



PROFESSIONAL LAND SURVEYOR SECTION
Room 121A, 1400 East Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
July 31, 2014

The following agenda describes the issues that the Professional Land Surveyor 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 Professional Land Surveyor Section.

AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-3)**
- B) Approval of the Minutes**
 - 1) March 20, 2014 **(4-12)**
 - 2) May 16, 2014 – Teleconference/Virtual Meeting **(13-14)**
- C) Department Update and Q&A: Secretary Dave Ross and Assistant Deputy Secretary Tom Engels**
 - 1) **9:30 A.M. – APPEARANCE** – Dave Ross, Department Secretary and Tom Engels, Assistant Deputy Secretary
- D) Administrative Updates**
 - 1) Staff Updates
- E) Legislation/Administrative Rule Matters (15-17)**
 - 1) Review of Scope Statements: A-E 1, 2, 6, 7, 8 and 10, Relating to Land Surveyor Professional Licensure
- F) Education and Examination Matters**
 - 1) Update Regarding Continuing Education Audit
- G) Application Matters**
 - 1) Approved Wisconsin Land Surveyor Colleges and Universities
 - 2) Application Review Process
- H) Speaking Engagement(s), Travel, or Public Relation Request(s)**
 - 1) Report on the National Council of Examiners for Engineering and Surveying (NCEES) 2014 Central and Western Zone Meeting on May 15 to 17, 2014 in Lincoln, Nebraska – Matthew Janiak
- I) Items Added After Preparation of Agenda:**
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Updates
 - 3) Education and Examination Matters

- 4) Credentialing Matters
- 5) Practice Matters
- 6) Legislation/Administrative Rule Matters
- 7) Liaison Reports
- 8) Informational Items
- 9) Disciplinary Matters
- 10) Presentations of Petitions for Summary Suspension
- 11) Presentation of Proposed Stipulations, Final Decisions and Orders
- 12) Presentation of Proposed Decisions
- 13) Presentation of Interim Orders
- 14) Petitions for Re-Hearing
- 15) Petitions for Assessments
- 16) Petitions to Vacate Orders
- 17) Petitions for Designation of Hearing Examiner
- 18) Requests for Disciplinary Proceeding Presentations
- 19) Motions
- 20) Petitions
- 21) Speaking Engagement(s), Travel, or Public Relation Request(s)

J) 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.).

K) Credentialing Matters (18-19)

- 1) Application Reviews
 - a) Albright, Matthew
 - b) Alt, Steven A.
 - c) Asberry, Chad
 - d) Bode, Michael
 - e) Jacobs, Jonathan M.
 - f) Liptack, Preston A.
 - g) Phelps, Catlon
 - h) Pries, Casey J.
 - i) Thurnau, Kory R.

L) Disciplinary Matters

- 1) Case Status Report **(20)**

M) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Order
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Case Closings
- 12) Petitions for Extension of Time
- 13) Proposed Interim Orders

- 14) Petitions for Assessments and Evaluations
- 15) Petitions to Vacate Orders
- 16) Remedial Education Cases
- 17) Motions
- 18) Petitions for Re-Hearing
- 19) 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

ADJOURNMENT

**LAND SURVEYOR SECTION
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND LAND SURVEYORS
MEETING MINUTES
March 20, 2014**

PRESENT: Bruce Bowden, Daniel Fedderly, Matthew Janiak, and Ruth G. Johnson

STAFF: Brittany Lewin, Executive Director; Pam Stach, Legal Counsel; Daniel Agne, Bureau Assistant; and other Department staff

CALL TO ORDER

Matthew Janiak, Chair, called the meeting to order at 9:31 A.M. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Item K (Closed Session) – **CORRECT** Title to: “Proposed Decision of Administrative Law Judge”

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Daniel Fedderly moved, seconded by Ruth G. Johnson, to approve the minutes of October 29, 2013 as published. Motion carried unanimously.

Bruce Bowden abstained from voting in the above matter.

APPOINTMENTS/REAPPOINTMENTS/CONFIRMATIONS

MOTION: Matthew Janiak moved, seconded by Daniel Fedderly, to recognize James Rusch for his years of service and to thank him for his dedication to the Section.

Roll Call Vote: Bruce Bowden – yes; Daniel Fedderly – yes; Matthew Janiak – yes; Ruth G. Johnson – yes
Motion carried unanimously.

ADMINISTRATIVE UPDATES

ELECTION OF OFFICERS

SECTION CHAIR

NOMINATION: Ruth G. Johnson nominated Matthew Janiak for the Office of Section Chair.

Matthew Janiak called for other nominations three (3) times.

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to close nominations, and to cast a unanimous ballot for Matthew Janiak as Section Chair. Motion carried unanimously.

Matthew Janiak was elected as Section Chair.

VICE CHAIR

NOMINATION: Matthew Janiak nominated Daniel Fedderly for the Office of Vice Chair.

Brittany Lewin called for other nominations three (3) times.

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, to close nominations, and to cast a unanimous ballot for Daniel Fedderly as Vice Chair. Motion carried unanimously.

Daniel Fedderly was elected as Vice Chair.

SECRETARY

NOMINATION: Bruce Bowden nominated Ruth G. Johnson for the Office of Secretary.

Brittany Lewin called for other nominations three (3) times.

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to close nominations, and to cast a unanimous ballot for Ruth G. Johnson as Secretary. Motion carried unanimously.

Ruth G. Johnson was elected as Secretary.

2014 ELECTION RESULTS	
Section Chair	Matthew Janiak
Vice Chair	Daniel Fedderly
Secretary	Ruth G. Johnson

APPOINTMENT OF LIAISONS, ALTERNATES, AND DELEGATES

MOTION: Bruce Bowden moved, seconded by Daniel Fedderly, to approve the following appointments made by the Chair:

1. **Credentialing Liaison:** **Bruce Bowden**
2. **Rules Liaison:** **Matthew Janiak**
3. **Monitoring Liaison:** **Daniel Fedderly**
4. **Continuing Education Liaisons:** **Daniel Fedderly; Bruce Bowden**
5. **Travel Liaison:** **Matthew Janiak**
6. **Screening Panel:** **Ruth G. Johnson; Matthew Janiak**

Motion carried unanimously.

DELEGATED AUTHORITY MOTIONS

MOTION: Bruce Bowden moved, seconded by Daniel Fedderly, that the Section delegates authority to the Chair (or order of succession) to sign documents on behalf of the Section. In order to carry out duties of the Section, the Chair has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair delegates the authority to a Department representative to sign the name of the Chair (or order of succession), or any and all Section members, on documents as necessary. Motion carried unanimously.

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, that, in order to facilitate the completion of assignments between meetings, the Section delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Section, to appoint liaisons to the Department to act in urgent matters and to act when knowledge or experience in the profession is required to carry out the duties of the Section in accordance with the law. Motion carried unanimously.

MOTION: Daniel Fedderly moved, seconded by Ruth G. Johnson, to delegate authority to the Credentialing Liaison(s) to address all issues related to credentialing matters. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, to adopt the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet. Motion carried unanimously.

**NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING (NCEES)
MODEL LAW AND MODEL RULES**

MOTION: Daniel Fedderly moved, seconded by Ruth G. Johnson, to suggest that Department staff place a link to the National Council of Examiners for Engineering and Surveying (NCEES) Model Rules on the Section website. Motion carried unanimously.

APPLICATION MATTERS

APPROVED WISCONSIN LAND SURVEYOR COLLEGES AND UNIVERSITIES

MOTION: Daniel Fedderly moved, seconded by Ruth G. Johnson, to request DSPS staff work to update the list of Approved Schools for Land Surveying, and to designate Bruce Bowden to advise DSPS staff. Motion carried unanimously.

APPLICATION REVIEW PROCESS

MOTION: Bruce Bowden moved, seconded by Daniel Fedderly, to designate Bruce Bowden to work with Credentialing staff to standardize the experience reporting, for consideration at the next Section meeting. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

2013 WISCONSIN ACT 114

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to request DSPS staff draft a Scope Statement revising Wisconsin Administrative Code chapter A-E 6, relating to examination requirements as affected by 2013 Wisconsin Act 114. Motion carried unanimously.

2013 ASSEMBLY BILL 506 AND 2013 SENATE BILL 394

MOTION: Daniel Fedderly moved, seconded by Ruth G. Johnson, to request DSPS staff draft a Scope Statement revising Wisconsin Administrative Code chapters A-E 1, 2, 6, 7, 8, and 10, relating to changes implemented by 2013 Assembly Bill 506, pending enactment of the bill, and designate Bruce Bowden and Matthew Janiak to advise DSPS staff. Motion carried unanimously.

Ruth G. Johnson left the meeting at 11:23 A.M.

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATION REQUEST(S)

NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING (NCEES) – DELEGATES, EMERITUS MEMBER, AND MEETINGS

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to designate Matthew Janiak as a delegate to attend the National Council of Examiners for Engineering and Surveying (NCEES) 2014 Central and Western Zone Meeting on May 15 to 17, 2014 in Lincoln, Nebraska, and to authorize travel. Motion carried unanimously.

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to designate Matthew Janiak as a delegate to attend the National Council of Examiners for Engineering and Surveying (NCEES) 2014 Annual Meeting on August 20 to 23, 2014 in Seattle, Washington, and to authorize travel. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Daniel Fedderly, to request that Executive Director Brittany Lewin attend the National Council of Examiners for Engineering and Surveying (NCEES) 2014 Annual Meeting on August 20 to 23, 2014 in Seattle, Washington, and to authorize travel. Motion carried unanimously.

EDUCATION AND EXAMINATIONS MATTERS

CONTINUING EDUCATION AUDIT REQUEST

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to request DSPS staff to work with the Continuing Education Liaisons to conduct a Continuing Education audit. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Daniel Fedderly, to request DSPS staff obtain Continuing Education documentation for each Respondent whenever an investigation is opened. Motion carried unanimously.

PUBLIC COMMENTS

James Rusch, former Section member, appeared before the Section to thank Section members and DSPS staff with whom he worked during his tenure as a member of the Land Surveyor Section.

CLOSED SESSION

MOTION: Bruce Bowden moved, seconded by Daniel Fedderly, to 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.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Bruce Bowden – yes; Daniel Fedderly – yes; Matthew Janiak – yes. Motion carried unanimously.

The Section convened into Closed Session at 12:05 P.M.

RECONVENE TO OPEN SESSION

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to reconvene in Open Session at 4:10 P.M. Motion carried unanimously.

PROPOSED DECISION OF ADMINISTRATIVE LAW JUDGE

DHA CASE # SPS-13-0025; DLSC CASE # 12 LSR 001 MICHAEL KOTLAREK

MOTION: Bruce Bowden moved, seconded by Daniel Fedderly, to adopt the Findings of Fact, Conclusions of Law, and Stipulation in the matter of 12 LSR 001 – Michael Kotlarek, and to vary the Order as follows:

1. To specify that Education taken pursuant to the Order cannot be used to satisfy annual Continuing Education requirements;
2. To require that Education taken pursuant to the Order be pre-approved by the Section or the Continuing Education Liaison;
3. To require that Respondent enroll in the educational class pursuant to the Order on or before September 15, 2014;
4. To require that Respondent's first three (3) surveys after the date of the Order be submitted to the Section for review;
5. And to require Respondent to submit the findings of the Wisconsin Society of Land Surveyors' Survey Map Review Committee to the Section for review.

All other terms of the Order remain unless modified as stated above.

Reasons for Variance:

1. To ensure that the education addresses the identified issue and is not used to satisfy Continuing Education requirements.
2. Preapproval is necessary ensure that the education addresses the identified issue.
3. A specific time period is required to provide clear direction to Respondent.
4. The Section wishes to review the surveys and the results of the review by the Wisconsin Society of Land Surveyors' Survey Map Review Committee to ensure compliance with legal requirements.

Motion carried unanimously.

APPLICATION REVIEW

MOTION: Bruce Bowden moved, seconded by Daniel Fedderly, to approve the application for Land Surveyor licensure for the following applicants once all requirements are met:

1. Gregory Belanger
2. Matthew R. Johnson
3. Brandon Kupitz
4. Michael Picha

Motion carried unanimously.

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to issue an intent to deny the application for Land Surveyor licensure for Matthew Albright, unless within 45 days Applicant provides examples of land surveying experience in Wisconsin. **Reason for Denial:** Lacking experience in Wisconsin Administrative Code chapter A-E 6.03(1)(a)2.b., A-E 6.03(1)(a)2.c., and A-E 6.03(1)(a)2.e. for projects in Wisconsin. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Daniel Fedderly, to issue an intent to deny the application for Land Surveyor licensure for Chad Asberry, unless within 45 days Applicant provides examples of land surveying experience in Wisconsin. **Reason for Denial:** Lacking experience in Wisconsin Administrative Code chapter A-E 6.03(1)(a)2.b., A-E 6.03(1)(a)2.c., and A-E 6.03(1)(a)2.e. for projects in Wisconsin. Motion carried unanimously.

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to issue an intent to deny the application for Land Surveyor licensure for Michael Bode, unless within 45 days Applicant provides examples of land surveying experience in Wisconsin. **Reason for Denial:** Lacking experience in Wisconsin Administrative Code chapter A-E 6.03(1)(a)1., A-E 6.03 (1)(a)1.d., and A-E 6.03(1)(a)2.a. for projects in Wisconsin. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Daniel Fedderly, to issue an intent to deny the application for Land Surveyor licensure for Kory Thurnau, unless within 45 days Applicant provides examples of land surveying experience in Wisconsin. **Reason for Denial:** Lacking experience in Wisconsin Administrative Code chapter A-E 6.03(1)(a)2.b. and A-E 6.03(1)(a)2.c. for projects in Wisconsin. Motion carried unanimously.

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to issue an intent to deny the application for Land Surveyor licensure for Catlon Phelps, unless within 45 days Applicant provides examples of land surveying experience in Wisconsin. **Reason for Denial:** Lacking experience in Wisconsin Administrative Code chapter A-E 6.03(1)(a)2.b. and A-E 6.03(1)(a)2.c. for projects in Wisconsin. Motion carried unanimously.

CONTINUING EDUCATION WAIVER REQUESTS

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to deny the request to waive the CE requirements received from B.F., and to encourage B.F. to consider an affidavit of non-practice. **Reason for Denial:** The Section does not feel that the financial hardship as identified qualifies for a waiver. Motion carried unanimously.

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to deny the request to waive the CE requirements received from D.R., and to encourage D.R. to consider an affidavit of non-practice. **Reason for Denial:** The Section does not feel that the financial hardship as identified qualifies for a waiver. Motion carried unanimously.

MOTION: Bruce Bowden moved, seconded by Daniel Fedderly, to deny the request to waive the CE requirements received from D.W. **Reason for Denial:** The Section does not feel that the financial hardship as identified qualifies for a waiver. Motion carried unanimously.

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to deny the request to waive the CE requirements received from S.S. **Reason for Denial:** The Section does not feel that the financial hardship as identified qualifies for a waiver. Motion carried unanimously.

REQUESTS FOR A 'RETIREMENT' WAIVER OF CONTINUING EDUCATION AND AFFIDAVITS OF NON-PRACTICE

MOTION: Bruce Bowden moved, seconded by Daniel Fedderly, to grant the waivers as listed below subject to signing and returning to the Department of Safety and Professional Services within 30 days the "Affidavit of Retirement Status."

1. A.N.
2. F.K.
3. G.D.
4. G.G.
5. J.M.
6. K.K.
7. M.H.
8. M.R.
9. R.S.
10. S.J.

Motion carried unanimously.

CASE CLOSING(S)

MOTION: Bruce Bowden moved, seconded by Daniel Fedderly, to close DLSC case number 11 LSR 004, against D.B.C., for insufficient evidence (IE). Motion carried unanimously.

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

MOTION: Daniel Fedderly moved, seconded by Bruce Bowden, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

ADJOURNMENT

MOTION: Bruce Bowden moved, seconded by Daniel Fedderly, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:12 P.M.

DRAFT

**LAND SURVEYOR SECTION
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND LAND SURVEYORS
VIRTUAL MEETING/TELECONFERENCE MINUTES
May 16, 2014**

PRESENT: Bruce Bowden (joined at 2:48 p.m.), Dan Fedderly, Matthew Janiak, Ruth G. Johnson

STAFF: Brittany Lewin, Executive Director; Pamela Stach, Legal Counsel, Karen Rude-Evans, Bureau Assistant

CALL TO ORDER

Matthew Janiak, Chair, called the meeting to order at 2:33 p.m. A quorum of three (4) members was confirmed.

ADOPTION OF AGENDA

MOTION: Ruth G. Johnson moved, seconded by Dan Fedderly, to adopt the agenda as published. Motion carried unanimously.

CONVENE TO CLOSED SESSION

MOTION: Ruth G. Johnson moved seconded by Dan Fedderly, 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.). Matthew Janiak read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Dan Fedderly-yes; Matthew Janiak-yes; Ruth G. Johnson-yes. Motion carried unanimously.

The meeting convened to closed session at 2:37 p.m.

CONSIDERATION OF A PETITION FOR REHEARING

MOTION: Dan Fedderly moved, seconded by Ruth G. Johnson, to deny the Petition for Rehearing in the disciplinary proceedings against **Michael Kotlarek (DHA Case # SPS-13-0025; DLSC Case # 12 LSR 001)**. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Dan Fedderly moved, Seconded by Ruth G. Johnson, to reconvene to open session. Motion carried unanimously

Open session reconvened at 2:52 p.m.

AFFIRM ALL VOTES MADE IN CLOSED SESSION

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, to affirm all votes made in closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Bruce Bowden moved, seconded by Ruth G. Johnson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:54 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Shawn Leatherwood		2) Date When Request Submitted: May 28, 2014 <small>Items will be considered late if submitted after 12:00 p.m. and less than: ▪ 8 work days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Examining Board of Architects, Landscape Architects, Professional Engineers Designers and Land Surveyors, Land Surveyor's Section			
4) Meeting Date: July 31, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Review of Scope Statements: A-E 1, 2, 6, 7, 8, and 10	
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? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <p>The Board will consider and approve A-E 1, 2, 6, 7, 8, and 10 Scope Statement for submission to the Governor's office, publication in the register and to authorize the chairperson to approve the scope statement for implementation, after the scope is published for 10 days.</p>			
11) Shawn Leatherwood <small>Signature of person making this request</small>		<small>Authorization</small> May 28, 2014 <small>Date</small>	
<hr/> <small>Supervisor (if required)</small>		<hr/> <small>Date</small>	
<hr/> <small>Bureau Director signature (indicates approval to add post agenda deadline item to agenda)</small> <small>Date</small>			
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 Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

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

Rule No.: 165- A-E 1, 2, 6,7, 8, 10

Relating to: Land surveyor professional licensure

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

NA

2. Detailed description of the objective of the proposed rule:

The objective of this proposed rule is to amend Wisconsin Administrative Code ss. A-E 1, 2, 6, 7, 8, and 10 in order to bring these rules into compliance with recently enacted legislation, 2013 Wisconsin Act 358.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

2013 Wisconsin Act 358 significantly impacted land surveyor practice in Wisconsin. The Act was comprehensive and instituted a variety of changes throughout the statutes. This scope statement will focus on the changes made primarily to Wisconsin Administrative Code ss. A-E 1, 2, 6, 7, 8 and 10. One noteworthy change was the Act replaced the certificate of registration credential with a license professional land surveyor credential making land surveyors licensed professionals. Secondly, Act 358 added the terms "practice of professional land surveying" and "professional land surveyor" as statutory definitions thereby creating the necessity to update the term "land surveyor" with the term "professional land surveyor" throughout the A-E chapters. A third change prompted by the legislation includes the repeal of the temporary permit which had allowed applicants for registration who held an unexpired certificate of registration in another state to obtain a temporary permit while they were waiting to take the jurisdictional exam in Wisconsin. This provision will go into effect on August 1, 2014. Lastly, the Act also repealed the apprenticeship training course path to licensure which formerly allowed applicants who had engaged in land surveying for eight years and passed an oral and written examination to become registered as land surveyors. The repeal of the apprenticeship provision will also go into effect on August 1, 2014. The proposed rule will amend Wisconsin Administrative Code ss. A-E 1, 2, 6, 7, 8 and 10 to reflect these changes as well as any other changes necessary to resolve inconsistencies between the rules and 2013 Wisconsin Act 358.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, . . ." The proposed rule will provide guidance in the profession regarding the substantial changes made to the practice of land surveying in Wisconsin.

Section 227.11 (2) (a), Stats., discusses the parameters of an agency's rule-making authority, stating an agency, "may promulgate rules interpreting the provisions of the statute, but a rule is not valid if it exceeds the bounds of correct interpretation. . ." This section allows an agency to promulgate administrative rules which interpret the statutes it enforces or administers as long as the proposed rule does not exceed proper interpretation of the statute. Section 227.01 (1), Stats., defines agency as a board.

Section 443.015 (2), Stats., "Each section of the examining board may promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations register, permitted, certified or granted certificate of authorization by that section."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

State employees will spend approximately 80 hours developing this proposed rule.

6. List with description of all entities that may be affected by the proposed rule:

The proposed rule will affect applicants for land surveyor credentials and currently registered land surveyors.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

It is anticipated that the proposed rule will not have a significant economic impact on small businesses.

Contact Person: Shawn Leatherwood 414-261-4438 Shancethea.Leatherwood@wisconsin.gov.

Authorized Signature

Date Submitted