



Certification Page Regular and Emergency Rules

Revised July 2019

☐ Emergency Rules (Complete Sections 1-3 and 5-6)

☒ Regular Rules

1. General Information

a. Agency/Board Name Engineer, State: Engineers and Land Surveyors, Professional Licensing		
b. Agency/Board Address 6920 Yellowtail Road Suite 100	c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Shannon Stanfill		f. Agency Liaison Telephone Number 307 777 6156
g. Agency Liaison Email Address shannon.stanfill@wyo.gov		h. Adoption Date January 13, 2020
i. Program Engineers and Land Surveyors, Professional Licensing		

2. Legislative Enactment For purposes of this Section 2, "new" only applies to regular (non-emergency) rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these non-emergency or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

☒ No. ☐ Yes. If the rules are new, please provide the Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):

3. Rule Type and Information For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.

Chapter Number: 1	Chapter Name: General Provisions	☐ New ☒ Amended ☐ Repealed
Chapter Number: 2	Chapter Name: Fees	☐ New ☒ Amended ☐ Repealed
Chapter Number: 3	Chapter Name: License and Application Requirements	☐ New ☒ Amended ☐ Repealed
Chapter Number: 4	Chapter Name: License Renewal and Continuing Professional Competency Requirements	☐ New ☒ Amended ☐ Repealed
Chapter Number: 5	Chapter Name: Practice of Professional Engineering and Professional Land Surveying	☐ New ☒ Amended ☐ Repealed
Chapter Number: 6	Chapter Name: Procedure for Application, Licensure and Disciplinary Matters	☐ New ☒ Amended ☐ Repealed
Chapter Number:	Chapter Name:	☐ New ☐ Amended ☐ Repealed
Chapter Number:	Chapter Name:	☐ New ☐ Amended ☐ Repealed
Chapter Number:	Chapter Name:	☐ New ☐ Amended ☐ Repealed
Chapter Number:	Chapter Name:	☐ New ☐ Amended ☐ Repealed

* If the name of a chapter of rules is changing, please only provide the NEW chapter name on this rules certification form.

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. ☐ No. ☒ Yes. ☐ N/A

b. A public hearing was held on the proposed rules. ☒ No. ☐ Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

5. Checklist

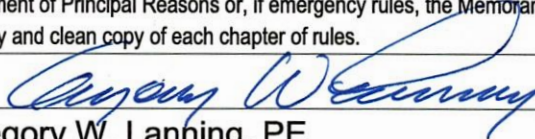
a. ☒ For regular rules, the Statement of Principal Reasons is attached to this Certification and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule

b. ☐ For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual



Printed Name of Signatory

Gregory W. Laning, PE

Signatory Title

State Engineer

Date of Signature

1.14.20

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

State Board of Professional Engineers and Professional Land Surveyors

SHELLEY R. MACY, PE, Cheyenne
Chairperson
ROBERT R. NORTON, PELS, Jackson
Vice-Chairperson

DR. STEVEN F. BARRETT, PE, Laramie
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SHANNON STANFILL, Executive Director

STATEMENT OF PRINCIPAL REASONS FOR FORMAL ADOPTION OF REGULAR RULES

September 2019

Pursuant to Wyoming Statute § 33-29-305(a), the Wyoming Board of Professional Engineers and Professional Land Surveyors (Board) is proposing to amend its rules and regulations. Most of the amendments include general housekeeping changes such as updating and consolidating various definitions, removing irrelevant fees, clarifying certain existing rule language, and correcting capitalization.

During this proposed rulemaking, the Board has elected to articulate procedural mechanisms and processes related to applications and discipline that are silent in the current rules. In regards to applications, the Board identifies the process that it will utilize when licensees fail to timely renew their licenses. Specifically, the Board delineates the process needed whereby a licensee can reactivate an expired license versus when a licensee will need to seek relicensure in accordance with the Professional Engineers and Surveyors Practice Act, Wyoming Statute § 33-29-501. Next, the Board articulates an application review process utilized by other licensing boards in an attempt to give notice to applicants about the review and investigation process while streamlining that process and articulating procedural due process safeguards such as requesting a hearing. Lastly, the Board identifies a process that allows licensees to formally seek modifications or removal of conditions or restrictions imposed upon their license. Overall, these application procedures provide notice of the structural mechanism for applicants and licensees to utilize when requesting licensure from the Board.

The Board proposes changes to continuing education to expand the activities available to meet the renewal requirement. Specifically, the Board proposes to adopt the NCEES Continuing Professional Competency (CPC) standard for meeting renewal competency to better align Wyoming with the national standard and promote license portability among different jurisdictions where licensees may practice. Additionally, the Board proposes to accept active participation in an accrediting organization as a professional evaluator. Next, the Board proposes to grant the benefit of carry over CPCs to new licensees by allowing them to carry over 15 CPCs during their first renewal period when CPCs are not required. Lastly, the Board has included an education competency check when a licensee reenters practice in Wyoming. Previously, licensees could step away from practice for a number of years and reenter practice by merely establishing that they were educated at one point in time. To protect the public, the Board will verify competency if a licensee has not maintained active practice through continuing education.

In regards to disciplinary matters, the Board utilized model language offered by the Attorney General's Office for discipline procedures that are utilized by other licensing boards in an attempt to streamline the process amongst board. In doing so, the Board proposes to include new procedures for:

- Voluntary Surrender,
- Summary Suspension,



- Filing a Petition (formal charging document to initiate a contested case proceeding), and
- Burden and Standard of Proof.

Currently, the Board allows licensees to voluntarily surrender their license, but there is no process identified. Similarly, under the Wyoming Administrative Procedure Act, Wyoming Statute § 16-3-113(c), the Board has authority to summarily suspend a license if the licensee presents a clear and imminent danger to public health, safety, and welfare; however, the Board does not have a process identified in rule. Currently, filing a Petition is inferred in the Board's rules, but not specifically stated. The section on burden and standard of proof greatly benefits applicants and licensees that may be unfamiliar with these legal standards.

Upon review of the takings checklist provided by the Attorney General's Office, the proposed rules will not result in a taking of private property or violation of due process.

The proposed changes are outlined below.

Chapter 1 – General Provisions

- Moved current definitions from Chapter 4 and 6 to Chapter 1 Section 2 so all definitions are located in one chapter.
- Added new definitions as needed to Section 2 to address undefined items.
- Sorted all Section 2 definitions alphabetically.

Chapter 2 – Fees

- Removed exam processing fees because the process to approve an exam has changed.
- Specified fee to restore a retired license because this fee was not clear.
- Updated payment of miscellaneous fees to remove redundant fees already covered with A&I Chapter 2: Uniform Procedures, Fees, Costs and Charges for Inspection, Copying and Producing Public.
- Separated approved payment methods to a new section to reflect overarching applicability.
- Moved definition of Renewal Periods to Chapter 1.

Chapter 3 – License and Application Requirements

- Specified Section 9(c) Wyoming Land Surveying state specific exam retake requirement.
- Capitalized defined terms: Applicant, Licensee

Chapter 4 – License Renewal and Continuing Professional Competency

Strike and Underline not possible due to pervasive changes

- Added the word "Requirements" at the end of Chapter title.
- Moved definitions to Chapter 1
- Updated and added language to address the spectrum of renewal situations
- Aligned CPC Content in Section 2 to updates in NCEES CPC Standard by adding "accrediting organizations" and adding a cap
- Reorganized for clarity
- Moved renewal related language from Chapter 6 to Chapter 4
- Added procedural language for Compliance and Audit Committee Review

Chapter 5 – Practice of Professional Engineering and Professional Land Surveying

- Added seal size specifications that were removed in December 2013 to ensure legibility on sealed documents.
- Capitalized defined terms: Applicant, Licensee
- Clarified Section 3 language regarding Engineering Surveys



Chapter 6 – Application Review, Complaints, and Hearing Procedures

Strike and Underline not possible due to pervasive changes

- Updated Chapter Title to “Procedure for Application, Licensure, and Disciplinary Matters
- Reorganized Sections 1 and 2 to cover Application Review, Investigation and Petitions related to modification or conditions or restrictions on a license
- Changed the term “Investigative Board Member” and “IBM” to “Investigation Committee” and “IC”
- Reorganized Sections 3 through 6 to cover Complaint Review, Investigation, Suspension, Formal Proceeding, and Petitions
- Reorganized Section 7 through 13 (Notice of Hearing, Lawful Service, Default, Contested Case Hearing, Burden and Standard of Proof, Board Decision and Order, Judicial Review) to clarify and apply to either application or complaint matters.

Board of Professional Engineers and Professional Land Surveyors

FORMAL Public Comments - Proposed Rules 2019

Public Comment period October 14, 2019 - December 17, 2019

Date Received	Commenter	Method received	Rule Reference
12/17/19	Scott Larson, PE	Email	Chapter 6 Old Section 8 New Section 3(a)
Comment Item 1 -Chapter 6, Section 8. Administrative Complaint in Discipline Matters - Additions It does appear that the new rules the Board is proposing will eliminate anonymous complaints from being accepted, which I concur. However, I also believe there are certain conditions that could justify the complainant's name(s) to remain confidential due to potential retaliation from the respondent. For example, if the complaint is against a supervisor/boss, the complainant could worry about being terminated for filing the complaint. Therefore, I would recommend the following be added to Chapter 6, Section 8: <u>A complaint must be signed and include the address of the complainant. However, if the complainant requests their name and address be confidential do to potential repercussions (for example, potentially being terminated from their position if the complaint is against their boss/supervisor), the complainant shall include a written request to keep their name and address confidential along with specific justification as to why it could be detrimental to have their name known by the respondent. Once a request for confidentiality has been submitted with a complaint, the IBM, Attorney. and Executive Director shall review the request to determine if the justification seems to warrant confidentiality or not. If it is determined it is warranted, the name and address of the complainant shall be redacted from the information supplied to the investigator(s) and the Board. The Executive Director shall notify the complainant that their contact information shall be confidential and, from that point on, there will be no further contact with the complainant by anyone associated with the Board.</u> <u>In the event the IBM, Attorney, and Executive Director determine there is not adequate justification to warrant the complainant's information to be confidential, the Executive Director shall contact the complainant to inform them that the Board cannot keep their information confidential and the complainant shall have the option of letting the complaint stand knowing their contact information will be released, or rescinding the complaint altogether which would result in no further action being taken.</u> <u>Any written complaint or information provided to the Board that is not either signed or signed with a statement and justification for keeping the complainant's information confidential shall be disregarded by the Board and no further action taken.</u>			
Board Response No change to the Proposed Rules based on this comment. As you noted, the Proposed Rules do not explicitly provide for anonymous complaints as they require that complaints be signed. Complaints are confidential during investigation of the complaint. W.S. § 33-29-308 (a)(v) provides that "The following records and papers of the board are confidential and are not public records: (iv) Files relating to complaints and investigations until a formal hearing is concluded or until final disciplinary action is taken if no hearing is commenced.			

This paragraph does not prevent use of the board files in a hearing.” While the complaint is confidential and not subject to public records requests during the complaint investigation, that does not mean they are not provided to the Respondent Licensee identified in the complaint. Ultimately, because any disciplinary matter which proceeds to hearing is a contested case, the Licensee is legally entitled to confront opposing witnesses for a full and true disclosure of the facts. Accordingly, the signed complaint will be provided to the Licensee. The Board will follow the Wyoming Administrative Procedure Act, W.S. § 16-3-107 through W.S. § 16-3-115, for all contested cases.

However, if Board staff becomes aware of facts that warrant an investigation through some means other than a signed complaint, the Proposed Rules allow the Board staff to initiate complaints. The Board intends to approve an internal policy which address the Board’s administrative handling of complaints, including Board staff becoming aware of any facts received by the Board anonymously.

Finally, the language you have proposed likely requires decisions which can be made by the Board only, not investigators, the Board attorney nor the Executive Director.

Date Received	Commenter	Method received	Rule Reference
12/17/19	Scott Larson, PE	Email	Chapter 6 Old Section 9 New Section 3(a)
Comment			
Item 2 - Chapter 6, Section 9. Review of Administrative Complaint- New item/Addition			
A new item and/or paragraph needs to be added to Section 9 to clarify the nature of the complaint being submitted. In other words, the Board, based on information provided by the complainant, should review the information received to determine which Rule and Regulations and/or Code of Ethics may have been violated. It should be the Board's responsibility to determine, after reviewing the information supplied by the complainant, if there are any potential Rules, Regulations, and/or Code of Ethics that appear to have been potentially violated and note exactly which ones those are to the respondent. If left to the respondent, they might believe it was a different Rule, Regulations and/or Code of Ethics that the complainant is referring to than what the IBM thinks, and they would be providing a defense based on the wrong one. The Board would not proceed with a formal complaint unless they believed, based on the information provided, that there is a potential for a rule, regulation or code of ethics that could have been violated. There is no logical or legal reason to hide what item they think was violated to justify proceeding with an investigation. Also, it should be determined by the IBM, Attorney and Executive Director if the information or complaint submitted to the Board warrants further investigation or if the information or complaint should be immediately rejected. In order for the information or complaint to be processed and an investigation started, the IBM, Attorney and Executive Director should have reviewed the information/complaint thoroughly enough and determined that there may be a violation that has occurred. If they make that determination, then they must know what the State Statute, Rule, Regulation or Code of Ethics that may be applicable. For example, if the Board receives a complaint from someone saying they had a Licensed Civil Engineer do work for them and they feel their billing rate is too high so they want to file a complaint; there is obviously no State Statute, Rule, Regulation, or Code of Ethics that deals with this so it would be terminated immediately without an investigation, etc. However, if someone files a complaint and says that an engineer prepared an engineering report and they didn't stamp/seal/sign it. Then the letter going out to the respondent would inform them that the potential applicable regulation that may have been violated is not stamping/signing reports prepared by an engineer. If a complaint is filed and the IBM, Attorney and/or Executive Director cannot make a determination of which State Statute, Code, Rule or Regulations potentially has been violated based on the information in the complaint, then the complaint should go no further. Only complaints that can be determined by the IBM. Attorney, and Executive Director that there is a State Statute, Code, Rule or Regulation that may have been violated or that are of an appropriate nature should proceed to an investigation.			

Below is potential wording I would recommend for adding to this Section of the regulations:

If a complaint is received or information is provided to the Board, the IBM, Attorney, and Executive Director shall review the complaint/information and if, in their opinion, it appears there MAY be a potential violation of State Statutes, Rules and Regulations, and/or Code of Ethics, they will initiate the investigative process. The letter sent to the complainant shall include which State Statutes, Rules and Regulations, and/or Code of Ethics MAY have been violated based on the information provided to the Board and may be applicable. The letter shall clearly inform the complainant that the information given may not be all inclusive and further items may be discovered during the investigation that the complainant may want and/or need to respond to.

Board Response

No change to the Proposed Rules based on this comment.

Proposed Rule Chapter 6 Section 3(a)(i) specifies that the Board provide a form for complaints. The Board has approved a Complaint Form which, in part, requires that the complainant provide a description of the alleged violation of statute or rules. Respondents will be given the complaint form as part of the complaint notification. Complaints which proceed to a contested case must comply with the Wyoming Administrative Procedure Act. W.S. § 16-3-107 (b)(iii) states, "The notice shall include a statement of: The particular sections of the statutes and rules involved," and "(iv) A short and plain statement of the matters asserted." Accordingly, existing law already requires identification and notice of the statute or rules alleged to have been violated.

Date Received	Commenter	Method received	Rule Reference
12/17/19	Scott Larson, PE	Email	Chapter 6 Old Section 9 New Section 3(a)
Comment Item 3 - Receiving and Decision Process for Complaints Clarification in Chapter 6 is needed regarding how decisions are made when between the period of receiving a complaint or information provided to the Board and initiating a complaint. I believe that the decision as to whether information provided to the Board shall proceed to the investigation phase or not processed at all should not lie with one Board member (i.e., the IBM), the attorney and/or the Executive Director. There needs to be a minimum of three licensed professionals deciding as to whether information received should be disregarded or processed as a complaint. Since the Attorneys believe more Board members cannot be involved with a potential complaint, then the Board should establish a small committee that assists the IBM with the decision as to if the information warrants further investigation or to be disregarded. The Board clearly has not been consistent with how they determine what warrants an investigation and what doesn't. I submitted facts and documented proof of violations to the Board, but the IBM determined all on their own to disregard the information and nothing was done. However, other Board members felt the information I submitted warranted an investigation and complaint. Conversely, when information was presented to the Board by other individuals that lacked proof and documented faces, the same IBM felt an investigation was warranted. This inconsistency must stop and needs to be resolved immediately by the Board and I strongly believe that having a small committee made up of several people be responsible for coming to a consensus regarding a potential complaint is much better than having one licensed Board member make that sole decision. Here is some potential wording to be added into the Rules and Regulations: <u>When information is submitted or presented to the Board, the IBM shall provide the information to a committee that consists of two licensed professional engineers and one licensed professional land surveyor. The IBM and committee will review the information to determine if the information provided warrants further investigation or if the information clearly does not warrant further consideration. If the IBM and committee, as a whole, believe the information does not warrant an investigation, the IBM shall issue a letter to the complainant, individual(s) or entity that submitted the information outlining the decision by the IBM and how that determination was made. If the IBM and committee, as a whole, believe the information submitted warrants further investigation. then the formal investigation phase will begin.</u>			
Board Response No change to the Proposed Rules based on this comment. The Proposed Rules provide for an Investigative Committee with regard to complaints, to be comprised of one or more Board members or the Executive Director. The Board intends to approve an internal policy which address the Board's administrative handling of complaints, including the designation of an Investigation Committee for complaints. More complex complaints may necessitate the designation of more than one Board member, while less complex complaints may not. Ultimately, the Investigative Committee cannot dismiss a complaint on its own, it can only recommend dismissal to the full Board. Only the Board itself can dismiss a complaint.			

Date Received	Commenter	Method received	Rule Reference
12/17/19	Scott Larson, PE	Email	Chapter 6 Old Section 9 New Section 3(a)
Comment Item 4 - Creating an Engineer and Surveyor Liaison/Advocate Committee I would strongly recommend that the Board seriously consider the idea of creating a committee that includes at a minimum one licensed engineer and one licensed surveyor to be a liaison or advocate for the engineering/surveying community. This would not need to be full time positions but would be similar to an Investigator. The purpose would be to have someone the engineers and surveyors could contact in a confidential manner to ask questions regarding the Rules and Regulations and Code of Ethics and obtain an interpretation of the Rules, Regulations, and/or Code of Ethics without having to file a complaint to get a proper interpretation. I think the Board should not only investigation and be in charge of "policing" our profession but should also assist the engineering/surveying community when there are or could be multiple interpretations of the Rules and Regulations. This committee would allow people to discuss situations and have the committee approach the Board, if needed, with the situation, removing all names, etc. in an attempt to keep them confidential and avoid conflicts of interest with the Board members, to determine what the current Boards' interpretation of the Rules and Regulations are for a particular situation. It should be a priority of the Board to help the engineering/surveying community with proper interpretations of the Rules and Regulations before it evolves into a situation where a complaint is the only way to get an answer and/or interpretation. That should always be the last resort. I do understand the potential issue of creating a conflict of interest by having engineers and surveyors going to the Board and/or Board members to get opinions, etc. on their interpretation of the rules and regulations. This seems like the best way to handle the situation and I would ask the Board to give this serious consideration. No one wants to file a complaint against someone just to find out if they are right or wrong about a situation that may not be extremely clear in the Rules and Regulations. It is the Board's duty and responsibility in my mind to properly and adequately address issues that are not clear in the Rules and Regulation. They should be so clear that it makes it extremely difficult to get two different (or more) interpretations. If there are items that can be interpreted differently by the engineering/surveying community, the Board members, the Attorney Generals, etc. then it is clear that item or issue needs to be properly/adequately addressed with changes to the Rules and Regulations. Since the Board is responsible for creating and maintaining the Rules and Regulations, if there are situations that are not covered under the Rules and Regulations, different ways of interpreting the current Rules and Regulations, errors in them, etc. it is the Board's obligation to provide proper, comprehensive and adequate Rules and Regulations and if they don't, then it is their obligation to provide proper guidance and response to issues associated with inadequate Rules and Regulations. Having this committee would be a way to do that without risking a conflict of interest for the Board members.			
Board Response No change to the Proposed Rules based on this comment. Inquires to the board will be acted upon based on its unique circumstances. It may be possible for the Board to provide the requested guidance depending on the inquiry. Generally however, the Board is created to regulate the practice of professional engineering and professional land surveying in order to safeguard life, health and property and to promote the public welfare. This regulatory function includes the power to investigate and evaluate possible violations of the Professional Engineers and Surveyors Practice Act as well as rules and regulations promulgated by the Board. As the enforcement agency, and recognizing that there are many considerations to each practice situation, the Board has determined that it will not respond to practice-based questions. Any question, while it may appear complete, could be missing key factual elements or the issues as described could be interpreted more than one way. The Board simply cannot accurately answer such questions			

without a full investigation, and risks prejudicing the rights of licensees should the question ever come before the Board for a formal determination.

Date Received	Commenter	Method received	Rule Reference
12/17/19	Scott Larson, PE	Email	Chapter 5
Comment Item 5 - Improvements to Chapter 5, Section I - Seals In the past couple of years, it has become abundantly clear that the Board needs to add more specific information in this section regarding when things need to be signed/sealed, under what conditions can changes to designs be made by other engineers before the first engineer's seal is no longer valid because of all the changes, under what conditions can an engineer request their seal be rescinded, when multiple engineers make design changes to a design completed by one party, who is responsible for maintaining proper ownership (i.e., professional responsibility and liability) of the designs when the changes impact other aspects of the design that aren't being addressed in the redesigns, etc. These issues are not adequately addressed in the current Rules and Regulations which could leave it open for unintentional misinterpretation. For example, if one engineer completes, signs and seals the designs for a roadway that includes a comprehensive storm sewer system and a second engineer makes modifications to the storm sewer system, the second engineer has the responsibility for assuming full professional liability and responsibility for the entire system because they have now made modifications that have direct and/or indirect impacts upstream and downstream in the system. The hydrologic and hydraulic characteristics have been modified and are not the exact same as with the original design. Therefore, the original engineer is free from professional liability and responsibility for the original design of the entire system and the second engineer needs to perform a completely new hydrologic and hydraulic analysis for the entire system and certify the new entire system. The second engineer cannot just take responsibility and liability for the pipe and inlet design changes they made because there are impacts to the entire system, not just the area they are changing. This can be true of a lot of designs. The impacts of a redesign may extend much further outside of the immediate area of the redesign. It is not up to the first engineer to maintain responsibility and liability for any and all impacts of a redesign. It is also not appropriate for the second engineer to refuse to take responsibility for the impacts their redesign has on areas outside of the redesign. So it needs to be made clear in the Rules and Regulations who needs to take professional responsibility and liability for issues like this. I have discussed this issue with a significantly large number of the engineering community statewide and every single one I have talked with believes that an engineer can rightfully rescind his signature/seal based on these types of events. However, when you look at the Rules and Regulations, it doesn't cover this situation. That is why I think it would be beneficial to clarify that this can be done and under what circumstances it can be done. I know our Rules and Regulations do not say that it can't be done so there is a legal standing that it can be done, but it would be much better to clarify it in the regulations. Here is some potential wording for adding to this section of the Rules and Regulations: <u>An engineer must take professional responsibility and liability for all work prepared by them or under their direct supervision. This includes not only engineering reports and designs done by them, but also in the event an engineer takes a design completed by others and modifies the designs, the engineer responsible for the modified design must take professional responsibility and liability for any and all direct and indirect impacts the modified design has on the original design. The engineer of the first design shall not be responsible for areas or items the second design impacts to the first design.</u> <u>For any designs that an engineer has completed, stamped/signed, if another engineer makes modifications to the design, it shall be the responsibility of the second engineer to fully understand, evaluate, and take full professional liability and responsibility for all impacts, direct or indirect, the modified design has to the original design. If the second engineer does not take full professional responsibility and liability for all the impacts and/or does not adequately address or acknowledge the impacts the new design has on the original design, the engineer of record (i.e., the original designer) can rescind their certification for the design and/or report(s) until such time the professional liability and responsibility for the indirect or direct impacts the new design are adequately addressed/acknowledged by the second engineer.</u>			

Engineers who have certified/signed/sealed designs, reports, documents, etc. can rescind their certification under the following minimum conditions:

1. If an engineer certifies a design, specification, report, or engineering document, etc. and changes have been made by another engineer and the other engineer has not certified and taken full professional responsibility and liability for all direct and indirect impacts the changes have to the original design, analyses, report, etc. until such time the second engineer takes full responsibility for not only their changes, but for any and all impacts their changes have to the original design.
2. If an engineer certifies a design, specification, report, engineering document, etc. and the Owner, other engineers, or others modify the design, specifications, material types, sizes, etc., the construction techniques called out, or other elements of the design or specifications without obtaining approval from the engineer of record and without taking complete professional responsibility and liability for the entire project.
3. If an engineer certifies a design, specification, report, or engineering document, etc. and any of those items are used by others (i.e., Owners, other engineers, etc.) to violate local, State, and/or Federal laws if the project were to proceed.

In the event an engineer needs to rescind their certification, they shall inform the individuals or entity the work was performed for and the State Board, in writing, as to the reasons for rescinding their certification.

Board Response

No change to the Proposed Rules based on this comment.

This substance of this comment appears to be outside the scope of rule changes contemplated in Chapter 5 of the Proposed Rules. However, the Board appreciates the comment and will take the comment into consideration when contemplating future rules 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. Wyoming Statutes~~ 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)~~ "A background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying;" 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.

(eb) "ABET" is a nationally recognized accreditation agency for engineering and surveying. Information about ABET can be found at www.abet.org.

~~(c) "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.~~

(fc) "ABET/EAC" means the Engineering Accreditation Commission of ABET. "ABET/ETAC" means the Engineering Technology Accreditation Commission of ABET. "ABET/ANSAC" means the Applied and Natural Science Accreditation Commission of ABET.

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

- (d) "ABET/ETAC" means the Engineering Technology Accreditation Commission of ABET.
- ~~_____ (e) "ABET" is a nationally recognized accreditation agency for engineering and surveying. Information can be found at www.abet.org.~~
- (e) "ABET/ANSAC" means the Applied and Natural Science Accreditation Commission of ABET.
- ~~_____ (f) "ABET/EAC" means the Engineering Accreditation Commission of ABET. "ABET/ETAC" means the Engineering Technology Accreditation Commission of ABET. "ABET/ANSAC" means the Applied and Natural Science Accreditation Commission of ABET.~~
- (df) "Applicant" means:
- (i) A person seeking licensure or certification, or registration;
- (ii) A business entity seeking registration or registration renewal; or
- (iii) A Licensee or former Licensee seeking licensure by renewal, relicensure, reactivation, restoration, or reinstatement.
- ~~_____ (g) "NCEES" means the National Council of Examiners for Engineering and Surveying. Information about NCEES can be found at www.ncees.org.~~
- (eg) "ARC" means Application Review Committee.
- ~~_____ (h) "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).~~
- (fh) "Audit Committee" means CPC Audit Committee.
- ~~_____ (i) "NSPE" means the National Society of Professional Engineers. Information about NSPE can be found at www.nspe.org.~~
- (gi) "CEU" means continuing education unit. A CEU is a unit of credit customarily used for continuing education courses. One CEU equals ten (10) contact hours of class in a continuing education course.
- ~~_____ (j) "NSPS" means the National Society of Professional Surveyors. Information about NSPS can be found at www.nsps.us.com.~~
- (hj) "College/Unit Semester/Quarter Hour" means credit for an ABET/EAC approved course or other related college course meeting the requirements of paragraph (i) of this section.
- ~~_____ (k) "Licensee" means a person who has been granted a license pursuant to the Act.~~
- (ik) "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.
- ~~_____ (l) "Intern" means a land surveyor intern or engineer intern, as applicable.~~
- (jl) "CPC" means a continuing professional competency unit. A CPC unit is a contact hour, defined as fifty minutes of instruction or presentation. A CPC is the common denominator for other units

of credit.

~~_____ (m) "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.~~

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

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

(ln) "Dual Licensee" means a person who is licensed as both a professional engineer and a professional land surveyor.

~~_____ (o) "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.~~

(mo) "Education Outreach" means any activity involving encouragement of K-12 or higher education students to enter the profession.

~~_____ (p) "Public works" means all fixed works constructed for public use, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds or assessment of property owners or rights users.~~

(ap) "Examinee" means an Applicant that is required to take an examination.

(eq) "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.

(pr) "IC" means Investigative Committee that is comprised of one or more Board members or the Executive Director.

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

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

(u) "License" means a license, certificate, or registration issued by the Board.

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

(g) “NCEES” means the National Council of Examiners for Engineering and Surveying. Information about NCEES can be found at www.ncees.org.

(h) “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).

(i) “NSPE” means the National Society of Professional Engineers. Information about NSPE can be found at www.nspe.org.

(j) “NSPS” means the National Society of Professional Surveyors. Information about NSPS can be found at www.nsps.us.com.

(k) “Public works” means all fixed works constructed for public use, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds or assessment of property owners or rights users.

_____ (l) “Renewal Period” means:

(i) December 31 of the year following the issuance of the initial License; or

(ii) A two (2) year period from January 1 of year 1 until December 31 of year two. (For example, Jan 1, 2019 through December 31, 2020). Licensees shall fulfill their CPC requirements during this time period in order to meet competency to renew a License.

(m) “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.

(n) “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.

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

Section 3. Regular Meeting. Regular meeting of the Board will be held at the Board office in Cheyenne on the second Monday of December at 8:30 a.m.

Section 4. Incorporation by Reference.

(a) For any rule or regulation incorporated by reference in these Board Rules:

(i) The Board has determined that incorporation of the full text in these Board Rules would be unduly cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section; and

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

(b) Each rule incorporated by reference is further identified as follows:

(i) Chapter 2-Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>. These rules are referred to herein as the Uniform Rules for Contested Case Practice and Procedure.

(ii) Chapter 2-Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

(c) The Board incorporates by reference the following codes, ~~and~~ creeds, and standards:

(i) The National Society of Professional Engineers Code of Ethics dated July 2007 Publication #1102 and found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

(ii) The National Society of Professional Surveyors "Surveyor's Creed and Canons" copyright 1996-2012 and found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

(iii) The National Council of Examiners for Engineering and Surveying "NCEES Continuing Professional Competency Standard" dated August 2018 and found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

(d) The Board incorporates by reference the "Manual of Surveying Instruction for the Public Lands of the United States," 2009 edition at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

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 one-time fee
- (e) Retired Restoration - \$90

~~(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~~

(ec) Returned check charge - \$25

Section 5. Late Fee. The fee for late payment of renewal fees is \$15 per month not to exceed \$500360.

~~**Section 6. 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.~~

Section 6. Acceptable Payments. Payment of fees must be in United States dollars, and may be by check, 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 by money order or certified check.

CHAPTER 3
License and Application Requirements

Section 1. Engineer Intern Certificate.

(a) Any “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; or

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

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

(b) Following graduation, official transcripts must be provided directly to the Board by the registrar from the ~~a~~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 scriver (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; or
- (XVI) records research.

(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; or
- (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; or
- (IV) construction staking and calculation.

(D) Boundary Law – a minimum of 6 semester credit hours that contain any of the following topics:

- (I) field search and identification;

- (II) real property law interpretation; or
- (III) document preparation
 - (1.) land descriptions;
 - (2.) maps and plats; or
 - (3.) report of survey.

(ii) Elective Subjects. A minimum of 7 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; or
 - (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; or
 - (V) precise control surveys.
- (D) Cartography; or
 - (I) map projections;
 - (II) property subdivisions;
 - (III) utility and transportation mapping; or
 - (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; or

(IV) real property law.

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

(i) An ~~U~~ndergraduate or graduate degree in a surveying or geomatics program that is accredited by ABET/EAC, ABET/ETAC or ABET/ANSAC;

(ii) An ~~U~~ndergraduate 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; or

(iii) An ~~U~~ndergraduate 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 combination of college level mathematics and basic sciences (with a laboratory component) appropriate to the discipline:

(I) Mathematics (8-10 semester credit hours) must include, ~~at~~
least:

(1.) college algebra;

(2.) college trigonometry; and

(3.) 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:

(1.) physics (preferred);

(2.) geology (preferred);

(3.) chemistry; or

(4.) biology.

(III) A general education component that complements the technical content of the curriculum:

(1.) English (6-8 semester credit hours), which can include:

- a. composition;
- b. literature;
- c. public speaking; or
- d. technical report writing.

(2.) Other (5-8 semester credit hours):

- a. social sciences (e.g. economics, history, political science, psychology, sociology, geography, etc);
- b. humanities (e.g. philosophy, religion, literature, etc.);
- c. visual and performing arts (e.g. music, art, theatre, etc); or
- d. business and management.

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

(i) An Associate degree in a surveying or geomatics program that is accredited by ABET/ETAC or ABET/ANSAC; or

(ii) An Associate 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 ~~a~~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 ~~a~~Applicants who have earned both an undergraduate and graduate degree in engineering as defined in Section 1 (a) of this Chapter.

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/EAC 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 ~~a~~Applicant completes his/her first degree (undergraduate or graduate) in engineering. No credit toward this experience requirement will be given for the ~~a~~Applicant’s graduate education.

(d) ~~The aApplicants with a doctoral degree from an institution that grants ABET/EAC accredited undergraduate or graduate degrees will be~~ may 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 ~~i~~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 ~~a~~Applicants who are applying based on the fifteen (15) years of experience criteria described in W.S. 33-29-406 (b).

(b) All comity applications must be accompanied by:

(i) An NCEES Record or all documents as required by the Board in the application; and

(ii) An executed release authorizing the Board to investigate the ~~a~~Applicant's education, experience credentials, and a background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying; and

(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 aApplicant may securely attach additional sheets to the form. In addition, all aApplicants shall:

(i) Arrange to have certified transcripts sent directly from NCEES or 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) licensed professionals to serve as references. If the aApplicant cannot supply such information, he/she must provide to the Board a written, sworn statement explaining why. The aApplicant shall then provide the names and addresses of three (3) references, unrelated to the aApplicant, 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 aApplicant's experience. The Board may require additional references;

(iv) Execute a release authorizing the Board to investigate the aApplicant's education, experience credentials, and a background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying; and

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

(vi) If an aApplicant 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 aApplicant shall provide experience verification in one of two methods:

(i) Mail experience verification forms to immediate supervisors from past and present employment or as provided in Section 7(a)(iii) of this chapter. The aApplicant shall mail any required additional reference forms. The aApplicant 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, or:

(ii) Submit NCEES Record Book.

(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 aApplicant is eligible in all other respects to be licensed in engineering or land surveying for which the aApplicant has applied, then the Board shall certify the aApplicant 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 aApplicant is not eligible in all respects for examination or licensure, it may perform further investigations. If, in the judgment of the Board, the aApplicant 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 aApplicant 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 ~~i~~Intern ~~a~~Applicants:
- (i) Applicants shall register directly with NCEES to take the FE or FS exam; and
 - (ii) Upon graduation with the education required by W.S. 33-29-402 and Sections 1 or 2, as appropriate, of this Chapter, ~~a~~Applicants shall:
 - (A) Complete the appropriate application for ~~i~~Intern certification with the Board;
 - (B) Have certified transcripts sent directly from NCEES or the registrar to the Board;
 - (C) Provide information to the Board that will allow it to determine if the ~~a~~Applicant has passed the FE or FS exam; and
 - (D) Execute a release authorizing the Board to investigate the ~~a~~Applicant's background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying.
- (b) If the application is complete and in the proper form, the Board is satisfied that all statements on the application are true, the ~~a~~Applicant is eligible in all other respects to be granted an ~~i~~Intern certificate in engineering or land surveying for which the ~~a~~Applicant has applied, then the Board shall certify the ~~a~~Applicant as an engineer or land surveyor ~~i~~Intern. If, for any reason, the Board is not satisfied that all of the statements on the application are true or that the ~~a~~Applicant is not eligible in all respects for ~~i~~Intern certification, it may perform further investigations. If, in the judgment of the Board, the ~~a~~Applicant has not furnished satisfactory evidence of qualifications for ~~i~~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) When an ~~a~~Applicant or Examinee has applied directly to NCEES to take an exam, the repeat policy for this exam shall be set by NCEES.
- (c) 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.
- (i) An ~~e~~Examinee may take the Wyoming Land Surveying 2-hour state specific exam no more than two times within a six month period and no more than three times in a one year period.

(ii) An Applicant for Professional Land Surveyor License that has held an expired Wyoming license for two (2) or more years shall retake the Wyoming Land Surveying state specific exam.

(iii) An eExaminee may take the ethics exam no more than two times within a three month period and no more than three times in a six month period.

(d) Examinees shall abide by the exam administrator's published examination policies and procedures. An eExaminee 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 eExaminee 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; or

(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 eExaminee 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 aApplicant 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 iIntern status must be forwarded directly from the authority which certified the original examination. An aApplicant must further comply with all the education and experience requirements set forth in this chapter.

Section 11. Engineering Branches Recognized.

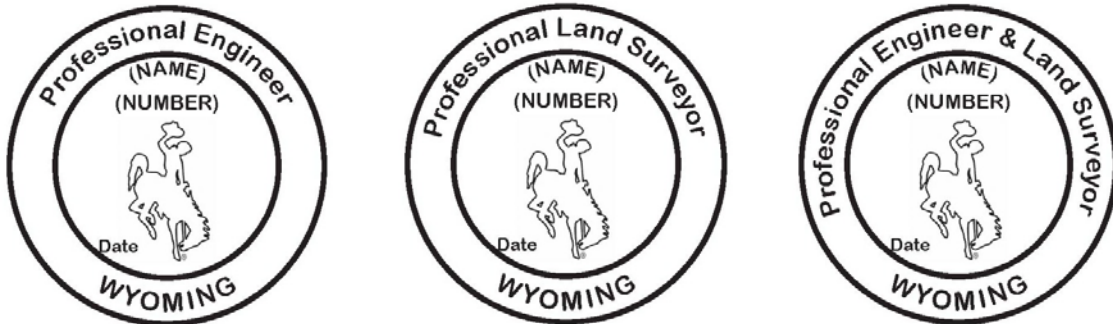
(a) The Board recognizes all branches of professional engineering for which exams are offered by NCEES.

(b) The lLicensee 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~~ submitted by an Applicant and to be 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 ~~a~~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 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 with the diameter of the outer circle being 1-3/4 inches and the diameter of the inner circle being 1-1/4 inches. 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.

(d) 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.

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

(i) Unique to the Licensee using it;

- (ii) Capable of verification; and
- (iii) Under the sole responsibility and control of the Licensee affixing it; and

(iv) Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed. A digital signature that uses a process approved by the board will be presumed to meet the criteria set forth in subsections (c)(i) through (iii). Any hard copy printed from the transmitted electronic file shall bear the facsimile of the signature and seal and be a confirmation that the electronic file was not altered after the initial digital signing of the file. Any alterations to the file shall cause the facsimile of the signature to be voided.

(f) 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 the date of signature.

(g) 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.

(h) 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, setting, resetting or replacing of points to guide the location of new construction, and the preparation and perpetuation of field note records and maps depicting these features; Engineering surveys ~~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 54(b) of this Chapter, and documented in accordance with Chapter 87 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 shall follow the "Manual of Surveying Instruction For the Survey of the Public Lands of the United States," 2009 edition, 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 7 of these rules and/or record a public document detailing the circumstance.

Section 5. Practice through 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 on 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.

(c) Failure of a business entity to be currently registered with the Board as required may result in disciplinary actions against any of the following: the business entity, ~~and/or~~ the Licensee in charge of the professional activities of the business in the State, ~~and/or~~ any individual professional engineer or professional land surveyor who acts on behalf of the business entity in the State.

Section 6. Exemptions and limitations; Clarifications.

(a) ~~Section W.S. 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.

Section 7. Rules of Professional Conduct.

(a) All Licensees and Interns shall comply with the following standards, and failure to do so may result in discipline: ~~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 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;

(ix) 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;

(x) ~~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;

(xi) ~~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;

(xii) 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;

(xiii) 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;

(xiv) 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;

(xv) 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;

(xvi) 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.

(b) 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.

~~(b)~~ The Board has adopted and incorporated herein the National Society of Professional Engineers (NSPE) "Code of Ethics for Engineers" dated July 2007 and the National Society of Professional Surveyors (NSPS) "Surveyor's Creed and Cannons" copyright 1996-2012. All licensed professional engineers, engineer ~~i~~nterns, professional land surveyors, and surveyor ~~i~~ntern shall comply with the applicable code adopted by the Board.

CHAPTER 1 General Provisions

Section 1. Authority. The Wyoming Board of Professional Engineers and Professional Land Surveyors, hereinafter called the “Board” is created by Wyoming Statutes 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) “A background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying;” 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) “ABET” is a nationally recognized accreditation agency for engineering and surveying. Information about ABET can be found at www.abet.org.

(c) “ABET/EAC” means the Engineering Accreditation Commission of ABET.

(d) “ABET/ETAC” means the Engineering Technology Accreditation Commission of ABET.

(e) “ABET/ANSAC” means the Applied and Natural Science Accreditation Commission of ABET.

(f) “Applicant” means:

(i) A person seeking licensure or certification;

(ii) A business entity seeking registration or registration renewal; or

(iii) A Licensee or former Licensee seeking licensure by renewal, relicensure, reactivation, restoration, or reinstatement.

- (g) "ARC" means Application Review Committee.
- (h) "Audit Committee" means CPC Audit Committee.
- (i) "CEU" means continuing education unit. A CEU is a unit of credit customarily used for continuing education courses. One CEU equals ten (10) contact hours of class in a continuing education course.
- (j) "College/Unit Semester/Quarter Hour" means credit for an ABET/EAC approved course or other related college course meeting the requirements of paragraph (i) of this section.
- (k) "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.
- (l) "CPC" means a continuing professional competency unit. A CPC unit is a contact hour, defined as fifty minutes of instruction or presentation. A CPC is the common denominator for other units of credit.
- (m) "Direct supervision" means direct control and personal supervision of engineering work or land surveying work.
- (n) "Dual Licensee" means a person who is licensed as both a professional engineer and a professional land surveyor.
- (o) "Education Outreach" means any activity involving encouragement of K-12 or higher education students to enter the profession.
- (p) "Examinee" means an Applicant that is required to take an examination.
- (q) "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.
- (r) "IC" means Investigative Committee that is comprised of one or more Board members or the Executive Director.
- (s) "Incompetence" means to lack the ability, professional qualifications, experience, education, or combination thereof to undertake a professional engagement or assignment.
- (t) "Intern" means a land surveyor intern or engineer intern, as applicable.
- (u) "License" means a license, certificate, or registration issued by the Board.
- (v) "Licensee" means a person who has been granted a License pursuant to the Act.
- (w) "NCEES" means the National Council of Examiners for Engineering and Surveying. Information about NCEES can be found at www.ncees.org.
- (x) "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).

(y) "NSPE" means the National Society of Professional Engineers. Information about NSPE can be found at www.nspe.org.

(z) "NSPS" means the National Society of Professional Surveyors. Information about NSPS can be found at www.nsps.us.com.

(aa) "Public works" means all fixed works constructed for public use, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds or assessment of property owners or rights users.

(bb) "Renewal Period" means:

(i) December 31 of the year following the issuance of the initial License; or

(ii) A two (2) year period from January 1 of year 1 until December 31 of year two. (For example, Jan 1, 2019 through December 31, 2020). Licensees shall fulfill their CPC requirements during this time period in order to renew a License.

(cc) "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 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.

(dd) "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.

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

Section 3. Regular Meeting. Regular meeting of the Board will be held at the Board office in Cheyenne on the second Monday of December at 8:30 a.m.

Section 4. Incorporation by Reference.

(a) For any rule or regulation incorporated by reference in these Board Rules:

(i) The Board has determined that incorporation of the full text in these Board Rules would be unduly cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section; and

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

(b) Each rule incorporated by reference is further identified as follows:

(i) Chapter 2-Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>. These rules are referred to herein as the Uniform Rules for Contested Case Practice and Procedure.

(ii) Chapter 2-Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records, adopted by the Department of Administration and Information and effective on September 6, 2016, found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

(c) The Board incorporates by reference the following codes, creeds, and standards:

(i) The National Society of Professional Engineers Code of Ethics dated July 2007 Publication #1102 and found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

(ii) The National Society of Professional Surveyors "Surveyor's Creed and Canons" copyright 1996-2012 and found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

(iii) The National Council of Examiners for Engineering and Surveying "NCEES Continuing Professional Competency Standard" dated August 2018 and found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

(d) The Board incorporates by reference the "Manual of Surveying Instruction for the Public Lands of the United States," 2009 edition at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.

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 Fees.

- (a) Wyoming Examination or Reexamination Fees
 - (i) Wyoming Land Surveying State Specific - \$100
 - (ii) Wyoming Land Surveying Take-Home - \$100

Section 3. Renewal Fees.

- (a) Individual biennial - \$90
- (b) Business Entity biennial - \$90
- (c) Inactive - \$90
- (d) Retired - \$25 one-time fee
- (e) Retired Restoration - \$90

(f) 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.

- (a) Combined alphabetical/numerical roster of licensees - \$50
- (b) Address Labels - \$100
- (c) Returned check charge - \$25

Section 5. Late Fee. The fee for late payment of renewal fees is \$15 per month not to exceed \$360.

Section 6. Acceptable Payments. Payment of fees must be in United States dollars, and may be by check, 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 by money order or certified check.

CHAPTER 3

License and Application Requirements

Section 1. Engineer Intern Certificate.

(a) Any “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; or

(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; or
- (XVI) records research.

(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; or
- (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; or
- (IV) construction staking and calculation.

(D) Boundary Law – a minimum of 6 semester credit hours that contain any of the following topics:

- (I) field search and identification;

- (II) real property law interpretation; or
- (III) document preparation
 - (1.) land descriptions;
 - (2.) maps and plats; or
 - (3.) report of survey.

(ii) Elective Subjects. A minimum of 7 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; or
 - (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; or
 - (V) precise control surveys.
- (D) Cartography; or
 - (I) map projections;
 - (II) property subdivisions;
 - (III) utility and transportation mapping; or
 - (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; or
- (IV) real property law.

(b) Any “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/ANSAC;

(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; or

(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 combination of college level mathematics and basic sciences (with a laboratory component) appropriate to the discipline:

(I) Mathematics (8-10 semester credit hours) must include:

- (1.) college algebra;
- (2.) college trigonometry; and
- (3.) 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:

- (1.) physics (preferred);
- (2.) geology (preferred);
- (3.) chemistry; or
- (4.) biology.

(III) A general education component that complements the technical content of the curriculum:

- (1.) English (6-8 semester credit hours), which can include:

- a. composition;
- b. literature;
- c. public speaking; or
- d. technical report writing.

(2.) Other (5-8 semester credit hours):

- a. social sciences (e.g. economics, history, political science, psychology, sociology, geography, etc);
- b. humanities (e.g. philosophy, religion, literature, etc.;
- c. visual and performing arts (e.g. music, art, theatre, etc); or
- d. business and management.

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

- (i) An Associate degree in a surveying or geomatics program that is accredited by ABET/ETAC or ABET/ANSAC; or
- (ii) An Associate 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.

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/EAC 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) Applicants with a doctoral degree from an institution that grants ABET/EAC accredited undergraduate or graduate degrees may 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 W.S. 33-29-406 (b).

(b) All comity applications must be accompanied by:

(i) An NCEES Record or all documents as required by the Board in the application;

(ii) An executed release authorizing the Board to investigate the Applicant's education, experience credentials, and a background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying; and

(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 NCEES or 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) 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 a background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying; 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 provide experience verification in one of two methods:

(i) 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, or:

(ii) Submit NCEES Record Book.

(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; and
 - (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 certification with the Board;
 - (B) Have certified transcripts sent directly from NCEES or 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 background that does not evidence conduct adverse to the practice of engineering or land surveying or to the ability to practice engineering or land surveying.
- (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) When an Applicant or Examinee has applied directly to NCEES to take an exam, the repeat policy for this exam shall be set by NCEES.
- (c) 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.
- (i) An Examinee may take the Wyoming Land Surveying 2-hour state specific exam no more than two times within a six month period and no more than three times in a one year period.

(ii) An Applicant for Professional Land Surveyor License that has held an expired Wyoming license for two (2) or more years shall retake the Wyoming Land Surveying state specific exam.

(iii) An Examinee may take the ethics exam no more than two times within a three month period and no more than three times in a six month period.

(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; or

(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 submitted by an Applicant to be 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 Requirements

Section 1. Renewal of License.

- (a) Licensees shall renew their license by December 31 of the expiration year.
- (b) Renewal Procedure. An Applicant seeking renewal shall submit:
 - (i) A completed renewal application;
 - (ii) payment of fee; and
 - (iii) Verification of completion of thirty (30) CPC that comply with Section 2 of this Chapter.

Section 2. Continuing Education Requirements.

- (a) Initial Renewal. After issuance of an initial license, Licensees shall renew their license by December 31 of the following year. Applicants submitting an initial renewal shall be exempt from the CPC requirement.
- (b) CPC Requirements. An Applicant shall complete a minimum thirty (30) CPCs to renew a license.
- (c) CPC Carry Over. A maximum of fifteen (15) CPCs may be carried forward into the subsequent renewal period. Initial Licensees may also submit CPC Carry Over. CPC Carry Over for Dual Licensees will be split equally unless otherwise requested by the Licensee.
- (d) Dual Licensees. The number of CPCs required for Dual License Applicants shall be a minimum of ten (10) CPCs in each discipline with a minimum combined total of thirty (30) CPCs required.
- (e) NCEES Continuing Professional Competency (CPC) Standard. Applicants may meet their renewal requirement by submitting CPCs that comply with the NCEES CPC Standard for the current and previous calendar year. The NCEES CPC Standard can be found at <https://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>.
- (f) CPC Content. CPCs may be earned as follows:
 - (i) Successful completion of college courses;
 - (ii) Successful completion of continuing education courses;
 - (iii) Successful completion of correspondence, televised, videotaped, audio taped, and other short courses/tutorials;

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

(v) Teaching or instructing in subparagraphs (i) through (iv) of this subsection (credit does not apply to full-time faculty);

(vi) Authoring published papers, articles, monographs, or books;

(vii) Active participation in professional or technical societies or in accrediting organizations;

(viii) Patents;

(ix) Educational outreach; or

(x) Self-directed study/research.

(g) CPC Conversion. The conversion of other units or credits to CPCs is as follows:

(i)	1 college or unit semester hour	45 CPCs
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(ii)	1 college or unit quarter hour	30 CPCs
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(iii)	1 continuing education unit	10 CPCs
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(h) The Board will grant annual credits as follows:

(i)	1 contact hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conference.	1 CPC
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(ii) For teaching (see Section 2(f)(v) above) apply multiplier of two (2) (Note that teaching credit is only valid for teaching a course or seminar the first time).

(iii)	Each published paper, article, monograph, or book	10 CPCs
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(iv)	Active participation in professional and technical society (each organization)	2 CPCs/year
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(v)	Education Outreach	2 CPCs/year
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(vi)	Each patent	10 CPCs
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(vii)	Self-directed study/research	2 CPCs/renewal period
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(i) Determination of Credit.

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

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

(iii) Credit for active participation in professional and technical societies shall be limited to two (2) CPCs per organization. Credit shall be limited to serving as an officer, board member, and/or actively participating in at least one (1) committee, coalition, or trust of the organization. CPCs 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.

(iv) Credit for active participation in accrediting organizations is based on completing the roles of professional evaluator (PEV) or team chair in one or more program visits during the renewal period and shall be limited to ten (10) CPCs per accreditation visit.

(j) Record Keeping. Applicants shall be responsible for maintaining records used to support continuing education claimed on an application. Records shall be maintained for a period of three (3) years. Copies will be requested by the Board if Applicants are selected for audit. Records shall 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 CPCs earned; and

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

(k) Compliance and Audit Committee Review.

(i) Every application is subject to audit verification for CPCs.

(ii) Board staff shall notify Applicants if their application has been selected for audit. Applicants shall submit CPC documentation.

(iii) The Audit Committee shall review Applicants' submitted documentation for CPC compliance.

(iv) The Audit Committee shall send a Notice of Deficiency to an Applicant if:

(A) An Applicant is unable to provide satisfactory documentary evidence of compliance with this section; or

(B) Audit Committee does not approve CPCs claimed by the Applicant.

(v) Within sixty (60) days from the date of the Notice of Deficiency, the Applicant shall submit:

- (A) Satisfactory documentary evidence of CPCs to correct the deficiency; or
- (B) A written request for the Board to review the Audit Committee's denial of claimed CPCs.

(vi) If the Applicant does not provide satisfactory documentary evidence or request Board review, the application shall be denied.

(vii) CPCs earned and submitted in response to the Notice of Deficiency shall not be used to demonstrate competency in the next renewal.

(I) Exemptions. Applicants may be exempt from the CPC requirements for one of the following reasons:

(i) A new Licensee shall be exempt from the CPC requirements until after the first renewal period. During the first renewal period, a Licensee may carry over a maximum of fifteen (15) CPCs.

(ii) Exemptions for Applicants who perform services in the uniformed services shall be governed by W.S. 19-11-118 and 119.

(iii) Applicants experiencing physical disability, illness, or other extenuating circumstances may petition for an exemption.

Section 3. Retired Status

(a) Eligibility. An Applicant may seek retired status if the Applicant is no longer receiving any remuneration from providing professional engineering or professional land surveying services.

(b) Application Procedure. An Applicant seeking retired status shall submit a request on specified forms and pay the fee.

(c) CPC Exemption. While a License is retired, the Licensee shall be exempt from the CPC requirement for renewal of the license.

(d) Restoration of Active Status. If a retired Licensee elects to return to active practice, the Applicant shall seek relicensure under Section 4(a)(i) of this Chapter if Applicant has an active license in another jurisdiction or under Section 7 of this Chapter in all other cases.

Section 4. Comity/Out-of-Jurisdiction Resident Renewal and Satisfaction of CPC Requirements.

(a) An Applicant who is a resident of a jurisdiction other than Wyoming shall satisfy one of the following:

(i) CPC requirements of that jurisdiction. The requirements for Wyoming are satisfied when a nonresident Applicant provides evidence of having satisfied the requirements of Applicant's resident jurisdiction; or

(ii) CPC Requirements from Section 2 of this Chapter.

(b) If an Applicant resides in a jurisdiction that has no CPC requirements, the Applicant shall satisfy the CPC requirements from Section 2 of this Chapter.

Section 5. Failure to Timely Renew.

(a) Expiration Date. All Licenses shall expire on December 31 of the renewal period.

(b) Unless an Applicant renews the Applicant's License on or before the expiration date, the License shall expire and the Applicant shall not practice.

(c) Following failure to timely renew a license, an Applicant may seek reactivation of the expired License during the subsequent renewal period of two (2) years.

(d) If the Applicant fails to seek reactivation of the expired License during the subsequent renewal period, the Applicant shall seek relicensure for a new license number.

Section 6. Reactivation.

(a) Eligibility. An Applicant may seek reactivation if the Applicant has failed to timely renew their Wyoming license during the renewal period.

(b) Application Requirements. An Applicant shall submit:

(i) A completed reactivation application;

(ii) Payment of fees (including late fee); and

(iii) Evidence of completion of thirty (30) CPCs that comply with Section 2 of this Chapter.

Section 7. Relicensure.

(a) Eligibility. An Applicant may seek relicensure if the Applicant has failed to timely renew the Applicant's Wyoming license for more than two (2) years or is seeking restoration from a retired status.

(b) Application Requirements. An Applicant shall submit:

(i) Completed relicensure application and payment of fees from Chapter 2 Section 1; and

(ii) Evidence of completion of fifteen (15) CPCs that comply with Section 2 of this Chapter for each year since the Applicant's last renewal or that satisfies Section 4 of this Chapter.

Section 8. Reinstatement. An Applicant whose license was revoked, surrendered, suspended, conditioned, or restricted may apply for reinstatement and shall submit:

- (a) A completed reinstatement application;
- (b) Payment of fees;
- (c) Evidence of completion of fifteen (15) CPCs that comply with Section 2 of this Chapter for each year since the Applicant's last renewal, if applicable; and
- (d) Evidence demonstrating the Applicant has met the requirements of the previous Board's order or correcting the conduct underlying the Board's order that demonstrates the Applicant's ability to safely, skillfully, and competently practice.

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 with the diameter of the outer circle being 1-3/4 inches and the diameter of the inner circle being 1-1/4 inches. 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.

(d) 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.

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

(i) Unique to the Licensee using it;

(ii) Capable of verification; and

(iii) Under the sole responsibility and control of the Licensee affixing it; and

(iv) Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed. A digital signature that uses a process approved by the board will be presumed to meet the criteria set forth in subsections (c)(i) through (iii). Any hard copy printed from the transmitted electronic file shall bear the facsimile of the signature and seal and be a confirmation that the electronic file was not altered after the initial digital signing of the file. Any alterations to the file shall cause the facsimile of the signature to be voided.

(f) 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 the date of signature.

(g) 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.

(h) 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, setting, resetting or replacing of points to guide the location of new construction, and the preparation and perpetuation of field note records and maps depicting these features. Engineering surveys do not include the establishment or determination of easement or property boundary lines.

(b) 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 4(b) of this Chapter, and documented in accordance with Chapter 7 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 shall follow the "Manual of Surveying Instruction For the Survey of the Public Lands of the United States," 2009 edition, 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 7 of these rules and/or record a public document detailing the circumstance.

Section 5. Practice through 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 on 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.

(c) Failure of a business entity to be currently registered with the Board as required may result in disciplinary actions against any of the following: the business entity, the Licensee in charge of

the professional activities of the business in the State, any individual professional engineer or professional land surveyor who acts on behalf of the business entity in the State.

Section 6. Exemptions and limitations; Clarifications.

(a) W.S. 33-29-604 (a)-(i) does not exempt 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.

Section 7. Rules of Professional Conduct.

(a) All Licensees and Interns shall comply with the following standards, and failure to do so may result in discipline:

(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 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;

(ix) 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;

(x) 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;

(xi) 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;

(xii) 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;

(xiii) 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;

(xiv) 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;

(xv) 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;

(xvi) 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.

(b) 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.

(c) The Board has adopted and incorporated herein the National Society of Professional Engineers (NSPE) "Code of Ethics for Engineers" dated July 2007 and the National Society of Professional Surveyors (NSPS) "Surveyor's Creed and Cannons" copyright 1996-2012. All licensed professional engineers, engineer Interns, professional land surveyors, and surveyor Intern shall comply with the applicable code adopted by the Board.

CHAPTER 6
Procedure for Application, Licensure and Disciplinary Matters

Section 1. Application Review and Investigation Process.

(a) Incomplete Applications.

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

(A) Failure by the Applicant to complete or provide any information requested on the application form;

(B) Failure by the Applicant to demonstrate lawful presence in accordance with law;

(C) 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; or

(D) Failure by the Applicant to provide application fees.

(ii) An incomplete application will not be reviewed by an ARC until the Applicant submits all required information and documentation.

(iii) Incomplete applications shall be dismissed after six (6) months unless tabled.

(b) Application Review and Investigation. In application matters:

(i) Every Applicant bears the burden of satisfying license requirements;

(ii) Every application for a license issued by the Board is subject to investigation to determine whether the requirements set forth in the Act and Board Rules are satisfied; and

(iii) The ARC may meet informally with the Applicant.

(c) ARC Action. The ARC may recommend:

(i) An application be tabled until deficiencies are resolved;

(ii) A license be issued, renewed, reactivated, or reinstated;

(iii) A license be issued, renewed, reactivated, or reinstated subject to conditions, restrictions, or other disciplinary action;

(iv) Approval of a settlement agreement, which may include the issuance, renewal, reactivation, or reinstatement of a license with the imposition of a reprimand, conditions, restrictions, suspension, other discipline or a combination thereof; or

(v) Denial of the application.

(d) Notice of Intent to Recommend Issuance of License Subject to Conditions, Restrictions, Other Disciplinary Action or Denial of an Application.

(i) The ARC shall notify the Applicant of its intent to recommend:

(A) Issuance of the license subject to conditions, restriction, or other disciplinary action; or

(B) Denial of the application.

(ii) The Notice of Intent shall contain:

(A) A brief description of the facts or conduct which warrant denial or issuance of a license subject to conditions, restrictions, or other disciplinary action;

(B) A statement of the nature of the actions which warrant denial or issuance of a license subject to conditions, restrictions, or other disciplinary action and a citation to the applicable statutory provisions in the Act and/or the Board rules; and

(C) Notice of the right to a hearing if a written request is received by the Board office within thirty (30) days of the date of mailing the Notice of Intent.

(e) Applicant's Request for Hearing.

(i) The Applicant may request a hearing if the ARC recommends:

(A) Approval of the license subject to conditions, restrictions, or other disciplinary action; or

(B) Denial of the application.

(ii) The Applicant shall submit a written request for hearing to the Board office within thirty (30) days of the date of the Notice of Intent.

(iii) Failure of the Applicant to request a hearing or pursue proceedings related to the application after requesting a hearing may result in denial of Applicant's application.

Section 2. Petition for Modification of Conditions or Restrictions.

(a) Petition for Modification of Conditions or Restrictions.

(i) Licensees may petition the Board for modification of the conditions or restrictions imposed upon their license. A Licensee shall submit a petition for modification to the Board office in writing, which shall include documentation demonstrating compliance with the Board order and the modification is sufficient to ensure the public is adequately protected.

(ii) A petition for modification shall be reviewed by the IC.

(b) Investigative Committee Action.

(i) If the IC agrees with the requested modification, the parties may file a stipulated motion with the Board.

(ii) If the IC does not agree with the requested modification, the IC shall notify the Licensee of its intent to recommend denial of the petition.

(c) Board Consideration. The Board may accept or reject the petition for modification and shall consider the petition and the IC's recommendation or stipulated motion.

Section 3. Complaint Review and Investigation Process.

(a) Complaint Review and Investigation.

(i) Complaints shall be in writing, signed, and submitted to the Board on the form provided by the Board. Board staff may initiate complaints.

(ii) Complaints shall be investigated by one or more of the following: IC, Board staff, and/or investigators.

(iii) IC may meet informally with the Licensee.

(b) Voluntary Surrender. Licensees may petition the Board, in writing, to voluntarily surrender their license. The Board shall hold an expedited meeting at its earliest convenience to consider the petition. The Board may accept or reject the petition for voluntary surrender and may consider whether the Licensee is under investigation.

(c) Investigative Committee Action. The IC may recommend:

(i) Dismissal of the complaint;

(ii) Issuance of informal advisory and dismissal of the complaint;

(iii) Issuance of a formal notice of warning;

(iv) Approval of a settlement agreement, which may include a reprimand, conditions, restrictions, non-renewal, suspension, voluntary surrender, other discipline or a combination thereof;

(v) Disciplinary action which may include a reprimand, conditions, restrictions, non-renewal, suspension, revocation, other discipline or a combination thereof; and/or

(vi) Summary suspension.

Section 4. Summary Suspension.

(a) Recommendation. If the IC recommends summary suspension, the Board shall conduct an expedited meeting to determine whether the Licensee's continued practice presents a clear and imminent danger to public health, safety or welfare.

(b) Notice of Intent to Recommend Summary Suspension.

(i) The IC shall notify the Licensee of its intent to recommend summary suspension.

(ii) The Notice of Intent shall contain:

(A) Copy of the complaint;

(B) Notice that an expedited summary suspension meeting shall be set at the earliest opportunity a quorum of Board members may be assembled; and

(C) Statement that failure to appear at the meeting may result in default.

(c) Notice of Expedited Meeting. Board staff shall notify the Licensee in writing of the date and time of the expedited summary suspension meeting.

Section 5. Formal Proceedings for Disciplinary Action.

(a) Notice of Intent of Recommended Disciplinary Action.

(i) The IC shall notify the Licensee of its intent to recommend disciplinary action.

(ii) The Notice of Intent shall:

(A) Include a brief description of the facts or conduct which warrant the intended action; and

(B) Provide the Licensee an opportunity to show compliance or respond to allegations for disciplinary action within fifteen (15) days of the date of the mailing.

(b) Informal Conference. The Licensee may request an informal conference with the IC to provide any additional information or to resolve a complaint without a hearing.

Section 6. Petition. The IC shall initiate formal proceedings for disciplinary action by serving a Petition to the last known address of the Licensee by regular mail.

Section 7. Notice of Hearing.

(a) Timing. Board staff shall serve a Notice of Hearing upon the Applicant or Licensee at least (30) days prior to the hearing.

(b) Hearing. Upon receipt of a written request for hearing from an Applicant or commencement of formal proceedings for disciplinary action against a Licensee, the Board shall conduct a hearing. Board staff shall serve a Notice of Hearing on the Applicant or Licensee.

(c) Notice of Hearing. The Notice of Hearing shall contain:

(i) The name and last known address of the Applicant or Licensee;

(ii) A brief statement of the matters asserted:

(A) In application matters, the recommendation to deny the application, the facts upon which the recommendation to deny is based, the statutory provisions and/or the Board Rules the Applicant is alleged to have violated; or

(B) In discipline matters, the nature of the Petition, the facts upon which the Petition is based, the statutory provisions and/or the Board Rules the Licensee is alleged to have violated;

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

(iv) The legal authority and jurisdiction; and

(v) A statement indicating:

(A) The Applicant's failure to appear at a noticed hearing or pursue proceedings may result in a dismissal; or

(B) The Licensee's failure to answer the allegations contained in the Petition within twenty (20) days of the date of mailing and failure to appear at a noticed hearing may result in a default judgment.

Section 8. Lawful Service. There shall be a presumption of lawful service of a Notice of Intent, Petition, Notice of Hearing, or any other communication required by these Board rules if sent by regular mail to the last known address of the Applicant or Licensee.

Section 9. Default. The Board may enter an order of default judgement based on the allegations contained in the Petition in any case where the Licensee or the Licensee's representative has not answered the allegations contained in the Petition and has not appeared at a noticed hearing.

Section 10. Contested Case Hearing. The hearing officer shall preside over the contested case hearing which shall be conducted pursuant to the Wyoming Administrative Procedures Act and the Office of Administrative Hearings rules concerning contested case proceedings incorporated by reference in Chapter 1.

Section 11. Burden and Standard of Proof.

(a) Application Matters. Applicants shall bear the burden to prove by a preponderance of evidence that they meet the qualifications for licensure. The burden shall shift to the ARC or IC to prove by clear and convincing evidence that Applicants should be denied an unrestricted license. Applicants shall bear the burden to persuade the Board that the ARC or IC's grounds for denial are insufficient.

(b) Licensure Matters. Licensees shall bear the burden to prove by a preponderance of evidence that the petition for modification should be granted.

(c) Discipline Matters. The IC shall bear the burden to prove by clear and convincing evidence that Licensees violated the Act or the Board Rules.

Section 12. Board Decision and Order.

(a) Board Action. The Board may resolve an application matter, complaint, or Petition by:

(i) Approving the recommendations of the ARC or IC; or

(ii) Conducting a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may:

(A) Issue, renew, reactivate, relicense, or reinstate a license;

(B) Issue, renew, reactivate, relicense, or reinstate a license with conditions, restrictions, or other disciplinary action;

(C) Deny a license, renewal, reactivation, relicensure, or reinstatement;

(D) Dismiss the complaint or Petition due to lack of clear and convincing evidence;

(E) Issue a notice of warning;

(F) Impose a reprimand, conditions, restrictions, suspension, revocation, other discipline, or combination thereof; and/or

(G) Impose civil penalties.

(b) Board Order. The Board shall issue a written decision. The Board Order shall be sent to the Applicant, Licensee, or their representative by regular mail to the last known address. The Board may publish the order.

Section 13. Judicial Review.

(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.