



**PROFESSIONAL ENGINEERS SECTION
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND SURVEYORS
Room 121A, 1400 East Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
April 26, 2016**

The following agenda describes the issues that the Section plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Section.

AGENDA

12:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-3)**
- B) Approval of Minutes – February 16, 2016 (4-6)**
- C) Administrative Updates**
 - 1) Staff Updates
- D) Legislative and Administrative Rule Matters (7-10)**
 - 1) Proposals to Amend A-E 13 Relating to Continuing Education
 - 2) Update on A-E 3, 4, 6, and 9 (CR 15-040) Relating to Requirement for Entrance to Examinations
 - 3) Update on Pending Legislation and Pending and Possible Rulemaking Projects
- E) Speaking Engagements, Travel, or Public Relations Requests**
 - 1) Wisconsin Society of Professional Engineers Discovery Conference
 - 2) Additional Travel and Speaking Engagement Requests
- F) Items Added After Preparation of Agenda:**
 - 1) Introductions, Announcements and Recognition
 - 2) Election of Section Officers
 - 3) Appointment of Section Liaisons
 - 4) Administrative Updates
 - 5) Education and Examination Matters
 - 6) Credentialing Matters
 - 7) Practice Matters
 - 8) Legislation/Administrative Rule Matters
 - 9) Liaison Reports
 - 10) Informational Items
 - 11) Disciplinary Matters

- 12) Presentations of Petitions for Summary Suspension
- 13) Petitions for Designation of Hearing Examiner
- 14) Presentation of Proposed Stipulations, Final Decisions and Orders
- 15) Presentation of Proposed Final Decisions and Orders
- 16) Presentation of Interim Orders
- 17) Petitions for Re-Hearing
- 18) Petitions for Assessments
- 19) Petitions to Vacate Orders
- 20) Requests for Disciplinary Proceeding Presentations
- 21) Motions
- 22) Petitions
- 23) Appearances from Requests Received or Renewed
- 24) Speaking Engagement(s), Travel, or Public Relation Request(s)

G) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

H) Credentialing Matters

- 1) Discipline Review (**11-501**)
- 2) Application Review (**502-503**)
- 3) Reinstatement Requests

L) Deliberation on Division of Legal Services and Compliance (DLSC) Matters

- 1) **Proposed Stipulations, Final Decisions and Orders**
 - a) 14 ENG 011 – Robert V. Nangia (**504-509**)
 - b) 15 ENG 008 – Thomas A. Winterhalter (**510-515**)
 - c) 15 ENG 011 – Gregory J. West (**516-521**)
 - d) 15 ENG 014 – Guy J. Valcour (**522-527**)
 - e) 15 ENG 017 – Gary S. Scherbert (**528-534**)
 - f) 15 ENG 021 – Jack S. Ramm (**535-541**)
 - g) 15 ENG 025 – Jeffrey O. Nelson (**542-548**)
 - h) 15 ENG 033 – Lawrence J. Kornblum (**549-554**)
 - i) 15 ENG 035 – James M. King (**555-561**)
 - j) 15 ENG 039 – Luay S. Esho (**562-567**)
 - k) 15 ENG 053 – Michael H. Bridwell (**568-574**)
 - l) 15 ENG 055 – Sabri Ayaz (**575-580**)
 - m) 15 ENG 057 – Steven A. Arnold (**581-587**)
 - n) 15 ENG 066 – Keith B. O’Higgins (**588-593**)
- 2) **Case Closures**
 - a) 15 ENG 038 (**594-597**)

M) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Application Review
- 4) Disciplinary Matters

- 5) Monitoring Matters
- 6) Professional Assistance Procedure (PAP) Matters
- 7) Petitions for Summary Suspensions
- 8) Petitions for Designation of Hearing Examiner
- 9) Proposed Stipulations, Final Decisions and Order
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Proposed Interim Orders
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

N) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

O) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

P) Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING DATE – JUNE 22, 2016

**PROFESSIONAL ENGINEER SECTION
OF THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND PROFESSIONAL LAND SURVEYORS
MEETING MINUTES
February 16, 2016**

PRESENT: Kristine Cotharn, Joseph Eberle (*via GoToMeeting*), Steven Hook and Mark Mayer

STAFF: Brittany Lewin, Executive Director; and Nifty Lynn Dio, Bureau Assistant; and other Department staff

CALL TO ORDER

Mark Mayer, Chair, called the meeting to order at 8:30 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

MOTION: Steven Hook moved, seconded by Kristine Cotharn, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Steven Hook moved, seconded by Kristine Cotharn, to approve the minutes of January 28, 2016 as published. Motion carried. Abstained: Joseph Eberle

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS

NCEES Central Zone Interim Meeting – May 5-7, 2016 in Kansas City, Missouri

MOTION: Joseph Eberle moved, seconded by Kristine Cotharn, to request Brittany Lewin attends the NCEES Central Zone meeting in Kansas City, Missouri on May 5-7, 2016 and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION: Joseph Eberle moved, seconded by Steven Hook, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Mark Mayer read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Kristine Cotharn – yes; Joseph Eberle – yes; Steven Hook – yes; Mark Mayer – yes. Motion carried unanimously.

The Section convened into closed session at 8:59 a.m.

RECONVENE TO OPEN SESSION

MOTION: Steven Hook moved, seconded by Kristine Cotharn, to reconvene in Open Session. Motion carried unanimously.

Open session reconvened at 9:52 a.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF
VOTING IS APPROPRIATE**

MOTION: Kristine Cotharn moved, seconded by Joseph Eberle, to affirm all votes made in closed session. Motion carried unanimously.

CREDENTIALING MATTERS

Application Review

MOTION: Steven Hook moved, seconded by Kristine Cotharn, to grant professional engineer registration application for the following individuals once all requirements are met:

1. Anderson, Larry
2. Bosque Jr, Jordan
3. Bregaudit, Charlene
4. Coenen, Aaron
5. Cutts, Joy
6. Deamico, Michael
7. Douglas, Dylan
8. Dolan, John
9. Dufour, Travis
10. Graner, Samuel
11. Hess, Adam
12. Hohm, Gottfried
13. Horack, Justin
14. Keller, Brent
15. Lee, Chiang K.
16. Merine, Girum
17. Rice, Brian
18. Scekcic, Nikola
19. VanAbel, Eric N.
20. Waul, Christopher
21. Zelalem, Arega

Motion carried unanimously.

Reinstatement Request

MOTION: Steven Hook moved, seconded by Kristine Cotharn, to grant the reinstatement of the Professional Engineer registration of James Riess, once all requirements are met. Motion carried.

**DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC)
MATTERS**

Administrative Warnings

15 ENG 069 – S.H.K.

MOTION: Joseph Eberle moved, seconded by Steven Hook, to issue an Administrative Warning in the matter of DLSC case number 15 ENG 069 – S.H.K. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

- MOTION:** Kristine Cotharn moved, seconded by Steven Hook, to adopt the Findings of Fact, Conclusions of Law and Order in the matters of disciplinary proceedings against the following:
1. 15 ENG 059 – Alan P. Albee
 2. 15 ENG 060 – Syed Ahmed
- Motion carried.

Case Closings

- MOTION:** Kristine Cotharn moved, seconded by Steven Hook, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:
1. 15 ENG 050 – J.A.B. for *Prosecutorial Discretion (P1)*
 2. 15 ENG 056 – M.A. for *Prosecutorial Discretion (P1)*
- Motion carried.

ADJOURNMENT

- MOTION:** Joseph Eberle moved, seconded by Steven Hook, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:55 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 4/14/16 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Professional Engineer Section			
4) Meeting Date: 4/26/16	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Proposals to amend A-E 13 Relating to Continuing Education 2. Update on A-E 3, 4, 6, and 9 (CR 15-040) Relating to Requirements for Entrance to Examinations 3. Update on Pending Legislation and Pending and Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Dale Kleven</i>		<i>April 14, 2016</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Chapter A–E 13

CONTINUING EDUCATION FOR PROFESSIONAL ENGINEERS

A–E 13.01	Authority and purpose.	A–E 13.06	Certificate of completion; proof of attendance.
A–E 13.02	Definitions.	A–E 13.07	Recordkeeping.
A–E 13.03	Continuing education requirements.	A–E 13.08	Waiver of continuing education.
A–E 13.04	Examples of qualifying activities.	A–E 13.09	Comity.
A–E 13.05	Standards for approval.	A–E 13.10	Late renewal.

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).

(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 providing 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; CR 13-064; am. (4) Register June 2014 No. 702, eff. 7-1-14.

A-E 13.09 Comity. An applicant for registration from another state who applies for registration to practice professional engineering under s. A-E 4.08 (2), shall submit proof of completion of 30 PDHs of qualifying continuing education that complies with the requirements of ch. A-E 13 within the 2 year period prior to their application. However, an applicant by comity who has received his or her first license as a professional engineer within the last two years shall be exempt from meeting the 30 PDHs specified in s. A-E 13.03 (1) as required for continuing education requirements and shall not be required to comply with the continuing education requirements for their first renewal of registration.

History: CR 11-014; cr. Register December 2011 No. 672, eff. 1-1-12; CR 13-064; am. 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.