

CERTIFICATE

**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Alfred J. Hall, Jr., Director, Bureau of Business and Design Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, do hereby certify that the annexed rules were duly approved and adopted by the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors on the 11th day of November, 1999.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true 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 East Washington Avenue, Madison, Wisconsin this 11th day of November, 1999.

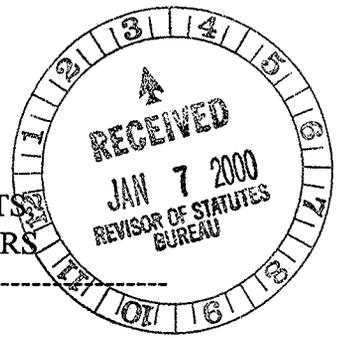


Alfred J. Hall, Jr., Director, Bureau of Business and Design Professions, Department of Regulation and Licensing

99-102



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



IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF ARCHITECTS,
EXAMINING BOARD OF ARCHITECTS, : LANDSCAPE ARCHITECTS,
LANDSCAPE ARCHITECTS, : PROFESSIONAL ENGINEERS,
PROFESSIONAL ENGINEERS, : DESIGNERS AND LAND SURVEYORS
DESIGNERS AND LAND SURVEYORS : (CLEARINGHOUSE RULE 99-102)

ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to *repeal* A-E 2.03 (2) (f) and ch. A-E 10; to *amend* A-E 1.02 (1) and (3), 1.03 (2) (a), 2.01, 2.02 (1), (2), (4) and (6), 2.03 (1) (a) and (b), 8.02, 8.03 (1), (2) (intro.) and (a), (3) (intro.) and (a) and (5) (d) and (e), 8.04 (intro.), 8.05 (1) (intro.), 8.06 (intro.), 8.07 (intro.), (1) and (2), 8.08 (intro.), 8.09 (intro.), (1) and (2), 8.10 (1) and (3) and 8.11 (3), relating to the repeal of chapter A-E 10, professional geologist registration, and removal of all references to “professional geologists,” “professional geology” and “geological.”

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statutes interpreted: ss. 443.01 (7e), 443.02 (3m), 443.037 (intro.), 443.037 (2) (intro.), 443.037 (3) and (4), 443.09 (4r), 443.10 (1) (e), 443.14 (12), Stats.

In this rule-making order the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors repeals and amends rules that relate to the practice of professional geology. 1997 Wisconsin Act 300 created the Examining Board of Professional Geologists, Hydrologists and Soil Scientists. With the repeal of the provisions of Chapter 443, Stats., the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors repeals and amends rules that relate to the practice of professional geology.

In SECTIONS 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 the references to “professional geologists,” “professional geologist section,” “professional geological” and “professional geology” are repealed. The rules relating to professional geologists are now in the newly created Examining Board of Professional Geologists, Hydrologists and Soil Scientists.

In SECTION 2, the composition of the rules committee is changed from “6 sections of the board” to “5 sections of the board” because of the removal of the professional geology section. And in SECTION 17, Chapter A-E 10, which relates to professional geologist registration, is repealed in its entirety.

The specific sections repealed are: Section A-E 2.03 (2) (f) and chapter A-E 10. The specific sections amended are: Sections A-E 1.02 (1) and (3), 1.03 (2) (a), 2.01, 2.02 (1), (2), (4) and (6), 2.03 (1) (a) and (b), 8.02, 8.03 (1), (2) (intro.) and (a), (3) (intro.) and (a), (5) (d) and (e), 8.04 (intro.), 8.05 (1) (intro.), 8.06 (intro.), 8.07 (intro.), (1) and (2), 8.08 (intro.), 8.09 (intro.), (1) and (2), 8.10 (1) and (3) and 8.11 (3).

TEXT OF RULE

SECTION 1. A-E 1.02 (1) and (3) are amended to read:

A-E 1.02 (1) “Board” or “joint board” means the examining board of architects, landscape architects, ~~professional geologists~~, professional engineers, designers and land surveyors.

(3) “Section of the board” means either the architect section, the landscape architect section, ~~the professional geologist section~~, the professional engineer section, the designer section or the land surveyor section.

SECTION 2. A-E 1.03 (2) (a) is amended to read:

A-E 1.03 (2) (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 ~~6~~ 5 sections of the board.

SECTION 3. A-E 2.01 is amended to read:

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 geologists~~, professional engineers, designers or land surveyors are specified in chs. A-E 3, 4, 5, 6, ~~7, and 9 and 10~~. Rules of professional conduct for all registrants or permit holders are specified in ch. A-E 8.

SECTION 4. A-E 2.02 (1), (2), (4) and (6) are amended to read:

A-E 2.02 (1) Each architect, landscape architect, ~~professional geologist~~, 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 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:

(Note to Revisor of Statutes: Please delete the professional geologist registration seal.)
(designs not included)

(4) Each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, ~~professional geologists~~, 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).

(6) Any addition, deletion or other revision to each sheet of plans, drawings, documents, specifications and reports for architectural, landscape architectural, ~~professional geological~~, 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.

SECTION 5. A-E 2.03 (1) (a) and (b) are amended to read:

A-E 2.03 (1) (a) "Firm" means any sole proprietorship, partnership or corporation located in Wisconsin which provides or offers to provide architectural, landscape architectural, ~~professional geological~~, professional engineering, design or land surveying services to the public.

(b) "Resident" means a currently-registered architect, landscape architect, ~~professional geologist~~, 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.

SECTION 6. A-E 2.03 (2) (f) is repealed.

SECTION 7. A-E 8.02 is amended to read:

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 geology~~, 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.

SECTION 8. A-E 8.03 (1), (2) (intro.) and (a), (3) (intro.) and (a) and (5) (d) and (e) are amended to read:

A-E 8.03 (1) "Gross negligence in the practice of architecture, landscape architecture, ~~professional geology~~, professional engineering, designing and land surveying" means the performance of professional services by an architect, landscape architect, ~~professional geologist~~,

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) (intro.) “Incompetency in the practice of architecture, landscape architecture, ~~professional geology~~, 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 geologist~~, professional engineer, designer or land surveyor to a client or employer or to the public.

(3) (intro.) “Misconduct in the practice of architecture, landscape architecture, ~~professional geology~~, professional engineering, designing or land surveying” means an act performed by an architect, landscape architect, ~~professional geologist~~, 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) Lack of ability or fitness to discharge the duty owed by an architect, landscape architect, ~~professional geologist~~, professional engineer, designer or land surveyor to a client or employer or to the public.

(5) (d) Mere assumption by an architect, landscape architect, ~~professional geologist~~, professional engineer, designer or land surveyor of responsibility for work without having control of the work.

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

SECTION 9. A-E 8.04 (intro.) is amended to read:

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

SECTION 10. A-E 8.05 (1) (intro.) is amended to read:

A-E 8.05 (1) (intro.) An architect, landscape architect, ~~professional geologist~~, professional engineer, designer or land surveyor:

SECTION 11. A-E 8.06 (intro.) is amended to read:

A-E 8.06 Professional obligations. (intro.) An architect, landscape architect, ~~professional geologist,~~ professional engineer, designer or land surveyor:

SECTION 12. A-E 8.07 (intro.), (1) and (2) are amended to read:

A-E 8.07 Unauthorized practice. (intro.) An architect, landscape architect, ~~professional geologist,~~ professional engineer, designer or land surveyor:

(1) Shall assist in enforcing laws which prohibit the unlicensed practice of architecture, landscape architecture, ~~professional geology,~~ 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, landscape architecture, ~~professional geology,~~ professional engineering, designing or land surveying.

SECTION 13. A-E 8.08 (intro.) is amended to read:

A-E 8.08 Maintenance of professional standards. (intro.) An architect, landscape architect, ~~professional geologist,~~ professional engineer, designer or land surveyor:

SECTION 14. A-E 8.09 (intro.), (1) and (2) are amended to read:

A-E 8.09 Adherence to statutes and rules. (intro.) An architect, landscape architect, ~~professional geologist,~~ 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 geology,~~ 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 geology,~~ professional engineering, designing or land surveying.

SECTION 15. A-E 8.10 (1) and (3) are amended to read:

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

(3) No architect, landscape architect, ~~professional geologist~~, 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 geologist~~, 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.

SECTION 16. A-E 8.11 (3) is amended to read:

A-E 8.11 (3) Signing or sealing plans, specifications, reports, maps, plats, or charts prepared for the practice of architecture, landscape architecture, ~~professional geology~~, professional engineering, designing or land surveying.

SECTION 17. Chapter A-E 10 is repealed.

(END OF TEXT OF RULE)

The rules adopted in this order shall take affect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated 11 NOV 99

Agency Joy Feinberg / a.f.h.
Chairperson
Examining Board of Architects,
Landscape Architects, Professional Engineers,
Designers and Land Surveyors

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
CORRESPONDENCE/MEMORANDUM

DATE: January 7, 2000
TO: Gary Poulson
Assistant Revisor of Statutes
FROM: Pamela A. Haack, Paralegal
Department of Regulation and Licensing
Office of Administrative Rules
SUBJECT: Final Order Adopting Rules



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

Clearinghouse Rule 99-102

Attached is a copy and a certified copy of a final order adopting rules.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.