolving complaints against persons licensed directly by the department if the department has authority to discipline the credential holder. In such cases, the department secretary shall have the authority and responsibility of the "board" as the term is used in the procedure and shall designate an employee to perform the responsibilities of the "board liaison."

History: Cr Register, January, 1991, No 421, eff 2-1-91; am Register, July, 1996, No 487, eff 8-1-96

SPS 7.11 Approval of drug testing programs. The department shall approve drug testing programs for use by credential holders who participate in drug and alcohol monitoring programs pursuant to agreements between the department or boards and credential holders, or pursuant to disciplinary orders. To be approved as a drug testing program for the department, programs shall satisfactorily meet all of the following standards in the areas of program administration, collection site administration, laboratory requirements and reporting requirements:

(1) Program administration requirements are:

(a) The program shall enroll participants by setting up an account, establishing a method of payment and supplying pre-printed chain-of-custody forms.

(b) The program shall provide the participant with the address and phone number of the nearest collection sites and shall assist in locating a qualified collection site when traveling outside the local area.

(c) Random selection of days when participants shall provide specimens shall begin upon enrollment and the program shall notify designated department staff that selection has begun.

(d) The program shall maintain a nationwide toll-free access or an internet website that is operational 24 hours per day, 7 days per week to inform participants of when to provide specimens and is able to document the date and time of contacts by credential holders.

(e) The program shall maintain and make available to the department and treatment providers through an internet website data that are updated on a daily basis verifying the date and time each participant was notified after random selection to provide a specimen, the date, time and location each specimen was collected, the results of drug screen and whether or not the participant complied as directed.

(f) The program shall maintain internal and external quality of test results and other services.

(g) The program shall maintain the confidentiality of participants in accordance with s. 146.82, Stats.

(h) The program shall inform participants of the total cost for each drug screen including the cost for program administration, collection, transportation, analysis, reporting and confirmation. Total cost shall not include the services of a medical review officer.

(i) The program shall immediately report to the department if the program, laboratory or any collection site fails to comply with this section. The department may remove a program from the approved list if the program fails to comply with this section.

(j) The program shall make available to the department experts to support a test result for 5 years after the test results are released to the department.

(k) The program shall not sell or otherwise transfer or transmit names and other personal identification information of the participants to other persons or entities without permission from the department. The program shall not solicit from participants presently or formerly in the monitoring program or otherwise contact participants except for purposes consistent with administering the program and only with permission from the department.

(L) The program and laboratory shall not disclose to the participant or the public the specific drugs tested.

(2) Collection site administration requirements are:

(a) The program shall locate, train and monitor collection sites for compliance with the U.S. department of transportation collection protocol under 49 CFR 40.

(b) The program shall require delivery of specimens to the laboratory within 24 hours of collection.

(3) Laboratory requirements are:

(a) The program shall utilize a laboratory that is certified by the U.S. department of health and human services, substance abuse and mental health services administration under 49 CFR 40. If the laboratory has had adverse or corrective action, the department shall evaluate the laboratory's compliance on a case by case basis.

(b) The program shall utilize a laboratory capable of analyzing specimens for drugs specified by the department.

(c) Testing of specimens shall be initiated within 48 hours of pickup by courier.

(d) All positive drug screens shall be confirmed utilizing gas chromatography in combination with mass spectrometry, mass spectrometry, or another approved method.

(e) The laboratory shall allow department personnel to tour facilities where participant specimens are tested.

(4) The requirements for reporting of results are:

(a) The program shall provide results of each specimen to designated department personnel within 24 hours of processing.

(b) The program shall inform designated department personnel of confirmed positive test results on the same day the test results are confirmed or by the next business day if the results are confirmed after hours, on the weekend or on a state or federal holiday.

(c) The program shall fax, e-mail or electronically transmit laboratory copies of drug test results at the request of the department.

(d) The program shall provide a medical review officer upon request and at the expense of the participant, to review disputed positive test results.

(e) The program shall provide chain-of-custody transfer of disputed specimens to an approved independent laboratory for retesting at the request of the participant or the department.

History: Cr Register, January, 2001, No 541, eff 2-1-01; CR 10-081: am (1) (d), (e) Register December 2010 No 660, eff 1-1-11

Chapter SPS 8

ADMINISTRATIVE WARNINGS

SPS 8 01	Authority and scope	SPS 8 05	Request for a review of an administrative warning
SPS 8 02	Definitions	SPS 8 06	Procedures
SPS 8 03	Findings before issuance of an administrative warning	SPS 8 07	Transcription fees
SPS 8 04	Issuance of an administrative warning		

Note: Chapter RL 8 was renumbered chapter SPS 8 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

SPS 8.01 Authority and scope. Rules in this chapter are adopted under the authority of s. 440.205, Stats., to establish uniform procedures for the issuance and use of administrative warnings.

History: Cr Register, January, 1999, No 517, eff 2-1-99

SPS 8.02 Definitions. As used in s. 440.205, Stats., and in this chapter:

(1) “Credential” means a license, permit, or certificate of certification or registration that is issued under chs. 440 to 480, Stats.

(2) “Department” means the department of safety and professional services.

(3) “Disciplinary authority” means the department or an attached examining board, affiliated credentialing board or board having authority to reprimand a credential holder.

(4) “Division” means the division of enforcement in the department.

(5) “First occurrence” means any of the following:

(a) The credential holder has never been charged as a respondent in a formal complaint filed under ch. SPS 2.

(b) Other than the matter pending before the disciplinary authority, no informal complaint alleging the same or similar misconduct has been filed with the department against the credential holder.

(c) The credential holder has not been disciplined by a disciplinary authority in Wisconsin or another jurisdiction.

(6) “Minor violation” means all of the following:

(a) No significant harm was caused by misconduct of the credential holder.

(b) Continued practice by the credential holder presents no immediate danger to the public.

(c) If prosecuted, the likely result of prosecution would be a reprimand or a limitation requiring the credential holder to obtain additional education.

(d) The complaint does not warrant use of prosecutorial resources.

(e) The credential holder has not previously received an administrative warning.

(7) “Misconduct” means a violation of a statute or rule related to the profession or other conduct for which discipline may be imposed under chs. 440 to 480, Stats.

History: Cr Register, January, 1999, No 517, eff 2-1-99; correction in (2), (5) (a) made under s. 13.92 (4) (b) 6., 7., Stats., Register November 2011 No. 671.

SPS 8.03 Findings before issuance of an administrative warning. Before issuance of an administrative warning, a disciplinary authority shall make all of the following findings:

(1) That there is specific evidence of misconduct by the credential holder.

(2) That the misconduct is a first occurrence for the credential holder.

(3) That the misconduct is a minor violation of a statute or rule related to the profession or other conduct for discipline may be imposed.

(4) That issuance of an administrative warning will adequately protect the public.

History: Cr Register, January, 1999, No 517, eff 2-1-99

SPS 8.04 Issuance of an administrative warning.

(1) An administrative warning shall be substantially in the form shown in Appendix I.

(2) An administrative warning may be issued to a credential holder by mailing the administrative warning to the last address provided by the credential holder to the department. Service by mail is complete on the date of mailing.

History: Cr Register, January, 1999, No 517, eff 2-1-99

SPS 8.05 Request for a review of an administrative warning. A credential holder who has been issued an administrative warning may request the disciplinary authority to review the issuance of the administrative warning by filing a written request with the disciplinary authority within 20 days after the mailing of the administrative warning. The request shall be in writing and set forth:

(1) The credential holder’s name and address.

(2) The reason for requesting a review.

History: Cr Register, January, 1999, No 517, eff 2-1-99

SPS 8.06 Procedures. The procedures for an administrative warning review are:

(1) Within 45 calendar days of receipt of a request for review, the disciplinary authority shall notify the credential holder of the time and place of the review.

(2) No discovery is permitted. A credential holder may inspect records under s. 19.35, Stats., the public records law.

(3) The disciplinary authority or its designee shall preside over the review. The review shall be recorded by audio tape unless otherwise specified by the disciplinary authority.

(4) The disciplinary authority shall provide the credential holder with an opportunity to make a personal appearance before the disciplinary authority and present a statement. The disciplinary authority may request the division to appear and present a statement on issues raised by the credential holder. The disciplinary authority may establish a time limit for making a presentation. Unless otherwise determined by the disciplinary authority, the time for making a personal appearance shall be 20 minutes.

(5) If the credential holder fails to appear for a review, or withdraws the request for a review, the disciplinary authority may note the failure to appear in the minutes and leave the administrative warning in effect without further action.

History: Cr Register, January, 1999, No 517, eff 2-1-99

SPS 8.07 Transcription fees. (1) The fee charged for a transcript of a review under this chapter shall be computed by the person or reporting service preparing the transcript on the following basis:

(a) If the transcript is prepared by a reporting service, the fee charged for an original transcription and for copies shall be the

amount identified in the state operational purchasing bulletin which identifies the reporting service and its fees.

(b) If a transcript is prepared by the department, the department shall charge a transcription fee of \$1.75 per page and a copying charge of \$.25 per page. If 2 or more persons request a transcript, the department shall charge each requester a copying fee of \$.25 per page, but may divide the transcript fee equitably among the requesters. If the department has prepared a written transcript for

its own use prior to the time a request is made, the department shall assume the transcription fee, but shall charge a copying fee of \$.25 per page.

(2) A person who is without means and who requires a transcript for appeal or other reasonable purposes shall be furnished with a transcript without charge upon the filing of a petition of indigence signed under oath.

History: Cr [Register, January, 1999, No 517](#), eff 2-1-99

Chapter SPS 8

APPENDIX I

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

[DISCIPLINARY AUTHORITY]

ADMINISTRATIVE WARNING

This administrative warning is issued by the {disciplinary authority} to {credential holder} pursuant to s. 440.205, Stats. The {disciplinary authority} makes the following findings:

- 1) That there is evidence of professional misconduct by {credential holder}, to wit:
- 2) That this misconduct is a first occurrence for {credential holder}.
- 3) That this misconduct is a minor violation of {statute or rule}.
- 4) That issuance of this administrative warning will adequately protect the public and no further action is warranted.

Therefore, the {disciplinary authority} issues this administrative warning and hereby puts the {credential holder} on notice that any subsequent violation may result in disciplinary action. The investigation of this matter is hereby closed.

Date: _____

Signature of authorized representative
For {Disciplinary Authority}

Right to Review

You may obtain a review of this administrative warning by filing a written request with the {disciplinary authority} within 20 days of mailing of this warning. The review will offer the credential holder an opportunity to make a personal appearance before the {disciplinary authority}.

The record that this administrative warning was issued is a public record.

The content of this warning is private and confidential.

Chapter SPS 9

DENIAL OF RENEWAL APPLICATION BECAUSE APPLICANT IS LIABLE FOR DELINQUENT TAXES

SPS 9 01 Authority
SPS 9 02 Scope; nature of proceedings
SPS 9 03 Definitions

SPS 9 04 Procedures for requesting the department of revenue to certify whether an applicant for renewal is liable for delinquent taxes
SPS 9 05 Denial of renewal

Note: Chapter RL 9 was renumbered chapter SPS 9 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

SPS 9.01 Authority. The rules in ch. SPS 9 are adopted under the authority in s. 440.03, Stats.

History: Emerg cr eff 11-14-96; cr Register, August, 1996, No 488, eff 9-1-96; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 9.02 Scope; nature of proceedings. The rules in this chapter govern the procedures for requesting the Wisconsin department of revenue to certify whether an applicant is liable for delinquent taxes owed to this state under s. 440.08 (4) (b), Stats., as created by 1995 Wis. Act 27 and amended by 1995 Wis. Act 233, to review denial of an application for renewal because the applicant is liable for delinquent taxes.

History: Emerg cr eff 11-14-96; cr Register, August, 1996, No 488, eff 9-1-96

SPS 9.03 Definitions. In this chapter:

(1) "Applicant" means a person who applies for renewal of a credential. "Person" in this subsection includes a business entity.

(2) "Credential" has the meaning in s. 440.01 (2) (a), Stats.

(3) "Department" means the department of safety and professional services.

(4) "Liable for any delinquent taxes owed to this state" has the meaning set forth in s. 73.0301 (1) (c), Stats.

History: Emerg cr eff 11-14-96; Cr Register, August, 1996, No 488, eff 9-1-96; correction in (4) made under s. 13.93 (2m) (b) 7, Stats., Register November 2007 No 623; correction in (3) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671.

SPS 9.04 Procedures for requesting the department of revenue to certify whether an applicant for renewal is liable for delinquent taxes. (1) RENEWAL APPLICATION FORM If the department receives a renewal application that does not include the information required by s. 440.08 (2g) (b), Stats., the application shall be denied unless the applicant provides the missing information within 20 days after the department first received the application.

Note: 1997 Wis Act 191 repealed s. 440.08 (2g) (b), Stats., and created s. 440.03 (11m), Stats. Section SPS 9 04 (1), Wis Adm Code, was affected by the statutory changes in 1997 Wis Act 191, is no longer necessary, and will be removed in future rule-making by the department

(2) SCREENING FOR LIABILITY FOR DELINQUENT TAXES The name and social security number or federal employer identification number of an applicant shall be compared with information at the Wisconsin department of revenue that identifies individuals and organizations who are liable for delinquent taxes owed to this state.

(3) NOTICE OF INTENT TO DENY BECAUSE OF TAX DELINQUENCY If an applicant is identified as being liable for any delinquent taxes owed to this state in the screening process under sub. (2), the Wisconsin department of revenue shall mail a notice to the applicant at the last known address of the applicant according to s. 440.11, Stats., or to the address identified in the applicant's renewal application, if different from the address on file in the department. The notice shall state that the application for renewal submitted by the applicant shall be denied unless, within 10 days from the date of the mailing of the notice, the department of safety and professional services receives a copy of a certificate of tax clearance issued by the Wisconsin department of revenue which shows that the applicant is not liable for delinquent state taxes or unless the Wisconsin department of revenue provides documentation to the department showing that the applicant is not liable for delinquent state taxes.

(4) OTHER REASONS FOR DENIAL If the department determines that grounds for denial of an application for renewal may exist other than the fact that the applicant is liable for any delinquent taxes owed to this state, the department shall make a determination on the issue of tax delinquency before investigating other issues of renewal eligibility.

History: Emerg cr eff 11-14-96; cr Register, August, 1996, No 488, eff 9-1-96; correction in (3) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671.

SPS 9.05 Denial of renewal. The department shall deny an application for credential renewal if the applicant fails to complete the information on the application form under s. SPS 9.04 or if the Wisconsin department of revenue certifies or affirms its certification under s. 440.08 (4) (b) 3., Stats., that the applicant is liable for delinquent taxes and the department does not receive a current certificate of tax clearance or the Wisconsin department of revenue does not provide documentation showing that the applicant is not liable for delinquent taxes within the time required under s. SPS 9.04 (2) and (3). The department shall mail a notice of denial to the applicant that includes a statement of the facts that warrant the denial under s. 440.08 (4) (b), Stats., and a notice that the applicant may file a written request with the department to have the denial reviewed at a hearing before the Wisconsin department of revenue.

Note: 1997 Wis Act 237 repealed s. 440.08 (4) (b), Stats. 1997 Wis Act 237 also created s. 440.12, Stats.; both statutory references in s. SPS 9 05, Wis Admin Code, should be to s. 440.12, Stats. Future rule-making by the department will correct these references

History: Emerg cr eff 11-14-96; cr Register, August, 1996, No 488, eff 9-1-96; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.