



**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
September 17, 2015**

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

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-2)**
- B) Approval of Minutes – July 15, 2015 (3-6)**
- C) Administrative Updates**
 - 1) Staff Updates
- D) Legislative and Administrative Rule Matters**
 - 1) Scope Statement Relating to Continuing Education **(7-9)**
- E) Speaking Engagement(s), Travel, or Public Relation Request(s)**
 - 1) Travel Report – 2015 NCEES Annual Meeting – Colonial Williamsburg, Virginia – August 19–22, 2015
- F) 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) Informational Items
 - 8) Disciplinary Matters
 - 9) Presentations of Petitions for Summary Suspension
 - 10) Presentation of Proposed Stipulations, Final Decisions and Orders
 - 11) Presentation of Proposed Final Decisions and Orders
 - 12) Presentation of Interim Orders
 - 13) Petitions for Re-Hearing
 - 14) Petitions for Assessments
 - 15) Petitions to Vacate Orders

- 16) Requests for Disciplinary Proceeding Presentations
- 17) Motions
- 18) Petitions
- 19) Appearances from Requests Received or Renewed
- 20) 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) Application Reviews **(10-11)**
- 2) Review of Reinstatement Request **(12-35)**
 - a. J.E.

L) Deliberation on Proposed Stipulations and Final Decisions and Orders

- 1) 14 ENG 006 – Arwin D. Priest **(36-41)**

M) Deliberation on Case Closing

- 1) 14 ENG 007 **(42-47)**

N) 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) Petitions to Vacate Orders
- 16) Petitions for Assessments and Evaluations
- 17) Proposed Interim Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

O) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

ADJOURNMENT

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

July 15, 2015

PRESENT: Kristine Cotharn (*arrived at 8:36 a.m.*), Joseph Eberle, Steven Hook, Mark Mayer

STAFF: Brittany Lewin, Executive Director; Kimberly Wood, Bureau Assistant; and other Department Staff

CALL TO ORDER

Joseph Eberle, Chair, called the meeting to order at 8:30 a.m. A quorum of three (3) members was confirmed.

ADOPTION OF AGENDA

Amendment to the Agenda:

- **ADD:** Item D.3. – Possible Rulemaking Project (Open Session)

MOTION: Steven Hook moved, seconded by Mark Mayer, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Steven Hook moved, seconded by Mark Mayer, to approve the minutes of April 22, 2015 as published. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

(Kris Cotharn joined the meeting at 8:36 a.m.)

Possible Rulemaking Project

MOTION: Mark Mayer moved, seconded by Kristine Cotharn, to request DSPS staff draft a Scope Statement revising Chapter A-E 13, relating to Continuing Education for Professional Engineers, and to designate Joseph Eberle to advise DSPS staff. Motion carried unanimously.

CLOSED SESSION

MOTION: Steven Hook moved, seconded by Mark Mayer, 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.). Joseph Eberle 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 9:20 a.m.

RECONVENE TO OPEN SESSION

MOTION: Mark Mayer moved, seconded by Kristine Cotharn, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 11:48 a.m.

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

MOTION: Mark Mayer moved, seconded by Kristine Cotharn, to reaffirm 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 to following individuals once all requirements are met.

1. Ahmed, Mohamed M.
2. Bartolerio, Nicholas
3. Berry, Crystal M.
4. Brown, Earl E.
5. Bublitz, Anthony J.
6. Carlton Jr, John
7. Casper, Andrew
8. Chakrabarti, Saurav
9. Diggins, Brett E.
10. Ellifson, Brent
11. Epstein, Chris L.
12. Fluhr, Jared D.
13. Foster, Andrew J.
14. Frederick, Jamie
15. Frye, Sean W.
16. Gibeault, Mark R.
17. Gramann, Paul J.
18. Hanson, Eric D.
19. Hartleben, Ryan
20. Hesson, Jennifer L.
21. Holmes, Cory J.
22. Imbach, Ryan
23. Inman, Cory T.
24. Johnson, Seth
25. Krueger, Karl M.
26. Kuhn, Jeffrey J.
27. Kwiatkowski, Chad J.
28. Larson, Simon J.
29. Leonard, Timothy M.
30. Lins, Christopher R.
31. Lohff, Kevin K.
32. Lunde, Constance M.
33. Maas, Brandon J.
34. Manty, Andrew
35. Mclain, Scott T.
36. McWilliams, Duane
37. Mueller, Stephanie
38. Norby, Brian
39. Olinger, Jonathan
40. Patterson, Benjamin
41. Patterson, Matthew R.
42. Pedersen, Daniel E.
43. Petersen, Derek J.
44. Propsom, Chrisotpher
45. Pschorr, Alexander
46. Reddy, Supraja C.
47. Rickert, Brian.
48. Rutzen, Tyler J.
49. Schaitel, Ryan D.
50. Schippa, Jerry L.
51. Schmidt, Brent
52. Schmidt, Dawn M.
53. Schuller-Rach, Ryan
54. Schultz, Patrick J.
55. Siebels, Amanda M.
56. Sievers, Ryan A.
57. Singh, Ajay P.
58. St. Vincent, Brian J.

59. Sweno, Joshua R.
60. Swiertz, Daniel R.
61. Taylor, Nathan
62. Thompson, Kyle P.
63. Tursky, Evan M.

64. Ulatowski, Joseph D.
65. Weaver, William A.
66. Weiss, Audrey R.
67. Welch, Margaret E.
68. Youngblom, Eric A.

Motion carried unanimously.

MOTION: Steven Hook moved, seconded by Mark Mayer, to issue an intent to deny in the Professional Engineer application of Ahmed Elmekawy. Legal Authority: Wis. Admin. Code § A-E 4.08 (1)(b). Motion carried unanimously.

(The application of Steven Doocy is tabled.)

MOTION: Kristine Cotharn moved, seconded by Steven Hook, to approve the following applications for EIT Certification once all requirements are met:

1. Aljuboori, Mohammed
2. Kopp, Adam

Motion carried unanimously.

Conviction Review

MOTION: Steven Hook moved, seconded by Kristine Cotharn, to approve the Professional Engineer application of C.A., once all requirements are met. Motion carried.

Review of Reinstatement Requests

Jeffery Johnson

MOTION: Kristine Cotharn moved, seconded by Mark Mayer, to grant the reinstatement of the Professional Engineer registration of Jeffery Johnson, once all requirements are met. Motion carried unanimously.

Michael Matthews

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

Review of NCEES Examination Irregularity Report

MOTION: Kristine Cotharn moved, seconded by Mark Mayer, to invalidate the April 17, 2015 NCEES PE Civil examination results of J.Y. Legal Authority: Pursuant to Wis. Admin. Code §§ A-E 4.05 and 4.07. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

Review of Retirement Waiver – L.B.

MOTION: Kristine Cotharn moved, seconded by Steven Hook, to grant the Professional Engineer retirement waiver request of L.B. Motion carried unanimously.

CONTINUING EDUCATION AUDIT REVIEW

MOTION: Kristine Cotharn moved, seconded by Mark Mayer, to refer non-compliant auditees from the 2012-2014 Professional Engineer Continuing Education Audit to DLSC for review once the audit is complete. Motion carried unanimously.

ADJOURNMENT

MOTION: Mark Mayer moved, seconded by Kristine Cotharn, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:48 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Vieira Administrative Rules Coordinator		2) Date When Request Submitted: 9/8/2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Engineers Section			
4) Meeting Date: 9/17/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Scope Statement relating to continuing education	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	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: N/A	
10) Describe the issue and action that should be addressed: The Board will discuss and approve the scope statement relating to continuing education.			
11) Authorization			
Katie Vieira		9/8/2015	
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.			

STATEMENT OF SCOPE

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

Rule No.: A-E 13

Relating to: Continuing Education

Rule Type: Permanent

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

N/A

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

The objective of the proposed rule is to provide greater clarity with regards to continuing education requirements and standards for Professional Engineers.

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:

Chapter A-E 13 relates to biennial continuing education for Professional Engineers. The current rules establish the continuing education requirements for registration renewal, qualifying activities for obtaining continuing education, standards for continuing education approval, process for waiving continuing education requirements, and late renewal requirements.

The proposed rule will more clearly specify the standards for continuing education approval resulting in a more transparent and consistent approval process for continuing education program providers. The proposed rule will also more precisely delineate the qualifying activities for obtaining continuing education credit hours. This change would provide greater assurance that the continuing education being undertaken by Professional Engineers will provide the desired level of competency to protect the health, safety and welfare of the public. This change also will provide registered Professional Engineers greater assurance that the time and money spent on obtaining continuing education credit will satisfy the requirements set in administrative code. Currently, chapter A-E 13 requires renewal applicants to complete two hours in professional conduct and ethics, but does not define what constitutes professional conduct and ethics. The proposed rule will provide a definition of professional conduct and ethics. The current rule states that late renewal applicants must submit a record with information providing proof of compliance with the continuing education requirements. The proposed rule will require late renewal applicants to follow the same procedures as those applicants who renew prior to the established renewal date. This change simply would require late renewal applicants to certify on the application full compliance with the continuing education requirements. Similar to applicants who renew prior to the established renewal date, under the proposed rule the late renewal registrant must maintain records of the completed continuing education hours in compliance with A-E 13.07.

Chapter A-E 13 will be further reviewed for clarity, consistency, and format which may result in other revisions.

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

Section 15.08 (5) (b), Stats., provides examining boards, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains...”

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency’s rule-making authority, stating an agency, “may promulgate rules interpreting provisions of any statute enforced or administered by the agency. . .but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 443.015 (1), Stats., provides that each section of the examining board “may establish continuing education requirements for renewal of a credential issued by that section under this chapter.”

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

120 hours

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

Licensed professional engineers and providers of professional engineer continuing education

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):

The proposed rule will have minimal to no economic impact on small businesses and the state’s economy as a whole.

Contact Person: Katie Vieira, (608) 261-4472, Kathleen.Vieira@wisconsin.gov

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted