

Chapter A-E 3

PROCEDURE AND PRACTICE

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A-E 3.001 Cr Reg May 1977

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 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. 151, 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.,

to be rendered has any control over his independent judgment as related to the public health, safety and welfare;

(2) Shall not indulge in publicity or advertising that is misleading, or self-laudatory;

(3) Shall not misrepresent the amount or extent of prior education, training or experience to any employer or client, nor to the examining board;

(4) Shall as accurately and truthfully represent to a prospective client or employer the costs and completion time of a proposed project as is reasonably possible;

(5) Shall not hold out as being engaged in partnership or association with any person or firm unless there exists in fact a partnership or association;

(6) Shall not recommend to a client services of another for the purpose of collecting a fee for himself for those services;

(7) Shall not practice under any firm name that is misleading as to the identity of those practicing or offering to practice under the firm name, or is misleading as to the type of services the individuals, firm or partnership is authorized and qualified to perform.

History: Cr. Register, August, 1970, No. 176, eff. 9-1-70; am. (2), Register, October, 1971, No. 190, eff. 11-1-71.

A-E 4.04 Unauthorized practice. All reasonable assistance in preventing the unauthorized practice of architecture, professional engineering, designing of engineering systems, and land surveying should be given the examining board. Unauthorized practice should not be aided in any way. The architect, professional engineer, designer, or land surveyor:

(1) Shall make known to the examining board any unauthorized practice of architecture, professional engineering, designing of engineering systems, or land surveying of which he has personal knowledge;

(2) Shall divulge any information, of which he has personal knowledge, related to any unauthorized practice of architecture, professional engineering, designing of engineering systems, or land surveying to the examining board upon request of the board or its authorized representatives;

(3) Shall not delegate responsibility to, nor in any way aid or abet, an unauthorized person to practice, or offer to practice architecture, professional engineering, designing of engineering systems, or land surveying.

History: Cr. Register, August, 1970, No. 176, eff. 9-1-70.

A-E 4.05 Maintenance of standards. Aid should be given the examining board in maintaining the highest standards of integrity and competence of those in its subject professions and occupations. The architect, professional engineer, designer, or land surveyor:

(1) Shall furnish the examining board with any information that comes into his possession, indicating that any person or firm has violated any of the provisions of the Wisconsin registration laws or code;

(2) Shall furnish any information he might have concerning any alleged violation of the Wisconsin registration laws or code upon the request of the examining board or its authorized representatives.

See (3) Reg May 1971 Register, October, 1971, No. 190

A-E 4.06 Adherence to statutes and codes. Strict adherence to practice requirements of related sections of the Wisconsin statutes, the Wisconsin Administrative Code, and all local codes and ordinances should be maintained in all services rendered. The architect, professional engineer, designer, or land surveyor:

(1) Shall abide by and conform to, the registration and licensing laws of the state of Wisconsin governing architects, professional engineers, designers, and land surveyors;

(2) Shall abide by, and conform to, the provisions of the Wisconsin Administrative Code and all local codes and ordinances;

(3) Shall not violate nor aid or abet another in violating a rule of conduct nor engage in any conduct that may adversely affect his fitness to practice architecture, professional engineering, designing of engineering systems, or land surveying, respectively;

(4) Shall not sign or impress his seal or stamp upon documents not prepared by him or under his control or knowingly permit his seal or stamp to be used by any other person.

History: Cr. Register, August, 1970, No. 176, eff. 9-1-70.