



## Wyoming- Statutes, Regulations and Ethics for Professional Engineers

Three (3) Continuing Education Hours

Course #WY101

Approved Continuing Education for Licensed Professional Engineers

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### Course Description:

The Wyoming Statutes, Regulations and Ethics course satisfies 3 of the 30 hours of continuing professional competency (CPC) required for Wyoming licensed professional engineers.

The course is designed as a distance learning interactive course that enables the practicing professional engineer to examine the canons of ethics as well as keep up to date on the legal aspects that govern the practice of engineering in the state of Wyoming.

### Objectives:

The primary objective of this course is to familiarize the student with the canons of ethics and familiarize the student with the statutes and rules regulating the practice of engineering in the state of Wyoming.

Upon successful completion of the course, the student will have increased understanding of ethical practices and be well versed with the WY state laws and board rules.

### Grading:

Students must achieve a minimum score of 70% on the online quiz to pass this course.

The quiz may be taken as many times as necessary to successfully pass and complete the course.

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# State of Wyoming Rules And Regulations

## BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

### CHAPTER 1 General Provisions

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#### Section 1. Authority.

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

#### Section 2. Definitions.

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

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

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

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

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

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

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

- (vi) Has fully complied with all terms of any sentence or order of probation and has been discharged from probation or parole.
- (c) "Gross negligence" means a substantial or habitual deviation in professional practice from the standard of professional care exercised by members of the licensee's profession, or a substantial or habitual deviation from any technical standards issued by a nationally and/or state recognized professional organization comprised of members of the licensee's profession, or a substantial or habitual deviation from requirements contained in state laws, Board regulations, local ordinances, or regulations related to the licensee's professional practice.
- (d) "Incompetence" means to lack the ability, professional qualifications, experience, education, or combination thereof to undertake a professional engagement or assignment.
- (e) **"ABET" is a nationally recognized accreditation agency for engineering and surveying.** Information can be found at [www.abet.org](http://www.abet.org).
- (f) **"ABET/EAC" means the Engineering Accreditation Commission of ABET.**  
**"ABET/ETAC" means the Engineering Technology Accreditation Commission of ABET.**  
**"ABET/ASAC" means the Applied Science Accreditation Commission of ABET.**
- (g) **"NCEES" means the National Council of Examiners for Engineering and Surveying.** Information can be found at [www.ncees.org](http://www.ncees.org).
- (h) **"NCEES Record" means a mechanism to provide a means of storing and transmitting professional records—such as transcripts, exam results, and employment references—in order to apply for licensure in an additional state or territory (a process known as comity licensure).**
- (i) **"NSPE" means the National Society of Professional Engineers. Information can be found at [www.nspe.org](http://www.nspe.org).**
- (j) **"NSPS" means the National Society of Professional Surveyors. Information can be found at [www.nsps.us.com](http://www.nsps.us.com).**
- (k) "Licensee" means a person who has been granted a license pursuant to the Act.
- (l) **"Intern" means a land surveyor intern or engineer intern, as applicable.**
- (m) **"Thorough technical review" means that the work product has been thoroughly reviewed, critically examined, and evaluated for compliance with appropriate professional standards by a licensee in that profession who accepts responsibility for the work product.**
- (n) **"Wyoming licensing laws related to engineering and surveying" means W.S. 33-29-201 through 33-29-910 and these Rules.**
- (o) "Signature" means that it identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the document. Signature

may be applied as either "original" signature or **"digital" signature. "Original" signature and "digital" signature and are defined as follows:**

- (i) "Original" signature means the handwritten name of a person applied to a document.
- (ii) "Digital" signature means a signature electronically created which has the same authority and effect as an original signature.

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

### Section 3. Regular Meeting.

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

### Section 4. Incorporation by Reference

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

- (i) The Board has determined that incorporation of the full text in these Board Rules would be unduly cumbersome or inefficient given the length or nature of the rules;
- (ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section; and
- (iii) The incorporated rule or regulation is maintained at 6920 Yellowtail Road Suite 100, Cheyenne, WY, and is available for public inspection and copying at cost at the same location.

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

- (i) Chapter 2-Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at <http://engineersandsurveyors.wyo.gov/publications/rules-and-regulations>. These rules are referred to herein as the Uniform Rules for Contested Case Practice and Procedure.

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

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

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

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

## Section 5. Public Records Inspection.

(a) If a member of public requests an electronic or hard copy of public records, then that individual shall pay a fee. Such fee shall include cost of administrative time and producing a copy of the public record.

(b) Public records inspection shall take place under the following conditions:

- (i) An appointment shall be made to review the records during hours of operation, Monday through Friday, excluding state holiday, at the Board Office,
- (ii) Records inspection shall take place in the presence of Board staff, and
- (iii) A member of the public may request copies upon payment of a fee.

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## CHAPTER 2 Fees

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### Section 1. Application Fees.

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

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

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

(iii) Professional Land Surveyor Principles and Practice processing fee – \$25

(iv) Structural Engineer Exam processing fee – \$25

### Section 3. Renewal Fees.

(a) Individual biennial - \$90

(b) Business Entity biennial - \$90

(c) Inactive - \$90

(d) Retired - \$25 onetime fee

(e) Renewal of any license for an individual who performs service in the uniformed services shall be governed by W.S. 19-11-118 and 119.

### Section 4. Miscellaneous Fees.

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

(a) Combined alphabetical/numerical roster of licensees - \$50

(b) Address Labels - \$100

(c) Copy fee per page - \$ 0.25

(d) Replacement certificates - \$10

(e) Returned check charge - \$25

### Section 5. Delinquency Penalty.

The penalty for late payment of renewal fees is \$15 per month not to exceed \$500.

### Section 6. Renewal Periods.

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

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## CHAPTER 3 License and Application Requirements

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### Section 1. Engineer Intern Certificate.

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

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



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

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

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

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

**(c) An "examination in the fundamentals of engineering" is defined as the NCEES Fundamentals of Engineering (FE) exam. Section 2. Land Surveyor Intern Certificate.**

## Section 2. Land Surveyor Intern Certificate.

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

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

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

- i. care and use of instruments
- ii. leveling
- iii. traversing
- iv. area calculation
- v. earthwork volume calculation
- vi. astronomy
- vii. note scrivener (scribe)
- viii. topographic data acquisition
- ix. triangulation
- x. coordinate geometry
- xi. photogrammetry
- xii. public land survey system
- xiii. section subdivision
- xiv. ethics for professional surveyors

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

- i. horizontal control surveys and computations
- ii. vertical control surveys and computations
- iii. geodetic datum
- iv. global positioning systems
- v. precise control surveys
- d. Cartography
  - i. map projections
  - ii. property subdivisions
  - iii. utility and transportation mapping
  - iv. geographic information systems
- e. Advanced Surveying Courses in subjects not covered in (ii) a-d above
  - i. State specific laws
  - ii. survey data management
  - iii. site planning
  - iv. real property law

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

- (i) An Undergraduate or graduate degree in a surveying or geomatics program that is accredited by ABET/EAC, ABET/ETAC or ABET/ASAC;
- (ii) An Undergraduate or graduate degree in an engineering program that is accredited by ABET/EAC that also includes at least thirty (30) semester credit hours in surveying as set forth in paragraph (a) of this section;
- (iii) An Undergraduate or graduate degree (not in surveying, geomatics, or engineering) that includes at least thirty (30) semester credit hours in surveying as set forth in paragraph (a) of this section and also contains other specific coursework:
  - a. A combination of college level mathematics and basic sciences (with a laboratory component) appropriate to the discipline:
    - i. Mathematics (8-10 semester credit hours) must include, at least:
      - A. college algebra
      - B. college trigonometry
      - C. technical statistics (e.g. non-business statistics)
    - ii. Basic Sciences (8-10 semester credit hours) must include lab-based courses in at least two of the following areas:

- A. physics (preferred)
  - B. geology (preferred)
  - C. chemistry
  - D. biology
- iii. A general education component that complements the technical content of the curriculum:
- A. English (6-8 semester credit hours), which can include:
    - I. composition
    - II. literature
    - III. public speaking
    - IV. technical report writing
  - B. Other (5-8 semester credit hours):
    - I. social sciences (e.g. economics, history, political science, psychology, sociology, geography, etc)
    - II. humanities (e.g. philosophy, religion, literature, etc.
    - III. visual and performing arts (e.g. music, art, theatre, etc)
    - IV. business and management

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) An oral interview with the Board.

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

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

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

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

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

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

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

(b) All comity applications must be accompanied by:

- (i) An NCEES Record or all documents as required by the Board in the application.
- (ii) An executed release authorizing the Board to investigate the applicant's education, experience credentials, and moral character and repute.
- (iii) Evidence of lawful presence in the United States. Section 7.

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

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

- (i) Arrange to have certified transcripts sent directly from the registrar of the college, university, or educational institution to the Board;
- (ii) Provide the names and addresses of immediate supervisors from past and present employment;
- (iii) Supply the names and addresses of three (3) supervisors who are licensed professionals to serve as references. If the applicant cannot supply such information, he/she must provide to the Board a written, sworn statement explaining why. The applicant shall then provide the names and addresses of three (3) references, unrelated to the applicant, at least one (1) of whom shall be licensed in the profession in which license is sought. All references shall have personal knowledge of **the applicant's experience. The Board may require additional references;**
- (iv) Execute a release authorizing the Board to investigate the applicant's education, experience credentials, and moral character and repute; and
- (v) Complete and submit evidence of lawful presence in the United States.
- (vi) If an applicant makes no attempt to complete his/her application within six (6) months from the date of original application, his/her application will be canceled with neither prejudice nor refund of fee.

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

(c) If the application is complete and in the proper form, the Board is satisfied that all statements on the application are true, and the applicant is eligible in all other respects to be licensed in engineering or land surveying for which the applicant has applied, then the Board shall certify the applicant as eligible to take any required examinations, or, if

exempt from examination pursuant to the Act, is eligible for licensure. If, for any reason, the Board is not satisfied that all of the statements on the application are true or that the applicant is not eligible in all respects for examination or licensure, it may perform further investigations. If, in the judgment of the Board, the applicant has not furnished satisfactory evidence of qualifications for examination or licensure as required by these rules and regulations, it may deny the application or require additional information. The Board shall require an applicant for professional licensure to have passed both the fundamentals and professional examination, unless exempt pursuant to the Act.

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

## Section 8. Application Requirements for Intern Programs.

(a) The following shall apply for intern applicants:

- (i) Applicants shall register directly with NCEES to take the FE or FS exam;
- (ii) Upon graduation with the education required by W.S. 33-29-402 and Sections 1 or 2, as appropriate, of this Chapter, applicants shall:
  - (A) Complete the appropriate application for intern certification with the Board;
  - (B) Have certified transcripts sent directly from the registrar to the Board;
  - (C) Provide information to the Board that will allow it to determine if the applicant has passed the FE or FS exam; and
  - (D) Execute a release authorizing the Board to investigate the applicant's moral character and repute.

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

## Section 9. Examinations; General.

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

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

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

(i) An examinee may take the Wyoming Land Surveying 2-hour state specific exam no more than two times within a six month period and no more than three times in a one year period.

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

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

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

(i) Cheating on the examination;

(ii) Giving assistance to, or receiving assistance from, another person;

(iii) Compromising the integrity of the examination;

(iv) Disruptive or abusive behavior;

(v) Participating in any form of violation of exam policies or procedures during an examination.

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

## Section 10. Admission to the Professional Examination; Out-of-state Applicants with Intern Status.

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



## Section 11. Engineering Branches Recognized.

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

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

## Section 12. Military Education, Training, and Experience.

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

## CHAPTER 4 License Renewal and Continuing Professional Competency

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### Section 1. Introduction.

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

### Section 2. Definitions.

Terms used in this section are defined as follows:

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

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

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

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

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

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

### Section 3. Requirements.

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

CPC units may be earned as follows:

(a) Successful completion of college courses.

(b) Successful completion of continuing education courses.

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

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

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

(f) Authoring published papers, articles, monographs, or books. 4-1

(g) Active participation in professional or technical societies.

(h) Patents.

(i) Educational outreach.

(j) Self-directed study/research.

## Section 4. Units and Credits

(a) The conversion of other units of credit to CPC units is as follows:

(i) 1 college or unit semester hour 45 CPC

(ii) 1 college or unit quarter hour 30 CPC

(iii) 1 continuing education unit 10 CPC

(b) Annual credits granted will be:

(i) 1 contact hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences.

1 CPC

(ii) For teaching (see Section 3 (e) above) apply multiple of two (2) (teaching credit is valid for teaching a course or seminar for the first time only). 2 CPC

(iii) Each published paper, article, monograph, or book 10 CPC

(iv) Active participation in professional and technical society (each organization).

2 CPC per year

(v) Educational Outreach 2 CPC per year

(vi) Each patent 10 CPC

(vii) Self-Directed Study/Research 2 CPC per renewal period

## Section 5. Determination of Credit.

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

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

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

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

## Section 6. Non-Compliance.

Failure to comply with any CPC requirements could result in discipline against the licensee including but not limited to the following:

- (a) Further request for demonstration of compliance.
- (b) An appearance before the Board.
- (c) A disciplinary action for proven violation of these regulations in accordance with Chapter 6 of these rules.

## Section 7. Record keeping.

The responsibility of maintaining records to be used to support credits claimed is the responsibility of the licensee.

- (a) Records required include:
  - (i) A log/diary/national registry record showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and CPC credits earned; and
  - (ii) Attendance verification records in the form of completion certificates, receipts, or other documents supporting evidence of attendance.
- (b) These records must be maintained for a period of three (3) years. Copies will be requested by the Board if the licensee is randomly selected for audit.

## Section 8. Exemptions.

A licensee may be exempt from the continuing professional competency requirements for one of the following reasons:

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

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

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

(d) A licensee who lists his/her occupation as "retired" on the Board approved renewal form and who further certifies that he/she is no longer receiving any remuneration from providing professional engineering or professional land surveying services shall be exempt from the continuing professional competency required. In the event such a person elects to return to active practice of professional engineering or professional land surveying, continuing professional competency must be earned before returning to active practice for each year exempted, not to exceed the annual requirement for two (2) years. In addition to the continuing professional competency requirements, the licensee must pay the renewal fee listed in Chapter 2, Section 3 (a).

### ~~Section 9. Reinstatement.~~

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

### Section 9. Comity/Out-of-Jurisdiction Resident.

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

### Section 10. Dual Licensees.

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

### Section 11. Forms and Audit Verification.

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

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

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### Section 1. Seals.



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

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

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

In accordance with the Uniform Electronic Transactions Act, (W.S. 40-21-101 through 40-21-119), **an electronic image of the licensee's seal, signature, and date is permitted**

to be used in lieu of an original seal, signature and date on electronic submittals made to agencies of local, state, and federal governments or between private entities if they so desire.

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

- (i) Unique to the person using it;
- (ii) Capable of verification; and
- (iii) Under the sole responsibility and control of the licensee affixing it.
- (iv) A scanned image or other reproduction of an original signature may be used in lieu of an original signature or digital signature if accompanied by the date of signature.
- (v) A digital signature having an electronic authentication process attached to or logically associated with the electronic document may also be used and the date of signature must be included. In this instance, the digital signature shall be linked to a document in such a manner that the data in the document can be verified as being unaltered since the time that the digital signature was affixed.

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

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

## Section 2. Sizes.

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

## Section 3. Engineering Surveys.

**(a) "Engineering survey" means measurement by angles, distances and elevations of natural or man-made features in the air, on the surface, and in the immediate subsurface of the earth, within underground workings, and on the surface or within**

bodies of water for the purpose of determining or establishing their size, shape, topography, grades, contours or water surface and depths, and the preparation and perpetuation of field note records and maps depicting these features; but does not include the establishment or determination of easement or property boundary lines; and

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

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

## Section 4. Land Surveying Practices.

(a) Securing Identifying Markers. Professional land surveyors, and professional engineers and land surveyors engaged in the practice of land surveying, shall obtain and use metallic identifying markers which shall show the licensee's Wyoming License Number, as issued by the Board, prefixed by the letters LS, PLS, or PE & LS, as appropriate.

(b) Monumentation.

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

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



diameter securely fastened to the top, except where impracticable because of site conditions. All nonferrous monuments shall have at least one ferromagnetic insert for electronic or magnetic detection.

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

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

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

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

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

(i) For the subdivision of any section, resurvey tract or lot of the public land survey system, the licensee shall be required to recover or reestablish all of the corners established and monumented during the original government survey or resurvey, which are relevant to the subdivision. 5-3 The licensee shall follow the **"Manual of Surveying Instruction For the Survey of the Public Lands of the United States," 2009 edition, for any public land survey corner established,** reestablished, monumented, re-monumented, restored, rehabilitated, perpetuated or used as control in any survey. The words establish or reestablish as used in the Manual shall mean to determine the true position of a corner and set a monument which meets the above standards.

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

(iii) Where it is impractical to monument, witness or reference a corner due to **site conditions, denial of access, or situations beyond the licensees' control,** the licensee shall document the particulars of the corner establishment and file the documentation in accordance with Chapter 7 of these rules and/or record a public document detailing the circumstance.

## Section 5. Practice by Business Entities.

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

(b) Licensure of Business Entities:

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

(A) Business name;

(B) All office locations in Wyoming;

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

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

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

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

(ii) Business entities must complete and submit a license renewal form every two (2) years along with the required renewal fee.

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

## Section 6. Exemptions and limitations; Clarifications.

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

## Section 7. Rules of Professional Conduct.

(a) All licensees and interns shall comply with the following standards, and failure to do so may result in discipline. In the event the referenced engineering code of ethics or surveying creed and canons conflict with the following standards, the standards in this section shall control.

- (i) A licensee or intern shall not submit any materially false statements or fail to disclose any material facts requested in connection with the application for license;
- (ii) A licensee or intern shall not engage in fraud, deceit, misrepresentation, or concealment of material facts in advertising, soliciting or providing professional services to members of the public;
- (iii) A licensee or intern shall not knowingly seal, sign and date any plans, drawings, blueprints, land surveys, reports, specifications or other documents not prepared or without thorough technical review by the licensee or under the licensee's direct supervision;
- (iv) A licensee or intern shall not knowingly violate any federal or state statute concerning bribery;
- (v) A licensee or intern shall comply with all federal, state, and local building, fire, safety, real estate, and mining codes, and any other laws, codes, ordinances, or regulations pertaining to the licensee's professional practice. A licensee shall not provide any professional services in violation of any such laws, codes, ordinances, or regulations;
- (vi) A licensee or intern shall not violate any state or federal criminal statute involving fraud, misrepresentation, embezzlement, theft, forgery or breach of fiduciary duty, where the violation is related to his/her professional practice;
- (vii) A licensee shall apply the technical knowledge and skill which would be applied by other qualified licensees who practice the same profession;
- (viii) A licensee shall not accept an assignment where the duty to a client or the public would conflict with the licensee's personal interest or the interest of another client without full disclosure of all material facts of the potential conflict to each person who might be related to or affected by the project or engagement in question;
- (ix) Licensees shall not accept compensation for services related to the same project or professional engagement from more than one private party without making full disclosure to all parties involved and obtaining the express written consent of all parties involved;
- (x) Licensees who serve governmental or quasi-governmental organizations or departments, or are board members of any organization which receives government funds, as members, advisors, or employees shall recuse themselves from any conflict of interest decision and act in the best interest of that organization;
- (xi) Except as provided in Subparagraph (xiv) below, a licensee shall not accept any professional engagement or assignment outside the licensee's professional license unless: (a) the licensee is qualified by education, technical knowledge or experience to perform such work and (b) such work is both necessary and

incidental to the work of the licensee's profession on that specific engagement or assignment;

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

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

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

(xv) If a licensee's professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare results or would result, the licensee shall immediately notify the client or employer. If the client or employer does not take appropriate remedial action within a reasonable amount of time under the circumstances, the licensee shall also notify the Board of the specific nature of the public threat;

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

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

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

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### Section 1. Statement of Purpose.

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

### Section 2. Application Review Process.

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

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

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

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

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

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

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

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

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

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

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

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

(a) If a written request for hearing is received by the Board office from the applicant within the thirty (30) day period, a Notice of Hearing by certified or regular mail at least thirty (30) days prior to the date set for hearing shall be served in accordance with the Uniform Rules for Contested Case Practice and Procedure. Such service shall be made to the last address provided to the Board by the applicant.

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

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

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

### Section 4. Application Denial Hearings.

(a) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act and applicable provisions of the formal hearing procedures established in the Uniform Rules for Contested Case Practice and Procedure.

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

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

### Section 5. Incomplete Applications.

(a) An incomplete application requires no action by the Board, until such time as the **application is deemed "complete" by Board staff on behalf of the Board, and has been** reviewed for recommendations by the ARC. If an applicant makes no attempt to complete his/her application within six (6) months from the date of original application, his/her application will be canceled with neither prejudice nor refund of fee.

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

- (i) Failure by the applicant to complete or answer any information requested on the application form;
- (ii) Failure by the applicant to demonstrate lawful presence in accordance with Federal Law;
- (iii) Failure by the applicant to respond to any Board staff or ARC inquiry or to produce any documents or information requested by Board staff or the ARC;
- (iv) Failure by the applicant to provide payment for application fees. If any payment is made by the applicant, processed, and rejected or returned to the Board, then the applicant has failed to provide proper payment for application fees.

## Section 6. Renewal Applications.

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

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

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

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

## Section 7. Reinstatement Applications.

Any application for reinstatement by a licensee who was the subject of prior disciplinary action shall be subject to investigation by the ARC to determine satisfaction of any conditions previously imposed by the Board. The investigative process shall apply as if a

written complaint form had been filed against the licensee and also shall apply to a person whose license was subject to restrictions, or was suspended, surrendered or revoked.

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

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

### Section 8. Administrative Complaint in Discipline Matters.

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

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

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

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

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

### Section 9. Review of Administrative Complaint.

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

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



participated in the investigation of the complaint, although they may attend any disciplinary hearing.

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

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

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

### Section 10. Investigation.

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

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

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

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

## Section 11. Conduct of Investigation.

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

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

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

## Section 12. Investigative Report.

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

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

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

## Section 13. Informal Conference Procedures.

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

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

the offer and enter a decision that is consented to by the licensee or intern and incorporates the proposed settlement.

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

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

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

#### Section 15. Commencement of Contested Case Proceedings

Formal proceedings for Board disciplinary action against a Licensee or intern shall be commenced by notice issued by the Board.

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

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

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

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

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

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

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

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

### Section 16. Default.

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

### Section 17. Contested Case Hearings.

The Office of Administrative Hearings shall act as the hearing officer and shall preside over the formal contested case hearing which shall be conducted pursuant to the Uniform Rules for Contested Case Practice and Procedure.

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

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

### 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. The Board may request a recommended decision from the hearing officer.

(a) 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. Appeals.

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

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

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## CHAPTER 7 Corner Perpetuation and Filing Act

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

(a) Corner Records required to be filed under this Chapter shall be prepared upon bond paper, in a form prescribed by the Board. This does not preclude the use of a word processor or computer generated form that is identical to the format prescribed by the

Board. The Cross Index Plat may be used as designed by the Board to provide the alpha-numeric coordinate for each Corner Record. It is the responsibility of the licensee, not the client, to file the Corner Records as required.

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

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

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

- (i) Date of field work and the date of preparation of Corner Record;
- (ii) The original General Land Office (GLO) and/or Bureau of Land Management (BLM) field note record for any lost or obliterated corners of the Public Land Survey System reestablished;
- (iii) Description of the corner and accessory evidence found including, but not limited to, material, inscriptions, dimensions;
- (iv) Description; including material, inscriptions, dimensions, of the monument and accessories used to perpetuate and rehabilitate the original location of the corner. Where appropriate, the system of marking monuments shall follow the 2009 "Manual of Instructions for the Survey of Public Lands of the United States,";

- (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.

# Wyoming Statutes Annotated

## TITLE 33 PROFESSIONS AND OCCUPATIONS, CH. 29 SURVEYORS AND ENGINEERS **"Wyoming Surveyors and Engineers Practice Act"**

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*Note: Article 1: §§ 33-29-101 through 33-29-149. [Repealed or Renumbered]*

### Article 2. General Provisions

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#### §33-29-201. Definitions.

(a) As used in this act:

(i) "Board" means the Wyoming board of professional engineers and professional land surveyors;

(ii) "Business entity" means a corporation, limited liability company, partnership, limited partnership, limited liability partnership or any other form of business except a sole proprietorship;

(iii) "Engineer intern" means an individual who is certified by the board as an engineer intern;

(iv) "Jurisdiction" means a licensing agency, including agencies outside of the United States;

(v) "Land surveyor intern" means an individual who is certified by the board as a land surveyor intern;

(vi) "Licensee" means a professional engineer or professional land surveyor licensed by the board;

(vii) "Practice of professional engineering" means performing for others or offering to perform for others any "professional service" or "professional creative work" requiring engineering education, training and experience and special knowledge of mathematics, physics and engineering sciences. An individual performs "a professional service" or "professional creative work" in the practice of professional engineering if he:

(A) Represents himself to be a professional engineer by sign, advertisement, letterhead, card, verbal claim or any other manner;

- (B) Quotes a fee for a professional engineering service;
- (C) Executes a contract or agreement for a professional engineering service;
- (D) Teaches upper division engineering design subjects as a professional engineer at a college or university;
- (E) Performs research investigations as a professional engineer;
- (F) Testifies as an expert in professional engineering; or
- (G) Holds himself out as able to perform or does perform, as a professional engineer, any similar service defined by board rule as the practice of professional engineering.

(viii) "Practice of professional land surveying" means performing for others or offering to perform for others "professional services" which involve the application of special knowledge or principles of mathematics and methods of measurement for the determination and preservation of land boundaries and for the determination of land features and forms. An individual performs a "professional service" in the practice of professional land surveying if he:

- (A) As a professional land surveyor, makes geometric measurements and gathers related information pertaining to the physical or legal features of the earth, improvements on the earth and the space above, on or below the earth;
- (B) Teaches, as a professional land surveyor, upper division university level land surveying design subjects;
- (C) Performs professional land surveying research as a professional land surveyor;
- (D) As a professional land surveyor, creates work product relating to land surveying such as graphics, data, maps, plans, reports and descriptions;
- (E) Represents himself to be a professional land surveyor by sign, advertisement, letterhead, card, verbal claim or any other way;
- (F) Testifies as an expert in professional land surveying; or
- (G) Holds himself out as able to perform or does perform, as a professional land surveyor, any similar service defined by board rule as professional land surveying.



(ix) "Professional engineer" means an individual who, by reason of intensive preparation in the use of mathematics, physics and engineering sciences including the principles and methods of engineering analysis and design, is qualified to practice professional engineering and is licensed under this act;

(x) "Professional land surveyor" means an individual who by reason of specialized knowledge in the technique of measuring land, mathematics, physical and applied sciences, and legal requirements of surveying real property, is qualified to practice professional land surveying and is licensed under this act;

(xi) "Responsible charge" means the exercise of direct control or the personal supervision of engineering work by a professional engineer or surveying work by a professional land surveyor;

(xii) "This act" means W.S. 33-29-201 through 33-29-801.

## Article 3. Wyoming Board of Professional Engineers and Professional Land Surveyors

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### §33-29-301. Creation of board.

(a) The Wyoming board of professional engineers and professional land surveyors is created to regulate the practice of professional engineering and professional land surveying in order to safeguard life, health and property and to promote the public welfare. The board shall consist of eight (8) members appointed by the governor for a term of four (4) years and the state engineer who shall serve during his term in office. The board shall be composed of:

(i) The state engineer;

(ii) Four (4) professional engineers. One (1) shall teach engineering at the university level. Two (2) shall be in private practice;

(iii) Three (3) professional land surveyors. Two (2) shall be in private practice; and

(iv) One (1) member who is neither a professional engineer nor a professional land surveyor.

(b) The governor may remove any board member he appoints in accordance with W.S. 9-1-202.

### §33-29-302. Qualifications of board members.

(a) Appointed members of the board shall have been residents of Wyoming for at least five (5) years immediately prior to appointment, shall be residents during their appointment and shall be citizens of the United States.

(b) Professional engineer members shall have engaged in the practice of engineering as licensed professional engineers for at least twelve (12) years and shall have been in responsible charge for at least five (5) years.

(c) Professional land surveyor members shall have been engaged in the practice of land surveying as licensed professional land surveyors for at least twelve (12) years and shall have been in responsible charge for at least five (5) years.

### §33-29-303. Compensation of board members.

Members of the board shall receive compensation for each day or part of a day in which they engage in the performance of their board duties at the same rate provided members of the state legislature under W.S. 28-5-101 and shall be reimbursed for actual and necessary expenses incurred in the performance of their board duties.

Compensation and expenses incurred by the board or any member shall be approved by the board. Compensation and expenses shall be paid only from the fees collected by the board. This section shall not apply to the state engineer.

### §33-29-304. Organization of board.

(a) The board shall meet as often as needed, but not less than four (4) times a year.

(b) The board shall elect the following officers biennially to serve not more than two (2) consecutive terms: a chairperson, a vice chairperson and a secretary-treasurer.

(c) Five (5) members of the board constitute a quorum.

(d) The board is hereby transferred to the department of the state engineer under a Type 3 transfer as defined in W.S. 9-2-1707(b)(iii).

### §33-29-305. Powers of board.

(a) The board shall have the powers necessary to enforce this act, including the power to:

(i) Promulgate rules and regulations necessary to enforce this act;

(ii) Promulgate rules and regulations necessary to regulate the practice of professional engineering and professional land surveying, including qualifications for

intern certificates and professional licenses, professional conduct, continuing education, discipline and license status categories;

(iii) Conduct hearings, take testimony, administer oaths, subpoena witnesses and issue subpoenas for the production of documents or data;

(iv) Use investigators, the office of the attorney general and consultants to investigate and evaluate possible violations of this act or the board's rules;

(v) Adopt an official seal for the board and adopt a professional seal for the use of licensees;

(vi) Employ a board administrator and such additional staff as necessary to administer and enforce this act and board's rules;

(vii) Appoint advisory committees comprised of persons who may or may not be members of the board to undertake tasks assigned by the board. The board may reimburse committee members for reasonable incidental expenses incurred in the conduct of board business;

(viii) Establish and collect fees pursuant to W.S. 33-1-201. All fees collected by the board shall be deposited by the state treasurer to the credit of the Wyoming board of professional engineers and professional land surveyors account;

(ix) Pay for membership to regional and national organizations and expenses incurred by board members to attend organization meetings;

(x) Use electronic transmissions.

### §33-29-306. Professional engineers and professional land surveyors account.

All fees and other revenues received by the board shall be deposited by the state treasurer to the credit of the Wyoming board of professional engineers and professional land surveyors account. All monies in the account may be appropriated for the use of the board. The account shall be used by the board to defray costs incurred in the administration of this act. Disbursements from the account shall not exceed the monies credited to it.

### §33-29-307. Immunity from personal liability.

Any person reporting information to the board under oath and members, agents, investigators and employees of the board are immune from personal liability with respect to acts done and actions taken in good faith without fraud or malice.

### §33-29-308. Confidentiality of records.

(a) The following records and papers of the board are confidential and are not public records:

(i) Letters of inquiry and reference concerning applicants;

(ii) Completed applications and verification and inquiry forms;

(iii) Transcripts of educational institutions;

(iv) Investigative and disciplinary matters dismissed without action; and

(v) Files relating to complaints and investigations until a formal hearing is concluded or until final disciplinary action is taken if no hearing is commenced. This paragraph does not prevent use of the board files in a hearing.

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## ARTICLE 4 License Requirements

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### §33-29-401. Professional license required.

Except as provided in this act, no individual shall engage in the practice of professional engineering or professional land surveying unless the individual holds the appropriate license issued by the board.

### §33-29-402. Requirements for intern certificate.

(a) An applicant for a certificate as an engineer intern shall submit evidence satisfactory to the board showing that the applicant:

(i) Is of good moral character and repute;

(ii) Has graduated from a curriculum approved by the board of at least four (4) years; and

(iii) Has passed an examination in the fundamentals of engineering.

(b) An applicant for a certificate as a land surveyor intern shall submit evidence satisfactory to the board showing that the applicant:

(i) Is of good moral character and repute;

(ii) Has passed an examination in the fundamentals of land surveying;

(iii) Has one (1) of the following educational/experience backgrounds:

(A) Has graduated from a curriculum approved by the board of at least four (4) years that contains at least thirty (30) semester credit hours in surveying approved by the board; or

(B) Has graduated from a curriculum approved by the board of at least two (2) years that contains at least thirty (30) semester credit hours in surveying approved by the board plus two (2) years of combined office and field experience in land surveying, of which one (1) year shall have been in charge of land surveying projects under the supervision of a licensed professional land surveyor.

(c) An engineer intern or land surveyor intern shall not practice as a professional engineer or a professional land surveyor.

### §33-29-403. Requirements for professional license.

(a) An applicant for a license as a professional engineer who has not graduated from a doctoral curriculum in engineering approved by the board shall submit evidence satisfactory to the board showing that the applicant:

- (i) Is of good moral character and repute;
- (ii) Has passed an examination in the principles and practice of engineering; and
- (iii) Has one (1) of the following:
  - (A) Has met the requirements for an engineer intern certificate and has four (4) years of engineering experience in increasing responsibility and scope of a grade and character that evidence the applicant is competent to practice as a professional engineer; or
  - (B) Has graduated from a curriculum approved by the board of at least four (4) years and has been actively engaged in engineering practice of a character satisfactory to the board for at least ten (10) years after graduation.

(b) An applicant for a license as a professional engineer who has graduated from a doctoral curriculum in engineering approved by the board shall submit evidence satisfactory to the board showing that the applicant:

- (i) Is of good moral character and repute;
- (ii) Has passed any examinations required by rule of the board to establish competence at a professional level in Wyoming licensing laws and professional ethics; and

(iii) Has four (4) years of engineering experience in increasing responsibility and scope of a grade and character that evidence the applicant is competent to practice as a professional engineer.

(c) An applicant for a license as a professional land surveyor shall submit evidence satisfactory to the board showing that the applicant:

(i) Is of good moral character and repute;

(ii) Has passed the examination in the principles and practice of land surveying;

(iii) Has met the requirements for a land surveyor intern certificate; and

(iv) Has four (4) years of land surveying experience in increasing responsibility and scope of a grade and character that evidence the applicant is competent to practice as a professional land surveyor. This experience shall be in addition to that described in W.S. 33-29-402(b)(iii).

(d) The board may by rule and regulation modify the requirements of this section as they relate to the licensure of a member of the faculty of the University of Wyoming teaching upper division engineering or land surveying courses.

#### §33-29-404. Application for license.

(a) An applicant for a license or certificate under this act shall submit an application on a form and in the manner prescribed by the board.

(b) In addition to information required by the board, the application shall contain a statement under oath of the applicant's education and engineering or land surveying work experience.

(c) The board may accept an applicant's records from the national council of examiners for engineering and surveying or its successor organization as a substitute for the information required in this act.

#### §33-29-405. Fees.

The board shall establish fees in accordance with W.S. 33-1-201 as necessary to provide for the administration of this act, including license and certificate application fees and fees for services provided by the board. Application fees shall accompany the application. Application fees are nonrefundable.

### §33-29-406. License on the basis of comity.

(a) An applicant who holds a license issued by another jurisdiction to practice professional engineering or professional land surveying may be issued a professional license provided:

- (i) The applicant has submitted evidence satisfactory to the board that the applicant is of good moral character and repute;
- (ii) The applicant has passed any examinations required by rule of the board to establish competence at a professional level in Wyoming licensing laws and professional ethics; and
- (iii) The applicant:
  - (A) Meets the education, experience and examination requirements equivalent to the requirements in effect in Wyoming at the time the applicant's license was issued by the other jurisdiction; or
  - (B) Meets requirements established by the national council of examiners for engineering and surveying or its successor organization that the board has determined are equivalent to the requirements for a professional license in Wyoming.

(b) An applicant who holds a license issued by another jurisdiction to practice professional engineering or professional land surveying, and who has held the license for fifteen (15) years immediately prior to submitting the application, may be issued a professional license provided the applicant:

- (i) Is of good moral character and repute; and
- (ii) Has passed any examination required by rule of the board to establish competence at a professional level in Wyoming licensing laws and professional ethics.

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## ARTICLE 5 License Renewal

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### §33-29-501. Renewal of licenses.

(a) The board shall provide for the biennial renewal of a license. The board may adopt a system under which licenses are renewed on a staggered basis.

(b) An individual whose license has expired shall not engage in activities that require a license until the license has been renewed or until a new license has been obtained.

(c) An individual whose license has been expired for less than two (2) years may renew the license by paying the required annual renewal fee and a late fee.

(d) An individual whose license has been expired for more than two (2) years may not renew the license. The individual may obtain a new license by complying with the requirements of this act for obtaining an original license.

(e) An individual who renews his license shall comply with the continuing professional competency requirements adopted by board rule for license renewals.

### §33-29-502. Continuity of current licenses.

Any individual holding a certificate of registration in this state that is valid and active on July 1, 2013, shall be deemed to be licensed under this act.

## ARTICLE 6 Practice of Professional Engineering and Professional Land Surveying

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### §33-29-601. Professional seal.

(a) The board shall adopt a seal for the use of professional engineers and professional land surveyors.

(b) Whenever the professional seal is applied, the licensee's signature and the date shall also be included.

(c) The professional seal, signature and date shall be placed on all final designs, specifications, maps, land surveys, reports, plats, drawings and plans filed or recorded pursuant to W.S. 33-29-801.

(d) The application of a professional seal shall constitute certification that:

(i) The work was done by the professional licensee or under his responsible charge; and

(ii) The licensee is competent in the subject matter.

(e) A licensee shall not:

(i) Permit the use of his seal by another; or



(ii) Use his seal when his license has expired, is inactive or has been revoked or suspended.

(f) An individual who is not licensed shall not use the seal of a licensee.

### §33-29-602. Practice through business entities; registration.

(a) Professional engineers and professional land surveyors may practice professional engineering or professional land surveying through a business entity provided:

(i) The business entity has registered with the board;

(ii) The business entity has submitted the following to the board:

(A) A description of the engineering or land surveying services to be practiced in the state; and

(B) A designation of an individual or individuals in responsible charge. A change in the individual or individuals in responsible charge shall be filed with the board within thirty (30) days of the change.

(iii) All final maps, plats, plans, designs and other documents filed or recorded under W.S. 33-29-801 shall be dated and bear the signature and seal of a professional engineer or professional land surveyor in responsible charge of the work; and

(iv) All personnel of the business entity who act on its behalf as engineers or land surveyors in this state shall be licensed professional engineers or licensed professional land surveyors or shall be exempted from the license requirement under W.S. 33-29-604(a)(iii). No business entity shall be relieved of responsibility for the conduct or acts of its employees, officers or agents by reason of its compliance with this act. Nor shall any individual engaged in engineering or land surveying be relieved of responsibility for engineering or land surveying services performed by reason of his employment or relationship with a business entity.

### §33-29-603. Public works.

(a) Drawings, plans, specifications and estimates for public works of the state or a political subdivision of the state involving professional engineering shall be prepared by or under the personal direction of a professional engineer. The construction of the engineering works shall be executed under the direct supervision of a professional engineer.

(b) Surveys or maps for public works of the state or a political subdivision of the state shall be prepared by or under the personal direction of a professional land surveyor.

The surveying work shall be executed under the direct supervision of a professional land surveyor.

### §33-29-604. Exemptions and limitations.

(a) The provisions of this act shall not apply to:

- (i) An officer or employee of the United States practicing within the scope of his authority and employment;
- (ii) An officer or employee of the state of Wyoming performing regulatory reviews within the scope of his authority and employment provided the officer or employee shall not represent himself to be a licensed professional engineer or licensed professional surveyor unless he is so licensed and except when filing water right petitions with the state of Wyoming as provided in title 41 of the Wyoming statutes;
- (iii) An individual working for a business entity or licensee provided a licensee exercises responsible charge over all final designs, drawings, maps, plats and plans filed under W.S. 33-29-801;
- (iv) A utility company or telecommunications company regulated by the Wyoming public service commission or the company's employees practicing within the scope of their employment and authority;
- (v) An individual who performs actions described in W.S. 33-29-201(a)(viii)(A) upon lands owned or leased by him or upon lands owned or leased by an entity, which is not a publicly traded corporation, of which he owns an interest; or
- (vi) An irrigation company or employee of an irrigation company when determining elevations and distances necessary to market equipment.

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## ARTICLE 7 Prohibited Acts and Disciplinary Procedures

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### §33-29-701. Disciplinary powers of the board.

(a) On a determination that a ground for disciplinary action exists under W.S. 33-29-702, the board may:

- (i) Deny an application for a license, intern certificate or business entity registration;

- (ii) Revoke, suspend or refuse to renew a license, intern certificate or business entity registration;
- (iii) Impose probation;
- (iv) Restrict the scope of a license, intern certificate or business entity registration;
- (v) Impose peer review;
- (vi) Require continuing education;
- (vii) Formally or informally reprimand a licensee, intern or registered business entity;
- (viii) Impose civil penalties as provided in W.S. 33-29-707.

### §33-29-702. Grounds for disciplinary action.

(a) An individual or business entity is subject to disciplinary action for:

- (i) A violation of this act, board rule, order or code of ethics;
- (ii) Fraud or misrepresentation relating to the practice of engineering or land surveying, including in the submission of information to the board and signing of documents;
- (iii) Allowing or assisting another to violate this act or a rule or order of the board;
- (iv) Incompetence, habitual or gross negligence or other misconduct in the practice of engineering or land surveying;
- (v) Habitual intoxication or addiction to the use of drugs or alcohol which affects the ability to practice engineering or land surveying;
- (vi) Conviction of a felony that is related to the ability to practice engineering or land surveying;
- (vii) Discipline or restriction of a license, intern certificate or business entity registration by another jurisdiction if the ground for the action was the same or substantially equivalent to a ground for discipline in this section.

### §33-29-703. Disciplinary proceedings.

(a) Any final disciplinary action shall be preceded by notice and an opportunity for a hearing. Hearings shall be conducted as a contested case.

(b) The board may conduct investigations and issue subpoenas for the attendance of witnesses and the production of books, records, electronic records, documents and other evidence the board deems relevant to an investigation or hearing.

(c) The board may settle a disciplinary matter without a formal hearing.

(d) The board shall notify the clerk of each county in the state and the secretary of state, in the case of a business entity, of suspension or revocation of a license, intern certificate or business entity registration and of the reissuance of a suspended or revoked license, certificate or business entity registration.

### §33-29-704. Judicial review.

Except as provided by W.S. 33-29-706, any final action or order of the board is subject to judicial review as provided in W.S. 16-3-114.

### §33-29-705. Reinstatement.

A licensee, intern or business entity may apply for reinstatement of a license, intern certificate or business registration upon fulfilling disciplinary conditions imposed by the board. The board may grant or deny the application and may modify its original findings.

### §33-29-706. Court ordered suspension of license.

Upon receipt from the department of family services of a certified copy of an order from a court under W.S. 20-6-112 to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for action taken under this section.

### §33-29-707. Civil penalties.

(a) In addition to any disciplinary action taken with respect to a license, intern certificate or business entity registration, the board may impose a civil penalty upon any person who violates this act or a rule or order of the board. The penalty may be up to two thousand dollars (\$2,000.00) for each violation and may include the board's costs and expenses for the investigation and prosecution and reasonable attorney's fees.

(b) The board shall notify the person accused of a violation in writing of the nature of the alleged violation. Upon receipt of a notice of violation the person receiving it shall

pay the assessed civil penalty to the board within sixty (60) days or file an appeal to the board. The appeal shall be conducted as a contested case before a hearing examiner of the office of administrative hearings, who shall recommend a decision to the board.

(c) A civil penalty may be recovered in an action brought in the name of the board in the district court.

### §33-29-708. Criminal penalties.

Any person who violates any provision of this act is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), by imprisonment of not more than one (1) year, or both. Each violation shall constitute a separate offense.

### §33-29-709. Injunctions; enforcement of subpoenas.

(a) In addition to the discipline and penalties in W.S. 33-29-701, 33-29-707 and 33-29-708, the board may seek an injunction in the district court to enjoin any person from violating this act or the board's rules or orders. The board is authorized to apply for injunctive relief without bond. It shall not be necessary to allege or prove an adequate remedy at law does not exist or irreparable harm would result from the continued violation of this act.

(b) In case of refusal to obey a subpoena served by the board upon any person, the district court for any county in which the person is found or resides or transacts business, upon application by the board, may issue an order requiring the person to appear and give testimony or to appear and produce documents or both. Any failure to obey the order of the court may be punished by the court as contempt.

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## ARTICLE 8 Filing and Recording

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### §33-29-801. Maps, plats, plans and designs for filing or recording to be certified by professional engineer or professional land surveyor; exception; size of maps.

(a) Except for filings with the oil and gas commission pursuant to rules of the oil and gas commission, all maps, plats, plans, designs and all other engineering and surveying documents required to be filed or recorded in the state engineer's office, the office of state lands and investments, all county clerks' offices, all city or town offices, or any other office of public record in the state of Wyoming, shall comply with the following requirements:

- (i) Be made by or under the responsible charge of a professional engineer or professional land surveyor and be signed by and bear the seal of the professional engineer or professional land surveyor;
  - (ii) Hardcopy originals shall be drawn in either waterproof black ink or acetate ink or shall be an acceptable photographic or other kind of reproduction on good quality polyester base drafting film in a minimum thickness of four-thousandths (.004) inch or as otherwise required by the receiving entity;
  - (iii) Maps formatted as required by the receiving entity may be submitted in electronic form as provided by the Uniform Electronic Transactions Act, W.S. 40-21-101 through 40-21-119;
  - (iv) Hardcopy documents shall conform to the sizes provided by board rule.
- (b) The state engineer may adopt rules and regulations which provide exceptions to paragraph (a)(i) of this section for projects which, because of their size, nature or location, an exception would not impede upon public safety or the integrity of a water right.

# Wyoming Corner Perpetuation and Filing Act

## Title 33, Chapter 29, ARTICLE 9 SURVEYORS AND ENGINEERS

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33-29-901. Short title.

W.S. 33-29-901 through 33-29-910 may be cited as the "Corner Perpetuation and Filing Act".

33-29-902. Definitions.

(a) Except where the context indicates a different meaning, terms used in W.S. 33-29-901 through 33-29-910 shall be defined as follows:

(i) A "property corner" is a geographic point on the surface of the earth, and is on, a part of, and controls a property line;

(ii) A "property controlling corner" for a property is a public land survey corner or any property corner which does not lie on a property line of the property in question, but which controls the location of one (1) or more of the property corners of the property in question;

(iii) A "public land survey corner" is any corner actually established and monumented in an original survey or resurvey used as a basis of legal description for issuing a patent for the land to a private person from the United States government;

(iv) A "corner," unless otherwise qualified, means a property corner, or a property controlling corner, or a public land survey corner or any combination of these;

(v) An "accessory to a corner" is any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other objects;

(vi) A "monument" is an accessory that is presumed to occupy the exact position of a corner;

(vii) A "reference monument" is a special monument that does not occupy the same geographical position as the corner itself, but whose spatial relationship to the corner is recorded and which serves to witness the corner;

(viii) A **“professional land surveyor”** is a surveyor who is licensed to practice professional land surveying under W.S. 33-29-201 through 33-29-801, and has a current license for that calendar year;

(ix) The **“board”** is the Wyoming board of professional engineers and professional land surveyors.

### 33-29-903. Completion of **“corner file”**.

A professional land surveyor shall complete, sign, and file with the county clerk where the corner is situated, a written record of corner establishment or **restoration to be known as a “corner file” for every public land survey corner** and accessory to such corner which is established, reestablished, monumented, remonumented, restored, rehabilitated, perpetuated or used as control in any survey by such surveyor, and within ninety (90) days thereafter, unless the corner and its accessories are substantially as described in an existing corner record filed in accordance with the provisions of W.S. 33-29-901 through 33-29-910.

### 33-29-904. Filing of corner reference.

A professional land surveyor may file such corner record as to any property corner, property controlling corner, reference monument or accessory to a corner.

### 33-29-905. Information to be included in corner file; form.

The board shall by regulation provide and prescribe the information which shall be necessary to be included in the corner file and the board shall prescribe the form in which the corner record shall be presented and filed.

### 33-29-906. Preservation of map records; public inspection.

(a) The county clerk of the county containing the corners, as part of his files, shall have on record maps of each township within the county, the bearings and lengths of the connecting lines to government corners and government corners looked for and not found. These records shall be preserved in hardbound books in numerical order as filed.

(b) The county clerk shall make these records available for public inspection during all usual office hours.

(c) The filing fee for each corner record or certificate is one dollar (\$1.00) as provided in W.S. 18-3-402(a)(xvi)(Q) and each record or certificate shall apply to only one (1) corner.

### 33-29-907. Reconstruction or rehabilitation of monument.

In every case where a corner record of a public land survey corner is required to be filed under the provisions of W.S. 33-29-901 through 33-29-910,



the professional land surveyor must reconstruct or rehabilitate the monument of such corner, and accessories to such corner, so that the same shall be left by him in such physical condition that it remains as permanent a monument as is reasonably possible and so that the same may be reasonably expected to be located with facility at all times in the future.

### 33-29-908. Signature on corner record required.

No corner record shall be filed unless the same is signed by a professional land surveyor, or, in the case of an agency of the United States government or the state of Wyoming, the certificate may be signed by the survey party chief making the survey.

### 33-29-909. Previously existing corners.

Corner records may be filed concerning corners established, reestablished or restored before the effective date of W.S. 33-29-901 through 33-29-910.

### 33-29-910. Exemption from filing fees.

All filings relative to official cadastral surveys of the bureau of land management of the United States of America performed by authorized personnel shall be exempt from filing fees.

# Code of Ethics

## Preamble

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Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards 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.
  - 1) 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.
  - 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.

3) 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.

4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.

5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.

6) 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.

1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.

2) 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.

3) 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.

1) 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.

2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.

- 3) 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 comments 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.
    - 1) 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.
    - 2) 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.
    - 3) 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.
    - 4) 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.
    - 5) 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. Engineers shall avoid deceptive acts.
    - 1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. 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.
    - 2) 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 or intent of 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.

1) Engineers shall acknowledge their errors and shall not distort or alter the facts.

2) Engineers shall advise their clients or employers when they believe a project will not be successful.

3) 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.

4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.

5) 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.

1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.

2) 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.

3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.

- 4) Engineers are encouraged to adhere to the principles of sustainable development<sup>1</sup> in order to protect the environment for future generations.
3. Engineers shall avoid all conduct or practice that deceives the public.
  - 1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
  - 2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.
  - 3) 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.
  - 1) 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.
  - 2) 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.
  - 1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
  - 2) 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.

1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.

2) 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.

3) 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.

1) 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.

2) 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.

3) 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 interests cannot otherwise be protected.

1) Engineers shall conform with state registration laws in the practice of engineering.

2) Engineers shall not use association with a nonengineer, 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 interests of others.

1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.

2) 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.

3) 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.

4) 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.

5) 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.



## REFERENCES

Wyoming Board of Professional Engineers and Professional Land Surveyors, Rules and Regulations Compiled Document

<https://sites.google.com/a/wyo.gov/wybpepls/publications/rules-and-regulations>

Wyoming State Agency Rules, Board of Professional Engineers and Professional Land Surveyors Rules and Regulations, (Ch. 1 to Ch. 9)

<http://soswy.state.wy.us/rules/>

Wyoming Statutes Annotated: Title 33 Professions and Occupations, Ch. 29 Surveyors and Engineers, (§33-29-201 to §33-29-801)

<http://www.lexisnexis.com/hottopics/wystatutes/>

National Society of Professional Engineers, Code of Ethics

<http://www.nspe.org/resources/ethics/code-ethics>