

CHAPTER I

GENERAL PROVISIONS

Section 1. **Authority.** The State Board of Registration for Professional Engineers and Professional Land Surveyors, hereinafter called the "Board" is authorized by W.S. 33-29-114 through 33-29-149 (The Act). Pursuant to The Act, the Board shall from time to time adopt such rules and regulations consistent with the Laws of the State of Wyoming as may be deemed necessary in the performance of its duties.

Section 2. **Statement of Purpose.** These rules and regulations are adopted to implement the authority of the Board to regulate the qualifications and standards of practice of professional engineers and professional land surveyors in Wyoming and provide for enforcement and proper administration of the provisions of this Act.

Section 3. **Definitions.** The definitions set out in The Act are hereby incorporated by reference into these rules and regulations. In addition, in the statutes and these rules, unless the context otherwise requires, the following definitions of terms shall apply:

- (a) "Active engagement" means actually practicing or providing professional services.
- (b) "Board" means the State Board of Registration for Professional Engineers and Professional Land Surveyors.
- (c) "Bona fide employee" means an individual working under the direct supervision of a registrant and receiving compensation, and whose work product is the responsibility of the registrant.
- (d) "Thorough technical review" means that the work product has received a thorough technical review and has been critically examined and evaluated for compliance with appropriate professional standards by a registrant in that profession, and the registrant accepts responsibility for the work product.
- (e) "Experience" is defined in the following categories:
 - (i) "Sub-professional experience" means work done under direct supervision, including but not limited to time spent as a survey crew member, drafter, field or office technician, field inspector, design assistant, clerk of the works, or similar work;
 - (ii) "Professional experience" shall include the time which has been occupied in engineering or surveying work of a higher grade and responsibility than that defined as "sub-professional experience";
 - (iii) "Direct supervision" means direct control and personal supervision of engineering work, surveying or land surveying work.
 - (iv) "Responsible charge" means having full personal responsibility for the correctness and completeness of the engineering or surveying work product, or portion thereof, sealed, signed and dated by the registrant.

(f) "Good moral character and repute" means the registration applicant:

(i) Has not been convicted of a felony ~~involving dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, bribery or breach of fiduciary duty~~ within five (5) years of application for registration;

(ii) Has not been convicted of any crime which impacts negatively on the applicant's proposed profession within five (5) years of application for registration;

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

(iv) Has not engaged in fraud or misrepresentation in connection with the application for registration or related examination;

(v) If previously registered in this state, another state, or foreign country, has not had their registration canceled, revoked, suspended or not renewed for cause within the last five (5) years of applying for registration;

(vi) Has not been found practicing without registration by a court or Board of this or any other jurisdiction within the United States within two (2) years of application for registration;

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

(g) "Gross negligence" means a substantial or habitual deviation in professional practice from the standard of professional care exercised by members of the registrant'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 registrant's profession, or a substantial or habitual deviation from requirements contained in state laws, Board regulations, local ordinances, or regulations related to the registrant's professional practice.

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

(i) "Other misconduct" means:

(i) Conviction of any crime reasonably related to the practice of the registrant's profession;

(ii) An adverse civil adjudication involving dishonesty, gross negligence, or incompetence;

(iii) Suspension or revocation of a professional license or registration by this state or by any other jurisdiction;

(iv) Knowingly acting, or failing to act, in violation of any provisions of The Act, or rules of the Board, or any federal or state law or regulation, local ordinance, regulation, or code related

to the practice of the registrant's profession.

(j) "Prepared" as used in W.S. 33-29-129(c) means to provide significant professional services relating to the plans, drawings, reports or other documents which are the subject matter of the professional engagement.

(k) "Registrant" means a person who has been granted a license or has been registered to practice any profession authorized to be registered pursuant to The Act. For purposes of these regulations, the terms registrant and licensee are used interchangeably.

(l) "ABET/EAC" means Accreditation Board for Engineering and Technology/Engineering Accreditation Commission. "ABET/TAC" means Accreditation Board for Engineering and Technology/Technology Accreditation Commission. "ABET/ASAC" means Accreditation Board for Engineering and Technology/Applied Science Accreditation Commission.

(m) "NCEES" means National Council of Examiners for Engineering and Surveying.

(n) "Civil Engineering" means any service which requires engineering education, training, and experience in the application of mathematical, physical, and engineering sciences, including such services as consultation, investigation, evaluation, planning, design, site development, teaching of advanced engineering subjects, and the review of construction. Civil engineering projects shall include, but not be limited to, transportation systems, drainage and flood control structures, surface and subsurface hydraulics, tunnels, pipelines and canals, water and wastewater systems, sanitary and environmental facilities, bridges, buildings, dams and hydraulic structures, and site fire protection systems.

(o) "Structural Engineering" means any service which requires specialized engineering education, training, and experience in the application of mathematical, physical, and engineering sciences, including such services as consultation, investigation, evaluation, planning, design, teaching of advanced engineering subjects, and the review of construction of structural projects. Structural engineering projects shall include, but not be limited to, force-resisting members used singly or as part of a larger structure, and their connections, in structures such as, but not limited to, bridges, buildings, towers, frames, tanks, and foundations.

(p) "Architectural Engineering" means any service which requires engineering education, training, and experience in the application of mathematical, physical, and engineering sciences, including such services as consultation, investigation, evaluation, planning, design, teaching of advanced engineering subjects, and the review of construction of buildings. Architectural Engineering shall include, but not be limited to, analysis, design, construction management, and integration of building systems such as structural, heating and air conditioning, lighting and electrical.

(q) "Profession" means either engineering or land surveying.

CHAPTER II

ORGANIZATION

Section 1. **Meetings; Election of Officers.** Board meetings shall be held at least quarterly, at a time and place designated by the President. The President, the Vice President or any five (5) members may call such other meetings as necessary to conduct the business of the Board. At the first meeting of alternate years, the Board shall elect from its members a President and Vice President who shall assume the duties of their offices at the close of that meeting and serve for a term of two (2) years. The State Engineer shall be the Secretary-Treasurer of the Board. If an officer resigns or vacates the position prior to the expiration of his/her term, the Board may elect a replacement to serve the remainder of the term.

Section 2. **Duties of Officers.** The President shall preside at all meetings, appoint committees of the Board, sign all certificates and official documents and otherwise perform all duties ordinarily pertaining to the office of President. The Vice President shall, in the absence or incapacity of the President, exercise the duties of the President. The Secretary-Treasurer shall have charge of the records.

CHAPTER III

FEES

Section 1. Application Fees.

- (a) Engineer application - \$100
- (b) Land Surveyor application - \$100
- (c) Engineer-in-Training and Land Surveyor-in-Training applications:
 - (ii) \$50
 - (iii) Fee waived for students currently enrolled at the University of Wyoming.
- (d) Re-Registration Fee - \$265

~~(d)~~ (e) The Board has determined that the costs of processing applications equal or exceed the application fees. Therefore, all application fees are non-refundable.

Section 2. Examination Fees.

- (a) Fundamentals of Engineering - NCEES national exam fee
- (b) Professional Engineer
 - (i) Principles and Practice - NCEES national exam fee + \$25
- (c) Fundamentals of Land Surveying - NCEES national exam fee
- (d) Professional Land Surveyor
 - (i) Principles and Practice - NCEES national exam fee + \$25
 - (ii) Wyoming Land Surveying Examination – NCEES national exam fee + \$25
 - (iii) Wyoming Land Surveying Take-Home Examination - \$80
- (e) Structural Engineer I Exam (16 hours) - NCEES national exam fee + \$25
- ~~(f) Structural Engineer II – \$200 (see Miscellaneous Fees, Section 4 (i))~~
- (f) Reexamination fees are the same as examination fees.

Section 3. Renewal Fees.

- (a) Biennial renewal fee - \$115
- (b) Inactive renewal fee - \$100
- (c) Retired renewal fee - \$40

Section 4. **Miscellaneous Fees.** Payment of fees must be in United States dollars, and may be in cash, check, money order- 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 registrants -
 - (i) Paper copy - unbound \$25
 - (ii) Electronic copy - CD or floppy disk - \$5
 - (iii) Address Labels - \$100
- (b) Board annual report - \$5
- (c) Copy fee per page - \$ 0.25
- (d) Corporation registration - \$75
- (e) Replacement certificates - \$10
- (f) Rules and Regulations and Statutes pertaining to the Board - \$20
- (g) Returned check charge - \$25
- ~~(h) Administrative fee for proctoring out of state exams - \$50~~
- ~~(i) Grading fee for Structural II Exam - at cost charged by NCEES.~~

Section 5. **Delinquency Penalty.** The penalty for late payment of renewal fees is \$15 per month, but the total renewal fee and penalties shall not exceed the amount of the application plus examination fees.

Section 6. **Renewal Periods.** The first renewal will be due by December 31 of the year of initial registration. Biennial renewal periods shall be valid until December 31 of the second year of registration.

CHAPTER IV

REGISTRATION

Section 1. Application Requirements for Engineers and Land Surveyors.

(a) All individuals seeking registration as a professional engineer must possess four (4) years of experience after obtaining a bachelor's degree in an ABET/EAC accredited curriculum or equivalent, prior to seeking registration. Applicants seeking registration as a professional engineer, or professional land surveyor shall complete the application form. If the application does not contain sufficient space for all information required to be submitted, the applicant may securely attach additional sheets to the form. In addition, all applicants shall:

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

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

(iii) Supply the names and addresses of supervisors who are registered professionals, for at least three (3) engagements, 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 two (2) of whom shall be registered in the profession in which registration is sought, all references shall have personal knowledge of the applicant's experience. The Board may require additional references.

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

(v) Complete and submit evidence of lawful presence.

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

(b) The applicant shall mail experience verification forms to immediate supervisors from past and present employment or as provided in Section 1(a)(iii) of this chapter. The applicant shall mail any required additional reference forms. The applicant shall have the experience verification forms and reference forms sent directly to the Board Office. Upon receipt of all completed required forms, the application will be evaluated.

(c) If the application is complete and in the proper form, the Board is satisfied that all statements on the application are true, the applicant is eligible in all other respects to be registered in the branch of engineering or land surveying for which the applicant has applied, then the Board shall certify the applicant as eligible to take the examination, or, if exempt from examination pursuant to The Act, is eligible for registration. 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 registration, it may cause a further investigation to be made of the applicant. If, in the judgment of the Board, the applicant

has not furnished satisfactory evidence of qualifications for examination or registration as required by these rules, it may deny the application or it may require additional information concerning the applicant's education, experience or both. The Board shall require an applicant for professional registration to have passed both the fundamentals and professional examination, unless exempt pursuant to The Act. The Board may also require an applicant to submit to an additional oral or written examination if the applicant has not furnished satisfactory evidence of qualifications for registration.

(d) No credit toward registration as a professional engineer or professional land surveyor will be given for work experience gained prior to registration as an engineer-in-training or land surveyor-in-training, nor will credit be given for both land surveying and engineering acquired during the same period of time.

Section 2. **Application Requirements for In-Training Programs.**

(a) In-training applicants shall complete the appropriate application for examination.

(b) If otherwise qualified, applicants for engineer-in-training and land surveyor-in-training programs will be permitted to take the fundamentals examination within the final year of an appropriate, accredited baccalaureate degree program. The applicant shall have his application form endorsed by the applicant's college dean.

(c) Applicants for in-training programs who have not taken the examination pursuant to Subparagraph (b) above will be permitted to take the in-training examination after submitting to the Board specific evidence of the required amounts of education and/or experience, as set forth in Section 7(c) or Section 9(c) of this chapter.

(d) Applicants for in-training registration must verify all educational experience by having certified transcripts sent directly from the registrar to the Board before in-training registration will be granted.

Section 3. **Examinations; General.**

(a) Examinations shall be given according to the NCEES schedule.

(i) ~~Fundamentals of Engineering, Fundamentals of Land Surveying April and October;~~

(ii) ~~Professional Land Surveyor April and October;~~

(iii) ~~Professional Engineers:~~

~~(A) Chemical, Civil, Electrical and Computer, Environmental, Mechanical, Structural I & II, April and October;~~

~~(B) Agricultural, Control Systems, Fire Protection, Industrial, Metallurgical, Mining and Mineral, Nuclear, Petroleum October.~~

~~(C) Architectural, Naval Architecture and Marine April.~~

~~(b) All examinations are given at the times and places determined by the Board in the months indicated in Subparagraph (a). Complete applications for professional registration and in training registration must be filed with the Board by January 1st for April examinations and by July 1st for October examinations. Applications or materials received after the cutoff dates will be processed for the next Board meeting and subsequent exam.~~

(i) Professional Land Surveyor National and State Specific - as scheduled by NCEES policy.

(b) When an applicant has paid the proper fee but is unable to take the first scheduled examination, he may request in writing, sixty (60) days prior to the examination date, an extension which will permit the applicant to take the next scheduled examination without submitting a reexamination fee. A request for an extension beyond the next scheduled examination will not be considered except for reasons of hardship, such as substantiated serious illness or absence from the country.

(c) Applications for admittance to the examination may be denied by the Board for any of the following reasons:

(i) If the examination or reexamination fee is not received on or before the specified date;

(ii) If an applicant fails to successfully complete all parts of the examination or examinations to which the applicant is admitted within three (3) years after taking any part of the examination or examinations;

(iii) If an applicant fails to comply with any of the provisions of The Act, or these rules concerning applications.

~~(e)~~ (d) An applicant who does not complete the registration process or who fails to achieve a passing grade on an examination may reapply for registration or reexamination within two (2) years of original application date by paying the appropriate registration or examination fee or fees. All ~~examination~~ candidates who have three unsuccessful attempts of a NCEES examination, irrespective of where tested, are required to earn twelve (12) college semester credit hours, as specified by the board, in the subject matter relevant to the failed examination in order to be re-qualified to sit for the examination.

~~(f)~~ (e) It is NCEES policy not to allow applicants to review examination materials after taking an exam. The Board shall only release examination results on a pass/fail basis.

~~(g)~~ (f) An applicant may withdraw their application for registration by written request to the Board. An approved withdrawal shall be considered a denial of an application, with neither prejudice nor refund of fee.

Section 4. **Admission to the Professional Examination; Out-of-State Applicants with In-Training Status.** An applicant for registration 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 in-training status must be forwarded directly from the authority which administered the original examination. An applicant must further comply with all the education and experience requirements set forth in this chapter.

Section 5. **Engineering Branches Recognized.**

(a) The Board currently recognizes the following branches of professional engineering:

Agricultural	Electrical and Computer	Mining and Mineral <u>Processing</u>
Architectural	Environmental	Naval Architecture and Marine
Chemical	Fire Protection	Nuclear
Civil	Industrial	Petroleum
Control Systems	Mechanical	Structural <u>I & II</u>
	Metallurgical <u>and Materials</u>	

(b) An applicant must submit a separate application and application fee for each branch for which application is made. An applicant who wishes to change the branch of engineering after the application has been evaluated shall submit the request in writing and pay an additional application fee.

(c) ~~An applicant will be registered only in the branch in which the examination has been successfully completed.~~ An applicant is initially licensed in the branch in which the professional engineering examination has been successfully completed (as described in Chapter V Section 2 Seals), however, 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 6. **Engineer-in-Training Registration Requirements.**

(a) An applicant for engineer-in-training registration shall be of good moral character and repute, and

(b) ~~Have earned a bachelor degree in an engineering curriculum, or currently be enrolled in an engineering curriculum and within thirty (30) semester credit hours of graduation, approved by the Board. To qualify for admission to the fundamentals examination on the basis of education, an applicant must be a graduate of a four year engineering degree program accredited at the time of graduation by ABET/EAC. If an applicant is a graduate of a non-accredited four-year engineering degree program, the Board shall evaluate the applicant's transcript to determine whether it is substantially equivalent to an ABET/EAC accredited curriculum. Transcripts from foreign institutions shall be evaluated by an independent service acceptable to the Board and the associated evaluation fees are the responsibility of the applicant. If the applicant holds a degree(s) from an international university, the applicant must have their education evaluated by the education evaluation service provided by NCEES, and the associated evaluation fees are the responsibility of the applicant.~~ If the curriculum is determined to be substantially equivalent, the applicant shall qualify for admission to the fundamentals examination, and

(c) An applicant shall take and pass the Fundamentals of Engineering Examination with a minimum score determined by NCEES and approved by the Board. The fundamentals examination is administered by the Board and consists of the following:

~~Fundamentals of Engineering (provided by the NCEES) — 8 hours.~~

(i) To qualify for admission to the fundamentals examination on the basis of education, an applicant must be a graduate of or within thirty (30) semester credit hours of graduating from a four-year engineering degree program accredited by ABET/EAC.

(ii) Fundamentals of Engineering (provided by the NCEES) - 8 hours.

Section 7. **Professional Engineer Registration Requirements.**

(a) An applicant for registration as a professional engineer shall be of good moral character and repute, be registered as an engineer-in-training pursuant to The Act and meet the examination and other requirements of this rule.

(b) An applicant shall have been actively engaged in the practice of engineering for at least four (4) years ~~beyond registration as an engineer-in-training, of which a maximum of one year may be credited for postgraduate engineering education.~~ beginning at the time the applicant received the degree as specified in Section 6 (b). A maximum of one-year may be credited for postgraduate engineering education. Work experience credited toward the four-year active engagement requirement shall be directly related to the applicant's branch of engineering and of a character satisfactory to the Board, which shall be under the direct supervision of a registered professional engineer.

(c) An applicant who has graduated from a four-year degree program in engineering, accredited by ABET/EAC or an equivalent organization at the time of graduation, and who has been actively engaged in engineering practice of a character satisfactory to the Board for at least twenty (20) years after graduation, is exempt from the Fundamentals of Engineering Examination upon written request and Board approval.

(d) An applicant shall take and pass the professional engineer examination with a minimum score determined by NCEES and approved by the Board. The professional examinations are administered by the Board and consist of the following:

(i) Agricultural, Architectural, Chemical, Civil, Control Systems, Electrical and Computer, Environmental, Fire Protection, Industrial, Mechanical, Metallurgical and Materials, Mining and Mineral Processing, Nuclear, Petroleum, Naval Architecture and Marine, Structural I, and Structural II;

(A) Principles and Practice (provided by the NCEES) - 8 hours.

Section 8. **Professional Engineer Registration Without NCEES Examination Via Comity.**

(a) An applicant who holds a valid registration in another state, jurisdiction, territory, or country (authority) may be granted comity registration ~~without examination~~, provided the applicant

submits evidence acceptable to the Board that the education, experience, and examination requirements under which registered in the original jurisdiction were substantially equivalent to or greater than those existing in Wyoming at the time of the applicant's original registration. If the applicant holds a degree(s) from an international university, the applicant must have their education evaluated by the education evaluation service provided by NCEES, and the associated evaluation fees are the responsibility of the applicant.

(b) For purposes of this rule, "evidence acceptable to the Board" shall mean a completed application as described in Section 1 of this Chapter and including registration documentation forwarded directly to the Board from the registration authority on Verification of Registration forms provided by the Board, or an NCEES Record Book. Such registration documentation shall contain information concerning the requirements in force at the time the candidate was originally registered, the method of registration including examination results, cutoff scores, engineering branch, the date of original registration and the current status of the registration.

~~(c) — An applicant who is currently registered in another state or jurisdiction of the United States and submits materials to support comity registration as indicated in Subparagraph (a) of this section, including specifically, demonstration of an ABET/EAC engineering bachelor's degree, passing scores on the NCEES Fundamentals of Engineering and Principles and Practice Examinations, and at least four (4) years of qualifying experience, may be registered in Wyoming without examination. Such registration may be done by the Executive Director with ratification by the Board at the next regular meeting.~~

Section 9. Land Surveyor-in-Training Registration Requirements.

(a) An applicant for land surveyor-in-training registration shall be of good moral character and repute, and

(b) Have a bachelor of science degree in a land surveying or engineering curriculum accredited by ABET/TAC or ABET/ASAC (land surveying) or ABET/EAC (engineering) (surveying) which curriculum includes at least thirty (30) semester credit hours in surveying, mapping and other courses approved by the Board, no surveying experience is required to become a land surveyor-in-training, or

(c) Have an associate degree in surveying technology in a curriculum accredited at the time of graduation by ABET/TAC or ABET/ASAC or otherwise approved by the Board plus four (4) years of combined office and field experience in land surveying, of which two (2) years shall have been in boundary land surveying projects under the supervision of a registered professional land surveyor. These four (4) years of experience may be accumulated while the applicant is completing the associate's degree.

(d) The applicant shall take and pass the Fundamentals of Land Surveying Examination with a minimum score determined by NCEES and approved by the Board. The fundamentals examination is administered by the Board and consists of the following:

Fundamentals of Land Surveying (provided by the NCEES) - 8 hours.

Section 10. Professional Land Surveyor Registration Requirements.

(a) An applicant for registration as a professional land surveyor shall be of good moral

character and repute, be registered as a land surveyor-in-training pursuant to The Act, and meet the examination and other requirements of this rule. The applicant must also be proficient in boundary land surveying.

~~(b) An applicant shall have been actively engaged in the practice of land surveying for at least four (4) years beyond registration as a land surveyor in training, of which a maximum of one year may be credited for postgraduate land surveying education experience on other than boundary surveying projects. Work experience credited toward the four (4) year active engagement requirement shall be of a character satisfactory to the Board, and shall be under the direct supervision of a registered professional land surveyor.~~ An applicant shall have been actively engaged in the practice of land surveying for at least four (4) years beyond that necessary to qualify as a land surveyor-in-training as described in either 9 (b) or 9 (c) above. A maximum of one year may be credited for postgraduate land surveying education experience. Work experience credited toward the four (4) year active engagement requirement shall be of a character satisfactory to the Board and shall be under the direct supervision of a licensed professional land surveyor. These four (4) years of experience may be accumulated while the applicant is completing either the bachelor of science or the associates degree.

(c) The applicant shall take and pass the professional land surveyor examination with a minimum score determined by NCEES and approved by the Board. The land surveyor examination is administered by the Board and consists of the following:

- (i) Principles and Practice (provided by the NCEES) - 6 hours.
- (ii) Wyoming Land Surveying Examination (provided by the Board) - 2 hours.
- (iii) Wyoming Land Surveying Take-Home Examination (provided by the Board)

an applicant will be allowed ninety (90) days to complete the Take-Home Examination. When reworking problems answered incorrectly, an additional sixty (60) days will be granted, with no more than two (2) sixty (60) day extensions permitted. Failure to pass in the required time requires the applicant to forfeit all previously completed examination problems, and to complete an entire new Take-Home Examination.

~~(d) An applicant who holds a valid registration in another state, jurisdiction, territory, or country (authority) may be considered for registration provided the applicant submits evidence acceptable to the Board that the education, experience, and examination requirements under which the applicant was registered in the original jurisdiction were substantially equivalent to or greater than those existing in Wyoming at the time of the applicant's original registration. Said applicant, if approved by the Board, may be required to take and pass the NCEES and/or Wyoming examinations, as described in Subparagraph (c) of this section, with a minimum score determined by NCEES and/or the Board.~~

~~(e) For purposes of this rule, "evidence acceptable to the Board" shall mean a completed application as described in Section 1 of this Chapter and including registration documentation forwarded directly to the Board from the registration authority on Verification of Registration forms provided by the Board, or an NCEES Record Book. Such registration documentation shall contain information concerning the requirements in force at the time the candidate was originally registered, the method of registration including examination results, cutoff scores, the date of original registration, and the current status of the registration.~~

Section 11. **Professional Land Surveyor Registration Without NCEES Examination Via Comity.**

(a) An applicant who holds a valid registration in another state, jurisdiction, territory, or country (authority) may be granted registration, provided the applicant submits evidence acceptable to the Board that the education, experience, and examination requirements under which the applicant was registered in the original jurisdiction were substantially equivalent to or greater than those existing in Wyoming at the time of the applicant's original registration, and successfully passes the Wyoming examinations.

(b) For purposes of this rule, "evidence acceptable to the Board" shall mean a completed application as described in Section 1 of this Chapter and including registration documentation forwarded directly to the Board from the registration authority on Verification of Registration forms provided by the Board, or an NCEES Record Book. Such registration documentation shall contain information concerning the requirements in force at the time the candidate was originally registered, the method of registration including examination results, cutoff scores, the date of original registration, and the current status of the registration.

CHAPTER V

REGULATORY

Section 1. Rules of Professional Conduct.

(a) All registered professional engineers and engineers-in-training, professional land surveyors and land surveyors-in-training shall comply with the code of ethics adopted by the Board and which are included as Appendix A and Appendix B, and incorporated herein by Reference A and B.

(b) All registrants shall comply with the following standards. In the event the attached code of ethics and the following standards conflict with one another, the standards in this section shall control.

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

(ii) A registrant 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 registrant 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 registrant or under the registrant's direct supervision;

(iv) A registrant shall not knowingly commit bribery as prescribed in The Act or violate any federal statute concerning bribery;

(v) A registrant 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 registrant's professional practice. A registrant shall not provide any professional services in violation of any such laws, codes, ordinances, or regulations;

(vi) A registrant 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 the registrant's professional practice;

(vii) A registrant shall apply the technical knowledge and skill which would be applied by other qualified registrants who practice the same profession.

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

(ix) A registrant shall not accept an assignment where the duty to a client or the public would conflict with the registrant's personal interest or the interest of another client without full

disclosure of all material facts of the potential conflict to each person who might be related to or affected by the project or engagement in question;

(x) ~~A registrant~~ Registrants 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 such parties and obtaining the express written consent of all parties involved;

(xi) Registrants in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not accept compensation for services related to the same project or professional engagement, provided by them or their organizations, from more than one party;

(xii) Registrants in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering or land surveying practice;

(xiii) Except as provided in Subparagraph (xii) of this rule, a registrant shall not accept any professional engagement or assignment outside the registrant's professional registration unless: (a) the registrant 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 registrant's profession on that specific engagement or assignment. A registered professional engineer may accept professional engagements or assignments in branches of engineering other than that branch in which the registrant has demonstrated proficiency by registration but only if the registrant has the education, technical knowledge, or experience to perform such engagements or assignments;

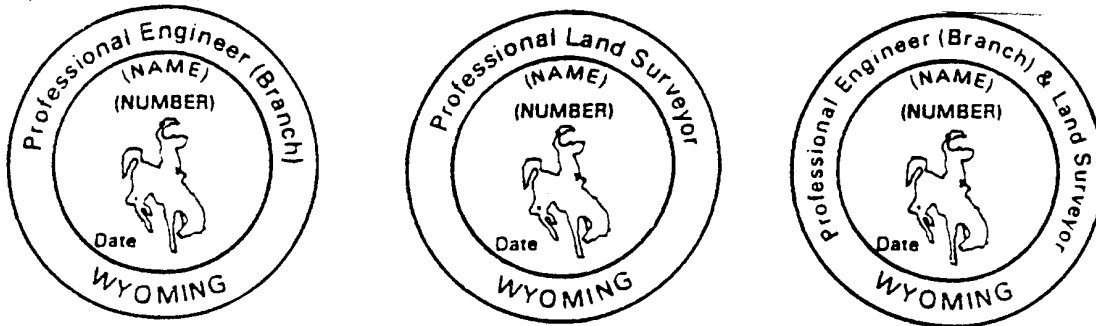
(xiv) Except as otherwise provided by law, code, ordinance, or regulation, a registrant may act as the prime professional for a given project and select collaborating professionals; however, the registrant shall perform only those professional services for which the registrant is qualified and shall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

(xv) A registrant 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 registrant may hold in a contracting firm or other entity providing goods or services, other than the registrant's professional services, to a project or engagement;

(xvi) A registrant 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;

(xvii) If a registrant'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 registrant 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 registrant shall also notify the Board of the specific nature of the public threat;

(xviii) If called upon or employed as an arbitrator to interpret contracts or to judge contract performance, or to perform any other arbitration duties, the registrant shall render decisions



impartially and without bias to any party.

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

Section 2. Seals.

(a) The seal authorized by the Board for registrants 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 registrant: "Professional Engineer" together with the branch of engineering in which registered to be written within the parenthesis, "Professional Land Surveyor"; or "Professional Engineer & Land Surveyor" together with the branch of engineering in which registered to be written within the parenthesis, do not abbreviate the branch and it is to be placed after the word Engineer. 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 registrant, registration number and the word "Date." The registration 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)", "(NAME)", and the word "(Branch)" should not appear on the seal.

(b) An imprint of the registrant's valid seal shall appear on all original and non-original copies, tracings or other documents. Seals generated by computer-aided drafting equipment are acceptable if accompanied by an original signature and date of the registrant preparing the generated document and as long as the computer-generated seal complies with the requirements outlined in Subparagraph 2 (a) above. When the document contains more than one sheet, the title page(s) or the first page of a registrant's work shall be sealed, signed and dated by the registrant or those who supervised the work and are responsible for such work. To be valid, any seal must be legible in its entirety, and the signature of the registrant 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 registrant's possession.

(i) An electronic image of the registrant'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. Electronic submittals may include reproductions of drawings, plan sheets, specifications, studies, reports, plats, maps, and other engineering and land surveying work products. Each electronic document submitted by the registrant shall contain the following statement, "This document was originally issued and sealed by (name), Registration Number (number), on (date) and the original document is stored at (location).

(c) Any work sealed, signed and dated by a registrant must have been prepared or substantially reviewed by that registrant or someone under the registrant'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 registrant, is prohibited- unless a thorough technical review is done.

(d) Upon notification by the Board of satisfying all registration requirements, the applicant shall obtain a seal of a design stipulated in Subparagraph 2 (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 (a) of this rule and shall require the registrant to obtain and pay for another seal meeting those specifications prior to sealing any work. Engineers registered in more than one branch shall secure and use a seal for each branch of engineering in which registration has been granted. If a replacement or additional seal is required, the registrant 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 3. **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 registrant's Wyoming Registration Number, as issued by the Board, prefixed by the letters LS, PLS, or PE & LS, as appropriate.

Section 4. **Monumentation.**

(a) 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 occurrences, construction, farming or other means 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 registrant 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.

(b) 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 registrant 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 (2.5) 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 (2.5) 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.

(c) 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.

Section 5. **Rehabilitation of Original Public Land Survey System Monuments.**

(a) 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.

(b) 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 VIII of these rules.

Section 6. **Subdivision of Sections of the Public Land Survey System.**

(a) For the subdivision of any section, resurvey tract or lot of the public land survey system, the registrant 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 registrant must follow the "Manual of Instructions for the Survey of Public Lands of the United States" and the publication, "Restoration of Lost or Obliterated Corners and Subdivision of Sections," current editions, 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.

(b) 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 six (6) (or more as appropriate) sixteenth (1/16) corners and the center quarter (1/4) corner shall be monumented unless impractical.

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

CHAPTER VI

CORPORATIONS, LIMITED LIABILITY COMPANIES, OR PARTNERSHIPS BUSINESS ENTITIES

Section 1. **Practice by Corporations, Limited Liability Companies, Partnerships or Professional Corporations Business Entities.** Any Corporation, Partnership, or Limited Liability Company (LLC) Business Entity offering to practice professional engineering or professional land surveying must be registered with this Board.

Section 2. **Corporations, Limited Liability Companies, or Partnerships of Other States Business Entities.**

(a) ~~Corporations, Limited Liability Companies, or Partnerships~~ Business Entities of engineers and/or land surveyors from other states must register with the Board and obtain a Certificate of Authorization in order to offer or furnish professional engineering and professional land surveying services to ~~corporations, limited liability companies, partnerships~~ business entities, individuals, state, and local government, etc., which are domiciled in or are residents of the state of Wyoming. In addition, the professional in responsible charge of work in Wyoming is required to be a Wyoming registrant.

(b) ~~Firms~~ Business entities not having a Wyoming address may submit a copy of the Certificate of Authorization from the Secretary of State in the jurisdiction which the ~~firm~~ business is located.

(c) ~~Firms~~ Business entities offering or performing professional services in Wyoming from more than one location outside the state must employ personnel with Wyoming registration at each location.

Section 3. **Wyoming Corporations, Limited Liability Companies or Partnerships Business Entities Composed of Engineers and/or Land Surveyors.**

(a) Practice of engineering and land surveying in Wyoming is permitted by the corporation form authorized by Title 17 of the Wyoming Statutes, including professional corporations.

(b) Any action which causes the loss of the corporate charter voids all rights, registrations, and privileges of the ~~corporation~~ business to practice engineering or land surveying in Wyoming.

(c) Each ~~corporation~~ business registered will meet the requirements specified under The Act.

Section 4. **Registration of Corporations, Limited Liability Companies or Partnerships Business Entities.**

(a) The biennial registration for a Certificate of Authorization to practice professional engineering and/or professional land surveying in Wyoming will be effected by submitting to the Board office, on forms adopted by the Board, the following information:

(i) ~~Firm~~ Business name;

- (ii) Location of each office in the state;
 - (iii) Phone number;
 - (iv) Name and corporate status of person in charge of professional activities of the ~~firm~~ business in the state;
 - (v) Registration number of person in charge of professional activities of the ~~firm~~ business in the state;
 - (vi) Seal and signature of person in charge of professional activities of the ~~firm~~ business in the state;
 - (vii) Names, registration numbers, and corporate status of all personnel of the ~~corporation~~ business who act in its behalf as professional engineers or professional land surveyors in the state;
 - (viii) Whether or not each office advertises engineering, land surveying, or both
 - (ix) Description of professional engineering and/or professional land surveying services to be offered or practiced in the state.
 - (x) The Board office must be notified within thirty (30) calendar days of any name changes of responsible persons in charge and of ~~firm~~ business name changes. If ~~firm~~ business name changes, a copy of the amended Certificate of Authority from the Wyoming Secretary of State is required before ~~firm~~ business name will be changed in the Board's records.
- (b) ~~Corporations, Limited Liability Companies or Partnerships~~ Business entities must complete and submit a registration form every two (2) years to the Board, along with the required renewal fee, as set in Chapter III, Section 3 of these rules.

CHAPTER VII

PRACTICE AND PROCEDURE

Section 1. **Statement of Purpose.** These rules and regulations are adopted to implement the Board's authority to conduct investigations, hearing and proceedings, concerning alleged violations, and to determine and administer appropriate disciplinary action against registrants for proven violations.

Section 2. **Complaint.** If any information concerning a possible violation of The Act or these rules is received or obtained by a Board member or members of the staff, the Board shall investigate that information in accordance with the Wyoming Administrative Procedures Act. The Board may initiate an investigation on its own motion. Any complaint against a registrant shall be submitted in writing to the Board office and should provide the following information, as may be applicable:

- (a) Name, address, place of employment, and position of the individual alleged to have violated this Act or Board rules and regulations.
- (b) The nature of the complaint and a description of the incident(s) involved including date(s), time(s), location(s) and any observed behavior of the registrant.
- (c) The name and address of other witnesses, if any.
- (d) The signature and address of the person(s) making the complaint.

Section 3. **Review of Complaint.**

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

(b) One or more Board members, known as the Investigative Board Member(s) (IBM), appointed by the President of the Board will ~~conduct/coordinate the investigation and~~ make recommendations to the Board concerning the findings of the investigator. The President of the Board may also appoint one or more past Board members or other professionals to a committee to assist the IBM(s) in the evaluation of the complaint.

(i) The IBM(s) appointed shall not take part in the consideration of any contested case in which they participated in the investigation of the complaint, although they may attend any disciplinary hearing.

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

- (i) Forward the complaint filed by the complainant to the Board attorney with a recommendation that formal disciplinary proceedings commence;
- (ii) Send a written letter of warning to the individual listed in the complaint;
- (iii) Accept the voluntary surrender of a certificate of registration;
- (iv) Recommend terms for a conditional certificate of registration; or

(v) Dismiss the complaint.

(d) The Board shall send appropriate notice to the registrant of its intent to take action.

Section 4. **Investigation.**

(a) Upon the filing and initial review of a complaint, the IBM and/or Board President shall select a person(s) to investigate the complaint. The investigator may be a registered professional engineer and/or professional land surveyor in good standing in the profession. ~~Members of the Board shall not be investigators.~~

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

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

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

Section 5. **Conduct of Investigation.**

(a) The investigator is empowered to conduct a full and complete investigation.

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

Section 6. **Investigator's Report.**

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

(b) Investigation files of any investigation which is pending are confidential and not public record.

Section 7. **Informal Compliance Procedures.**

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

(b) At any time either before or after formal disciplinary proceedings have been instituted

against a registrant, the registrant may submit to the Board an offer of settlement whereby, in lieu of formal disciplinary action by the Board, the registrant agrees to accept certain sanctions such as suspension, civil penalties, enrolling in continuing education courses, limiting the scope of the registrant's practice, submitting the registrant's work product for professional peer review, or other sanctions. If the Board determines that the proposed settlement will adequately protect the public welfare, the Board may accept the offer and enter a decision that is consented to by the registrant and incorporates the proposed settlement.

Section 8. **Formal Hearing Procedures.** Formal proceedings for Board disciplinary action on a Certificate of Registration shall be commenced by notice issued by the Board.

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

- (i) The name and registration number of the registrant.
- (ii) The name, address, and phone number of the Board's attorney.
- (iii) A statement of the legal authority and jurisdiction of the Board.
- (iv) A statement of the particular sections of the statutes and rules involved.
- (v) A statement, in ordinary and concise language, of the nature of the complaint and the facts upon which the complaint is based.
- (vi) The time in which the registrant must respond to the complaint.
- (vii) A statement that failure to respond may result in entry of judgment by default for the relief demanded in the complaint.

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

Section 9. **Default.** The Board may enter an order based on the allegations of a complaint in any case where the registrant has not responded within the time limits contained in Section 8 (a) (vi) above or in any case in which the registrant or the registrant's representative has not appeared at a scheduled hearing of which the registrant had notice.

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

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

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

Section 11. **Docket.**

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

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

Section 12. **Hearing Officer.** The Board ~~may~~ shall appoint a hearing officer to ~~take evidence at~~ conduct the hearing.

Section 13. **Discovery.**

(a) In all formal proceedings before the Board, discovery shall be afforded in accordance with the Wyoming Administrative Procedures Act.

(b) Requests for discovery from the Board shall be made in writing and directed to the Executive Director.

Section 14. **Subpoenas.**

(a) The Board or its hearing officers may issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence, and shall have the power to administer oaths.

(b) Any party desiring the Board or its hearing officers to issue a subpoena to compel the appearance of a witness at any hearing shall make application, stating the substance of the testimony expected of the witness. If such testimony appears to be material and necessary, a subpoena will be supplied. The affixing of the seal of the Board and the signature of the Executive Director shall be sufficient attestation of the same.

(c) Service of a subpoena must be made at the expense of the party applying for it, and shall be made in the manner provided by law for service of subpoenas in civil actions.

Section 15. **Witnesses.**

(a) All persons testifying at any hearing before the Board shall stand and be administered a standard oath or affirmation.

(b) No testimony will be received from a witness except under oath ~~of~~ or affirmation.

(c) The party calling a witness shall bear the costs associated with the witness' appearance.

Section 16. **Representation.**

(a) Any registrant may represent oneself or be represented by legal counsel, provided that such counsel is licensed to practice law in the state of Wyoming, or is associated at the hearing with one or more attorneys licensed to practice law in the state of Wyoming.

(b) A request for withdrawal from representation shall be made in writing to the Board by the attorney.

(c) In any case before the Board, an appearance in person or the filing of an answer by an attorney shall constitute an appearance of record by an attorney.

(d) A representative of the Attorney General's Office shall present to the Board all matters enumerated and described in the complaint.

(e) The Board may employ an attorney to advise the Board in conducting the hearing.

Section 17. **Order of Procedure.** As nearly as may be practicable, hearings shall be conducted in accordance with the following order of procedure:

(a) The hearing officer shall announce that the hearing is convened upon the call of the docket number and title of the matter and case to be heard, and thereupon the ~~presiding~~ hearing officer shall direct the reading into the record of the notice of hearing given, and the complaint, together with appearance in the form of answers or other appearance made by the registrant, and shall note for the record all subpoenas issued and all appearances of record, including registrant and attorney.

(b) Opening statements may be made by each of the parties. The time allowed for oral argument may be limited by the hearing officer.

(c) The attorney or representative ~~of the state of Wyoming~~ for the IBM shall then present all evidence in support of the complaint. Witnesses may be cross-examined by the registrant or the registrant's attorney. All exhibits offered by the ~~state~~ IBM shall be marked by letters of the alphabet beginning with "A".

(d) The registrant shall be heard in the same manner. Any exhibits presented by the registrant shall be marked numerically, beginning with "1".

(e) At the conclusion of the evidence, a closing statement may be made by each of the parties. The time allowed for this statement may be limited by the hearing officer.

(f) After all proceedings have been concluded, the hearing officer shall dismiss and excuse all witnesses and declare the hearing closed. Any party who may desire to tender written briefs to the Board may do so. The Board or hearing officer may require written briefs. The hearing officer shall take the case under advisement and shall declare that the decision of the Board shall be announced within due and proper time following consideration of all matters presented at the hearing.

Section 18. **Decision and Order.** The Board shall, following the hearing, make and enter a written decision and order containing findings of fact and conclusions of law, stated separately.

(a) The decision and order shall be sent by United States mail to the registrant and the registrant's attorney of record as required by the Administrative Procedures Act.

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

(c) Unless otherwise ordered by the Board, all decisions of the Board shall be effective

as of the date of issuance of the written decision and order.

Section 19. **Record of Proceedings.**

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

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

(i) All pleadings, motions, interlocutory rulings;

(ii) Evidence received or considered;

(iii) Statement of matters officially noticed;

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

(v) Proposed findings and exceptions;

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

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

Section 20. **Appeals.**

(a) Appeals from decisions of the Board are governed by Section 16-3-114, W.S. 1977 of the Wyoming Administrative Procedures Act, and the Wyoming Rules of Appellate Procedure.

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

Section 21. **Applicability of the Rules of Civil Procedure.** The Wyoming Rules of Civil Procedure, insofar as they may be applicable and not inconsistent with the laws of the state and these rules and regulations, shall apply to cases before the Board.

CHAPTER VIII

CORNER RECORD

Section 1. **Authority.** The Board is authorized by The Act to adopt such rules and regulations consistent with the laws of the state of Wyoming as may be deemed necessary in the performance of its duties.

Section 2. **Statement of Purpose.** These Rules and Regulations are adopted to implement the authority of the Board to regulate the standards for the filing of Corner Records.

Section 3. **Preparation and Filing of Corner Records.**

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

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

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

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

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

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

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

(iv) Description; including material, inscriptions, dimensions, of the monument and accessories used to perpetuate and rehabilitate the original location of the corner. Where appropriate,

the system of marking monuments shall follow the "Manual of Instructions for the Survey of Public Lands," current edition;

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

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

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

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

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

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

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

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

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

CHAPTER IX

CONTINUING PROFESSIONAL COMPETENCY

Section 1. **Authority.** The Board is authorized by to adopt such rules and regulations not inconsistent with the laws of the state of Wyoming as may be deemed necessary in the performance of its duties.

Section 2. **Statement of Purpose.** The continuing professional competency guidelines are set forth below for the purpose of providing consistency in those jurisdictions that adopt mandatory requirements or for those jurisdictions that wish to encourage voluntary usage. The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of professional engineers and/or professional land surveyors.

Section 3. **Introduction.** Every registrant shall meet the continuing professional competency requirements of these regulations for professional development as a condition for registration renewal.

Section 4. **Definitions.** Terms used in this section are defined as follows:

(a) Continuing Professional Competency (CPC) Unit - A contact hour, ~~(nominal)~~ defined as fifty minutes of instruction or presentation. A CPC is $\frac{1}{10}$ the common denominator for other units of credit.

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

(c) College/Unit Semester/Quarter Hour - Credit for ABET/EAC approved course or other related college course approved in accordance with article (d) of this section.

(d) Course/Activity - Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the registrant's field of practice.

(e) Dual Registrant - A person who is registered as both a professional engineer and a professional land surveyor.

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

Section 5. **Requirements.** All registrants renewing their registration will be required as a condition of renewal, to have completed a total of thirty (30) CPC hours in each renewal period. A maximum of fifteen (15) CPC units may be carried forward into the subsequent renewal period. If, upon audit, this requirement is not met, the registrant will be allowed sixty (60) days to correct the deficiency; .

CPC units may be earned as follows:

(a) Successful completion of college courses.

(b) Successful completion of continuing education courses.

(c) Successful completion of correspondence, televised, videotaped, audio taped, and

other short courses/tutorials.

- (d) Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions or conferences.
- (e) Teaching or instructing in (a) through (d) above. (Credit does not apply to full-time faculty.)
- (f) Authoring published papers, articles, monographs, or books.
- (g) Active participation in professional or technical societies.
- (h) Patents.
- (i) Self directed study/research.
- (j) Educational outreach.

Section 6. **Units and Credits.**

- (a) The conversion of other units of credit to CPC units is as follows:
 - (i) 1 college or unit semester hour 45 CPC
 - (ii) 1 college or unit quarter hour 30 CPC
 - (iii) 1 continuing education unit 10 CPC
- (b) Annual credits granted will be:
 - (i) 1 contact hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences. 1 CPC
 - (ii) For teaching (see (i) above) apply multiple of two (2) (teaching credit is valid for teaching a course or seminar for the first time only.) 2 CPC
 - (iii) Each published paper, article, monograph, or book 10 CPC
 - (iv) Active participation in professional and technical society. (each organization) 2 CPC per year
 - (v) ~~Educ~~ Educational outreach 2 CPC per year
 - (vi) Each patent 10 CPC
 - (vii) Self directed study/research (up to 5 contact hours per year 1 CPC per hour) 1 CPC not more than 5 contact hours/yr

Section 7. **Determination of Credit.** The Board has final authority with respect to approval of courses, credit, CPC value for courses, and other methods of earning credit.

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

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

(c) Credit determination for activities defined in Section 6 (f) and Section 6 (h), of this chapter, is the responsibility of the registrant, subject to review as required by the Board.

(d) Credit for activity defined in Section 6 ~~(g)~~ **(b)(iv)** of this chapter as active participation in professional and technical societies (limited to 2 CPC per organization), requires that a registrant serve as an officer, board member, and/or actively participate in at least one committee, coalition, or trust of the organization. CPC credits are not earned until the end of each year of service. Organizations which have a state and national component (e.g. ACEC, NCEES, and ASCE) are considered as separate organizations. Subchapters of a state organization are not considered as separate organizations from the state organization.

Section 8. NON-COMPLIANCE. Failure to comply with any CPC requirements could result in discipline against the registrant including but not limited to the following:

(a) Further request for demonstration of compliance.

(b) An appearance before the Board.

(c) A disciplinary action for proven violation of these regulations in accordance with Chapter VII Practice and Procedures.

Section ~~8~~ **9.** **Record keeping.** The responsibility of maintaining records to be used to support credits claimed is the responsibility of the registrant. Records required include, but are not limited to: 1) A log/diary showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and CPC credits earned; 2) Attendance verification records in the form of completion certificates, receipts, or other documents supporting evidence of attendance; or 3) Records as maintained by a National Registry as approved by the Board. These records must be maintained for a period of three (3) years, and copies may be requested by the Board for audit verification purposes.

Section ~~9~~ **10.** **Exemptions.** A registrant may be exempt from the continuing professional competency requirements for one of the following reasons:

(a) New registrants by way of examination or comity shall be exempt for their first renewal period.

(b) A registrant serving on temporary active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a year shall be exempt from obtaining the continuing professional competency required during that year.

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

(d) Registrants who list their occupation as "retired" on the Board approved renewal form and who further certify that they are no longer receiving any remuneration from providing professional engineering or professional land surveying services shall be exempt from the continuing professional competency required. In the event such a person elects to return to active practice of professional engineering or professional land surveying, continuing professional competency must be earned before returning to active practice for each year exempted, not to exceed the annual requirement for two (2) years.

Section ~~10~~ 11. **Reinstatement.** A registrant may bring an inactive registration to active status by earning all delinquent CPC units. However, if the total number required to become current exceeds thirty (30), then thirty (30) shall be the maximum number required.

Section ~~11~~ 12. **Comity/Out-of-Jurisdiction Resident.** Registrants who are residents of jurisdictions other than Wyoming must satisfy the CPC requirements of their resident jurisdiction. The requirements for Wyoming will be deemed as satisfied when a nonresident registrant provides evidence of having satisfied the requirements of their resident jurisdiction. If registrants reside in a jurisdiction that has no CPC requirements, the registrant must satisfy the requirements of Wyoming.

Section ~~12~~ 13. **Dual Registrants.** The number of CPC units required shall be a minimum of ten (10) CPC hours in each discipline, with a combined total of thirty (30) required. Holders of a second registration are free to utilize CPC units approved for either field at their discretion.

Section ~~13~~ 14. **Forms.** All renewal applications will require the completion of a continuing education form specified by the Board outlining CPC credit claimed. The registrant must supply sufficient detail on the form to permit audit verification, must certify and sign the continuing education form, and submit with the renewal application and fee.

EFFECTIVE DATE: ~~October 22, 2003~~

APPENDIX A

CODE OF ETHICS FOR ENGINEERS

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standard of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

1. Hold paramount the safety, health and welfare of the public.
2. Perform services only in areas of their competence.
3. Issue public statements only in an objective and truthful manner.
4. Act for each employer or client as faithful agents or trustees.
5. Avoid deceptive acts.
6. Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.
 - a. If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
 - b. Engineers shall approve only those engineering documents that are in conformity with applicable standards.
 - c. Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
 - d. Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe are engaged in fraudulent or dishonest enterprise.
 - e. Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
 - f. Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
2. Engineers shall perform services only in the areas of their competence.

- a. Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
 - b. Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
 - c. Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
3. Engineers shall issue public statements only in an objective and truthful manner.
 - a. Engineers shall be objective and truthful in professional reports, statements or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
 - b. Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
 - c. Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comment by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.
4. Engineers shall act for each employer or client as faithful agents or trustees.
 - a. Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
 - b. Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
 - c. Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
 - d. Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
 - e. Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.
5. Engineer shall avoid deceptive acts.
 - a. Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualification. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent

facts concerning employers, employees, associates, joint venturers, or past accomplishments.

- b. Engineers shall not offer, give, solicit or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect of intent to influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them

III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.
 - a. Engineers shall acknowledge their errors and shall not distort or alter the facts.
 - b. Engineers shall advise their clients or employers when they believe a project will not be successful.
 - c. Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment they will notify their employers.
 - d. Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
 - e. Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
2. Engineers shall at all times strive to serve the public interest.
 - a. Engineers shall seek opportunities to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
 - b. Engineers shall not complete, sign or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
 - c. Engineers shall endeavor to extend public knowledge and appreciation of engineering and its achievements.
3. Engineers shall avoid all conduct or practice that deceives the public.
 - a. Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
 - b. Consistent with the foregoing, engineers may advertise for recruitment of personnel.
 - c. Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.
 - a. Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
 - b. Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.
5. Engineers shall not be influenced in their professional duties by conflicting interests.
 - a. Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
 - b. Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.
6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.
 - a. Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
 - b. Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
 - c. Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.
7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.
 - a. Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
 - b. Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
 - c. Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.
8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interest cannot otherwise be protected.

- a. Engineers shall conform with state registration laws in the practice of engineering.
 - b. Engineers shall not use association with a non-engineer, a corporation, or partnership as a “cloak” for unethical acts.
9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interest of others.
- a. Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
 - b. Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
 - c. Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
 - d. Engineers’ designs, data, records, and notes referring exclusively to an employer’s work are the employer’s property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.
 - e. Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

BASED UPON THE NSPE PUBLICATION AS REVISED JANUARY 2003

APPENDIX B

CODE OF ETHICS FOR LAND SURVEYORS

CODE:

As surveying and mapping professionals, we recognize that our ethical responsibilities extend to the public, to our clients, and to our peers. Accordingly, we acknowledge the following elements to identify our basic values; integrity, competence, and social awareness. Surveying and mapping professionals uphold and advance these values by:

- (i) Supporting and participating in the continuing development of the surveying and mapping professions;
- (ii) Serving with honest, with forthrightness, and within their areas of skill;
- (iii) Using their expertise for the enhancement of human welfare and for the stewardship of resources.

CREED:

As a professional surveyor, I dedicate my professional knowledge and skills to the advancement and betterment of human welfare. I pledge to give the utmost performance, to participate in none but honest enterprise; to live and work according to the laws of humankind and to the highest standards of professional conduct; to place service before profit, honor and standing of the profession before personal advantage, and the public welfare above all other considerations.

CANONS:

In humility and with the need for divine guidance, I make this pledge; A professional surveyor should:

- (1) Refrain from conduct that is detrimental to the public;
- (2) Abide by the rules and regulations pertaining to the practice of surveying within the licensing jurisdiction;
- (3) Accept assignments only in one's area of professional competence;
- (4) Develop and communicate a professional analysis and opinion without bias or personal interests;
- (5) Maintain the confidential nature of the surveyor-client relationship;
- (6) Use care to avoid advertising or solicitation that is misleading or otherwise contrary to the public interest;
- (7) Maintain professional integrity when dealing with members of other professions.

BASED UPON THE ACSM, March 1997