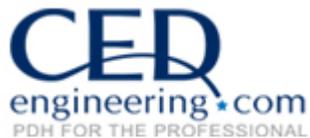

Engineering Ethics for Wisconsin Professional Engineers

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Chapter 1

Overview of the Wisconsin Engineering Ethics, Laws and Rules

Engineering Ethics

Engineering ethics is (1) the study of moral issues and decisions confronting individuals and organizations involved in engineering and (2) the study of related questions about moral conduct, character, ideals and relationships of peoples and organizations involved in technological development (Martin and Schinzinger, *Ethics in Engineering*).

The Board

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors (Board) was established to regulate the practice, licensure and registration of architects, landscape architects, professional engineers, designers, and land surveyors in the State of Wisconsin in order to safeguard life, health and property and promote the general welfare. The Board reviews applications, administers examinations, licenses qualified applicants, and regulates the professional practice of licensees throughout the state. The Board has the power to adopt rules, set standards for licensure, and adopt mandatory standards of professional conduct and ethics.

The rules committee of the Board consists of eight members: One member from each Section of the Board and three public members. "Section of the Board" means the architect section, the landscape architect section, the professional engineer section, the designer section or the land surveyor section.

The Board has the authority to implement provisions of the Wisconsin Administrative Code: Chapters A-E 1 to 13, "Rules of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors" and the Wisconsin Statutes, Chapter 443, "Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors".

The Department of Safety and Professional Services (Department) has the authority to promulgate rules defining uniform procedures to be used by the Department and the Board for receiving, filing and investigating complaints, for commencing disciplinary proceedings and for conducting hearings.

Wisconsin Administrative Code (Laws)

The Wisconsin Administrative Code is a collection of state laws organized by subject area into a code made up of chapters. Chapters A-E 1 to 13, "Rules of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors"

were created by the Wisconsin General Assembly in the interest of public health and safety to regulate the practice of engineering in the State of Wisconsin. It was last updated in June 2014 by laws that create, amend, or repeal statutory material. The Wisconsin Administrative Code states the law followed by the history of the law which indicates when it was originally filed and subsequent effective dates of enactment.

Pertinent sections of Chapters A-E 1 to 13, which relate to the engineering laws or codes of professional conduct and responsibility, are presented in Chapter 2 below.

Wisconsin Statutes (Rules)

The Wisconsin Statutes are a compilation of the rules and regulations of the Wisconsin regulatory agencies and it is organized by chapters with each chapter number representing a department, commission, board or other agency. Chapter 443 of the regulations was created to regulate the practice of engineering in the State of Wisconsin. The Board regulations state the rule followed by the history of the rule which indicates when it was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. The Wisconsin Statutes were last updated and published on July 1, 2014.

Study Question 1:

List the two regulations that govern the practice of engineering in the State of Wisconsin.

Pertinent sections of Chapter 443, which relate to engineering rules and regulations of professional conduct and responsibility, are presented in Chapter 3 below.

Disciplinary Authority

The Engineer Section of the Board is charged with the duty of issuing certificates of registration to those professional engineers it has determined to be qualified. It has also the authority and responsibility to revoke or suspend these certificates when licensees are convicted with charges of gross incompetence or professional misconduct.

Disciplinary Process

Complaints may involve unethical conduct, incompetence, unlicensed practice, misrepresentation, plan stamping, or a number of other practice allegations. Monetary disputes or complaints alleging "non-performance" are usually deemed to be contractual matters over which the Board has no jurisdiction. The complaint must contain sufficient factual evidence to indicate a clear violation of the registration law.

Complaints are reviewed by the Engineer Section of the Board which may refer a complaint for investigation if more information is needed to make a determination with regard to a particular complaint. If the Engineer Section of the Board determines that a violation of the law has occurred, a hearing will be scheduled before the Board. A similar complaint process is in place for complaints related to unlicensed practice.

Several disciplinary cases, presented in Chapter 4 below, were randomly selected to further illustrate the disciplinary actions taken by the Engineer Section of Board. In selecting these cases, different scenarios of violations are depicted along with their corresponding final decisions issued by the Engineer Section of the Board.

Chapter 2

WI Administrative Code – A-E 1 to A-E 13

CHAPTERS A-E 1 TO A-E 13:

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

The following are excerpts from Chapters A-E 1 to A-E 13 of the Wisconsin Administrative Code. If you wish to review the entire title, visit the website of the Wisconsin Board at:

http://drl.wi.gov/board_code_detail.asp?boardid=20&locid=0

Chapter A-E 8: PROFESSIONAL CONDUCT

A-E 8.01 Authority. The rules of conduct in this chapter are adopted under authority of ss. 15.08 (5) (b), 227.11 and ch. 443, Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87.

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 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.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, June, 1995, No. 474, eff. 7-1-95; am. Register, February, 2000, No. 530, eff. 3-1-00.

A-E 8.03 Definitions. In ch. 443, Stats., and chs. A-E 1 to 9:

(1) "Gross negligence in the practice of architecture, landscape architecture, professional engineering, designing or land surveying" means the performance of professional services by an architect, landscape architect, 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) "Incompetency in the practice of architecture, landscape architecture, 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 engineer, designer or land surveyor to a client or employer or to the public.

(b) Lack of knowledge of the fundamental principles of the profession or an inability to apply fundamental principles of the profession.

(c) Failure to maintain competency in the current practices and methods applicable to the profession.

(3) "Misconduct in the practice of architecture, landscape architecture, professional engineering, designing or land surveying" means an act performed by an architect, landscape architect, 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) Violation of federal or state laws, local ordinances or administrative rules relating to the practice of architecture, landscape architecture, professional engineering, designing or land surveying.

(b) Preparation of deficient plans, drawings, maps, specifications or reports.

(c) Engaging in conduct which evidences a lack of trustworthiness to transact the business required by the profession.

(d) Misrepresentation of qualifications such as education, specialized training or experience.

(4) "Responsible supervision of construction" is defined in s. 443.01 (8), Stats.

(5)

(a) "Supervision," "direct supervision," "responsible charge," and "direction and control," mean direct, personal, active supervision and control of the preparation of plans, drawings, documents, specifications, reports, maps, plats and charts.

(b) The terms in par. (a) include the following:

1. Selection or development of standards, methods and materials to be used.

2. Selection of alternatives to be investigated and the comparison of alternatives for the professional work.

3. Testing to evaluate materials or completed works, either in new or existing projects.

4. Knowledge of applicable codes and professional standards.

5. Knowledge of the technical capabilities of the personnel they rely upon to perform the professional work.

(c) The terms in par. (a) do not include the following:

1. Indirect or casual supervision.

2. Delegation of any decision requiring professional judgment.

3. Casual review or inspection of prepared plans, drawings, specifications, maps, plats, charts, reports or other documents.

4. Mere assumption by an architect, landscape architect, professional engineer, designer or land surveyor of responsibility for work without having control of the work.

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

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), (1), (2) (intro.), (a), (3) (intro.), (a), (5) (d) and (e), Register, June, 1995, No. 474, eff. 7-1-95; am. (2) (intro.) to (b), (3) (intro.) to (c), (5) (intro.) to (d), Register, January, 1999, No. 517, eff. 2-1-99; am. (1), (2) (intro.) and (a), (3) (intro.), (a), (5) (d) and (e), Register, February, 2000, No. 530, eff. 3-1-00; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register December 2005 No. 600; CR 09-033: r. and recr. (5) Register December 2009 No. 648, eff. 1-1-10.

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

(1) Shall accurately and truthfully represent to a prospective client or employer the capabilities and qualifications which the registrant has to perform the services to be rendered.

(2) Shall represent the costs and completion times of a proposed project to a client or prospective client as accurately and truthfully as is reasonably possible.

(3) May not offer to perform, nor perform, services which the registrant is not qualified to perform by education or experience without retaining the services of another who is qualified.

(4) May not use advertising or publicity which is fraudulent or deceptive.

(5) May not represent that he or she is engaged in a partnership or association with another unless there exists in fact a partnership or association.

(6) May not collect a fee for recommending the services of another unless written notice is first given to all parties concerned.

(7) May not practice under a firm name that misrepresents the identity of those practicing in the firm or misrepresents the type of services which the individuals, firm or partnership is authorized and qualified to perform.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) to (6), Register, January, 1999, No. 517, eff. 2-1-99; am. (intro.), Register, February, 2000, No. 530, eff. 3-1-00.

A-E 8.05 Conflicts of interest.

(1) An architect, landscape architect, professional engineer, designer or land surveyor:

(a) Shall avoid conflicts of interest. If an unavoidable conflict of interest arises, the registrant shall immediately inform the client or employer of all the circumstances which may interfere with or impair the registrant's obligation to provide professional services. Under these circumstances a registrant may not proceed to provide professional services without the full approval and consent of the client or employer.

(b) Shall notify the employer or client and withdraw from employment at any time if it becomes apparent that it is not possible to faithfully discharge the responsibilities and duties owed to the client or employer.

(c) May not agree to perform professional services for a client or employer if the registrant has a significant financial or other interest which would impair or interfere with the registrant's responsibility to faithfully discharge professional services on behalf of the client or employer.

(d) May not accept payment from any party other than a client or employer for a particular project or may not have any direct or indirect financial interest in a service or phase of a service to be provided as part of a project unless the employer or client approves.

(e) May not solicit or accept anything of value from material or equipment suppliers in return for specifying or endorsing a product.

(f) May not violate the confidences of a client or employer, except as otherwise required by rules in this chapter.

Study Question 2:

Is it appropriate for the licensee to accept gratuity from an equipment supplier for specifying the supplier's product?

(g) May not perform services for a client or employer while a full-time employee of another employer without notifying all parties concerned.

(2) Nothing in these rules limits a registrant's professional responsibility to an owner of a project when the registrant is employed by a person or firm under contract to construct and furnish design services for that project.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) (a) to (f), Register, January, 1999, No. 517, eff. 2-1-99; am. (1) (intro.), Register, February, 2000, No. 530, eff. 3-1-00.

A-E 8.06 Professional obligations. An architect, landscape architect, professional engineer, designer or land surveyor:

(1) Shall use reasonable care and competence in providing professional services.

(2) May not evade the professional or contractual responsibility which the registrant has to a client or employer.

(3) May not enter into an agreement which provides that a person not legally and actually qualified to perform professional services has control over the registrant's judgment as related to public health, safety or welfare.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) and (2), Register, January, 1999, No. 517, eff. 2-1-99; am. (intro.), Register, February, 2000, No. 530, eff. 3-1-00.

A-E 8.07 Unauthorized practice. An architect, professional engineer, designer or land surveyor:

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

Note: Sections 443.02 (2) and (3), Stats., were amended by 2009 Wis. Act 123 to include landscape architects within their scopes. Section A-E 8.07 (intro.) will be modified in future rule-making by the Board.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, June, 1995, No. 474, eff. 7-1-95; am. (1), Register, January, 1999, No. 517, eff. 2-1-99; am. Register, February, 2000, No. 530, eff. 3-1-00; CR12-039: am. (intro.), (1), (2) Register June 2014 No. 702, eff. 7-1-14.

A-E 8.08 Maintenance of professional standards. An architect, landscape architect, professional engineer, designer or land surveyor:

(1) Shall furnish the board with information indicating that any person or firm has violated provisions in ch. 443, Stats., rules in this chapter or other standards applicable to the profession.

Study Question 3:

Does the licensee have to notify the Board of any person who violates the acts of Chapter 443?

(2) May not discuss with any individual board member any disciplinary matter under investigation or in hearing.

(3) Shall respond in a timely manner to a request by the board, a section of the board or the department for information in conjunction with an investigation of a complaint filed against a registrant. There is a rebuttable presumption that a registrant who takes longer than 30 days to respond to a request for information has not acted in a timely manner.

(4) Shall notify the department in writing if the registrant has been disciplined for unprofessional conduct in other states where the registrant holds a credential or has violated federal or state laws, local ordinances or administrative rules, not otherwise reportable under s. SPS 4.09 (2), which are related to the practice of an architect, landscape architect, professional engineer, designer or land surveyor. The notification shall be submitted within 48 hours of the disciplinary finding or violation of law and shall include copies of the findings, judgments and orders so that the department may determine whether the circumstances are substantially related to the practice of the registrant.

Study Question 4:

If you violated the laws and rules of another state in, you do not need to notify the Wisconsin Board of such violation. True or False?

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (intro.), Register, June, 1995, No. 474, eff. 7-1-95; am. (1), Register, January, 1999, No. 517, eff. 2-1-99; am. (intro.), Register, February, 2000, No. 530, eff. 3-1-00; CR 09-034: cr. (3) and (4) Register December 2009 No. 648, eff. 1-1-10; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

A-E 8.09 Adherence to statutes and rules. An architect, landscape architect, 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 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 engineering, designing or land surveying.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. Register, June, 1995, No. 474, eff. 7-1-95; am. (1), Register, January, 1999, No. 517, eff. 2-1-99; am. Register, February, 2000, No. 530, eff. 3-1-00.

A-E 8.10 Plan stamping.

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

(2) No land surveyor may sign, seal or stamp any maps, plats, charts, or reports for land surveying practice which are not prepared by the land surveyor or under his or her personal direction and control.

(3) No architect, landscape architect, 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 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.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (1) and (3), Register, June, 1995, No. 474, eff. 7-1-95; am. (1) and (3), Register, February, 2000, No. 530, eff. 3-1-00.

A-E 8.11 Suspension of registration; effect. Any registrant whose registration has been suspended is prohibited during the term of the suspension from engaging in any of the following:

(1) Offering to perform any service which requires registration.

(2) Performing any professional service which requires registration.

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

(4) Entering into contracts the performance of which require registration.

(5) Engaging in responsible supervision of construction as defined in s. 443.01 (8), Stats.

History: Cr. Register, February, 1987, No. 374, eff. 3-1-87; am. (3), Register, June, 1995, No. 474, eff. 7-1-95; am. (intro.) to (4), Register, January, 1999, No. 517, eff. 2-1-99; am. (3), Register, February, 2000, No. 530, eff. 3-1-00.

Chapter A-E 13: CONTINUING EDUCATION FOR PROFESSIONAL ENGINEERS

A-E 13.01 Authority and purpose. The rules in this chapter are adopted under the authority in ss. 15.08 (5) (b), 227.11 (2), and 443.015, Stats., and govern biennial continuing education for professional engineer registrants.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.02 Definitions. As used in this chapter:

(1) "Biennium" means a 2-year period beginning August 1 of each even-numbered year.

(2) "College semester hour" means receiving credit for completing a regularly offered course in a school or college of engineering accredited by the EAC/ABET that has testing with a passing grade required and has provisions for additional out-of-class study requirements. Credit for college approved courses will be based upon course credit established by the college. One "college semester hour" equals 45 PDHs. Monitoring or auditing courses that do not require regular testing with a passing grade will only count the actual class contact hours.

(3) "College quarter hour" means receiving credit for completing a regularly offered course in a school or college of engineering accredited by the EAC/ABET that has testing with a passing grade required and has provisions for additional out-of-class study requirements. Credit for college approved courses will be based upon course credit established by the

college. One "college quarter hour" equals 30 PDHs. Monitoring or auditing courses that do not require regular testing with a passing grade will only count the actual class contact hours.

(4) "Continuing education" means the planned, professional development activities designed to contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the registrant in the practice of professional engineering. Regular duties are not considered qualifying activities.

(5) "Continuing education unit" or "CEU" means a unit of credit customarily used for continuing education courses. One "continuing education unit" equals 10 PDHs.

(6) "Course" or "activity" means any qualifying "course" or "activity" with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the registrant's practice of professional engineering.

(7) "EAC/ABET" means the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology.

(8) "Professional development hour" or "PDH" means a period of 50 minutes of actual instruction or participation spent by the registrant in actual attendance or completion of an approved educational activity. "PDHs" should be rounded down to the nearest half hour and reported in increments of half hour with no activity of under a half hour being acceptable as qualifying for "PDH" credit. "PDHs" shall not exceed the actual contact clock hours of actual attendance.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.03 Continuing education requirements.

(1)

(a) Beginning in the biennial registration period commencing August 1, 2012 and ending July 31, 2014, unless granted a waiver under s. A-E 13.08, every registrant shall complete at least 30 hours of approved PDHs or equivalent continuing education units, pertinent to the practice of professional engineering, except that between initial registration and the first renewal period, a new registrant shall not be required to comply with the continuing education requirements for the first renewal of registration.

(b) During each biennial registration period, the registrant shall complete a minimum of 2 PDHs in the area of professional conduct and ethics.

(c) During each biennial registration period, credit for a minimum of 13 PDHs shall be obtained via courses where the registrant interacts in real time in a traditional classroom setting, computer conferencing, or interactive video conference where participants are present in the same room or logged in at the same time and can communicate directly with each other and ask questions of the instructor.

(d) If a registrant obtains more than 30 PDHs in a biennium, a maximum of 15 of the excess PDHs may be used toward the continuing education requirement in the next biennium. Excess credits cannot be used to satisfy the requirements of par. (b) or (c).

Study Question 5:

How many PDH units in the area of professional conduct and ethics is the registrant required to complete each registration period?

(2) Continuing education may be obtained through any of the following means:

- (a) Completing courses taken at a school or college of engineering accredited by the EAC/ABET.
- (b) Completing short courses or tutorials and distance education courses offered through correspondence, DVDs, or the internet.
- (c) Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences.
- (d) Teaching or instructing in pars. (a) to (c). PDHs may only be counted for the initial offering or presentation of a course or program. Full-time faculty may not claim PDHs for teaching done as part of their regular duties. For teaching in pars. (a) to (d), multiply the PDHs earned by a factor of 2.
- (e) Authoring published papers, articles, or books in the registrant's area of professional practice that has been published in book form or in circulated journals or trade magazines. Five PDHs will be granted in the biennium in which each publication occurred. For peer reviewed papers, articles, or books in the registrant's area of professional practice, 10 PDHs will be granted in the biennium in which each publication occurred.
- (f) Actively participating in professional and technical societies. A maximum of 2 PDHs will be awarded for active participation as an officer or committee member in any one society in any one year. A maximum of 4 PDHs may be obtained under this paragraph in any biennium. PDHs are not earned until the end of each year of service is completed.
- (g) Attainment of a patent relevant to the registrant's area of professional practice. Ten PDHs will be awarded for each patent.

(3) Except as provided in s. [A-E 13.08](#), a professional engineer who fails to meet the continuing education requirements by the renewal date, as specified in s. [440.08 \(2\) \(a\) 35.](#), Stats., may not engage in the practice of professional engineering until the registration is renewed in accordance with ss. [A-E 2.05](#) and [13.10](#).

History: [CR 11-014](#): cr. [Register December 2011 No. 672](#), eff. 1-1-12.

A-E 13.04 Examples of qualifying activities. The following are examples of qualifying activities:

- (1) Completing or attending courses, seminars, instruction, in-house programs, or training of engineering content related to the registrant's practice of professional engineering.
- (2) Attending technical or professional society meetings when an engineering topic is presented as a principal part of the program.
- (3) Teaching a course for the first time or teaching a course previously taught if substantial time was spent in updating material.
- (4) Attending webinar courses where attendance is verified and program material meets the requirements.
- (5) Completing correspondence courses on an engineering topic where lessons are prepared and returned for correction, grading, or both, and where testing at the end of the course is required.

History: [CR 11-014](#): cr. [Register December 2011 No. 672](#), eff. 1-1-12.

A-E 13.05 Standards for approval.

(1) To be approved for PDHs, a continuing education program shall meet all of the following criteria:

(a) The program includes instruction in an organized method of learning contributing directly to the professional competency of the registrant and pertaining to subject matters which integrally relate to the practice of the profession.

(b) The program is conducted by individuals who have specialized education, training, or experience and are considered qualified concerning the subject matter of the program.

(c) The program fulfills pre-established goals and objectives.

(d) The program provides attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

(2) The professional engineer section has final authority with respect to acceptance of activities, courses, credit, PDH value for courses, and other methods of earning PDHs, except the following are examples of accepted providers for continuing education programs:

(a) Colleges, universities, or other EAC/ABET approved educational institutions approved by the professional engineer section.

(b) Continuing education courses meeting all the requirements of the International Association for Continuing Education and Training.

(c) Technical or professional societies or organizations as approved by the professional engineer section or its designee.

(d) Other providers as approved by the professional engineer section or its designee.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.06 Certificate of completion; proof of attendance.

(1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The professional engineer section may conduct a random audit of its registrants on a biennial basis for compliance with these requirements. It is the responsibility of each registrant to retain or otherwise produce evidence of compliance.

(3) If a request for evidence of compliance is requested by the professional engineer section or its designee, the registrant shall submit the requested information or documentation within 30 days of receiving the written notice. Failure to do so will result in denial of registrant's application for renewal.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.07 Recordkeeping.

(1) A registrant shall maintain records of their continuing education units and PDHs earned for a minimum of the 3 most recent biennia on a form approved by the professional engineer section.

(2) Records required include but are not limited to attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

(3) If a continuing education course was awarded CEUs, the CEUs shall be converted by the applicant or registrant to PDHs for recordkeeping purposes.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.08 Waiver of continuing education.

(1) A renewal applicant who is unable to fully comply with the continuing education requirements due to extreme hardship may submit a written request for a waiver. The professional engineer section or its designee will review the request, and in its sole discretion, may grant a full or partial waiver, or extension of time to comply with the requirements.

(2) In this section, "extreme hardship" means an inability to fulfill the continuing education requirements during the applicable renewal period because of one of the following:

(a) Full-time service in the uniformed services of the United States for a period of at least one year during the biennium.

(b) An incapacitating illness documented by a statement from a licensed physician.

(c) A physical inability to travel to the sites of approved programs documented by a licensed physician.

(d) Any other extenuating circumstances acceptable to the professional engineer section.

(3) A renewal applicant may not receive a waiver under sub. (2) (b) or (c) for 2 consecutive biennia.

(4) A renewal applicant who has maintained an active Wisconsin license for a minimum of 30 consecutive years may, at the discretion of the professional engineer section or its designee, receive a waiver upon request and certification that the applicant has retired from the profession and is no longer receiving remuneration for providing professional engineering services.

(5) A renewal applicant who receives a waiver under sub. (4) may not engage in the practice of professional engineering until he or she meets the requirements of s. [A-E 13.10](#).

(6) A renewal applicant, who prior to the expiration date of the license submits a request for a waiver, pays the renewal fee and provides a statement setting forth the facts concerning noncompliance and the basis of the request, shall be deemed to be in good standing until the final decision on the application is issued by the professional engineer section. If a finding of extreme hardship is not determined, an applicant may not engage in the practice of professional engineering until he or she meets the requirements of s. [A-E 13.10](#).

History: CR 11-014: cr. [Register December 2011 No. 672](#), eff. 1-1-12; CR13-064: am. (4) [Register June 2014 No. 702](#), eff. 7-1-14.

A-E 13.10 Late renewal. A renewal applicant who has failed to renew his or her credential by the established renewal date shall obtain all required PDHs and submit a record with information as specified under s. [A-E 13.07](#) prior to the registrant's registration being renewed. If the total delinquent PDHs exceed 60 for all renewal periods since their last renewal, then 60 shall be the maximum required for late renewal. An applicant who has failed to be registered for a period greater than 5 years shall be subject to the provisions of s. [A-E 2.05 \(2\)](#).

History: CR 11-014: cr. [Register December 2011 No. 672](#), eff. 1-1-12.

Chapter 3

Wisconsin Statutes – Chapter 443

CHAPTER 443:

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

The following are excerpts from Chapter 443 of the Wisconsin Statutes. If you wish to review the entire chapter, please visit the website of the Wisconsin Board at:

<https://docs.legis.wisconsin.gov/statutes/statutes>

443.11 Disciplinary proceedings against architects, landscape architects and engineers.

(1) The appropriate section of the examining board may reprimand an architect, landscape architect, or professional engineer or limit, suspend, or revoke the certificate of registration of any registrant, and the certificate of record of any engineer-in-training, who is found guilty of:

- (a) Fraud or deceit in obtaining a certificate of registration or a certificate of record.
- (b) Signing or impressing his or her seal or stamp upon documents not prepared by him or her or under his or her control or knowingly permitting his or her seal or stamp to be used by any other person.
- (c) Knowingly aiding or abetting the unauthorized practice of architecture or professional engineering by persons not registered under this chapter.
- (d) Any gross negligence, incompetency or misconduct in the practice of architecture as a registered architect, of landscape architecture as a registered landscape architect or of professional engineering as a registered professional engineer, or in the professional activity of a holder of a certificate of record as engineer-in-training.
- (e) Any violation of the rules of professional conduct adopted and promulgated by that section of the examining board.
- (f) Conviction of a felony, subject to ss. [111.321](#), [111.322](#) and [111.335](#), or adjudication of mental incompetency by a court of competent jurisdiction, a certified copy of the record of conviction or adjudication of incompetency to be conclusive evidence of such conviction or incompetency.

(2) The appropriate section of the examining board may reprimand a firm, partnership, or corporation holding a certificate of authorization issued under this chapter or may limit, suspend, or revoke such a certificate if any of the agents, employees, or officers of the firm, partnership, or corporation has committed any act or has been guilty of any conduct which would authorize a reprimand or a limitation, suspension, or revocation of the certificate of registration of a registrant or the certificate of record of an engineer-in-training under this chapter, unless the firm, partnership, or corporation submits evidence satisfactory to the appropriate section of the examining board that the agent, employee, or officer is not now

practicing or offering to practice architecture, landscape architecture, or professional engineering in its behalf.

(3) Any person may make charges that any registrant, holder of a certificate of record as engineer-in-training or corporate holder of a certificate of authorization has committed an act for which a reprimand or limitation, suspension, or revocation of registration is authorized under sub. (1). Such charges shall be in writing, shall be sworn to by the person making them and shall be submitted to the appropriate section of the examining board. The appropriate section of the examining board may, on its own motion, make such charges. All charges, unless dismissed by the appropriate section of the examining board as unfounded or trivial, shall be heard by the appropriate section of the examining board, subject to the rules promulgated under s. 440.03 (1).

(4) If after a hearing under sub. (3), 3 members of a section of the examining board vote in favor of sustaining charges specified in sub. (3), the appropriate section of the examining board shall reprimand or limit, suspend, or revoke the certificate of registration of the registered architect, registered landscape architect, or registered professional engineer, the certificate of record of the holder of a certificate as engineer-in-training, or the certificate of authorization of a firm, partnership, or corporation.

(5) The actions of each section of the examining board under this section shall be subject to review in the manner provided in ch. 227.

(6) The appropriate section of the examining board, for reasons it considers sufficient, may reissue a certificate of registration or a certificate of record to any person, or a certificate of authorization to any firm, partnership, or corporation, whose certificate has been revoked under this section if 3 members of the section of the examining board vote in favor of such reissuance. Subject to the rules of the examining board, the appropriate section of the examining board may, upon payment of the required fee, issue a new certificate of registration, certificate of record or certificate of authorization, to replace any certificate that is revoked, lost, destroyed or mutilated.

History: 1979 c. 167; 1981 c. 334 s. 25 (1); 1993 a. 463, 465, 491; 1997 a. 237, 300; 1999 a. 32, 186; 2009 a. 123; 2011 a. 146.

443.18 Penalties; law enforcement.

(1) UNAUTHORIZED PRACTICE; PENALTY.

(a) Any person who practices or offers to practice architecture, landscape architecture, or professional engineering in this state, or who uses the term "architect," "landscape architect," or "professional engineer" as part of the person's business name or title, except as provided in s. 443.08 (6), or in any way represents himself or herself as an architect, landscape architect, or a professional engineer unless the person is registered or exempted in accordance with this chapter, or unless the person is the holder of an unexpired permit issued under s. 443.10 (1) (d), or any person presenting or attempting to use as his or her own the certificate of registration of another, or any person who gives any false or forged evidence of any kind to the examining board or to any section of the examining board or to any member of the examining board or to any member of any section of the examining board in obtaining a certificate of registration, or any person who falsely

Study Question 6:

What is the range of penalties can the Board serve you with if you were found in violation of the provisions of Section 443.18?

impersonates any other registrant of like or different name, or any person who attempts to use an expired or revoked certificate of registration, or violates any of the provisions of this section, may be fined not less than \$100 nor more than \$500 or imprisoned for not more than 3 months or both.

(b) All duly constituted officers of the law of this state or any political subdivision shall enforce this chapter and prosecute any persons violating this chapter.

(2) INJUNCTION.

(a) If it appears upon complaint to the examining board or to any section of the examining board by any person, or is known to the examining board or to any section of the examining board that any person who is neither registered nor exempt under this chapter nor the holder of an unexpired permit under s. 443.10 (1) (d) is practicing or offering to practice, or is about to practice or to offer to practice, architecture, landscape architecture, or professional engineering in this state, the appropriate section of the examining board or the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name and on behalf of this state against any such person to enjoin the person from practicing or offering to practice architecture, landscape architecture, or professional engineering.

(b) If it appears upon complaint to the examining board by any person, or is known to the examining board that any person who does not have a license to engage in the practice of practice of land surveying in this state, or who is not exempt or excepted from the licensure requirements under this chapter, is engaging in or offer to engage in the practice of professional land surveying in this state, the professional land surveyor section, the examining board, the department, the department of justice, or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name and on behalf of the state to enjoin the person from engaging in or offering to engage in the practice of professional and surveying.

(3) PENALTIES; LAW ENFORCEMENT. Any person who violates this chapter shall be fined not more than \$500 or imprisoned not more than 3 months or both.

History: 1979 c. 167 ss. 27, 28, 45, 46; 1981 c. 20; 1993 a. 463, 465, 491; 1997 a. 300; 1995 a. 85; 2009 a. 123; 2011 a. 146; 2013 a.358.

Chapter 4

Review of Disciplinary Cases

The following disciplinary cases were randomly extracted from the Disciplinary Actions web page of the Wisconsin Board. In selecting these cases, different scenarios of violations are depicted along with their corresponding final decisions issued by the Wisconsin Engineer Section of the Board over the preceding two years.

Case No. 1: 10 ENG 014

Findings of Fact

On or about December 30, 2010, the Kansas State Board of Technical Professions provided the Department with information regarding disciplinary action against the Respondent. The Department subsequently opened a case for investigation, which revealed that on or about June 9, 2010, the Kansas State Board of Technical Professions found that the Respondent held himself out as an engineer and offered engineering services at a time when he was not licensed as an engineer in Kansas. The Respondent was assessed a fine of \$500 and attorney fees and costs of \$4000.

However, the Respondent not only failed to notify the Department of the Kansas discipline within 48 hours of the discipline, but he does not admit to any of the violations alleged in the complaint filed, although he does not wish to contest them.

Conclusions of Law

By the conduct described in the Findings of Fact, it was determined that the Respondent violated Wis. Admin. Code § A-E 8.08(4) by failing to notify the Department of the Kansas discipline within 48 hours of the discipline.

Final Order

The Respondent voluntarily surrendered his professional engineer license. Furthermore, he was advised by the Department that he shall not seek to reinstate or apply for any engineer license with the State of Wisconsin for at least three (3) years from the date of the Order. If he does, then he shall pay the costs of investigating and prosecuting this matter, in the amount of two hundred and forty-five dollars (\$245.00), before any such application may be considered.

Findings of Fact

On or about August 1, 2013, the Department received a complaint from the Public Service Commission of Wisconsin (Commission) concerning engineering services that the two Respondents provided to Pioneer Power and Light Company (Pioneer) in the Village of Westfield, Wisconsin. The Commission's complaint included a copy of their Order, dated July 22, 2013, which determined that Pioneer had failed to comply with Wis. Stat. § 196.49(3)(b) and Wis. Admin. Code ch. PSC 112 by purchasing and installing a new electrical transformer without first obtaining Commission approval.

According to the Commission's Order, Pioneer engaged the engineering services of the Respondents in April 2012 to obtain bids for a new electrical transformer, to provide consulting advice on the final selection and to prepare and submit the required application to the Commission for consideration. The Respondents submitted the required application to the Commission for consideration on or about December 12, 2012. 8. The installation of the electrical transformer occurred in late December 2012 prior to the Commission rendering a decision regarding the December 12, 2012 application.

In response to the Commission's inquiry into the matter, the Respondents submitted a letter to the Commission, dated April 22, 2013, acknowledging the statutory and regulatory violation and accepting full responsibility for the installation of the transformer before Commission approval was granted. As a result of commencing construction of the project prior to obtaining Commission approval, Pioneer was reprimanded by the Commission on July 22, 2013.

In response to the Commission's complaint to the Department, the Respondents submitted a letter, dated October 18, 2013, in which they acknowledged that they should have taken precautions to ensure that the electrical transformer was not installed until the required Commission approval was granted.

Conclusions of Law

By the conduct described in the Findings of Fact, the Respondents violated Wis. Admin. Code § A-E 8.06(1) by failing to use reasonable care and competence in rendering professional engineering services. The Respondents violated Wis. Admin. Code § A-E 8.09(1) by failing to comply with state codes which relate to the practice of professional engineering. As a result of the violation of Wis. Admin. Code § A-E 8.09(1), the Respondents engaged in misconduct in the practice of professional engineering pursuant to Wis. Admin. Code § A-E 8.03(3)(a).

Final Order

The two Respondents were reprimanded and fined \$815.00 each to be paid within 90 days.

Findings of Fact

The Respondent's license was expired from August 1, 2010 through September 26, 2010. On September 11, 2008, the Respondent was disciplined by the North Carolina Board of Examiners for Engineers and Surveyors for producing a deficient, substandard or inaccurate report; failing to be completely objective and truthful in professional reports and statements; and making exaggerated, misleading, deceptive or false statements of qualifications or experience in advertising permit packages. The North Carolina board reprimanded the Respondent, levied a civil penalty of \$5,000 and required him to complete an ethics course. Based on the September 11, 2008 discipline from the North Carolina Board of Engineers and Surveyors, professional engineer regulatory authorities in Missouri (May 17, 2010) and Colorado (July 7, 2011) imposed discipline on the Respondent's licenses in those states. In addition, professional engineer regulatory authorities in New Hampshire (October 30, 2009), West Virginia (December 4, 2009), Missouri (May 17, 2010) and Nevada (March 24, 2011) disciplined the Respondent for failing to timely report or include on his license renewal information concerning the North Carolina investigation and discipline.

On October 11, 2010, the Respondent notified the Wisconsin Board that North Carolina had disciplined him, and that the states of New Hampshire, West Virginia and Missouri had each required him to pay a fine for not reporting the North Carolina discipline in a timely manner. On November 17, 2011, the Texas Board of Engineers revoked the Respondent's engineer license following the Respondent's voluntary surrender of his license prior to a hearing on allegations that the Respondent practiced engineering in Texas while his Texas engineer license was expired; changed employers without notifying the Texas Board of the change; and failed to promptly respond to the Texas Board regarding those two issues. The Respondent failed to notify the Wisconsin Board or the Wisconsin Department of Safety and Professional Services of the Colorado, Nevada and Texas disciplines.

Conclusions of Law

By the conduct described in the Findings of Fact, the Respondent engaged in misconduct in the practice of professional engineering, as defined in Wis. Admin. Code § A-E 8.03(3)(a), by violating state laws or administrative rules relating to the practice of professional engineering. The Respondent also violated Wis. Admin. Code § A-E 8.09(1) by failing to comply with federal, state and local codes relating to professional engineering. Finally, The Respondent violated Wis. Admin. Code § A-E 8.08(4) by failing to notify the Wisconsin Department of Safety and Professional Services when he was disciplined in Colorado, Nevada and Texas and by failing to notify the Wisconsin Department of Safety and Professional Services within 48 hours of the disciplinary findings in North Carolina, New Hampshire, West Virginia and Missouri.

Final Order

The Respondent was reprimanded and fined \$1000.

Appendix A

Answers to Study Questions

Study Question 1:

List the regulations that govern the practice of engineering in the state of Wisconsin:

- Chapters A-E 1 to A-E 13: Wisconsin Administrative Code
- Chapter 443: Wisconsin Statutes

Study Question 2:

Is it appropriate for the licensee to accept gratuity from an equipment supplier for specifying the supplier's product?

No. "An architect, landscape architect, professional engineer, designer or land surveyor.....may not solicit or accept anything of value from material or equipment suppliers in return for specifying or endorsing a product."

Study Question 3:

Does the licensee have to notify the Board of any person who violates the acts of Chapter 443?

Yes. "An architect, landscape architect, professional engineer, designer or land surveyor..... shall furnish the board with information indicating that any person or firm has violated provisions in ch. 443, Stats., rules in this chapter or other legal standards applicable to the profession."

Study Question 4:

If you violated the laws and rules of another state in, you do not need to notify the Wisconsin Board of such violation. True or False?

False. "An architect, landscape architect, professional engineer, designer or land surveyor.....shall notify the department in writing if the registrant has been disciplined for unprofessional conduct in other states where the registrant holds a credential or has violated federal or state laws, local ordinances or administrative rules, not otherwise reportable under s. SPS 4.09 (2), which are related to the practice of an architect, landscape architect, professional engineer, designer or land surveyor."

Study Question 5:

How many PDH units in the area of professional conduct and ethics is the registrant required to complete each registration period?

"During each biennial registration period, the registrant shall complete a minimum of 2 PDHs in the area of professional conduct and ethics."

Study Question 6:

What is the range of penalties can the Board serve you with if you were found in violation of Section 443.18?

"Any person found in violation of Section 443.18.....may be fined not less than \$100 nor more than \$500 or imprisoned for not more than 3 months or both."

Appendix B

References

Wisconsin Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors

<http://drl.wi.gov/profession.asp?profid=92&locid=0>

Wisconsin Administrative Code, Chapters A-E 1 to A-E 13 (Laws)

http://drl.wi.gov/board_code_detail.asp?boardid=20&locid=0

Wisconsin Statutes, Chapter 443 (Rules)

<https://docs.legis.wisconsin.gov/statutes/statutes>

Wisconsin Board Disciplinary Actions

<https://online.drl.wi.gov/orders/searchorders.aspx>