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Illinois Structural Engineering Ethics, Laws, and Rules

Course No: IL2-002

Credit: 2 PDH

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Chapter 1: Overview of the Illinois Structural Engineering ethics, Laws and Rules

Introduction

This course is designed to meet the Illinois Structural Engineering Board continuing education requirement that for each renewal period a minimum of 1 PDH must be devoted to study of Illinois statutes and rules that regulate structural engineering, and 1 PDH must be devoted to study of engineering ethics.

Engineering Ethics

“Engineering ethics is a body of philosophy indicating the ways that engineers should conduct themselves in their professional capacity.” [Fleddermann, Charles, *Engineering Ethics* 4th ed.] In the present course, the ways that engineers should conduct themselves in their professional capacity are presented through examination of the disciplinary-related sections in Chapter 2, Standards of Professional Conduct in Chapter 3, and the Review of Disciplinary Cases in Chapter 4.

Illinois Compiled Statutes

“Illinois Compiled Statutes (ILCS)” refers to the collection of laws enacted by the Illinois legislature that have been compiled into a coherent framework for ease of access. The laws are organized by subject area into various “Titles.” The title of particular concern to engineers is Title 68 Professions and Occupations. The various Titles are divided into “Chapters.” Chapter 225 of Title 68 is “Professions, Occupations, and Business Operations.” The section of Chapter 225 pertinent to engineering is Section 340 Structural Engineering Practice Act of 1989.

Illinois Administrative Code

After the legislature passes a statute, it must be interpreted, implemented, and enforced with disciplinary actions. The legislature does not have the resources to perform these tasks, so it delegates them to government rule-making (regulatory) agencies, which have significant amounts of expertise in the fields that they regulate. Rules made by regulatory agencies have the force of law, even though they are not approved by the legislature. The collection of all these rules constitutes the Illinois Administrative Code (IAC).

The rule-making agency for structural engineers is the Illinois Department of Financial and Professional Regulation (IDFPR), and IAC Title 68 Part 1480 contains the rules for structural engineers.

Structural Engineering Board

The IDFPR has four Divisions: Banking, Financial Institutions, Professional Regulation, and Real Estate. The Division of Professional Regulation oversees forty Boards, one of which is the Structural Engineering Board. The SE Board is appointed by the Secretary of the IDFPR and is composed of seven members, consisting of one public member and six structural engineers licensed under the Structural Engineering Practice Act. Board members serve 5-year terms but cannot serve more than two consecutive terms. The Board may make a curriculum evaluation, appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files, and assist the Department in conducting oral interviews, disciplinary conferences, informal conferences, and formal evidentiary hearings conducting. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the enforcement of the SE Practice Act.

IDFPR Disciplinary Actions

The IDFPR publishes monthly reports, called “IDFPR Consolidated Reports.” Each report details disciplinary actions taken by the Department within a given month. It includes the name of the disciplined professional, the city where the licensee is registered, the discipline imposed and a brief description of the reason for the discipline.

Joint Committee on Administrative Rules (JCAR)

To ensure that the General Assembly is adequately informed of how laws are implemented through agency rulemaking and to facilitate public understanding of rules and regulations, a legislative oversight committee, “The Joint Committee on Administrative Rules,” was created by the General Assembly in 1977 to conduct systematic reviews of administrative rules promulgated by State agencies. JCAR is composed of 12 legislators who are appointed by the legislative leadership, with the membership apportioned equally between the two houses and the two political parties. In addition to the review of new and existing rulemaking, JCAR monitors legislation that affects rulemaking and conducts a Public Act review to alert agencies to the need for rulemaking.

Chapter 2: Statutes for Structural Engineers Excerpted from 225 ILCS 340

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| EFFECTIVE DATE: | 2019 |
| STATUTE NUMBER: | 340/1 |
| STATUTE TITLE: | Practice of structural engineering. |

Sec. 1. The practice of structural engineering in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of structural engineering, as defined in this Act, merit and receive the confidence of the public, that only qualified persons be authorized to practice structural engineering in the State of Illinois. This Act shall be liberally construed to best carry out these subjects and purposes.

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| EFFECTIVE DATE: | 2000 |
| STATUTE NUMBER: | 340/2 |
| STATUTE TITLE: | Definition of Act. |

Sec. 2. This Act shall be known and may be cited as the Structural Engineering Practice Act of 1989.

COMMENT

The “Act” referred to throughout the remainder of the present document is defined.

EFFECTIVE DATE: 2019
STATUTE NUMBER: 340/4
STATUTE TITLE: Definitions.

Sec. 4. Definitions. As used in this Act:

.....

- b) "Department" means the Department of Financial and Professional Regulation.
- c) "Secretary" means the Secretary of Financial and Professional Regulation.
- d) "Board" means the Structural Engineering Board appointed by the Secretary
- e) "Negligence in the practice of structural engineering" means the failure to exercise that degree of reasonable professional skill, judgment and diligence normally rendered by structural engineers in the practice of structural engineering.
- f) "Structural engineer intern" means a person who is a candidate for licensure as a structural engineer and who has been enrolled as a structural engineer intern.
- g) "Structural engineer" means a person licensed under the laws of the State of Illinois to practice structural engineering.

EFFECTIVE DATE: 2019
STATUTE NO.: 340/5.5
STATUTE TITLE: Technical submissions.

Sec. 5.5. Technical submissions.

- a) As used in this Section, "technical submissions" include the designs, drawings, and specifications that establish the scope of the structural engineering project, the standard of quality for materials, workmanship, equipment, and construction systems, and the

studies and other technical reports and calculations prepared in the course of the practice of structural engineering.

- b) All technical submissions intended for use related to services involving a structural engineer in the State of Illinois shall be prepared and administered in accordance with standards of reasonable professional skill and diligence. Care shall be taken to reflect the requirements of State statutes and, where applicable, county and municipal building ordinances in such submissions. In recognition that structural engineers are licensed for the protection of the public health, safety, and welfare, submissions shall be of such quality and scope, and be so administered, as to conform to professional standards.
- c) No officer, board, commission, or other public entity that receives technical submissions shall accept for filing or approval any technical submissions relating to services requiring the involvement of a structural engineer that do not bear the seal and signature of a structural engineer licensed under this Act.
- d) It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised responsible control of the preparation of such work. A structural engineer who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved in writing by the structural engineer who originally sealed and signed the technical submissions.

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| EFFECTIVE DATE: | 2019 |
| STATUTE NO.: | 340/6 |
| STATUTE TITLE: | Powers and duties of the Department. |

Sec. 6. Powers and duties of the Department. The Department shall, subject to the provisions of this Act, exercise the following functions, powers, and duties:

- 1) Authorize examinations to ascertain the fitness and qualifications of applicants for licensure and pass upon the qualifications and fitness of applicants for licensure by endorsement.
- 2) Adopt rules required for the administration of this Act.

- 3) Adopt rules to establish what constitutes an approved structural engineering or related science curriculum and to terminate the Department's approval of any curriculum as a structural engineering or related science curriculum for non-compliance with such rules.
 - (3.5) Adopt rules for approved experience.
- 4) Conduct hearings on proceedings to refuse to issue or renew licenses or to revoke, suspend, place on probation, or reprimand persons or entities licensed or registered under this Act.
- 5) Issue licenses to those who meet the requirements of this Act.
- 6) Maintain membership in a national organization that provides an acceptable structural engineering examination and participate in activities of the organization by designation of individuals for the various classifications of membership and the appointment of delegates for attendance at regional and national meetings of the organization. All costs associated with membership and attendance of such delegates to any national meetings may be funded from the Design Professionals Administration and Investigation Fund.
- 7) Review such applicant qualifications to sit for the examination or for licensure that the Board designates pursuant to Section 8 of this Act.
- 8) Conduct investigations related to possible violations of this Act.
- 9) Post on the Department's website a newsletter describing the most recent changes in this Act and the rules adopted under this Act and containing information of any final disciplinary action that has been ordered under this Act since the date of the last newsletter.

Upon the issuance of any final decision or order that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or adoption of rules, the Secretary may notify the Board on any such deviation and may specify with particularity the reasons for such action in the final decision or order. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

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| EFFECTIVE DATE: | 2019 |
| STATUTE NUMBER: | 340/12 |
| STATUTE TITLE: | Seal. |

Sec. 12. Seal. Every licensed structural engineer shall have a reproducible seal, which may be computer generated, the imprint of which shall contain the name and license number of the structural engineer, and the words "Licensed Structural Engineer," "State of Illinois." The licensed structural engineer shall seal all plans, technical submissions, drawings, and specifications prepared by or under the engineer's supervision.

If technical submissions are prepared utilizing a computer or other electronic means, the seal may be generated by a computer. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the technical submission bearing an original signature, or a signature generated by a computer.

A licensed structural engineer may seal documents not produced by the licensed structural engineer when the documents have either been produced by others working under the licensed structural engineer's personal supervision and control or when the licensed structural engineer has sufficiently reviewed the documents to ensure that they have met the standards of reasonable professional skill and diligence. In reviewing the work of others, the licensed structural engineer shall, where necessary, do calculations, redesign, or any other work necessary to be done to meet such standards and should retain evidence of having done such review. The documents sealed by the licensed structural engineer shall be of no lesser quality than if they had been produced by the licensed structural engineer. The licensed structural engineer who seals the work of others is obligated to provide sufficient supervision and review of such work so that the public is protected.

The licensed structural engineer shall affix the signature, current date, date of license expiration and seal to the first sheet of any bound set or loose sheets prepared by the licensed structural engineer or under that licensed structural engineer's immediate supervision.

A licensed structural engineer may seal documents not produced by the licensed structural engineer when the documents have either been produced by others working under the licensed structural engineer's personal supervision and control or when the licensed structural engineer has sufficiently reviewed the documents to ensure that they have met the standards of

reasonable professional skill and diligence. In reviewing the work of others, the licensed structural engineer shall, where necessary, do calculations, redesign, or any other work necessary to be done to meet such standards and retain evidence of having done such review. The documents sealed by the licensed structural engineer shall be of no lesser quality than if they have been produced by the licensed structural engineer. The licensed structural engineer who seals the work of others is obligated to provide sufficient supervision and review of such work so that the public is protected.

EFFECTIVE DATE: 2019
STATUTE NUMBER: 340/14.5
STATUTE TITLE: Continuing education.

Sec. 14.5. Continuing education. The Department may adopt rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for the continuing education requirements. The requirements of this Section apply to any person seeking renewal or restoration under Section 14 or 15 of this Act.

EFFECTIVE DATE: 2019
STATUTE NUMBER: 340/20
STATUTE TITLE: Grounds for disciplinary action.

Sec. 20. Grounds for disciplinary action.

- a) The Department may refuse to issue or renew a license or registration, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed \$10,000 per violation, with regard to any license issued under the provisions of this Act, for any one or a combination of the following reasons:

- 1) Material misstatement in furnishing information to the Department.
- 2) Negligence, incompetence or misconduct in the practice of structural engineering.
- 3) Failure to comply with any provisions of this Act or any of its rules.
- 4) Fraud or any misrepresentation in applying for or procuring a license or registration under this Act or in connection with applying for renewal or restoration of a license or registration under this Act.
- 5) Purposefully making false statements or signing false statements, certificates, or affidavits to induce payment.
- 6) Conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, that is directly related to the practice of structural engineering.
- 7) Aiding or assisting another in violating any provision of this Act or its rules.
- 8) Failing to provide information in response to a written request made by the Department within 60 days after receipt of such written request.
- 9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public, as defined by rule.
- 10) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, narcotics, stimulants, or any other substances that results in the inability to practice with reasonable judgment, skill, or safety.
- 11) A finding by the Department that an applicant or licensee has failed to pay a fine imposed by the Department.
- 12) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation or failed to comply with such terms.

- 13) Inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, mental illness, or disability.
- 14) Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other government agency if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Act.
- 15) The making of any willfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act.
- 16) Using or attempting to use an expired, inactive, suspended, or revoked license or the certificate or seal of another, or impersonating another licensee.
- 17) Signing or affixing the structural engineer's seal or permitting the seal to be affixed to any technical submissions not prepared by the structural engineer or under the structural engineer's supervision and control or not sufficiently reviewed by the licensed structural engineer to ensure that the documents have met the standards of reasonable professional skill and diligence.
- 18) Making a statement of compliance pursuant to the Environmental Barriers Act that technical submissions prepared by the structural engineer or prepared under the structural engineer's responsible control for construction or alteration of an occupancy required to be in compliance with the Environmental Barriers Act are in compliance with the Environmental Barriers Act when such technical submissions are not in compliance.

(a-5) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may order a licensee or applicant to submit to a mental or physical examination, or both, at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning his or her examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The licensee or applicant may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of a licensee or applicant to submit to any such examination when directed, without reasonable cause as defined by rule,

shall be grounds for either the immediate suspension of his or her license or immediate denial of his or her application.

If the Secretary immediately suspends the license of a licensee for his or her failure to submit to a mental or physical examination when directed, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay.

If the Secretary otherwise suspends a license pursuant to the results of the licensee's mental or physical examination, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the licensee's record of treatment and counseling regarding the relevant impairment or impairments to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license.

- b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Secretary that the licensee be allowed to resume practice.
- c) (Blank).
- d) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a)(5) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

- e) The Department shall refuse to issue or renew or shall revoke or suspend a person's license or entity's registration or shall take other disciplinary action against that person or entity for his or her failure to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.
- f) Persons who assist the Department in good faith as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, are not liable for damages in any civil action or proceeding as a result of such assistance. The Attorney General of the State of Illinois shall defend such persons in any such action or proceeding at no cost to the person.

COMMENT

Sections 20 through 31 are disciplinary-related sections.

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| EFFECTIVE DATE: | 2019 |
| STATUTE NUMBER: | 340/21 |
| STATUTE TITLE: | Injunction; cease and desist order. |

Sec. 21. Injunction; cease and desist order.

- a) If any person or entity violates a provision of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation. If it is established that such person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

- b) If any person practices as a licensed structural engineer or holds himself out as a structural engineer without being licensed under the provisions of this Act, then any licensed structural engineer, any interested party or any person injured thereby may file a complaint with the Department that shall proceed through the process outlined in

Section 22 of this Act.

- c) Whenever in the opinion of the Department any person or entity violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person or entity. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

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| EFFECTIVE DATE: | 2019 |
| STATUTE NUMBER: | 340/22 |
| STATUTE TITLE: | Investigations; notice and hearing. |

Sec. 22. Investigations; notice and hearing.

- a) The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license or registration under this Act.
- b) Before the initiation of a formal complaint, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. If a subcommittee has not been formed, the matter shall proceed through the process as stated in subsection (c) of this Section.
- c) The Department shall, before disciplining an applicant, licensee, or registrant, at least 30 days prior to the date set for the hearing, (i) notify in writing the applicant, licensee, or registrant of the charges made and the time and place for the hearing on the charges, (ii) direct the applicant, licensee, or registrant to file a written answer to the charges under oath within 20 days after the service of the notice, and (iii) inform the applicant,

licensee, or registrant that failure to file a written answer to the charges will result in a default being entered against the applicant, licensee, or registrant.

- d) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant, licensee, or registrant at the applicant's, licensee's, or registrant's address of record or email address of record.
- e) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any statement, testimony, evidence, and argument as may be pertinent to the charges or their defense. The Board or hearing officer may continue the hearing from time to time.
- f) In case the licensee, applicant, or registrant, after receiving the notice, fails to file an answer, his or her license or registration may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for action under this Act.

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| EFFECTIVE DATE: | 2019 |
| STATUTE NUMBER: | 340/24 |
| STATUTE TITLE: | Subpoenas; depositions; oaths. |

Sec. 24. Subpoenas; depositions; oaths.

- a) The Department has the power to subpoena documents, books, records or other materials and to bring before it any person and to take testimony either orally or by deposition, or take written interrogatories, or any combination thereof, with the same fees and mileage and in the same manner as is prescribed in civil cases in the courts of this State.
- b) The Secretary, the designated hearing officer, and any member of the Board shall each have the power to administer oaths to witnesses at any hearing which the Department is

authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.

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| EFFECTIVE DATE: | 2019 |
| STATUTE NUMBER: | 340/26 |
| STATUTE TITLE: | Hearing; motion for rehearing. |

Sec. 26. Hearing; motion for rehearing.

- (a) The Board or hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the applicant, licensee, or registrant. At the conclusion of the hearing, the Board or hearing officer shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. If the Board fails to present its report, the applicant, licensee, or registrant may request in writing a direct appeal to the Secretary, in which case the Secretary may issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.
- (b) At the conclusion of the hearing, a copy of the Board or hearing officer's report shall be served upon the applicant, licensee, or registrant, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after such service, the applicant, licensee, or registrant may present to the Department a motion, in writing, for a rehearing which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendations of the Board or hearing officer. If the applicant, licensee, or registrant orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon delivery of the transcript to the applicant, licensee, or registrant.
- (c) If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order contrary to the report.

- (d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a hearing by another hearing officer.
- (e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.

EFFECTIVE DATE: 2019
STATUTE NUMBER: 340/27
STATUTE TITLE: Hearing officer.

Sec. 27. Hearing officer. Notwithstanding any provision in this Act, the Secretary has the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or discipline a license. The Board may have least one member present at any hearing conducted by the hearing officer. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and to the Secretary. If the Secretary disagrees in any regard with the report of the Board or hearing officer, he or she may issue an order in contravention thereof. The Secretary may notify the Board on any such deviation.

EFFECTIVE DATE: 2019
STATUTE NUMBER: 340/28
STATUTE TITLE: Order or certified copy; prima facie proof.

Sec. 28. Order or certified copy; prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof that:

- 1) the signature is the genuine signature of the Secretary;

- 2) the Secretary is duly appointed and qualified; and
- 3) the Board and the members thereof are qualified to act.

Such proof may be rebutted.

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| EFFECTIVE DATE: | 2019 |
| STATUTE NUMBER: | 340/29 |
| STATUTE TITLE: | Restoration from disciplinary status. |

Sec. 29. Restoration from disciplinary status.

- a) At any time after the successful completion of a term of probation, suspension, or revocation of any license under this Act, the Department may restore the license to the licensee upon the written recommendation of the Board, unless after an investigation and a hearing the Department determines that restoration is not in the public interest.
- b) Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee or registrant prior to restoring his or her license or registration.
- c) No person or entity whose license has been revoked as authorized in this Act may apply for restoration of that license until such time as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.
- d) A license that has been suspended or revoked shall be considered nonrenewed for purposes of restoration and a licensee restoring his or her license from suspension or revocation must comply with the requirements for restoration as set forth in Section 14 and any related rules adopted.

EFFECTIVE DATE: 2019
STATUTE NUMBER: 340/30
STATUTE TITLE: Surrender of license or registration.

Sec. 30. Surrender of license or registration. Upon the revocation or suspension of any license or registration, the licensee or professional design firm shall immediately surrender the license, licenses, or registration to the Department and if the licensee or registrant fails to do so, the Department shall have the right to seize the license or registration.

EFFECTIVE DATE: 2019
STATUTE NUMBER: 340/31
STATUTE TITLE: Temporary suspension of a license or registration.

Sec. 31. Temporary suspension of a license or registration. The Secretary may temporarily suspend the license or registration of a structural engineer without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 22 of this Act, if the Secretary finds that evidence in the Department's possession indicates that a structural engineer's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary temporarily suspends the license or registration of a structural engineer without a hearing, a hearing by the Board must be commenced within 30 days after such suspension has occurred.

Chapter 3: Rules for Structural Engineers Excerpted from IAC Part 1480

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| EFFECTIVE DATE: | 2023 |
| STATUTE NUMBER: | 1480.145 |
| STATUTE TITLE: | Seal and Signature Requirements. |

Section 1480.145 Seal and Signature Requirements

- a) Every licensed structural engineer shall have a reproducible seal or facsimile, which may be computer generated, the impression of which shall contain the name, the license number of the structural engineer, and the words "Licensed Structural Engineer State of Illinois". A structural engineer shall seal all documents prepared by or under the direct supervision and control of the structural engineer. Any document that bears the name of a professional design firm, rather than bearing the name of the individual licensed structural engineer responsible for the document, shall be deemed an invalid seal. The individual licensee's written signature and date of signing, along with the date of license expiration, shall be placed adjacent to the seal. The licensee may provide, at the licensee's sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.
- b) All technical submissions issued by a structural engineering firm, corporation, limited liability company, professional limited liability company or partnership are required to bear the corporate or assumed business name and design firm registration number, in addition to the seal requirements.
- c) A suggested facsimile of the design and lettering of the seal is found in Section 1480.ILLUSTRATION A.

EFFECTIVE DATE: 2023
STATUTE NUMBER: 1480.175
STATUTE TITLE: Seismic Design Requirement.

Section 1480.175 Seismic Design Requirement (Repealed)

COMMENT

Repealed effective January 5, 2023.

EFFECTIVE DATE: 2019
STATUTE NUMBER: 1480.185
STATUTE TITLE: Continuing Education.

Section 1480.185 Continuing Education

The continuing education required as a condition for license renewal under the Act is set forth in this Section. All structural engineers shall meet these requirements.

a) Continuing Education Requirements

- 1) For every renewal, renewal applicants shall complete 30 hours of Continuing Education (CE) relevant to the practice of structural engineering during each pre-renewal period. The pre-renewal period is the 24 months preceding the expiration date of the license. Failure to comply with these requirements may result in nonrenewal of the structural engineer's license or other disciplinary action, or both. A maximum of 15 qualifying CE hours gained within six months from the current renewal deadline and not used for the current renewal period may be carried over to the subsequent renewal period but shall not include the requirements for the State statutes and rules, professional conduct and/or ethics, or sexual harassment prevention training, which must all be satisfied during each pre-renewal period. CEs used in this manner must be documented on the appropriate Department issued form.

- 2) Beginning with the November 30, 2020 renewal and every renewal thereafter, the total continuing education hours shall include one hour of sexual harassment prevention training that shall meet the requirements of 68 Ill. Adm. Code 1130.400. A licensee completing a course on sexual harassment prevention developed or offered by the Illinois Department of Human Rights [775 ILCS 5], the licensee's employer or an acceptable provider listed within this Section, may count that course toward the 1 hour requirement under this Section. (See Section 1205-15.5 of the Department of Professional Regulation Law [20 ILCS 2105].)
- 3) Beginning with the November 30, 2024 renewal and every renewal thereafter, the total CE hours shall include:
 - A. A minimum of 1 hour of programs, courses or activities in the area of Illinois statutes and rules that regulate structural engineers and structural engineering.
 - B. A minimum of 1 hour of programs, courses, or activities in the area of professional conduct and/or ethics.
- 4) Structural engineers licensed in Illinois but residing and practicing in another state must comply with the CE requirements set forth in this Section. Continuing education credit hours used to satisfy the CE requirements of another state and meeting the requirements of this Section may be submitted toward fulfillment of the CE requirements of the State of Illinois.
- 5) The minimum length of any single CE activity is one hour. After completion of the initial CE hour, credit may be given in one-half hour increments.
- 6) One continuing education hour shall represent a minimum of 50 minutes of instruction or participation. No credit will be allowed for introductory remarks, meals, breaks or administrative matters related to courses of study. For a CE activity consisting of a single presentation with duration greater than 60 minutes or consisting of multiple individual presentations with total duration greater than 60 minutes, the CE credit earned shall be determined by totaling the minutes of instruction or participation and dividing by 60 to convert to hours. The number of hours from this calculation shall be rounded down to the nearest one-half hour increment. A maximum of 12 CE hours may be earned within a 24-hour period, where a period begins at midnight.
- 7) Nontechnical portions of a CE activity, such as receptions, dinners, etc., do not qualify for credit as CE.

b) Activities for which CE credit may be earned are as follows:

- 1) Successful completion of a college or university course in the area of structural engineering, related sciences and structural engineering ethics. One semester credit hour is equivalent to 15 hours of CE and one quarter credit hour is equivalent to 10 hours of CE.
- 2) All required CE hours may be obtained online; however, each self-administered course shall include an examination that will be graded by the sponsor.
- 3) Successful completion of continuing education courses.
- 4) A maximum of 10 CE credit hours per prerenewal period may be earned for attending in-house courses. Credit for in-house courses will be based on one CE credit for each hour of attendance. For courses presented in-house by outside individuals, see subsection (b)(3).
- 5) Attending workshops or professional or technical meetings, conventions or conferences in person or by webinar in real-time with opportunities for interaction with the presenter. Attendance at qualifying programs, professional and/or technical society meetings will earn CE credits for the actual time of each program. Visiting exhibitor booths or similar activities shall not qualify for CE credit. Recorded webinars shall be considered self-administered and subject to the requirements of subsection (b)(2).
- 6) Teaching or instructing a structural engineering course, seminar, lecture, presentation or workshop shall constitute 3 CE hours for each hour spent in the actual presentation. Teaching credit shall be valid for the initial presentation only. Teaching credit shall not apply to faculty teaching regularly scheduled curriculum courses at a college, university, or other educational institution.
- 7) Authoring published papers, articles or books. The preparation of each published paper or book chapter dealing with structural engineering may be claimed as 10 hours of CE credit.
- 8) Active participation on a structural engineering board, on a professional engineering board that includes the structural engineering discipline, or on a committee or serving as an officer in a professional or technical engineering society that includes the structural engineering discipline as part of its charter.

A. Two CEs will be awarded per committee membership or office held.

B. A maximum of 8 CEs may be accepted per pre-renewal period.

c) All programs or courses shall:

- 1) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in practice of structural engineering;
- 2) Foster the enhancement of general or specialized practice and values of structural engineering;
- 3) Be developed and presented by persons with education and/or experience in the subject matter of the program; and
- 4) Specify the course objectives, course content and teaching methods to be used.

d) Acceptable providers for programs or course activities shall include, but not be limited to:

- 1) National Council of Examiners for Engineering and Surveying (NCEES);
- 2) Structural Engineers Association of Illinois (SEAOI);
- 3) National Society of Professional Engineers (NSPE);
- 4) Illinois Society of Professional Engineers (ISPE);
- 5) American Council of Engineering Companies of Illinois (ACEC-IL);
- 6) Technical or professional societies or organizations relating to structural engineering, such as the American Society of Civil Engineers (ASCE);
- 7) Technical or professional societies or organizations relating to structural engineering;
- 8) Colleges, universities or other accredited educational institutions; or
- 9) Providers of services or products used by or specified by structural engineers.

e) The Division shall not pre-approve individual courses or programs.

- f) CEs that are non-structural in nature shall not be accepted unless licensee can substantiate how the course enhances their license, as a structural engineer in Illinois cannot legally offer or perform non-structural services.
- g) For auditing or restoration purposes, it shall be the responsibility of a licensee to maintain a record of CE for 6 years after the renewal that includes:
 - 1) All of the following:
 - A. The name and address of the sponsor or presenter;
 - B. A brief statement of the subject matter, printed program schedules, registration receipts or other proof of participation;
 - C. The number of hours attended in each program; and
 - D. The date and place of the program; or
 - 2) The certificate of attendance, transcript or records of CE credits maintained by an acceptable provider of continuing education or a records administrator, or log of activities that include activities for CE credit not given by a CE provider.
- h) Certification of Compliance with CE Requirements
 - 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
 - 2) The Division may require additional documentation in order to demonstrate compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance. The additional documentation will be required in the context of a Division audit.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100].
- i) The Division may conduct random audits to verify compliance with continuing education requirements.

- j) Waiver of CE Requirements: A licensee may be exempt from the foregoing CE requirements if one of the following situations occurs. If an exemption is claimed, it is required that the renewal fee and any documentation needed to support the exemption be submitted for renewal of a license. Waiver requests must be made before the end of the renewal period. Waiver requests sent after the end of the renewal period shall not be considered.
- 1) A licensee shall not be required to report continuing education hours during the first biennial renewal period in which the licensee obtained initial licensure in Illinois, but shall be subject to the continuing education requirements for all subsequent biennial renewal.
 - 2) A licensee who is on full-time active duty in the military service of the United States, or is a licensee who is called to temporary active duty in the military service or Armed Forces of the United States for a period of time exceeding 120 consecutive days during the renewal period, when that activity or location restricts participation in a continuing education program.
 - 3) A licensee who demonstrates to the satisfaction of the Division that meeting these requirements would be an undue hardship by reason of disability, illness, or other clearly mitigating circumstances shall submit supporting documentation.
 - A. The documentation shall be in the form of a sworn statement by the licensee, statement from a physician, or medical record showing the disability, illness, or circumstance preventing the licensee's participation in the continuing education program during a substantial part of the pre-renewal period.
 - B. If the Division finds from the evidence that good cause has been shown for non-compliance, the Division may waive enforcement, extend the time within which the applicant shall comply, or establish a particular program or schedule of continuing education for the renewal period in which the undue hardship existed.
 - C. Consecutive waiver requests made for reasons of disability, illness, or other circumstances may be prima facie evidence for non-renewal of applicant's license based on an inability to actively engage in licensed practice.

- 4) Any renewal applicant who, prior to the expiration date of his/her license, submits a request for a waiver, pursuant to the provisions of this subsection (h), shall be deemed to be in good standing and may practice until the Division's final decision on the waiver has been made.

COMMENT

The 30 CE hours required for every renewal must include a 1-hour course in each of the following specified areas:

1. Illinois Statutes 225 ILCS 340 and IAC Part 1480
2. professional conduct and/or ethics
3. sexual harassment prevention training

At most 15 qualifying CEs gained within six months from the current renewal deadline may be carried over to the subsequent renewal period. But these CEs cannot include the three required courses mentioned above.

At most 12 CE hours may be earned within any 24-hour period.

Finally, a point worth repeating is that CEs that are non-structural in nature shall not be accepted unless licensee can substantiate how the course enhances their license, as a structural engineer in Illinois cannot legally offer or perform non-structural services.

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| EFFECTIVE DATE: | 2010 |
| STATUTE NUMBER: | 1480.205 |
| STATUTE TITLE: | Acts Constituting the Practice of Structural Engineering Pursuant to Section 5 of the Act. |

- a) Design/Build. The design/build project delivery process is a method whereby an entity signs a single contract to provide a combination of professional design services and construction services. As used in this Section, design/build does not refer to contractual requirements for a subcontractor to retain a structural engineer to provide services related to performance of the contract.

- b) A design/build entity shall not offer to provide or provide structural engineering services, unless registered as a professional design firm or unless it complies with subsection (c)(3). Offering to provide structural engineering services shall include, but not necessarily be limited to, any tender of engineering services either independently or in combination with construction services by any sign, card, advertisement or other device that might indicate to the public that the entity is entitled to provide engineering services.
- c) The design/build entity will not be required to register as a professional design firm pursuant to Section 19 of the Act only if the structural engineering services in the design/build project delivery process are provided by the entity in accordance with the following:
 - 1) A structural engineer licensed or a professional design firm registered in Illinois independently contracts with the entity and participates substantially in all material aspects of the offering and providing of services relating to any bid process, contract negotiations, design, consultation, development, preparation and coordination of technical submissions, and verification of adherence to technical submissions and completion.
 - 2) At the time of offering services, a written disclosure shall be given to the client by the entity identifying the licensed structural engineer who will be engaged by and is contractually responsible to the entity offering design/build project services.
 - 3) The entity agrees that the licensed structural engineer will have direct supervision of the structural engineering design work. The entity also agrees that the engineering services will not be terminated on the project without replacement within 30 days by another licensed structural engineer.

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| EFFECTIVE DATE: | 2023 |
| STATUTE NUMBER: | 1480.210 |
| STATUTE TITLE: | Standards of Professional Conduct. |

Section 1480.210 Standards of Professional Conduct

To safeguard the health, safety, and welfare of the public and to maintain integrity and high standards of skill and practice of structural engineering. The following standards of professional conduct shall be binding upon every licensee and on all Professional Design Firms authorized to offer or perform structural engineering services in Illinois.

a) Licensee's Obligation to the Public

- 1) Licensees shall be cognizant that their first and foremost responsibility is to safeguard the health, safety, and welfare of the public when performing services for clients and employers.
- 2) Licensees shall sign and seal only those plans and other documents that conform to accepted structural engineering standards and that safeguard the health, safety, and welfare of the public.
- 3) Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled when the health, safety, or welfare of the public is endangered.
- 4) Licensees shall, to the best of their knowledge, include all relevant and pertinent information in an objective and truthful manner within all professional documents, statements, and testimony.
- 5) Licensees shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.
- 6) Licensees shall issue no statements, criticisms, or arguments on structural engineering matters that are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking and reveal any interest they have in the matters.
- 7) Licensees shall not partner, or offer to practice with any person or firm that they know is engaged in fraudulent or dishonest business or professional practices.
- 8) Licensees who have knowledge or reason to believe that any person or firm has violated any laws or this Part applying to the practice of structural engineering shall report it to the Division, may report it to appropriate authorities, and shall cooperate with the Division and those authorities as requested.

- 9) Licensees shall not knowingly provide false or incomplete information regarding an applicant in obtaining licensure.
- 10) Licensees shall comply with the licensing laws and rules governing structural engineering profession in each of the jurisdictions in which they practice.

b) Licensee's Obligation to Employer and Clients

- 1) Licensees shall undertake assignments only when qualified by education or experience in the specific technical field of structural engineering involved.
- 2) Licensees shall not affix their signatures or seals to any plans, specifications, or other documents dealing with subject matter in which they lack competence, nor to any plans, specifications, or other documents not prepared under their direct supervisory control.
- 3) Licensees may accept an assignments and assume responsibility for coordination of an assignment outside of their field of competence if each technical segment is signed and sealed by the licensee responsible for preparation of that technical segment.
- 4) Licensees shall not reveal facts, data, or information obtained in a professional capacity without the prior consent of the client, employer, or public body on which they serve except as authorized or required by law or this Part.
- 5) Licensees shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients.
- 6) Licensees shall disclose to their employers or clients all known or potential conflicts of interest or other circumstances that could influence or appear to influence their judgment or the quality of their professional service or engagement.
- 7) Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to in writing by all interested parties.
- 8) Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private entity, shall

not participate in decisions with respect to professional services offered or provided by the entity to the governmental body that they serve.

- 9) Licensees shall not use confidential information received in the course of their assignments as a means of making personal profit without the consent of the party from whom the information was obtained.

c) Licensee's Obligation to Other Licensees

- 1) Licensees shall not falsify or permit misrepresentation of their, or their firm's professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incidental to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.
- 2) Licensees shall not offer, give, solicit, or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.
- 3) Licensees shall not injure or attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees, nor indiscriminately criticize other licensees' work.
- 4) Licensees shall make a reasonable effort to inform another licensee whose work is believed to contain a material discrepancy, error, or omission that may impact the health, safety, or welfare of the public, unless such reporting is legally prohibited.

COMMENT

The Rules for Professional Conduct given in the [Model Rules](#) of the National Council of Examiners for Engineering and Surveying (NCEES) have been adopted as the Standards of Professional Conduct of Section 1480.210.

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| EFFECTIVE DATE: | 2010 |
| STATUTE NUMBER: | 1480.215 |
| STATUTE TITLE: | Structural Engineer Complaint Committee. |

Section 1480.215 Structural Engineer Complaint Committee

- a) The Structural Engineer Complaint Committee of the Structural Engineering Board, authorized by Sections 8 and 22 of the Act, shall be composed of 2 members of the Structural Engineering Board, a Supervisor over Design Investigations and a Chief of Prosecutions over Design Prosecutions. The Deputy Director of Enforcement shall designate the Supervisor and Chief who sit on the Complaint Committee.
- b) The Complaint Committee shall meet at least once every 2 months to exercise its functions and duties set forth in subsection (c). The Complaint Committee may meet concurrently with the Complaint Committees of the Architecture Licensing Board, the Land Surveyors Examining Board and the State Board of Structural Engineers to discuss interrelated professional matters. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.
- c) The Complaint Committee shall have the following duties and functions:
 - 1) To review investigative case files after an initial inquiry into the involved parties and their licensure status have been obtained. "Case file" means the allegation made against an involved party that resulted in a preliminary inquiry and other information being obtained in order to determine whether an investigation should be initiated or prosecution pursued. A "Formal Complaint" means the notice of allegations and charges or basis for licensure denial which begins the formal proceedings.
 - 2) To refer the case file to the Supervisor over the Design Investigators for further action. The Complaint Committee shall give the Supervisor an indication as to the prosecutorial merit and relative severity of the allegations to aid in the prioritization of investigative activity.
 - 3) To recommend that a case file be closed.
 - 4) To recommend that an Administrative Warning Letter be issued and the case file

closed.

- 5) To refer the case file to Prosecutions for review and action.
 - 6) To report the actions of the Complaint Committee at each Board meeting and to present enforcement statistics such as the type of alleged violation
- d) In determining what action to take or whether to proceed with investigation and prosecution of a case file, the Complaint Committee shall consider the following factors, but not be limited to: the effect on the public's health, safety and welfare; the sufficiency of the evidence presented; prosecutorial merit; and sufficient cooperation from complaining parties.
 - e) At any time after referral to Prosecutions, the Division may enter into negotiations to resolve issues informally by way of a Consent Order. Factors to be considered in deciding whether to enter into settlement negotiations shall include, but not be limited to: the effect on the public's health, safety and welfare caused by the respondent's alleged conduct; sufficient investigation of the case; prosecutorial merit; relative severity of the respondent's alleged conduct; and past practices of the Division.
 - f) No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Structural Engineering Board. Those case files that previously have been before the Board and are the subject of a Consent Order or formal Order of the Director may be closed without further recommendation or approval of the Structural Engineering Board or the Complaint Committee.
 - g) Disqualification of a Structural Engineering Board Member
 - 1) A Board member shall be recused from consideration of a case file or Formal Complaint when the Board member determines that a conflict of interest or prejudice would prevent that Board member from being fair and impartial.
 - 2) Participation in the initial stages of the handling of a case file, including participation on the Complaint Committee and in informal conferences, shall not bar a Board member from future participation or decision making relating to that case file.
 - h) An informal conference is the procedure established by the Division that may be used for compliance review, fact finding, discussion of the issues, resolving case files, licensing issues or conflicts prior to initiating any Formal Complaint or formal hearing. An informal conference may only be conducted upon agreement of both parties. Informal conferences

shall be conducted by a Division attorney and shall include a member of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

Chapter 4: Review of Disciplinary Cases

Below are descriptions of an assortment of disciplinary actions taken from the IDFPR Consolidated Reports.

Case No. 1

A structural engineer was fined \$1,500 for sealing submissions and calculations for a dam project while his structural engineering license was in non-renewed status. October, 2019.

Case No. 2

A structural engineer's license was suspended for failure to file and/or pay Illinois state income taxes. May 2016.

Case No. 3

A structural engineer was reprimanded with additional continuing education requirements for designing a structure in the state of Wisconsin that sustained severe damage after the building caught fire from an electrical wiring short which resulted in a discipline of his Wisconsin license. January 2013.

Case No. 4

A structural engineering license was issued and placed on non-reporting probation for two years based on DWI history. January 2013.

Case No. 5

An unlicensed company was ordered to cease and desist advertising of structural and professional engineering and assessed a \$1,000 civil penalty.

References

1. IAC Title 68 Part 1480 Rules for structural engineers.
<https://www.ilga.gov/commission/jcar/admincode/068/06801480sections.html>
2. IDFPR Consolidated Reports of disciplinary actions.
<https://idfpr.illinois.gov/news/disciplines/discreports>
3. ILCS Chapter 225 Section 340 Structural Engineering Practice Act of 1989.
<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1347&ChapterID=24>
4. JCAR Home Page.
<https://www.ilga.gov/commission/jcar/>
5. SE Board website.
<https://idfpr.illinois.gov/profs/boards/se.html>