

A-E 3

CERTIFICATE

STATE OF WISCONSIN

EXAMINING BOARD OF ARCHITECTS,)
PROFESSIONAL ENGINEERS, DESIGNERS) SS
AND LAND SURVEYORS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

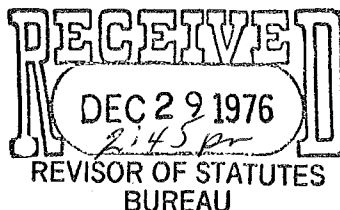
I, C. F. Hurc, Secretary of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, and legal custodian of the official records of said Examining Board, do hereby certify that the annexed copy of Rules of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors relating to the Board's Rules of Procedure, Transcription of Record, and Fees, were duly approved and adopted by this Examining Board on November 12, 1976.

I further certify that said copy has been compared by me with the original on file with this Board, and that the same is a true and correct copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto
set my hand and affixed the official
seal of the Board at 1400 E. Washington
Avenue in the City of Madison, this
29th day of December, 1976.



C. F. Hurc, Secretary



ORDER OF THE EXAMINING BOARD
OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS AND LAND SURVEYORS
ADOPTING RULES

Pursuant to authority vested in the examining board of Architects, Professional Engineers, Designers and Land Surveyors by Section 15.08, 227.027, 443.01 and 443.02, Wis. Stats. the Examining Board hereby repeals, amends and adopts rules to read as follows:

Part I. Section A-E 3.025(4) of the WISCONSIN ADMINISTRATIVE CODE is amended to read:

A-E 3.025(4) "Certificate" means a certificate of registration as an architect, professional engineer or land surveyor, certificate-of-record as an engineer-in-training, or permit as a designer, certificate of authorization to practice architecture or professional engineering, or other grant-of-authority, certificate, or permit, grant of authority or form of permission issued, granted or subject to renewal, suspension or revocation by the board or any of its sections.

Part II. Sections A-E 3.025(6) and (7) of the WISCONSIN ADMINISTRATIVE CODE are repealed.

Part III. The following sections of the WISCONSIN ADMINISTRATIVE CODE are renumbered:

- A. Section A-E 3.025(12) is renumbered Section A-E 3.025(6);
- B. Section A-E 3.025(11) is renumbered Section A-E 3.025(12);
- C. Section A-E 3.025(10) is renumbered Section A-E 3.025(13) and is amended to read:

(13) "Respondent" means the person complained against in a formal complaint or named as a respondent in a motion for disciplinary action.

- D. Section A-E 3.025(9) is renumbered Section A-E 3.025(11).

Part IV. Section A-E 3.025(8) of the WISCONSIN ADMINISTRATIVE CODE is renumbered Section A-E 3.025(10) and amended to read:

(10) "Party" in any disciplinary matter proceeding includes in its meaning the respondent and the board when performing an adversary function. A complainant is not a party to any disciplinary matter. In a disciplinary matter proceeding, the board counsel represents the board's adversary function. When a disciplinary proceeding is commenced by the filing of a formal complaint, the complainant is a party.

Part V. Section A-E 3.025(7) of the WISCONSIN ADMINISTRATIVE CODE is created to read:

(7) "Disciplinary Proceeding" means a class 2 proceeding in which the board determines whether to impose a disciplinary action."

Part VI. Section A-E 3.025(8) of the WISCONSIN ADMINISTRATIVE CODE is created to read:

(8) "Formal Complaint" means a complaint which meets the requirements of Section A-E 3.09.

Part VII. Section A-E 3.025(9) of the WISCONSIN ADMINISTRATIVE CODE is created to read:

(9) "License" means a certificate. "Licensee" means a person holding a certificate.

Part VIII. Section A-E 3.03 of the WISCONSIN ADMINISTRATIVE CODE is repealed and recreated to read:

A-E 3.03 Commencement of Disciplinary Proceedings. Proceedings to revoke or suspend a license or to reprimand a licensee may be commenced by any person upon the filing with the board secretary of an original and 2 copies of a formal complaint, or by the board counsel upon the filing with the board secretary of a motion for disciplinary action.

Part IX. Section A-E 3.09 of the WISCONSIN ADMINISTRATIVE CODE is repealed and recreated to read:

A-E 3.09 Commencement of actions by formal complaint.

(1) A formal complaint must contain:

(a) The name and address of the complaining party as well as the name and address of any person complained against;

(b) A plain and concise statement of the facts which together indicate that the person complained against has violated provisions of chapter 443, Wis. Stats. or rules promulgated by the board;

(c) A demand in essentially the following form: "Wherefore, complainant demands that the _____ section of the Examining Board hear evidence relevant to matters recited herein and determine whether the license of the respondent should be revoked or suspended, or whether respondent should receive an official reprimand"; and,

(d) The signature of the complainant and a verification by affidavit of the complainant or the complainant's agent or attorney to the effect that the complaint is true to the knowledge of the person making it, except as to those matters stated on information and belief and as to those matters the person believes it to be true.

(2) Upon receipt of a formal complaint, the board secretary shall:

(a) Set a date and time for hearing agreeable to the board within the time required by Wis. Stat. s.443.01(13)(c);

(b) Prepare a notice of hearing in the form prescribed in section A-E 3.11; and,

(c) Serve the notice of hearing together with a copy of the complaint on the respondent in the manner described in section A-E 3.12.

(3) Receipt of a formal complaint by the board secretary constitutes filing the complaint.

Part X. Section A-E 3.10 of the WISCONSIN ADMINISTRATIVE CODE is repealed and recreated to read:

A-E 3.10 Commencement of Disciplinary Proceedings by Motion for Disciplinary Action.

(1) Upon review and investigation of any informal complaint the board counsel may file with the board secretary a motion for disciplinary action together with a motion that respondent answer. The motion for disciplinary action shall contain a plain and concise statement of facts which together show that the respondent named in the motion has violated specific provisions of Chapter 443, Wis. Stats. or rules promulgated by the board and requesting that the board take disciplinary action against a named respondent.

(2) The board secretary shall transmit both motions to the chairman of the appropriate section, set a time for hearing the motion that respondent answer and at least 10 days prior to hearing serve the respondent with a notice of hearing of the motion that respondent answer.

(3) The chairman of the appropriate section or a board member designated by the chairman of the appropriate section shall preside at the hearing on the motion that respondent answer. At the hearing the board counsel shall present evidence to establish probable cause that the respondent has violated specific provisions of Chapter 443, Wis. Stats. or rules promulgated by the board. The respondent or the respondent's attorney may present evidence at such a hearing. If the presiding officer finds that probable cause exists, then the officer shall order the respondent to answer the motion for disciplinary action and set a date for hearing the motion for disciplinary action.

(4) At the hearing on a motion for disciplinary action the Board Counsel shall present evidence supporting the allegations set forth in the motion which are controverted by the respondent and the respondent shall be provided with an opportunity to defend and to offer countervailing evidence and show compliance with all lawful requirements for the retention of the license.

(5) Following the hearing on a motion for disciplinary action the section holding the hearing shall rule on the motion and if it finds cause for disciplinary action shall issue an appropriate order imposing such discipline.

Part XI. Section A-E 3.11(1) of the WISCONSIN ADMINISTRATIVE CODE is amended to read:

A-E 3.11 Notice of hearing. (1) Notices of hearing shall be addressed to the respondent at ~~his~~ the respondent's last known post office address and shall be substantially in the following form:

To: _____ Name
_____ Street
_____, Wis.
Respondent

Please take notice that a hearing constituting a
class 2 proceeding will be held on the _____ day of
_____, 19____, at _____ o'clock _____.m., or
as soon thereafter as the matter may be reached, at
_____, Wisconsin, on the question

of whether the license heretofore issued to the above
named respondent pursuant to sec. _____, Stats., should
be suspended or revoked, or the above named respondent should
be reprimanded. ~~The issues-involved and the~~ charges there to
be considered are as set forth in the attached (complaint)
(motion for disciplinary action) to which you are required to
make answer in writing within 20 days from the date of service
of the (complaint)(motion for disciplinary action)

Dated at Madison, Wisconsin this _____ day of _____,
19____.

EXAMINING BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS
AND LAND SURVEYORS,
BY _____
Secretary

Part XII. Section A-E 3.12 of the WISCONSIN ADMINISTRATIVE CODE is amended to read:

A-E 3.12 Service and filing of papers. Orders, notices, motions, complaints and other papers of the board may be served by certified mail addressed to any party at his the party's last known address, or to his the party's attorney of record, or to an address furnished by the person or concern to either the board or the secretary of state. Service may also be made in the manner prescribed by section 885.03, Wis. Stats. for service of subpoena. ~~Service may be proved by affidavit or, if service is by mail, by the post office return receipt, in which case the time of service is the date borne by the receipt.~~ Papers required to be filed with the board may be mailed to the office of the board and shall be deemed filed on receipt at the board office.

Part XIII. Section A-E 3.13 introduction and (1) of the WISCONSIN ADMINISTRATIVE CODE is repealed and recreated to read:

A-E 3.13 Answer. A verified answer in writing shall be filed with the board secretary within 20 days after the service of a copy of the complaint or within 20 days after the service of an order that respondent answer a motion for disciplinary action. The answer must contain:

(1) A specific denial of each material allegation of the complaint or motion for disciplinary action controverted by the respondent or of any knowledge or information thereof sufficient to form a belief.

Part XIV. Section A-E 3.14 of the WISCONSIN ADMINISTRATIVE CODE is amended to read:

A-E 3.14 Admission by not denying. Every material allegation of the complaint or motion for disciplinary action not controverted as prescribed in section A-E 3.13 shall be taken as true, but new matter in the answer shall be deemed controverted without any reply being served or filed.

Part XV. Section A-E 3.15 of the WISCONSIN ADMINISTRATIVE CODE is amended to read:

A-E 3.15 Amendments to pleadings. The board secretary may ~~for good cause~~, allow amendments to a complaint or motion for disciplinary action or to an answer provided a request to amend and the amended pleading is received by the board secretary no later than 10 days before the scheduled hearing.

Part XVI. Section A-E 3.20 of the WISCONSIN ADMINISTRATIVE CODE is repealed and recreated to read:

A-E 3.20 Depositions and Discovery. Depositions and discovery pursuant to Wis. Stats. Chapter 804 shall be taken and conducted under the jurisdiction and general supervision of the board.


Section A-E 3.28 of the WISCONSIN ADMINISTRATIVE CODE is created to read:

A-E 3.28 Transcription of Record; Fees for Copies.

- (1) On the written request of any person filed with the board secretary, the record of any board proceeding will be transcribed into a written transcript and a copy furnished to the person making such request. The fee charged to the person making the request shall be computed on the following basis:
 - (A) Where the person making the request requires the transcript for the purpose of appeal or judicial review and desires a copy prepared by the person transcribing the record, then the person shall be charged in the amount charged to the board for a copy of the transcript by the person preparing the transcript; a copy of such a transcript made on board duplication equipment shall be made available at a cost of 10¢ per page.
 - (B) Where the person making the request requires the transcript for a purpose other than appeal or judicial review and the record has not been transcribed, the person shall be charged for the copy in the amount charged to the board for transcribing the record into a written transcript by the person preparing the transcript. If the record has been transcribed, then a copy of such transcription made on board duplicating equipment shall be made available at a cost of 10¢ per page.
- (2) Parties who are impecunious who require a transcript for appeal or other reasonable purposes shall be furnished with a transcript at board expense upon the filing of a verified petition stating that they are without means to purchase a transcript.

The rules and amendments contained herein shall take effect on the first day of the month following their publication in the Wisconsin Administrative Register.

Dated this 29th day of December, 1976.


C. F. Hurc, Secretary