



## Certification Page Regular and Emergency Rules

<b>1. General Information</b>		
a. Agency/Board Name <i>See attached list for references</i> <b>Engineer, State - Wyoming Board of Professional Engineers and Professional Land Surveyors</b>		
b. Agency/Board Address <b>6920 Yellowtail Dr., Ste., 100</b>	c. Agency/Board City <b>Cheyenne</b>	d. Agency/Board Zip Code <b>82002</b>
e. Name of Contact Person <b>Christine Turk</b>	f. Contact Telephone Number <b>307-777-6155</b>	
g. Contact Email Address <b>christine.turk@wyo.gov</b>	h. Adoption Date: <b>October 22, 2013</b>	
i. Program(s) <i>See attached list for references</i> <b>Engineers &amp; Land Surveyors, Professional Licensing</b>		
<b>2. Rule Type and Information</b>		
a. These rules are: <input type="checkbox"/> <b>Emergency Rules</b> <i>(After completing all of Section 2, proceed to Section 5 below)</i> <input checked="" type="checkbox"/> <b>Regular Rules</b>		
b. Choose all that apply: <input checked="" type="checkbox"/> <b>New Rules*</b> <input checked="" type="checkbox"/> <b>Amended Rules</b> <input checked="" type="checkbox"/> <b>Repealed Rules</b> <i>* "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.</i>		
If "New," provide the Enrolled Act number and year enacted: <b>Enrolled Act 10, Senate 2013</b>		
c. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed <i>(if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)</i>		
Chapter Number: <b>1</b>	Short Title: <b>General Provisions</b>	
Chapter Number: <b>2</b>	Short Title: <b>Fees</b>	
Chapter Number: <b>3</b>	Short Title: <b>License and Application Requirements</b>	
Chapter Number: <b>4</b>	Short Title: <b>License Renewal and Continuing Professional Competency</b>	
Chapter Number: <b>5</b>	Short Title: <b>Practice of Professional Engineering and Professional Land Surveying</b>	
d. <input checked="" type="checkbox"/> The Statement of Reasons is attached to this certification.		
e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:		
<b>3. State Government Notice of Intended Rulemaking</b>		
a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State: <b>October 23, 2013</b>		
b. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Legislative Service Office: <b>October 23, 2013</b>		
c. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Attorney General: <b>October 23, 2013</b>		



# Additional Rule Information

Revised June 2013

### 1. General Information

a. Agency/Board Name Engineer, State - Wyoming Board of Professional Engineers and Professional Land Surveyors		
b. Agency/Board Address 6920 Yellowtail Dr., Ste., 100	c. City Cheyenne	d. Zip Code 82002
e. Name of Contact Person Christine Turk	f. Contact Telephone Number 307-777-6155	
g. Contact Email Address christine.turk@wyo.gov		
h. Program Engineers & Land Surveyors, Professional Licensing		

### 2. Rule Information, Cont.

a. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed

Chapter Number: 6	Short Title: Application Review, Complaints, and Hearing Procedures	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 7	Short Title: Corner Perpetuation and Filing Act	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Short Title:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  Yes  No  N/A

b. A public hearing was held on the proposed rules.  Yes  No

If "Yes:"	Date:	Time:	City:	Location:

**5. Final Filing of Rules**

a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: **October 23, 2013**

b. Date on which final rules were sent to the Legislative Service Office: **October 23, 2013**

c. Date on which a PDF of the final rules was electronically sent to the Secretary of State: **October 23, 2013**

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	<i>Christine Tuck</i>
Printed Name of Signatory	Christine Tuck
Signatory Title	Executive Director
Date of Signature	October 23, 2013

**7. Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

**Distribution List:**

Attorney General

1. Statement of Reasons;
2. Original Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore; and
5. Memo to Governor documenting emergency (emergency rules).

LSO

1. Statement of Reasons;
2. Copy of Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore;
5. Electronic copy of rules: clean and strike/underscore; and
6. Memo to Governor documenting emergency (emergency rules).

SOS

1. PDF of clean copy of rules; and
2. Hard copy of Certification Page as delivered by the AG.

## STATEMENT OF REASONS

The 2013 Legislative Session re-codified the statutes for the Wyoming Board of Professional Engineers and Professional Land Surveyors, 33-29-114 through 33-29-139. Now known as 33-29-201 - 33-29-909. A total re-write of the Rules was required as a result of the re-codification.

Emergency Rules were requested as the new Act became effective on July 1, 2013. Emergency Rules were approved and have been in effect until they expire on October 28, 2013. An extension of the Emergency Rules was requested on October 14, 2013. These Rules replace existing Rules in their entirety. Therefore, strike and underscore format is not required and has not been provided.

Substantive Changes are:

**Chapter 1** The official name of the Board was changed to Wyoming Board of Professional Engineers and Professional Land Surveyors.

Adding web site links to education accreditation firms for ease in determining if registration candidates have proper education credentials, and national associations for reviewing professional code of ethics which is referenced throughout the rules.

Added a subsection which describes "Incorporation by Reference" for documents that are referenced throughout the rules.

**Chapter 2** Spelled out specifically exams fees and processing fees for Wyoming exams.

Added a "not to exceed" dollar amount to the delinquency penalty of \$500.

**Chapter 3** Allows for additional pathways to licensure for both engineering and surveying, and provides explanations of what those are.

Very specifically spells out what courses are required to meet the necessary thirty (30) semester credit hours that are essential in becoming Certified as a Land Surveyor Intern.

Provides for applicants with a Doctoral Degree to become licensed based on meeting certain requirements.

Provides additional opportunities for comity licensure for individuals who otherwise would not have been approved.

Defines new requirements, as of January 1, 2014, for individuals taking the Fundamental Exams.

Removes discipline specific licensure to licensure as a professional engineer only.

Adds language regarding licensure of military individuals.

**Chapter 4** No substantive change.

**Chapter 5** Changed the look of the professional seal omitting the branch of engineering.

Defines Engineering surveys.

Clarifies exemptions from requirements of this Act.

**Chapter 6** Describes the application review, complaint review and hearing procedures.

**Chapter 7** No substantive changes.

## CHAPTER 1

### General Provisions

Section 1. **Authority.** The Wyoming Board of Professional Engineers and Professional Land Surveyors, hereinafter called the "Board" is created by W.S. 33-29-201 through 33-29-801 (the Act). Pursuant to W.S. 33-29-305(a)(i) and (ii), the Board may from time to time adopt such rules and regulations consistent with the laws of the State of Wyoming as may be deemed necessary to enforce the Act.

Section 2. **Definitions.**

(a) "Direct supervision" means direct control and personal supervision of engineering work or land surveying work.

(b) "Good moral character and repute" means the licensee or applicant:

(i) Has not been convicted of any crime that is related to the ability to practice engineering or land surveying within five (5) years of submitting an application for a license or certificate;

(ii) Is not currently incarcerated in a penal institution;

(iii) Has not engaged in fraud or misrepresentation negatively reflecting upon the licensee's or applicant's ability to practice professional engineering or land surveying;

(iv) If previously licensed in this state, another state, or foreign country, has not had his/her license canceled, revoked, suspended, restricted or not renewed for cause within five (5) years of applying for a license or certificate;

(v) Has not been found to have been practicing professional engineering or land surveying without a license by a court or licensing board of this or any other jurisdiction within two (2) years of submitting the application for a license or certificate;

(vi) Has fully complied with all terms of any sentence or order of probation and has been discharged from probation or parole.

(b) "Gross negligence" means a substantial or habitual deviation in professional practice from the standard of professional care exercised by members of the licensee's profession, or a substantial or habitual deviation from any technical standards issued by a nationally and/or state recognized professional organization comprised of members of the licensee's profession, or a substantial or habitual deviation from requirements contained in state laws, Board regulations, local ordinances, or regulations related to the licensee's professional practice.

(c) "Incompetence" means to lack the ability, professional qualifications, experience, education, or combination thereof to undertake a professional engagement or assignment.

(d) "ABET" is a nationally recognized accreditation agency for engineering and surveying. Information can be found at [www.abet.org](http://www.abet.org).

(e) "ABET/EAC" means the Engineering Accreditation Commission of ABET. "ABET/ETAC" means the Engineering Technology Accreditation Commission of ABET. "ABET/ASAC" means the Applied Science Accreditation Commission of ABET.

(f) "NCEES" means the National Council of Examiners for Engineering and Surveying. Information can be found at [www.ncees.org](http://www.ncees.org).

(g) "NCEES Record" means a mechanism to provide a means of storing and transmitting professional records—such as transcripts, exam results, and employment references—in order to apply for licensure in an additional state or territory (a process known as comity licensure).

(h) "NSPE" means the National Society of Professional Engineers. Information can be found at [www.nspe.org](http://www.nspe.org).

(i) "NSPS" means the National Society of Professional Surveyors. Information can be found at [www.nspss.com](http://www.nspss.com).

(j) "Licensee" means a person who has been granted a license pursuant to the Act.

(k) "Intern" means a land surveyor intern or engineer intern, as applicable.

(l) "Thorough technical review" means that the work product has been thoroughly reviewed, critically examined, and evaluated for compliance with appropriate professional standards by a licensee in that profession who accepts responsibility for the work product.

(m) "Wyoming licensing laws related to engineering and surveying" means W.S. 33-29-201 through 33-29-910 and these Rules.

(n) "Signature" means that it identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the document. Signature may be applied as either "original" signature or "digital" signature. "Original" signature and "digital" signature and are defined as follows:

(i) "Original" signature means the handwritten name of a person applied to a document.

(ii) "Digital" signature means a signature electronically created which has the same authority and effect as an original signature.

**Section 3. Incorporation by Reference.** For any rule or regulation incorporated by reference in these Board Rules:

(a) The Board has determined that incorporation of the full text in these Board Rules would be unduly cumbersome or expensive; and

(b) The incorporated rule or regulation is maintained at 6920 Yellowtail Drive Suite 100, Cheyenne, WY, and is available for public inspection and copying at cost at the same location.

**CHAPTER 2**  
**Fees**

Section 1.     **Application Fees.**

- (a)     Engineer - \$100
- (b)     Land Surveyor - \$100
- (c)     Engineer Intern and Land Surveyor Intern:
  - (i)     \$50
  - (ii)    Application fees are waived for any Fundamental Exam candidates who are currently enrolled as a student at the University of Wyoming or any Wyoming Community College.
- (d)     Business Entity - \$75

Section 2.     **Examination or Reexamination and Processing Fees.**

- (a)     Wyoming Examination or Reexamination Fees
  - (i)     Wyoming Land Surveying State Specific - \$100
  - (ii)    Wyoming Land Surveying Take-Home - \$100
- (b)     Processing Fees
  - (i)     These fees shall be in addition to any applicable national fees.
  - (ii)    Professional Engineer Principles and Practice processing fee – \$25
  - (iii)   Professional Land Surveyor Principles and Practice processing fee – \$25
  - (iv)    Structural Engineer Exam processing fee – \$25

Section 3.     **Renewal Fees.**

- (a)     Individual biennial - \$90
- (b)     Business Entity biennial - \$90
- (c)     Inactive - \$90
- (d)     Retired - \$25 onetime fee
- (e)     Renewal of any license for an individual who performs service in the uniformed services shall be governed by W.S. 19-11-118 and 119.



Section 4. **Miscellaneous Fees.** Payment of fees must be in United States dollars, and may be in cash, check, and money order, credit card or any payment mechanism approved by the board. If a check is returned for insufficient funds, repayment, including payment of a returned check charge, shall be in cash or by money order or certified check.

- (a) Combined alphabetical/numerical roster of licensees - \$50
- (b) Address Labels - \$100
- (c) Copy fee per page - \$ 0.25
- (d) Replacement certificates - \$10
- (e) Returned check charge - \$25

Section 7. **Delinquency Penalty.** The penalty for late payment of renewal fees is \$15 per month not to exceed \$500.

Section 8. **Renewal Periods.** The first renewal will be due by December 31 of the year following the issuance of the initial license. Thereafter, renewal is required every two (2) years.

**CHAPTER 3**  
**License and Application Requirements**

Section 1.     **Engineer Intern Certificate.**

(a)     A “curriculum approved by the Board of at least four (4) years” is one that meets one of the following definitions:

(i)     Undergraduate or graduate degree in an engineering program that is accredited by ABET/EAC;

(ii)    A combined educational background that includes an undergraduate or graduate degree in an engineering program that meets the NCEES education standard.

        a.     If the applicant does not hold a degree(s) from an international university, the Board will determine if the applicant’s educational background meets the NCEES standard.

        b.     If the applicant holds a degree(s) from an international university, the education evaluation service provided by NCEES must determine whether the applicant’s education meets the NCEES education standard. The associated NCEES evaluation fees are the responsibility of the applicant.

(b)     Following graduation, official transcripts must be provided directly to the Board by the registrar from the applicant’s educational institution(s).

(c)     An “examination in the fundamentals of engineering” is defined as the NCEES Fundamentals of Engineering (FE) exam.

Section 2.     **Land Surveyor Intern Certificate.**

(a)     Any “curriculum approved by the Board” must include at least thirty (30) semester credit hours in surveying as follows:

(i) Core Subjects. A minimum of 21 semester credit hours is needed from the following categories as specified.

        a.     *Elementary and Advanced Surveying* – a minimum of 9 semester credit hours that contain any of the following topics:

- i.    care and use of instruments
- ii.   leveling
- iii.  traversing
- iv.   area calculation
- v.    earthwork volume calculation
- vi.   astronomy
- vii.  note scrivener (scribe)
- viii. topographic data acquisition
- ix.   triangulation
- x.    coordinate geometry

- xi. photogrammetry
  - xii. public land survey system
  - xiii. section subdivision
  - xiv. ethics for professional surveyors
  - xv. global positioning systems
- b. *Office Tasks (Office Practicum)* – a minimum of 3 semester credit hours that contain any of the following topics:
- i. board drafting
  - ii. computer aided drafting
  - iii. map preparation
  - iv. subdivision drafting and design
  - v. data management and analysis
- c. *Route Surveying* – a minimum of 3 semester credit hours that contain any of the following topics:
- i. P-line/center line establishment
  - ii. curves – horizontal, vertical, etc.
  - iii. route types – utility & transportation
  - iv. construction staking and calculation
- d. *Boundary Law* – a minimum of 3 semester credit hours that contain any of the following topics:
- i. record research
  - ii. field search and identification
  - iii. real property law interpretation
  - iv. document preparation
    - 1. land descriptions
    - 2. maps and plats
    - 3. report of survey
- (ii) Elective Subjects. A minimum of 9 semester credit hours is needed from this category, with a maximum of 4 semester credit hours in any one major area.
- a. *Mine Surveying*
- b. *Water and water rights*
- i. water law
  - ii. hydrology
  - iii. hydraulic engineering
  - iv. hydrographic surveying
    - 1. inland water boundaries
- c. *Geodesy*
- i. horizontal control surveys and computations
  - ii. vertical control surveys and computations
  - iii. geodetic datum
  - iv. global positioning systems
  - v. precise control surveys

- d. *Cartography*
  - i. map projections
  - ii. property subdivisions
  - iii. utility and transportation mapping
  - iv. geographic information systems
- e. *Advanced Surveying Courses in subjects not covered in (ii) a-d above*
  - i. State specific laws
  - ii. survey data management
  - iii. site planning
  - iv. real property law

(b) A “curriculum approved by the Board of at least four (4) years” is one that meets one of the following definitions:

(i) An Undergraduate or graduate degree in a surveying or geomatics program that is accredited by ABET/EAC, ABET/ETAC or ABET/ASAC;

(ii) An Undergraduate or graduate degree in an engineering program that is accredited by ABET/EAC that also includes at least thirty (30) semester credit hours in surveying as set forth in paragraph (a) of this section;

(iii) An Undergraduate or graduate degree (not in surveying, geomatics, or engineering) that includes at least thirty (30) semester credit hours in surveying as set forth in paragraph (a) of this section and also contains other specific coursework:

- a. A minimum of 60 credit hours of college credit
- b. A combination of college level mathematics and basic sciences (with a laboratory component) appropriate to the discipline:

least:

- i. Mathematics (8-10 semester credit hours) must include, at

- A. college algebra
- B. college trigonometry
- C. technical statistics (e.g. non-business statistics)

- ii. Basic Sciences (8-10 semester credit hours) must include lab-based courses in at least two of the following areas:

- A. physics (preferred)
- B. geology (preferred)
- C. chemistry
- D. biology

- iii. A general education component that complements the technical content of the curriculum:

- A. English (6-8 semester credit hours), which can include:
  - I. composition
  - II. literature

- III. public speaking
  - IV. technical report writing
- B. Other (5-8 semester credit hours):
- I. social sciences (e.g. economics, history, political science, psychology, sociology, geography, etc)
  - II. humanities (e.g. philosophy, religion, literature, etc.
  - III. visual and performing arts (e.g. music, art, theatre, etc)
  - IV. business and management

(c) A “curriculum approved by the Board of at least two (2) years” is defined as one that meets one of the following definitions:

(i) An Associates degree in a surveying or geomatics program that is accredited by ABET/ETAC or ABET/ASAC, or

(ii) An Associates degree (not in surveying or geomatics) that includes at least thirty (30) semester credit hours in surveying as set forth in paragraph (a) of this section and also contains other specific coursework as defined under (b) (iii) of this section; and

(iii) Two (2) years of combined office and field experience in land surveying, of which one (1) year shall have been in charge of land surveying projects under the supervision of a licensed professional land surveyor.

(d) Official transcripts must be provided directly to the Board by the registrar from the applicant’s educational institution(s).

(e) An “examination in the fundamentals of surveying” is defined as the NCEES Fundamentals of Surveying (FS) exam.

Section 3. **Professional Engineer Licensure by Examination.**

(a) An “examination in the principles and practices of engineering” is defined as an NCEES Principles and Practices exam (PE) in any of the examination areas offered by NCEES, or the NCEES Structural exam (SE).

(b) The four (4) years of engineering experience must be obtained after graduating with the degree described in Section 1 (a) of this Chapter. One (1) year of experience will be granted for those applicants who have earned both an undergraduate and graduate degree in engineering as defined in Section 1 (a) of this Chapter.

(c) An applicant who has graduated with a curriculum approved by the Board as defined in Section 1 (a) of this Chapter and who has been actively engaged in engineering practice of a character satisfactory to the Board for at least twenty (20) years after graduation, is exempt from the Fundamentals of Engineering Examination (FE) upon written request and Board approval.

Section 4. **Professional Engineer Licensure for Applicants with a Doctoral Degree.**

(a) A “doctoral curriculum approved by the Board” is defined as an earned doctoral degree in engineering from an institution that grants ABET accredited undergraduate or graduate degrees.

(b) “Examinations required by Rule of the Board” are defined as

(i) A written examination on professional ethics and Wyoming licensing laws related to engineering and surveying, and

(ii) An oral interview with the Board.

(c) The four (4) years of engineering experience must be obtained after the applicant completes his/her first degree (undergraduate or graduate) in engineering. No credit toward this experience requirement will be given for the applicant’s graduate education.

(d) The applicant will be exempt from both the fundamentals (FE) and professional (PE) examinations.

Section 5. **Professional Land Surveyor Licensure by Examination.**

(a) The “examination in the principles and practices of surveying” is defined as an NCEES Principles and Practices exam in surveying (PS), the Wyoming Land Surveying state specific exam, and the Wyoming Land Surveying take-home exam.

(b) The four (4) years of land surveying experience must be obtained in addition to any experience necessary for the land surveying intern certificate.

Section 6. **Professional Licensure on the Basis of Comity.**

(a) “Examinations required by Rule of the Board” are defined as a written examination on professional ethics and Wyoming licensing laws related to engineering and surveying, the successful passage of which is required only for those applicants who are applying based on the fifteen (15) years of experience criteria described in 33-29-406 (b).

(b) All comity applications must be accompanied by:

(i) An NCEES Record.

(ii) An executed release authorizing the Board to investigate the applicant's education, experience credentials, and moral character and repute.

(iii) Evidence of lawful presence in the United States.

Section 7. **Application Requirements for Licensure by Examination or those with a Doctoral Degree.**

(a) Applicants seeking licensure as a professional engineer or professional land surveyor by examination or those with an earned Doctoral Degree as defined in Section 4 (a) of this Chapter shall complete the application form. If the application does not contain sufficient space for all information required to be submitted, the applicant may securely attach additional sheets to the form. In addition, all applicants shall:

(i) Arrange to have certified transcripts sent directly from the registrar of the college, university, or educational institution to the Board;

(ii) Provide the names and addresses of immediate supervisors from past and present employment;

(iii) Supply the names and addresses of three (3) supervisors who are licensed professionals to serve as references. If the applicant cannot supply such information, he/she must provide to the Board a written, sworn statement explaining why. The applicant shall then provide the names and addresses of three (3) references, unrelated to the applicant, at least one (1) of whom shall be licensed in the profession in which license is sought. All references shall have personal knowledge of the applicant's experience. The Board may require additional references;

(iv) Execute a release authorizing the Board to investigate the applicant's education, experience credentials, and moral character and repute; and

(v) Complete and submit evidence of lawful presence in the United States.

(vi) If an applicant makes no attempt to complete his/her application within six (6) months from the date of original application, his/her application will be canceled with neither prejudice nor refund of fee.

(b) The applicant shall mail experience verification forms to immediate supervisors from past and present employment or as provided in Section 7(a)(iii) of this chapter. The applicant shall mail any required additional reference forms. The applicant shall have the experience verification forms and reference forms sent directly to the Board Office. Upon receipt of all completed required forms, the application will be evaluated.

(c) If the application is complete and in the proper form, the Board is satisfied that all statements on the application are true, and the applicant is eligible in all other respects to be licensed in engineering or land surveying for which the applicant has applied, then the Board shall certify the applicant as eligible to take any required examinations, or, if exempt from examination pursuant to the Act, is eligible for licensure. If, for any reason, the Board is not satisfied that all of the statements on the application are true or that the applicant is not eligible in all respects for examination or licensure, it may perform further investigations. If, in the judgment of the Board, the applicant has not furnished satisfactory evidence of qualifications for examination or licensure as required by these rules and regulations, it may deny the application or require additional information. The Board shall require an applicant for professional licensure to have passed both the fundamentals and professional examination, unless exempt pursuant to the Act.

(d) No experience credit will be given for engineering work experience gained during pursuit of an undergraduate education, nor will experience credit be given for both land surveying and engineering for the same period of time.

Section 8. **Application Requirements for Intern Programs.**

(a) The following shall apply for intern applicants:

(i) Applicants shall register directly with NCEES to take the FE or FS exam;

(ii) Upon graduation with the education required by W.S. 33-29-402 and Sections 1 or 2, as appropriate, of this Chapter, applicants shall:

(A) Complete the appropriate application for intern registration with the Board;

(B) Have certified transcripts sent directly from the registrar to the Board;

(C) Provide information to the Board that will allow it to determine if the applicant has passed the FE or FS exam; and

(D) Execute a release authorizing the Board to investigate the applicant's moral character and repute.

(b) If the application is complete and in the proper form, the Board is satisfied that all statements on the application are true, the applicant is eligible in all other respects to be granted an intern certificate in engineering or land surveying for which the applicant has applied, then the Board shall certify the applicant as an engineer or land surveyor intern. If, for any reason, the Board is not satisfied that all of the statements on the application are true or that the applicant is not eligible in all respects for intern certification, it may perform further investigations. If, in the judgment of the Board, the applicant has not furnished satisfactory evidence of qualifications for intern certification as required by these rules and regulations, it may deny the application or require additional information.

Section 9. **Examinations; General.**

(a) National examinations (FE, FS, PE, PS, SE) are given according to a schedule developed by NCEES.

(b) State examinations (Wyoming licensing laws and professional ethics exam, Wyoming Land Surveying state specific exam, and the Wyoming Land Surveying take-home exam) are given according to a schedule and procedures developed by the Board.

(c) When an applicant has applied directly to NCEES to take an exam, the repeat policy for this exam shall be set by NCEES.

(d) Examinees shall abide by the exam administrator's published examination policies and procedures. An examinee who does not fully comply with the exam administrator's requirements may, in addition to any action by the Board, be subject to dismissal from the remainder of the exam.

(e) An examinee may be dismissed from the examination and subject to disciplinary or other Board action for conduct including, but not limited to:

(i) Cheating on the examination;



- (ii) Giving assistance to, or receiving assistance from, another person;
- (iii) Compromising the integrity of the examination;
- (iv) Disruptive or abusive behavior;
- (v) Participating in any form of violation of exam policies or procedures during an examination.

(f) Evidence of failing to comply with the exam administrator's policies and procedures subsequent to an examination may also be a cause for action by the Board. An examinee who does not fully comply with the exam administrator's policies and procedures during and after an examination may be subject to having his/her exam results invalidated and being prohibited from taking the examination(s) for a period of time as determined by the Board. Any licensure examination taken and passed in another jurisdiction while barred from taking that same exam in Wyoming will not be acceptable for licensure purposes in Wyoming.

Section 10. **Admission to the Professional Examination; Out-of-state Applicants with Intern Status.** An applicant for licensure as a professional engineer or professional land surveyor who has successfully completed the fundamentals examination in another jurisdiction, which is equivalent to those examinations administered in Wyoming, may be admitted to take the professional examination. Proof of intern status must be forwarded directly from the authority which certified the original examination. An applicant must further comply with all the education and experience requirements set forth in this chapter.

Section 11. **Engineering Branches Recognized.**

(a) The Board recognizes all branches of professional engineering for which exams are offered by NCEES.

(b) The licensee may accept professional engagements or assignments in any branch of engineering in which the licensee has demonstrated proficiency via education, technical knowledge, or experience.

Section 12. **Military Education, Training, and Experience.** Education, training, or service gained in military services that is to be accepted and applied towards receiving a license or certificate, must be substantially equivalent, as determined by the Board, to the qualifications otherwise applicable at the time of receipt of application. It is the applicant's responsibility to provide timely and complete evidence for review and consideration. Satisfactory evidence of such education, training, or service will be assessed on a case by case basis.

**CHAPTER 4**  
**License Renewal and Continuing Professional Competency**

Section 1.     **Introduction.** Every licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for license renewal.

Section 2.     **Definitions.** Terms used in this section are defined as follows:

(a)     A “Continuing Professional Competency (CPC) Unit” means a contact hour, defined as fifty minutes of instruction or presentation. A CPC is the common denominator for other units of credit.

(b)     A “Continuing Education Unit (CEU)” means a unit of credit customarily used for continuing education courses. One continuing education unit equals ten (10) contact hours of class in a continuing education course.

(c)     A “College/Unit Semester/Quarter Hour” means credit for an ABET/EAC approved course or other related college course meeting the requirements of paragraph (d) of this section.

(d)     A “Course/Activity” means any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice.

(e)     A “Dual Licensee” means a person who is licensed as both a professional engineer and a professional land surveyor.

(f)     “Educational Outreach” means any activity involving encouragement of K-12 or higher education students to enter the profession.

Section 3.     **Requirements.** Any licensee renewing a license is required to have completed a total of thirty (30) CPC hours for each renewal period. A maximum of fifteen (15) CPC units may be carried forward into the subsequent renewal period. If, upon audit, this requirement is not met, the licensee will be allowed sixty (60) days from the date of notice to correct the deficiency.

CPC units may be earned as follows:

(a)     Successful completion of college courses.

(b)     Successful completion of continuing education courses.

(c)     Successful completion of correspondence, televised, videotaped, audio taped, and other short courses/tutorials.

(d)     Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, convention or conferences.

(e)     Teaching or instruction in paragraphs (a) through (d) of this section. (Credit does not apply to full-time faculty).

(f)     Authoring published papers, articles, monographs, or books.

- (g) Active participation in professional or technical societies.
- (h) Patents.
- (i) Educational outreach.

Section 4. **Units and Credits**

- (a) The conversion of other units of credit to CPC units is as follows:
  - (i) 1 college or unit semester hour 45 CPC
  - (ii) 1 college or unit quarter hour 30 CPC
  - (iii) 1 continuing education unit 10 CPC
- (b) Annual credits granted will be:
  - (i) 1 contact hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences. 1 CPC
  - (ii) For teaching (see Section 3 (e) above) apply multiple of two (2) (teaching credit is valid for teaching a course or seminar for the first time only). 2 CPC
  - (iii) Each published paper, article, monograph, or book 10 CPC
  - (iv) Active participation in professional and technical society (each organization). 2 CPC per year
  - (v) Educational Outreach 2 CPC per year
  - (vi) Each patent 10 CPC

Section 5. **Determination of Credit.** The Board has final authority with respect to approval of courses, credit, CPC value for courses, and other methods of earning credit.

(a) Credit for college or community college approved courses will be based upon course credit established by the college.

(b) Credit for qualifying seminars and workshops, will be based on one CPC unit for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn CPC units for the Actual time of each program.

(c) Credit for activity defined in Section 4 (b)(iv) of this chapter as active participation in professional and technical societies (limited to 2 CPC per organization), requires that a licensee serve as an officer, board member, and/or actively participate in at least one committee, coalition, or trust of the organization. CPC credits are not earned until the end of each year of service. Organizations which have

a state and national component (e.g. ACEC, NCEES, NSPS, ASCM and ASCE) are considered as separate organizations. Subchapters of a state organization are not considered as separate organizations from the state organization.

Section 6. **Non-Compliance.** Failure to comply with any CPC requirements could result in discipline against the licensee including but not limited to the following:

(a) Further request for demonstration of compliance.

(b) An appearance before the Board.

(c) A disciplinary action for proven violation of these regulations in accordance with Chapter 6 of these rules.

Section 7. **Record keeping.** The responsibility of maintaining records to be used to support credits claimed is the responsibility of the licensee.

(a) Records required include:

(i) A log/diary/national registry record showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and CPC credits earned; and

(ii) Attendance verification records in the form of completion certificates, receipts, or other documents supporting evidence of attendance.

(b) These records must be maintained for a period of three (3) years. Copies will be requested by the Board if the licensee is randomly selected for audit.

Section 8. **Exemptions.** A licensee may be exempt from the continuing professional competency requirements for one of the following reasons:

(a) A new licensee shall be exempt from the CPC requirements until after the first renewal period.

(b) CPC requirements for those who perform services in the uniformed services shall be governed by W.S. 19-11-118 and 119.

(c) Licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board may be exempt. Licensees who believe that they are eligible should contact the Board Office for requisite documentation required to substantiate the claim.

(d) A licensee who lists his/her occupation as "retired" on the Board approved renewal form and who further certifies that he/she is no longer receiving any remuneration from providing professional engineering or professional land surveying services shall be exempt from the continuing professional competency required. In the event such a person elects to return to active practice of professional engineering or professional land surveying, continuing professional competency must be earned before returning to active practice for each year exempted, not to exceed the annual requirement for two (2) years. In addition to the continuing professional competency requirements, the licensee must pay the renewal fee listed in Chapter 2, Section 5 (d).

Section 9. **Reinstatement.** A licensee may bring an inactive or expired license to active status by earning thirty (30) CPC units.

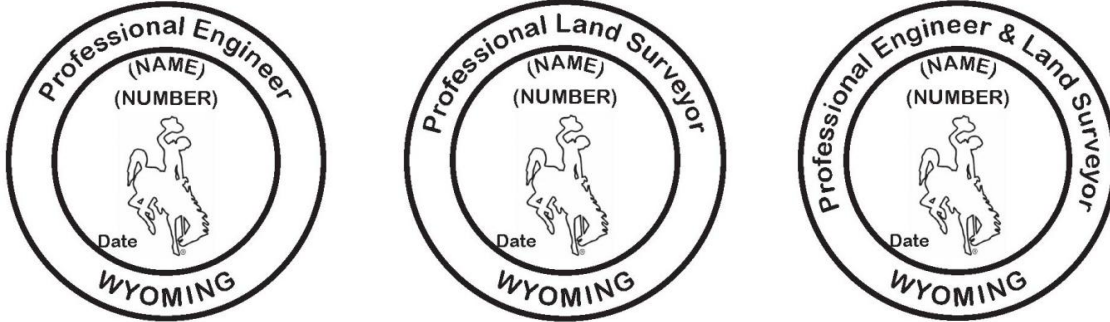
Section 10. **Comity/Out-of-Jurisdiction Resident.** A licensee who is a resident of a jurisdiction other than Wyoming must satisfy the CPC requirements of their resident jurisdiction. The requirements for Wyoming will be deemed as satisfied when a nonresident licensee provides evidence of having satisfied the requirements of his/her resident jurisdiction. If licensees reside in a jurisdiction that has no CPC requirements, the licensee must satisfy the requirements of Wyoming.

Section 11. **Dual Licensees.** The number of CPC units required shall be a minimum of ten (10) CPC hours in each discipline, with a combined total of thirty (30) required.

Section 12. **Forms and Audit Verification.** All renewal applications will require the licensee to provide the total number of CPC credits that he/she is claiming for the two (2) year period prior to license renewal. If selected for a random audit, the licensee must supply sufficient detail to permit verification as described in Section 7. Current Board members will be audited each time his/her license is renewed.

**CHAPTER 5**  
**Practice of Professional Engineering and Professional Land Surveying**

Section 1.     **Seals.**



(a) The seal authorized by the Board for licensees is of the crimp type and/or rubber stamp facsimile and shall be of a design shown. The seal consists of two concentric circles. The upper portion between the two circles shall bear whichever of the following phrases is applicable to the licensee: "Professional Engineer"; "Professional Land Surveyor"; or "Professional Engineer & Land Surveyor." At the bottom of the annular space between the two circles shall appear the inscription "Wyoming"; the inner circle shall contain the name of the licensee, license number and the word "Date." The license number assigned should be centered in the inner area of the seal in the space occupied by the word "NUMBER" and the size of the numbers should not be larger than the word "NAME." The words and parentheses "(NUMBER)", and "(NAME)", should not appear on the seal.

(b) Seals authorized prior to July 1, 2013 may continue to be used.

(c) An imprint of the licensee's valid seal shall appear on original and non-original copies, tracings or other documents, as required by W.S. 33-29-801. Seals generated electronically are acceptable if accompanied by a signature and date of the licensee preparing the generated document and as long as the electronically generated seal complies with the requirements outlined in subsection (a) above. When the document contains more than one sheet, the title page(s) or the first page of a licensee's work shall be sealed, signed and dated by the licensee who supervised the work and is responsible for such work. To be valid, any seal must be legible in its entirety and the signature of the licensee and date of signing must be superimposed over the seal. Legible full size or reduced reproductions of sealed, signed and dated documents are acceptable as long as an original, including the signature, seal and date, is maintained in the licensee's possession.

In accordance with the Uniform Electronic Transactions Act, (W.S. 40-21-101 through 40-21-119), an electronic image of the licensee's seal, signature, and date is permitted to be used in lieu of an original seal, signature and date on electronic submittals made to agencies of local, state, and federal governments or between private entities if they so desire.

Drawings, reports, or documents that require a signature may be signed using a digital signature. The digital signature must be:

- (i) Unique to the person using it;

(ii) Capable of verification; and

(iii) Under the sole responsibility and control of the licensee affixing it.

(iv) A scanned image or other reproduction of an original signature may be used in lieu of an original signature or digital signature if accompanied by an original handwritten date.

(v) A digital signature having an electronic authentication process attached to or logically associated with the electronic document may also be used and does not need to include handwritten date, but must be dated. In this instance, the digital signature shall be linked to a document in such a manner that the data in the document can be verified as being unaltered since the time that the digital signature was affixed.

(d) Any work sealed, signed and dated by a licensee must have been prepared or substantially reviewed by that licensee or someone under the licensee's direct supervision. After-the-fact ratification by the sealing of documents, when the underlying work was not performed by or under the responsible charge and supervision of the licensee, is prohibited unless a thorough technical review is done.

(e) Upon notification by the Board of satisfying all license requirements, the applicant shall obtain a seal of a design stipulated in Subparagraph 1 (a) of this Chapter. The applicant shall purchase a seal, and submit, on a form provided by the Board, an impression or stamp of the seal with an original signature superimposed over it, for the Board records. The Board shall approve or disapprove any seal not meeting the exact specifications of Subparagraph 1 (a) of this rule and shall require the licensee to obtain and pay for another seal meeting those specifications prior to sealing any work. If a replacement or additional seal is required, the licensee shall submit an impression or stamp of the new seal to the Board, accompanied by a sworn statement stipulating the purpose for the seal's duplication.

Section 2. **Sizes.** The dimensions of all hardcopy maps, plats, plans, and designs for filing or recording shall be as specified by the private or governmental entity requiring the documents.

Section 3. **Engineering Surveys.**

(a) "Engineering survey" means measurement by angles, distances and elevations of natural or man-made features in the air, on the surface, and in the immediate subsurface of the earth, within underground workings, and on the surface or within bodies of water for the purpose of determining or establishing their size, shape, topography, grades, contours or water surface and depths, and the preparation and perpetuation of field note records and maps depicting these features; but does not include the establishment or determination of easement or property boundary lines; and

(b) Setting, resetting or replacing of points to guide the location of new construction.

(c) Engineering Surveys shall be performed by either a Professional Engineer or a Professional Land Surveyor.

Section 4. **Land Surveying Practices.**

(a) Securing Identifying Markers. Professional land surveyors, and professional engineers and land surveyors engaged in the practice of land surveying, shall obtain and use metallic identifying

markers which shall show the licensee's Wyoming License Number, as issued by the Board, prefixed by the letters LS, PLS, or PE & LS, as appropriate.

(b) Monumentation.

(i) All corners establishing real property boundaries shall be monumented with a durable monument, including accessories that are appropriate to the local site conditions. Monuments recovered and accepted during retracement surveys as a real property boundary marker must be evaluated for durability and identification. Those corners for which the monument and accessories are found to be deficient shall be rehabilitated so that each corner is left marked in such a manner as meets the above standards for monumentation. Any such monument that is in imminent danger of being obliterated or lost by natural or man-made surface disturbance shall be witnessed or referenced. The use of wooden or plastic stakes, hubs, posts and caps is unacceptable as permanent monuments. Each survey monument shall include a permanently affixed metallic identifying marker. Except where impracticable because of site conditions, or more restrictive state, county, city or town rules and regulations apply, the licensee shall use, as a minimum, an iron pipe or rod monument not less than twenty-four (24) inches in length and not less than five-eighths (5/8) inch in diameter, or a durable nonferrous monument, of the same dimensions, which has at least one ferromagnetic insert for electronic or magnetic detection.

(ii) For all public land survey corners which were monumented during the original government surveys or resurveys, which are restored or reestablished, and for the center quarter (1/4) corner and sixteenth (1/16) corners of sections and for the corners or angle points of independent resurvey tracts and lots, the licensee shall use, as the preferred minimum monument, a galvanized iron or aluminum pipe not less than twenty-four (24) inches in length and not less than two (2) inches in diameter with a metallic cap not less than two and one-half (2 ½) inches in diameter securely fastened to the top, or an iron rod not less than twenty-four (24) inches in length and not less than five-eighths (5/8) inch in diameter with a metallic cap not less than two and one-half (2 ½) inches in diameter securely fastened to the top, except where impracticable because of site conditions. All nonferrous monuments shall have at least one ferromagnetic insert for electronic or magnetic detection.

(iii) Monuments set for any purpose shall be marked, stamped or inscribed in accordance with these rules and shall identify the public land survey corner, property corner, accessory, control point or other point it is intended to monument. Sufficient markings shall be placed upon accessories and control points to avoid confusion with actual corner monuments.

(c) Rehabilitation of Original Public Land Survey System Monuments.

(i) Original corner monuments and accessories recovered in place as described in the original record and deemed to be in good condition may be left in place.

(ii) Any original monument or evidence of original monument used for any land surveying purpose which does not comply with Subparagraph (a) of this section shall be remonumented in order to perpetuate the position of that corner using a monument which complies with Section 5(b) of this Chapter, and documented in accordance with Chapter 8 of these rules.

(d) Subdivision of Sections of the Public Land Survey System.

(i) For the subdivision of any section, resurvey tract or lot of the public land survey system, the licensee shall be required to recover or reestablish all of the corners established and



monumented during the original government survey or resurvey, which are relevant to the subdivision. The licensee must follow the appropriate "Manual of Instructions for the Survey of Public Lands of the United States," herein incorporated by reference in its entirety, and the publication, "Restoration of Lost or Obliterated Corners and Subdivision of Sections," herein incorporated by reference in its entirety when appropriate, for any public land survey corner established, reestablished, monumented, remonumented, restored, rehabilitated, perpetuated or used as control in any survey. The words "establish" or "reestablish" as used in the manual shall mean to determine the true position of a corner and set a monument which meets the above standards.

(ii) Monuments shall be set at all controlling corners established for the aliquot part of the section being subdivided. The center quarter (1/4) corner shall be recovered or established and monumented. The quarter section sixteenth (1/16) corners shall be recovered or established and monumented. Monuments of other aliquot corners may be established where necessary to mark the corners of a minor subdivision. This shall mean that for any one quarter section subdivided, all five (5) (or more as appropriate) sixteenth (1/16) corners and the center quarter (1/4) corner shall be monumented unless impractical.

(iii) Where it is impractical to monument, witness or reference a corner due to site conditions, denial of access, or situations beyond the licensees' control, the licensee shall document the particulars of the corner establishment and file the documentation in accordance with Chapter 8 of these rules and/or record a public document detailing the circumstance.

Section 5. **Practice by Business Entities.**

(a) Any Business Entity offering to practice professional engineering or professional land surveying must be registered with the Board.

(b) Registration of Business Entities:

(i) For a business entity to practice professional engineering and/or professional land surveying in Wyoming, the following information shall be submitted to the Board office on forms adopted by the Board:

(A) Business name;

(B) All office locations in Wyoming;

(C) Name, corporate status, license number, seal, phone number, and signature of the licensee in charge of professional activities of the business in the state;

(D) Names, license numbers, and corporate status of all personnel of the business who act in its behalf as professional engineers or professional land surveyors in the state;

(E) Whether the entity offers professional engineering or professional land surveying services or both.

(F) The Board office must be notified within thirty (30) calendar days of any name changes of responsible licensees in charge and of business name changes.

(ii) Business entities must complete and submit a registration renewal form every

two (2) years along with the required renewal fee.

Section 6. **Exemptions and limitations; Clarifications.**

(a) Section 33-29-604 (a) (i) does not grant an exemption to officers or employees of the United States from other requirements of state law, such as the requirements of the State Engineer found in W.S. 41-3-308, 309, 114, or 935, or W.S. 41-4-507, or similar requirements of other state agencies.

(b) Section 33-29-604 (a) (ii) only grants an exemption to those officers or employees of the State of Wyoming who are reviewing surveying and engineering submittals for accuracy or to assure compliance with established rules, policies, and procedures. Rejection of any materials submitted by professional engineers or professional land surveyors on matters involving professional judgment shall only be by a licensed professional stating the reasons for non-compliance.

Section 7. **Rules of Professional Conduct.**

(a) All licensed professional engineers and engineer interns shall, at all times, comply with the most current version of the code of ethics published by NSPE, herein incorporated by reference in its entirety. See <http://www.nspe.org/Ethics/CodeofEthics/index.html>.

(b) All professional land surveyors and land surveyor interns shall, at all times, comply with the most current version of the Surveyor's Creed and Canons published by NSPS, herein incorporated by reference in its entirety. See <http://www.nsps.us.com/index.cfm?fuseaction=Page.viewPage&pageId=526>.

(c) All licensees and interns shall comply with the following standards. In the event the referenced engineering code of ethics or surveying creed and canons conflict with the following standards, the standards in this section shall control.

(i) A licensee or intern shall not submit any materially false statements or fail to disclose any material facts requested in connection with the application for license;

(ii) A licensee or intern shall not engage in fraud, deceit, misrepresentation, or concealment of material facts in advertising, soliciting or providing professional services to members of the public;

(iii) A licensee or intern shall not knowingly seal, sign and date any plans, drawings, blueprints, land surveys, reports, specifications or other documents not prepared or without thorough technical review by the licensee or under the licensee's direct supervision;

(iv) A licensee or intern shall not knowingly violate any federal or state statute concerning bribery;

(v) A licensee or intern shall comply with all federal, state, and local building, fire, safety, real estate, and mining codes, and any other laws, codes, ordinances, or regulations pertaining to the licensee's professional practice. A licensee shall not provide any professional services in violation of any such laws, codes, ordinances, or regulations;

(vi) A licensee or intern shall not violate any state or federal criminal statute

involving fraud, misrepresentation, embezzlement, theft, forgery or breach of fiduciary duty, where the violation is related to his/her professional practice;

(vii) A licensee shall apply the technical knowledge and skill which would be applied by other qualified licensees who practice the same profession;

(viii) A licensee shall conduct a land survey engagement, involving public land corners or section retracement or breakdown, in accordance with the appropriate "Manual of Surveying Instructions," and circular entitled "Restoration of Lost and Obliterated Corners" issued by the Bureau of Land Management, United States Department of Interior, herein incorporated by reference in its entirety, where appropriate;

(ix) A licensee shall not accept an assignment where the duty to a client or the public would conflict with the licensee's personal interest or the interest of another client without full disclosure of all material facts of the potential conflict to each person who might be related to or affected by the project or engagement in question;

(x) Licensees shall not accept compensation for services related to the same project or professional engagement from more than one private party without making full disclosure to all parties involved and obtaining the express written consent of all parties involved;

(xi) Licensees who serve governmental or quasi-governmental organizations or departments, or are board members of any organization which receives government funds, as members, advisors, or employees shall recuse themselves from any conflict of interest decision and act in the best interest of that organization;

(xii) Except as provided in Subparagraph (xiv) below, a licensee shall not accept any professional engagement or assignment outside the licensee's professional license unless: (a) the licensee is qualified by education, technical knowledge or experience to perform such work and (b) such work is both necessary and incidental to the work of the licensee's profession on that specific engagement or assignment;

(xiii) Except as otherwise provided by law, code, ordinance, or regulation, a licensee may act as the prime professional for a given project and select collaborating professionals; however, the licensee shall perform only those professional services for which the licensee is qualified and shall seal, sign and date only the work prepared by the licensee or under the licensee's direct supervision;

(xiv) A licensee shall make full disclosure to all parties concerning: (a) any transaction involving payments to any person for the purpose of securing a contract, assignment, or engagement, except for actual and substantial technical assistance in preparing the proposal; or (b) any monetary, financial, or beneficial interest, the licensee may hold in a contracting firm or other entity providing goods or services, other than the licensee's professional services, to a project or engagement;

(xv) A licensee shall not solicit, receive, or accept compensation from material, equipment, or other product or service suppliers for specifying or endorsing their products, goods, or services to any client or other person without full written disclosure to all parties;

(xvi) If a licensee's professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare results or would result, the licensee shall immediately notify the client or employer. If the client or employer does not take

appropriate remedial action within a reasonable amount of time under the circumstances, the licensee shall also notify the Board of the specific nature of the public threat;

(xvii) If called upon or employed as an arbitrator to interpret contracts or to judge contract performance, or to perform any other arbitration duties, the licensee shall render decisions impartially and without bias to any party.

(d) Failure to comply with any provision of this section shall be deemed to be evidence of gross negligence, incompetence, or other misconduct.

**CHAPTER 6**  
**Application Review, Complaints, and Hearing Procedures**

Section 1. **Statement of Purpose.** These rules and regulations are adopted to implement the Board's authority to conduct investigations, hearing and proceedings, concerning alleged violations, and to determine and administer appropriate disciplinary action against licensees for proven violations. These rules are also adopted to implement the Board's authority to conduct investigations, hearings and proceedings concerning action related to an application for a license, including granting or denial of licensure.

Section 2. **Application Review Process.**

(a) Upon receipt of a completed application, the Board office shall review the application and, if it is complete and there are no known grounds for denial of the license or certificate requested, issue the license or certificate. If there are known grounds for denial, the Board office may forward the application to the Application Review Committee (ARC) to provide recommendations to the Board.

(b) The ARC shall review the application and all other information available and following the review may:

(i) Recommend that the Board approve the application if the applicant meets all requirements; or

(ii) Recommend that the Board forward the application and the ARC report to the Assistant Attorney General assigned to the Board for prosecution of hearing matters for review if there are questions as to whether denial is appropriate.

(c) If, after review, and following consultation with the assigned Assistant Attorney General, the ARC concludes that grounds exist to recommend denial of an application:

(i) A preliminary denial letter shall be sent to applicant, which shall:

(A) State the basis for the denial including relevant statutes and rules; and

(B) Advise the applicant of the right to request reconsideration.

(ii) If the applicant fails to request reconsideration in writing within thirty (30) days of the date of the preliminary denial letter, the preliminary denial becomes final.

(iii) If the applicant requests reconsideration within thirty (30) days, a reconsideration conference shall be held with the ARC, the Assistant Attorney General, and the applicant.

(iv) Following a reconsideration conference, the ARC shall recommend that the Board either approve or deny the application and notify the applicant.

(v) If denied, the applicant must submit a written request for a hearing before the Board within thirty (30) days of the date of the denial letter or the denial is final.

Section 3. **Notice of Hearing for Denied Applicants.**

(a) If a written request for hearing is received by the Board office from the applicant within the thirty (30) day period, the Board office shall serve a Notice of Hearing by certified or regular mail at least thirty (30) days prior to the date set for hearing. Such service shall be made to the last address provided to the Board by the applicant.

(b) There shall be a presumption of lawful service when the Notice of Hearing is sent to the last address of the applicant by certified or regular mail.

(c) The Notice of Hearing shall contain:

(i) The name and last address of the applicant;

(ii) A statement in ordinary and concise language, of the matters asserted, which shall contain the nature of the issues relating to the denial of the application, the facts upon which the denial is based, the specific statutory provisions, and the specific Board rules and regulations the applicant is alleged to have violated or with which the applicant has failed to comply;

(iii) The time, place, and nature of the hearing;

(iv) The legal authority and jurisdiction under which the hearing is being held;

(d) ARC members shall not take part in the consideration or deliberation of any contested case if they have participated in the investigation of or denied the application. ARC members and Board staff may testify at a contested case hearing.

(e) Members of the ARC or Board staff may attend a contested case hearing.

(f) The Board may enter an order dismissing an applicant's hearing and denying the application in any case where the applicant or the applicant's representative has not appeared at a scheduled, properly noticed hearing.

Section 4. **Application Denial Hearings.**

(a) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act and applicable provisions of the formal hearing procedures established later in this Chapter.

(b) The hearing is to be conducted in the presence of a quorum of the Board, with a hearing officer presiding.

(c) The applicant has the burden of proving that he/she meets all requirements for the license requested.

Section 5. **Incomplete Applications.**

(a) An incomplete application requires no action by the Board, until such time as the application is deemed "complete" by Board staff on behalf of the Board, and has been reviewed for recommendations by the ARC. If an applicant makes no attempt to complete his/her application within

six (6) months from the date of original application, his/her application will be canceled with neither prejudice nor refund of fee.

(b) An application is “incomplete” when material and requisite information has not been provided as part of the application process. Such information, may include, but is not limited to:

(i) Failure by the applicant to complete or answer any information requested on the application form;

(ii) Failure by the applicant to demonstrate lawful presence in accordance with Federal Law;

(iii) Failure by the applicant to respond to any Board staff or ARC inquiry or to produce any documents or information requested by Board staff or the ARC;

(iv) Failure by the applicant to provide payment for application fees. If any payment is made by the applicant, processed, and rejected or returned to the Board, then the applicant has failed to provide proper payment for application fees.

Section 6. **Renewal Applications.**

(a) A renewal applicant is an individual who currently holds a license, and has timely and sufficiently submitted an application for renewal of the license. A renewal applicant also is an individual who has submitted a renewal application no later than two (2) years following the prior license expiration.

(b) If the renewal application of a licensee reveals any information which merits further investigation, the matter shall be assigned to the ARC, and the investigative process shall apply as if a written complaint form had been filed against the licensee, subject to procedures for contested case hearing in application matters.

(c) If the license was current when the renewal application was submitted, the licensee may continue to practice on the license subject to renewal pending investigation or further action of the Board.

(d) Practice after failure to timely renew, resulting in an expired license, shall constitute the unauthorized practice of professional engineering or professional surveying in violation of the Act and further may constitute an independent ground for denial of an application or discipline of a licensee.

Section 7. **Reinstatement Applications.** Any application for reinstatement by a licensee who was the subject of prior disciplinary action shall be subject to investigation by the ARC to determine satisfaction of any conditions previously imposed by the Board. The investigative process shall apply as if a written complaint form had been filed against the licensee and also shall apply to a person whose license was subject to restrictions, or was suspended, surrendered or revoked.

(a) To the extent possible, if the licensee was subject to prior disciplinary action, the ARC should consist of the same Board member(s) who originally participated in the disciplinary matter;

(b) The ARC shall make a preliminary determination to recommend or deny reinstatement, which may also include recommended restrictions or other sanctions authorized by the Board or these

rules;

(c) A licensee who disagrees with or disputes the recommendation by the ARC shall be entitled to a contested case hearing as in other application matters.

Section 8. **Administrative Complaint in Discipline Matters.** If any information concerning a possible violation of the Act or these rules is received or obtained by a Board member or members of the staff, the Board shall investigate that information in accordance with the Wyoming Administrative Procedure Act. The Board may initiate an investigation on its own motion. Any administrative complaint against a licensee shall be submitted in writing to or initiated by the Board office and should provide the following information, as may be applicable:

(a) Name, address, place of employment, and position of the individual alleged to have violated the Act or Board rules and regulations.

(b) The nature of the complaint and a description of the incident(s) involved including date(s), time(s), location(s) and any observed behavior of the licensee or intern.

(c) The name and address of other witnesses, if any.

(d) The signature and address of the person(s) making the complaint.

Section 9. **Review of Administrative Complaint.**

(a) If an administrative complaint is filed or if any information concerning a possible violation of the Act or these rules is received or obtained by the Board, an investigation may be conducted prior to the initiation of formal proceedings.

(b) One or more Board members, known as the Investigative Board Member(s) (IBM), appointed by the Chairperson of the Board will make recommendations to the Board concerning the findings of the investigation. The Chairperson of the Board may also appoint one or more past Board members or other professionals to a committee to assist the IBM(s) in the investigation of the administrative complaint. The IBM(s) appointed shall not take part in the consideration of any contested case in which they participated in the investigation of the complaint, although they may attend any disciplinary hearing.

(c) Following review and/or investigation of a complaint, the IBM(s) may bring to the Board a recommendation for any appropriate action, including but not necessarily limited to the following:

(i) Forward the complaint filed by the complainant to the Board attorney assigned for prosecution purposes with a recommendation that formal disciplinary proceedings commence;

(ii) Send a written letter of warning to the individual listed in the complaint;

(iii) Accept the voluntary surrender of a certificate or license;

(iv) Recommend terms for a conditional certificate or license; or

(v) Dismiss the complaint.



(d) The IBM(s) shall send appropriate notice to the licensee or intern of its intent to take action as provided in these rules.

Section 10. **Investigation.**

(a) Upon the filing and initial review of an administrative complaint, the IBM(s) shall be responsible for investigation, or the IBM(s) may select a retained investigator to assist in the investigation of the administrative complaint. The retained investigator may be a licensed professional engineer and/or professional land surveyor in good standing in the profession.

(b) The purpose of the investigation shall be to determine if there is sufficient evidence to warrant any action against the licensee or intern.

(c) The Executive Director shall contact the retained investigator and inform the investigator that a complaint has been filed and shall tell the retained investigator the name of the licensee and the allegations contained in the complaint. The Executive Director shall ask if the retained investigator has any conflict of interest that would prevent the investigator from fully and impartially investigating the complaint. The retained investigator may accept the investigation task only if the investigator can do so without a conflict of interest.

(d) The Board may reimburse the retained investigator for all necessary and reasonable expenses incurred conducting an investigation and shall pay for services under the terms of a Contract to be entered into by and between the investigator and the Board.

Section 11. **Conduct of Investigation.**

(a) The IBM(s) or retained investigator are empowered to conduct a full and complete investigation.

(b) In pursuit of the investigation, the IBM(s) or retained investigator may review documents and interview the complainant and other witnesses, the IBM(s) or retained investigator may interview the licensee or intern only if the licensee or intern voluntarily agrees and if the licensee or intern has been furnished a copy of the complaint.

(c) As part of the investigation, the IBM(s) or retained investigator shall be authorized to serve an administrative subpoena on any person who is in possession of any documents or records relevant to the allegations in the administrative complaint or from facts discovered in investigation.

Section 12. **Investigative Report.**

(a) Upon completing the investigation, the retained investigator shall submit a written report to the IBM(s) setting forth the facts discovered.

(b) The IBM(s) may prepare an investigative report as part of the investigation, which may be provided to the assigned Assistant Attorney General for review if a recommendation is made that formal disciplinary proceedings commence.

(c) Investigation files of any investigation which is pending are confidential and not subject to public inspection until a formal hearing is concluded or until final disciplinary action is taken if no hearing is commenced.

Section 13. **Informal Conference Procedures.**

(a) Upon notification of the findings of an investigation, a licensee or intern may be asked to attend an informal conference with the IBM(s), Executive Director and/or the Board attorney assigned for prosecution purposes. The licensee or intern may appear either with or without counsel. The purpose of the informal conference will be to discuss formal or informal settlement of the investigative matter.

(b) At any time either before or after formal disciplinary proceedings have been instituted against a licensee or intern, the licensee or intern and IBM(s) may submit to the Board an offer of settlement whereby, in lieu of formal disciplinary action by the Board, the licensee or intern agrees to accept certain sanctions such as suspension, civil penalties, enrolling in continuing education courses, limiting the scope of the licensee's practice, submitting the licensee's work product for professional peer review, or other sanctions authorized by the Act or these rules. If the Board determines that the proposed settlement will adequately protect the public welfare, the Board may accept the offer and enter a decision that is consented to by the licensee or intern and incorporates the proposed settlement.

Section 14. **Service of Notice of Intent and Opportunity to Show Compliance.**

(a) Prior to commencing formal proceedings for discipline of a licensee, the Executive Director, on behalf of the IBM(s), shall send a notice of intent to initiate formal disciplinary action by regular or certified mail to the last address provided by the licensee to the Board. The notice of intent shall include a brief description of the facts or conduct which warrant the intended action, and provide the licensee or intern, an opportunity to show compliance with all lawful requirements for the retention of the license or certificate without any disciplinary action against the licensee or intern.

(b) The opportunity to show compliance shall expire fifteen (15) days from the date of mailing the notice of intent.

Section 15. **Formal Hearing Procedures.** Formal proceedings for Board disciplinary action against a Licensee or intern shall be commenced by notice issued by the Board.

(a) The complaint and/or notice shall be served pursuant to the Wyoming Rules of Civil Procedure, and by any traceable delivery method of mail. The complaint shall, at a minimum, contain the following information:

(i) The name and license number of the licensee or certificate number of the intern.

(ii) The name, address, and phone number of the Board's attorney assigned to assist in prosecution of the complaint.

(iii) A statement of the legal authority and jurisdiction of the Board.

(iv) A statement of the particular sections of the statutes and rules involved.

(v) A statement, in ordinary and concise language, of the nature of the complaint and the facts upon which the complaint is based.

(vi) The time in which the licensee or intern must respond to the complaint.

(vii) A statement that failure to respond may result in entry of judgment by default for the relief demanded in the complaint.

(b) At any time following the expiration of the period in which the licensee or intern must respond to the complaint, the Board or the Executive Director may set the matter for hearing. The Complaint and Notice of Hearing shall be mailed to the licensee or intern at least thirty (30) calendar days prior to the date set for the hearing, or such shorter time as may be agreed to by the parties.

Section 16. **Default.** The Board may enter an order based on the allegations of a complaint in any case where the licensee or intern has not responded within the time limits contained in Section 15 (a) (vi) above or in any case in which the licensee or intern or the his/her representative has not appeared at a scheduled hearing of which the he/she had notice.

Section 17. **Motions.** All motions made to the Board shall be made in writing and submitted at least ten (10) business days prior to the date set for hearing.

(a) The Board may, within its discretion and upon good cause shown, allow a motion to be filed at any time.

(b) For purposes of this rule, any request for settlement of a contested case shall be considered a motion before the Board.

Section 18. **Docket.**

(a) When formal proceedings are initiated and notice has been provided, the case shall be assigned a number and entered upon a docket provided for such purpose.

(b) A separate file shall be established for each docketed case, in which all papers and evidence shall be systematically placed.

Section 19. **Contested Case Hearings.** The Office of Administrative Hearings shall act as the hearing officer and shall preside over the formal contested case hearing which shall be conducted pursuant to the Wyoming Administrative Procedure Act and the Office of Administrative Hearings' rules concerning contested case proceedings. Requests for discovery from the Board shall be made in writing and directed to the Executive Director. Requests for discovery from the ARC or IBM shall be made in writing and served upon the assigned Assistant Attorney General with a copy to the Executive Director.

(a) At the Board's discretion, contested case hearings shall be conducted in the presence of a quorum of Board Members.

(b) During the formal contested case hearing, Board Members may ask questions of the witnesses and/or the parties including their attorneys.

(c) A court reporter shall be present during the hearing and report the entire proceeding.

Section 20. **Decision and Order.** The Board shall, following the hearing, make and enter a written decision and order containing findings of fact and conclusions of law, stated separately.

(a) The decision and order shall be sent by United States mail to the licensee or intern and the his/her attorney of record as required by the Administrative Procedures Act.

(b) This rule does not preclude the Board from giving preliminary, non-binding notice to the parties prior to the issuance of the Board's written decision and order.

(c) Unless otherwise ordered by the Board, all decisions of the Board shall be effective as of the date of issuance of the written decision and order.

Section 21. **Record of Proceedings.**

(a) When the denial, nonrenewal, revocation, or suspension of any license or certificate, as well as any other sanction authorized by the Act, is the subject for hearing, it shall be regarded as a contested case and the proceedings, including all testimony, shall be recorded verbatim by a competent reporter or by electronic recording devices. If the written transcript is prepared at the request of a party, the cost of the transcript shall be paid by the party making the request, unless the Board for good cause shown waives assessment of such costs.

(b) The Board records in a contested case shall include the following:

(i) All pleadings, motions, interlocutory rulings;

(ii) Evidence received or considered;

(iii) Statement of matters officially noticed;

(iv) Objections and offers of proof and rulings thereon;

(v) Proposed findings and exceptions;

(vi) Decision, opinion, or report by the Board or presiding officer; and

(vii) All staff memoranda, other than privileged communications, of data submitted to the Board.

Section 22. **Appeals.**

(a) Appeals from decisions of the Board are governed by the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

(b) Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal. A party making an appeal shall reimburse the Board for the cost of any Hearing transcripts the Board has purchased.

Section 23. **Applicability of the Rules of Civil Procedure.** The Wyoming Rules of Civil Procedure, insofar as they may be applicable and not inconsistent with the laws of the state and these rules and regulations, shall apply to cases before the Board.

**CHAPTER 7**  
**Corner Perpetuation and Filing Act**

Section 1.       **Preparation and Filing of Corner Records.**

(a)       Corner Records required to be filed under this Chapter shall be prepared upon bond paper, in a form prescribed by the Board. This does not preclude the use of a word processor or computer generated form that is identical to the format prescribed by the Board. The Cross Index Plat may be used as designed by the Board to provide the alpha-numeric coordinate for each Corner Record. It is the responsibility of the licensee, not the client, to file the Corner Records as required.

(b)       Corner Records shall be filed for all corners of the Public Land Survey System actually established and monumented in an original or resurvey the U.S. General Land Office and/or Bureau of Land Management including township, section, one-quarter, one-sixteenth, one-sixty-fourth, one two-hundred and fifty-sixth, one thousand and twenty-fourth, angle point, mile post, meander, witness point, special meander, auxiliary meander, homestead entry survey, witness, mineral survey, tract (lot), closing, line tree, standard, or other corners which are established, perpetuated, or used as control in any survey by a licensee, unless the corner and its accessories are substantially as described in an existing Corner Record filed in accordance with the provisions of the Act. Corner Records may be prepared and filed for other non-public land survey monuments as desired by the licensee. Professional Land Surveyors shall file Corner Records for section one-quarter,  $\frac{1}{4}$ ; one-sixteenth,  $\frac{1}{16}$ ; one-sixty-fourth,  $\frac{1}{64}$ ; one two-hundred and fifty-sixth,  $\frac{1}{256}$ ; and one-thousand and twenty-fourth  $\frac{1}{1024}$ ; corners established by them and which were not established and monumented in an original government survey or resurveys.

(c)       All Corner Records shall be filed within ninety (90) days. The ninety (90) day time for filing shall begin on the date that the corner is recovered, established, reestablished, remonumented, restored, rehabilitated, perpetuated, or used as control in any survey.

(d)       Corner Records relating to corners of the Public Land Survey System shall include the following information:

(i)       Date of field work and the date of preparation of Corner Record;

(ii)       The original General Land Office (GLO) and/or Bureau of Land Management (BLM) field note record for any lost or obliterated corners of the Public Land Survey System reestablished;

(iii)       Description of the corner and accessory evidence found including, but not limited to, material, inscriptions, dimensions;

(iv)       Description; including material, inscriptions, dimensions, of the monument and accessories used to perpetuate and rehabilitate the original location of the corner. Where appropriate, the system of marking monuments shall follow the appropriate "Manual of Instructions for the Survey of Public Lands,";

(v)       Courses and distances to adjacent corners, if determined in the survey, may be depicted by a sketch or prose;

(vi) Distances and bearings to local accessories, if available, in sufficient detail to allow reestablishment of the corner monument if it is destroyed. If the monument is in a vulnerable location, reference monuments will be set and referenced by course and distance.

(vii) The form will be signed, sealed and dated;

(viii) Corner Records are to be filed for monuments searched for and not found;

(ix) The alpha-numeric coordinate for the cross index plat are to be marked in the cross index section of the form;

(x) A separate Corner Record shall be filed for each corner. A Corner Record shall be filed in each township or range for corners on common lines;

(xi) If the corner monument is determined to be "obliterated," the evidence used to reestablish the position is to be shown. If affidavits are used, a copy of the affidavit should be attached to the Corner Record or the reference to the recordation of said affidavits shall be indicated upon the Corner Record;

(xii) If the corner monument is determined to be "lost", the method, rationale and measurements used for reestablishing the monument shall be shown;

(xiii) If the state plane coordinates are shown, they must include the origin, horizontal datum, vertical datum, zone, scale factor, elevation and elevation factor in accordance with W.S. 34-25-101 through 34-25-107.

EFFECTIVE DATE: