

Applications filed with the department of nurses pursuant to 149.04 and 149.08, Stats. 1943, are public records within the meaning of 18.01 (1) and must be preserved unless disposal is authorized in the manner provided by 44.08. 39 Atty. Gen. 603.

**441.05 History:** 1921 c. 365 s. 2; 1921 c. 590 s. 6; Stats. 1921 s. 1435c-6 (1), (2); 1923 c. 448 s. 78; Stats. 1923 s. 149.05; 1949 c. 402; 1963 c. 458; 1969 c. 336 s. 73; Stats. 1969 s. 441.05.

**441.06 History:** 1921 c. 365 s. 2; 1921 c. 590 s. 6; Stats. 1921 ss. 1435c-3 (1), 1435c-4, 1435c-6 (3), 1435c-7 (1), (2); 1923 c. 448 s. 80; Stats. 1923 s. 149.06; 1941 c. 132; 1943 c. 304, 480; 1943 c. 553 s. 29; 1949 c. 402; 1955 c. 290, 333; 1959 c. 135 s. 37; 1961 c. 362; 1963 c. 94, 458; 1965 c. 249; 1967 c. 43; 1969 c. 336 s. 74; Stats. 1969 s. 441.06.

149.06 (4) and 149.10, Stats. 1929, do not prohibit any one from practicing as a nurse, but merely from practicing as a registered, trained, certified or graduate nurse without a registration certificate. *Nickley v. Eisenberg*, 206 W 265, 239 NW 426.

A nurse who is not a registered nurse may nevertheless advertise as a practical nurse. 9 Atty Gen. 87.

A registered nurse of another state may act as a practical nurse but may not employ the letters "R.N." 24 Atty. Gen. 563.

Ch. 149, Stats. 1939, which prohibits a nurse from holding herself out as a registered nurse and practicing as such without a certificate of registration, does not specifically provide any penalty for hospital authorities who knowingly hire a nurse who has no such certificate and who permit her to practice as a registered nurse; but they may nevertheless be guilty of aiding and abetting violation thereof under such facts; they may also be guilty of a common-law conspiracy to violate ch. 149 under the provisions of 348.40. 30 Atty. Gen. 95.

A person employed as an anaesthetist in a hospital is not required to be a registered nurse under ch. 149, Stats. 1941, so long as she does not hold herself out as being a registered, graduate, certified or trained nurse and practice as such. 30 Atty. Gen. 245.

Where a nurse from another state seeks registration without examination by reciprocity in Wisconsin under 149.06 (1), Stats. 1947, the equivalency of her training and qualifications is to be determined on the basis of whether or not such training and qualifications would have qualified her for a certificate of registration in Wisconsin on the date that she obtained her certificate in the other state. 37 Atty. Gen. 399.

Credentials of a certificate holder of another state are discussed in 39 Atty. Gen. 224.

Any person not a registered nurse who displays caduceus with D. N. superimposed or who represents self as "D. N." or "Doctor's Nurse" violates 149.06 (4), Stats. 1959, and is subject to the penalty of 149.12. 48 Atty. Gen. 147.

Civil liability for treatment rendered at scene of emergency. 48 MLR 80 and 1964 WLR 494.

**441.07 History:** 1921 c. 365 s. 2; 1921 c. 590

s. 6; Stats. 1921 s. 1435c-6 (4); 1923 c. 448 s. 81; Stats. 1923 s. 149.07; 1949 c. 402; 1955 c. 290; 1963 c. 458; 1969 c. 336 s. 75; Stats. 1969 s. 441.07.

**441.08 History:** 1921 c. 365 s. 2; 1921 c. 590 s. 6; Stats. 1921 s. 1435c-7 (3); 1923 c. 448 s. 82; Stats. 1923 s. 149.08; 1941 c. 132; 1943 c. 63, 169; 1947 c. 483; 1949 c. 402; 1955 c. 290 s. 5; 1963 c. 458; 1969 c. 392 s. 57c; Stats. 1969 s. 441.08.

**441.09 History:** 1961 c. 501; Stats. 1961 s. 149.081; 1969 c. 336 s. 76; Stats. 1969 s. 441.09.

**441.10 History:** 1943 c. 304; Stats. 1943 ss. 149.045, 149.055, 149.065; 1947 c. 450; 1949 c. 402; Stats. 1949 ss. 149.041, 149.045, 149.055, 149.065; 1955 c. 10 s. 124; 1955 c. 290 ss. 2, 4; 1955 c. 333 ss. 4, 5, 6, 8, 9; Stats. 1955 s. 149.09; 1959 c. 135 s. 38; 1959 c. 659 s. 76; 1963 c. 458; 1967 c. 43; 1969 c. 336 ss. 77, 78; 1969 c. 392 s. 84g; Stats. 1969 s. 441.10.

The state board of nursing may not waive or reduce the examination fee for trained practical nurses. 38 Atty. Gen. 341.

**441.11 History:** 1921 c. 365 s. 2; 1921 c. 590 s. 6; Stats. 1923 s. 1435c-8; 1923 c. 448 s. 86; Stats. 1923 s. 149.10; 1949 c. 402; 1955 c. 333 ss. 10, 11; 1963 c. 458; 1969 c. 336 s. 79; Stats. 1969 s. 441.11.

**441.12 History:** 1921 c. 365 s. 2; 1921 c. 590 s. 6; Stats. 1921 s. 1435c-9; 1923 c. 448 s. 87; Stats. 1923 s. 149.11; 1943 c. 304; 1949 c. 402; 1955 c. 290; 1961 c. 362; 1963 c. 177; 1965 c. 97; 1965 c. 433 s. 121; 1969 c. 336 s. 80; Stats. 1969 s. 441.12.

**441.13 History:** 1921 c. 365 s. 2; 1921 c. 590 s. 6; Stats. 1921 s. 1435c-10; 1923 c. 448 s. 88; Stats. 1923 s. 149.12; 1955 c. 290, 333, 652; 1963 c. 458; 1969 c. 336 s. 81; Stats. 1969 s. 441.13.

## CHAPTER 442.

### Accounting Examining Board.

**442.01 History:** 1913 c. 337; 1913 c. 772 s. 111; Stats. 1913 s. 1636-202; 1919 c. 362 ss. 19, 32; 1923 c. 291 s. 3; Stats. 1923 s. 135.01; 1935 c. 481; 1943 c. 375 s. 51; 1949 c. 220; 1951 c. 319 s. 242; 1963 c. 140; 1967 c. 237; 1969 c. 336 ss. 32, 33, 160; Stats. 1969 s. 442.01.

**442.02 History:** 1935 c. 481; Stats. 1935 s. 135.02; 1969 c. 41; 1969 c. 336 s. 34; Stats. 1969 s. 442.02.

See note to 442.06, citing *Wangerin v. Wisconsin State Board of Accountancy*, 223 W 179, 270 NW 57.

On the distinction between "accountant" and "public accountant" see *Tom Welch Accounting Service v. Walby*, 29 W (2d) 123, 138 NW (2d) 139.

Upon the evidence submitted it does not appear that Co-operative Auditing Service, Inc., a Minnesota cooperative association, is operating in Wisconsin in violation of ch. 135, Stats. 1945. 36 Atty. Gen. 30.

On employment of bookkeepers and accountants under 135.02 (9), see 54 Atty. Gen. 16.

Accountants' liability to third persons for an audit. *Anderson*, 52 MLR 158.

**442.03 History:** 1935 c. 481; Stats. 1935 s. 135.03; 1969 c. 336 ss. 34, 175 (1); Stats. 1969 s. 442.03.

See note to sec. 1, art. I, on exercises of police power, citing *Wangerin v. Wisconsin State Board of Accountancy*, 223 W 179, 270 NW 57.

**442.04 History:** 1935 c. 481; Stats. 1935 s. 135.04; 1949 c. 127; 1963 c. 140; 1965 c. 252; 1969 c. 336 ss. 35, 175 (1); Stats. 1969 s. 442.04.

**442.05 History:** 1935 c. 481; Stats. 1935 s. 135.05; 1963 c. 140; 1969 c. 336 ss. 36, 175 (1); Stats. 1969 s. 442.05.

**442.06 History:** 1935 c. 481; Stats. 1935 s. 135.06; 1969 c. 336 s. 37; Stats. 1969 s. 442.06.

Persons entitled to be registered as public accountants on application by a designated date, and not claiming that they applied for or were denied registration, are not in a position to question the validity of the provisions of such statute as to standards, examinations, etc. Ch. 481, Laws 1935 (ch. 135, Stats. 1947), in regulating the practice of accountancy, deals solely with the relation of such practice to the public; it does not forbid others than public accountants or certified public accountants from working at the business of accountancy for more than one person, provided that there is no representation of being a public accountant or a certified public accountant and that the service rendered to the employers is not put before the public as work of a public accountant or a certified public accountant. *Wangerin v. Wisconsin State Board of Accountancy*, 223 W 179, 270 NW 57.

**442.07 History:** 1935 c. 481; Stats. 1935 s. 135.07; 1969 c. 336 s. 38; Stats. 1969 s. 442.07.

Under 135.04, Stats. 1933, use of the degree "Master of Accounting" is lawful. 21 Atty. Gen. 468.

**442.08 History:** 1935 c. 481; Stats. 1935 s. 135.08; 1969 c. 336 s. 39; Stats. 1969 s. 442.08.

**442.09 History:** 1935 c. 481; Stats. 1935 s. 135.09; 1959 c. 491; 1969 c. 336 s. 40; Stats. 1969 s. 442.09.

**442.10 History:** 1935 c. 481; Stats. 1935 s. 135.10; 1963 c. 140; 1969 c. 336 ss. 41, 175 (1); Stats. 1969 s. 442.10.

**442.11 History:** 1935 c. 481; Stats. 1935 s. 135.11; 1963 c. 140; 1969 c. 336 ss. 42, 175 (1); Stats. 1969 s. 442.11.

**442.12 History:** 1935 c. 481; Stats. 1935 s. 135.12; 1943 c. 375 s. 52; 1969 c. 276; 1969 c. 336 ss. 43, 175 (1); 1969 c. 392 s. 55e; Stats. 1969 s. 442.12.

**442.13 History:** 1963 c. 140; Stats. 1963 s. 135.13; 1969 c. 336 s. 44; Stats. 1969 s. 442.13.

**442.14 History:** 1935 c. 481; Stats. 1935 s. 135.13; 1951 c. 261 s. 10; 1963 c. 140; Stats. 1963 s. 135.14; 1969 c. 336 s. 45; Stats. 1969 s. 442.14.

#### CHAPTER 443.

##### Examining Board of Architects and Professional Engineers.

**443.01 History:** 1917 c. 644; Stats. 1917 s.

1636—215; 1919 c. 198 ss. 1, 3; Stats. 1919 s. 2394—97; Stats. 1923 s. 101.31; 1931 c. 486 s. 3; 1935 c. 437; 1943 c. 372; 1943 c. 375 s. 36; 1943 c. 387; 1945 c. 13, 33, 34; 1949 c. 510, 643; 1951 c. 261 s. 10; 1955 c. 10, 620; 1957 c. 528; 1959 c. 228 s. 61; 1959 c. 581; 1965 c. 570; 1967 c. 26, 131, 177, 249; 1969 c. 239; 1969 c. 276 ss. 380, 584 (1) (b), (2) (b); 1969 c. 336 ss. 7, 8, 175 (2); 1969 c. 392 ss. 69b, 69c; 1969 c. 446 ss. 2 to 8; Stats. 1969 s. 443.01.

An architect not registered and licensed cannot recover on quantum meruit for services rendered, and the defense need not be pleaded. If the work is performed jointly by 2 architects, one of whom only is licensed, neither may recover. *Hickey v. Sutton*, 191 W 313, 210 NW 704.

The plaintiff who was not registered and who did not represent himself as an architect, but who drew plans for a dwelling for the defendant, could recover for his services. *Fischer v. Landisch*, 203 W 254, 234 NW 498.

An agreement of building contractors to furnish architectural services was not an agreement to perform such services, and the contractors did not thereby impliedly represent themselves to be architects, so as to preclude recovery for such services because they were not registered architects. (*Hickey v. Sutton*, 191 W 313, 210 NW 704, distinguished; *Fischer v. Landisch*, 203 W 254, 234 NW 498, followed.) *Adams v. Feiges*, 206 W 183, 239 NW 446.

Sec. 101.31, Stats. 1931, defining the practice of architecture as embracing "responsible supervision of the construction, enlargement or alteration of public or private buildings" for others and prohibiting such practice without an architect's license, refers to the sort of supervision which an architect ordinarily gives, and does not forbid all supervision except by a licensed architect; and the supervision necessary to performance is not the supervision that is ordinarily rendered by an architect. That the plaintiff may have violated the architect-licensing statute by holding himself out as an architect to others without possessing an architect's license constituted no defense against recovery for his services rendered to the defendants. *Wahlstrom v. Hill*, 213 W 533, 252 NW 339.

If the plaintiff agreed to furnish architectural services, handled the business end of the transaction while leaving the architectural part to a registered architect, and acted as a builder, and the plans were actually prepared by a registered architect in his employ, and the defendant was sufficiently advised of the relation existing between all concerned, the plaintiff would not be precluded from recovering for the services because he was not a registered architect. *Lytle v. Godfirron*, 241 W 533, 6 NW (2d) 652.

Evidence as to the nature of an architect's mistakes in plans for a building, and as to impractical and improper construction, delay in construction, failure to secure a building permit, misplacement of the building in reference to the lot line, and as to his actions in securing the owner's indorsement of payment on certificates after he had knowledge of the misplacement of the building, warranted the registration board's finding that he was guilty of gross negligence, incompetence and miscon-