

Chapter A-E 3

PROCEDURE AND PRACTICE

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A-E 3.001 Communications. All correspondence, telephone calls, and other forms of official communication concerning board business shall be directed to the examining board offices in Madison, Wisconsin.

History: Cr. Register, May, 1972, No. 197, eff. 6-1-72.

A-E 3.01 Definitions. As used in these rules, "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, or other grant of authority, certificate or permit issued or subject to suspension or revocation by the board or any of its sections; "board" means the Examining Board of Architects, Professional Engineers, Designers, and Land Surveyors or any of its sections; "hearing" includes a hearing by the board or any of its sections; "revocation or suspension" includes refusal to renew a certificate after expiration.

History: Cr. Register, March, 1962, No. 75, eff. 4-1-62; am. Register, July, 1968, No. 151, eff. 8-1-68; am. Register, January, 1971, No. 181, eff. 2-1-71.

A-E 3.02 How proceedings initiated. Proceedings to revoke or suspend a certificate may be initiated in one of two ways, except insofar as any order of suspension or revocation may issue pursuant to a statute not requiring a hearing:

(1) By any person on a verified, written complaint, filed in triplicate (original and 2 copies) with the secretary of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors; such complaint shall be signed by the complainant and state specific acts complained against.

(2) By the respective section on its own motion whenever its investigation discloses probable grounds for disciplinary action against an architect, professional engineer, designer, engineer-in-training, or land surveyor. Any member or the secretary of the board may act for the section in initiating proceedings under this subsection against architects, professional engineers, designers, engineers-in-training or land surveyors.

History: Cr. Register, March, 1962, No. 75, eff. 4-1-62; am. (1) and (2), Register, July, 1968, No. 151, eff. 8-1-68; am. (1) and (2), Register, January, 1971, No. 181, eff. 2-1-71.

A-E 3.03 Style of pleadings, etc. All pleadings, notices, orders and other papers filed in such proceedings shall be captioned "BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL

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ENGINEERS, DESIGNERS AND LAND SURVEYORS," and shall be entitled "IN THE MATTER OF THE REVOCATION OF THE _____ OF _____ RESPONDENT."

History: Cr. Register, March, 1962, No. 75, eff. 4-1-62; am. Register, July, 1968, No. 161, eff. 8-1-68; am. Register, January, 1971, No. 181, eff. 2-1-71.

A-E 3.04 Form of charges. If the alleged violation of the law or the administrative rules of the board is a continuing one, its general nature and the approximate time covered shall be stated in the complaint; but if one or more specific incident is relied on, it shall be alleged with such particularity as to time, place and circumstances, as may be necessary to advise the respondent of the issues involved. The offense may be alleged in the language of the statute or rule claimed to have been violated, and shall conclude; "contrary to Sec. ____ of the Statutes," or "contrary to Wis. Adm. Code _____," or both. Separate charges shall be stated in separate paragraphs and shall be numbered consecutively.

A-E 3.05 Complaint on board's investigation. If the complaint is founded upon investigation made by the board and on its own motion, it shall be incorporated in the notice of hearing and statement of issues as prescribed by section A-E 3.07.

A-E 3.06 Procedure upon filing of complaint. Upon the filing of a complaint as prescribed by subsection A-E 3.02 (1) the appropriate section shall cause an investigation to be made of the matters alleged to determine whether there is a probable cause for disciplinary action and if the respective section determines that there is probable cause, it shall order a hearing as prescribed by section A-E 3.07 and notify the complainant thereof. If it is determined that no further action is warranted, the section shall notify the complainant, who may appeal in writing to the section, which shall review its files and may affirm previous action, order further investigation or order a hearing on the charges, provided, that in any case where a hearing has been ordered, the respondent has no standing to attack the determination of the section in ordering such hearing, but shall be required to plead to the merits.

History: Cr. Register, March, 1962, No. 75, eff. 4-1-62; am. Register, January, 1971, No. 181, eff. 2-1-71.

A-E 3.07 Notice of hearing and statement of issues. Notices of hearing shall be addressed to the respondent at his last known post office address, shall include the statement of issues and shall be substantially the following form:

(1) If on complaint filed as provided by section A-E 3.02 (1), such complaint shall be attached to the following notice:

"To _____ Name
_____ Street
_____, Wis.
Respondent

"Please take notice that a hearing will be held on the _____ day of _____, 19____, at _____ in the city of _____, Wis., at _____ o'clock ____ m., or as soon thereafter as the matter may be reached, on the question of whether the _____ (permit or certificate) heretofore issued to the above named Respondent pursuant to sec. _____, Stats.,

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