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FILE COPY

STATE OF WISCONSIN
BEFORE THE EXAMINING BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND
LAND SURVEYORS

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION
HAROLD M. SCHNEIDER,	:	AND ORDER
RESPONDENT	:	

The State of Wisconsin, Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Hearing Examiner, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Examining Board of Architects, Professional Engineers, Designers and Land Surveyors. Let a copy of this order be served on the respondent by certified mail.

Dated this 16th day of MARCH, 1982.

Percival Sprague

CHAIRMAN
LAND SURVEYORS SECTION

pc017-552

STATE OF WISCONSIN
BEFORE THE
EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
HAROLD M. SCHNEIDER, : NOTICE OF FILING
 : PROPOSED DECISION
RESPONDENT :

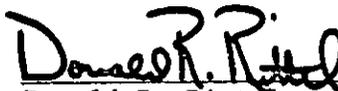
To: Harold M. Schneider
14494 East 22nd Place
Aurora, Colorado 80011

Steven M. Gloe
Attorney at Law
Department of Regulation and Licensing
Division of Enforcement
P. O. Box 8936
Madison, Wisconsin 53708

PLEASE TAKE NOTICE that a Proposed Decision in the above-captioned matter has been filed with the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors by the Hearing Examiner, Donald R. Rittel. A copy of the Proposed Decision is attached hereto.

If you are adversely affected by, and have objections to, the Proposed Decision, you may file your objections, briefly stating the reasons and authorities for each objection, and argue with respect to those objections in writing. Your objections and argument must be submitted and received at the office of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Room 288, Department of Regulation and Licensing, 1400 East Washington Avenue, P. O. Box 8936, Madison, Wisconsin 53708, on or before March 12, 1982.

Dated at Madison, Wisconsin, this 17th day of February, 1982.



Donald R. Rittel
Hearing Examiner

pc955-530

BEFORE THE STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : PROPOSED DECISION
HAROLD M. SCHNEIDER, :
RESPONDENT :

The parties to this proceeding for the purposes of Wis. Stats.
sec. 227.16 are:

Harold M. Schneider
14494 East 22nd Place
Aurora, Colorado 80011

Examining Board of Architects, Professional
Engineers, Designers and Land Surveyors
1400 East Washington Avenue, Room 288
P.O. Box 8936
Madison, Wisconsin 53708

A hearing was held in the above-captioned matter on February 1, 1982
in Room 171 at 1400 East Washington Avenue, Madison, Wisconsin, commencing
at 1:30 p.m. Appearing for the complainant was Attorney Steven M. Gloe.
The respondent was not present nor did anyone appear upon his behalf.

Based upon the evidence in the record and other documents on file
herein, the Hearing Examiner recommends that the Examining Board of
Architects, Professional Engineers, Designers and Land Surveyors adopt as
its final decision the following Findings of Fact, Conclusions of Law, and
Order.

FINDINGS OF FACT

1. Harold M. Schneider (Schneider) was at all times relevant to the
Complaint filed herein, licensed to practice as a land surveyor in the
State of Wisconsin, said license being issued March 9, 1956.

JURISDICTION

2. Service of the Notice of Hearing and Complaint in this matter was
made on Schneider by certified mail at 1225 75th Street, Kenosha,
Wisconsin 53140, on June 15, 1979. No Answer to the Complaint was filed
by Schneider.

3. On or about July 15, 1979, Schneider voluntarily surrendered his
license to practice as a land surveyor and, therefore, the disciplinary
proceedings herein were held in abeyance.

4. On or about August 5, 1980, the Land Surveyor's section of the Board received an application for renewal of Schneider's license as a land surveyor. Pursuant to said application, Schneider's license was renewed.

5. The files of the Board indicate that Schneider's last address, as listed in his application and in his license, is 14494 East 22nd Place, Aurora, Colorado 80011.

6. After receiving information that Schneider had regained licensure as a land surveyor, complainant's attorney requested that this proceeding, commenced upon the Complaint filed herein, no longer be held in abeyance.

7. The Hearing Examiner, on January 11, 1982, sent notice of the hearing to be held herein to Schneider by certified mail, addressed to Schneider at the last address on file at the Board, 14494 East 22nd Place, Aurora, Colorado 80011. On January 19, 1982, said notice to Schneider was returned to the Hearing Examiner, the envelope being stamped "MOVED LEFT NO ADDRESS".

8. Schneider failed to notify the Board in writing of his new address within 30 days after moving from the address on file with the Board. See, Wis. Adm. Code sec. A-E 1.07.

9. Complainant's representatives have made a reasonable and diligent search for Schneider's current address, without success.

CONDUCT OF SCHNEIDER

10. In the summer of 1977, and as a part of his land surveying practice, Schneider was retained by William Gonnering, Vice-President and Secretary of Gonnering's Inc., a realty firm, to perform a land survey and to prepare a map of survey of the north 30 feet of Lot 4 and the south 10 feet of Lot 5 in Block 2, Quinton's Subdivision of Block 23 and part of Block 24 of Bond's Subdivision, being part of the Northwest Quarter, Section 6, T1N R23E, City of Kenosha, County of Kenosha, State of Wisconsin.

11. Schneider did in fact perform or supervise the performance of a survey and did in fact prepare or supervise the preparation of a survey map as described in paragraph 10, above, and that Schneider was paid a professional fee for such survey and map.

12. In performing the survey and in preparing the survey map described in paragraph 10, above, Schneider was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E 5, Wis. Adm. Code, and that the said survey and map did not meet those standards in the following respects:

- a. Schneider's map failed to show and describe all monuments necessary for the location of the property and failed to indicate whether such monuments were found or placed, as required by s. A-E 5.01(5)(d), Wis. Adm. Code.

b. Schneider's map failed to show the bearing of the boundaries of the parcel surveyed, as required by s. A-E 5.01(5)(c), Wis. Adm. Code.

c. Schneider failed to make a careful determination of the position of the boundaries of the parcel being surveyed, as required by s. A-E 5.01(3), Wis. Adm. Code.

13. Schneider's failure to make a careful determination of the position of the boundaries of the parcel being surveyed resulted in the mislocation of the boundaries established by the survey and in incorrect placement of monuments marking the corners of the parcel.

14. Mr. Henry Summers, purchaser of the parcel described in paragraph 10, above, residing at 6620 20th Avenue, Kenosha, Wisconsin, hereinafter referred to as Summers, erected a boundary fence on said parcel based upon the incorrectly located boundaries established by Schneider's survey, and that the fence so erected therefore encroached in part upon the property of the adjoining landowner.

15. Schneider was notified of the fact the monuments set and the boundaries established by his survey were apparently incorrectly located. In a discussion which took place on or about April 30, 1978 between Schneider, Summers and Dan Oquist, selling broker of the parcel, Schneider conceded that the survey described in paragraph 10, above, was in error, and represented and agreed he would take financial responsibility for relocation of the incorrectly located fence.

16. On or about May 22, 1978, Schneider met with Summers and with Mr. Tony Olla, doing business as "Badger Fence", which firm installed the aforementioned fence, hereinafter referred to as Olla; and Schneider removed the corner monuments which had been previously placed, and set new monuments at the correct locations.

17. At the meeting of May 22, 1978, described in paragraph 16, above, Schneider again represented and agreed he would assume financial responsibility for relocation of the aforementioned fence.

18. Based upon the representation and agreement described in paragraph 17, above, Olla removed and relocated a portion of the incorrectly located fence.

19. On or about August 30, 1978, Olla spoke by telephone with Schneider for the purpose of seeking payment for relocating the aforementioned fence, and stated in that telephone conversation he had no intention of paying for relocation of the fence.

20. Schneider has failed and refused to pay for relocation of the aforementioned fence.

21. Schneider has failed to provide a corrected survey map.

PAST DISCIPLINE OF SCHNEIDER

22. On or about July 2, 1973, Schneider was reprimanded, and his license limited by the Board for violations of Wis. Stats. ch. 443.

23. In 1974, Schneider's license was suspended by the Board for a period of six (6) months, from February 13, 1974 to August 13, 1974, for violations of Wis. Stats. ch. 443.

CONCLUSIONS OF LAW

1. The Examining Board of Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction in this proceeding pursuant to sec. 443.02(8), Wis. Stats. (1977), [now, sec. 443.12(1)].

2. Schneider did not file an Answer to the Complaint as required by Wis. Adm. Code sec. RL 2.09, nor did he appear at the hearing, and is therefore in default pursuant to Wis. Adm. Code sec. 2.14.

3. Schneider's failure to meet the Minimum Standards for Property Surveys, as detailed in paragraph 12 of the Findings of Fact, constitutes incompetency, gross negligence and misconduct in the practice of land surveying within the meaning of s. 443.02(8)(a), Wis. Stats. (1977), [now, s. 443.12(1)].

4. Schneider's failure and refusal to honor his agreement to pay for relocation of the aforementioned fence, and his failure to provide a corrected survey map, evinces conduct which evidences a lack of trustworthiness to transact the business required by the land surveyors profession and constitutes misconduct in the practice of land surveying within the meaning of s. 443.02(8)(a), Wis. Stats. (1977), [now, s. 443.12(1)].

5. A licensee who has engaged in incompetency, gross negligence and misconduct in the practice of land surveying, may be reprimanded, or have their license limited, suspended or revoked, pursuant to s. 443.02(8)(a), Wis. Stats. (1977), [now, s. 443.12(1)].

6. The fact that Schneider has twice before been disciplined for violations of Wis. Stats. ch. 443, must be taken into consideration in determining the appropriate disciplinary action in this case. State v. MacIntyre, 41 Wis. 2d 481, 484 (1969).

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Harold M. Schneider to practice as a land surveyor in the State of Wisconsin shall be, and hereby is REVOKED; effective the date of the final decision of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

OPINION

Harold M. Schneider has twice previously been disciplined by the Board for violating the licensing law of this state. The violations established in this case are serious, and, when viewed in perspective with his prior

disciplinary record, indicate that severe discipline is warranted and necessary in order to protect the public. Accordingly, it is recommended that the Board revoke Schneider's license to practice land surveying.

Dated at Madison, Wisconsin this 17th day of February, 1982.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald R. Rittel". The signature is written in a cursive style with a horizontal line extending to the right across the signature.

Donald R. Rittel
Hearing Examiner

051-294