

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

| | | |
|------------------------|---|--------------------------|
| IN THE MATTER OF | : | |
| THE INVESTIGATION OF | : | |
| | : | MEMORANDUM AND ORDER |
| MARK R. WENDT, R.L.S., | : | ON SETTLEMENT CONFERENCE |
| LICENSEE. | : | |

TO: Donald E. Carroll
Attorney at Law
301 North Hamilton Street
Madison, WI 53703

Sherry Steffel
Attorney at Law
1400 East Washington Avenue, Room 183
P.O. Box 8935
Madison, WI 53708

A settlement conference was conducted in the above-captioned matter before the Land Surveyors Section of the Examining Board on October 19, 1988. The purpose of the conference was to provide all interested parties with an opportunity to discuss allegations received pertaining to the practice of Mr. Wendt as a registered land surveyor, and to attempt to reach a fair resolution of the matter.

Presiding over the conference was Donald L. Paulson, Chairman of the Land Surveyors Section. Also present were other members of the section, the Board's legal counsel, and Attorney Sherry Steffel of the department's Division of Enforcement, who was present to provide information concerning the allegations against Mr. Wendt. Mr. Wendt appeared in person and by his attorney, Donald E. Carroll.

The parties orally presented their respective positions regarding the matter to the section, and the section deliberated on a possible disposition of the matter. The section thereafter presented to Mr. Wendt a Proposed Stipulation. The Stipulation, a copy of which is attached hereto and made a part hereof, was ultimately executed by Mr. Wendt, Mr. Carroll, Mr. Paulson, and Ms. Steffel.

Based upon the proceedings at the conference, and upon the Stipulation of the parties, the Board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that Mark R. Wendt, R.L.S., be, and hereby is, reprimanded.

Dated at Madison, Wisconsin this 12 day of ^{JANUARY 89}~~December~~, 1988.

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

by Donald L. Paulson
Donald L. Paulson, R.L.S., P.E.
Chairman, Land Surveyors Section

DLP:WRA:gad
BDLS-346

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

IN THE MATTER OF THE
INVESTIGATION OF

MARK R. WENDT,
LICENSEE.

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STIPULATION

Mark R. Wendt and the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Land Surveyors Section, having reached an agreement for disposition of the informal complaints identified as 86 LSR 27 and 86 LSR 35, stipulate and agree as follows:

1. This Stipulation shall be included as part of a Memorandum and Order on Settlement Conference to be issued by the board, and all the terms of this Stipulation shall be binding on mark R. Wendt as a part of the board's order.

2. This Stipulation and the board's order shall be placed in Mark R. Wendt's permanent file in the board's records, and may be used if there are subsequent complaints against him.

3. Mark R. Wendt, R.L.S. (Wendt), 2234 East Johnson Street, Madison, Wisconsin, is licensed to practice as a registered land surveyor in the State of Wisconsin by license #S-1530.

4. On March 29, 1986, Wendt, during a period of employment with Mortgage Survey Associates, 900 John Nolen Drive, Madison, Wisconsin, completed a survey and map of survey of residential property identified as 1958 Sheridan Street, Madison, Wisconsin, owned by Kenneth and Roberta Champion. Mortgage Survey Associate's client in performing the survey was Anchor Savings and Loan Corporation, Madison, Wisconsin (Anchor).

5. The survey of the Champion property was what is commonly referred to as a "mortgage survey," and by Anchor's undated survey order, the survey was to exclude surveying work included within the requirements of Wis. Adm. Code Ch. A-E 7.

6. In completing the map of survey referred to in paragraph 4, above, Wendt erred in transposing the west and east boundaries of the property. He did not correct the map of survey until August 26, 1986, despite repeated requests to do so by the property owner.

7. Both the original map and the corrected map failed to set forth a waiver provision meeting the requirements of Wis. Adm. Code sec. A-E 7.01(2), by not stating in plain language the agreement as to those requirements waived.

8. Wendt failed to file a copy of the champion survey map in the office of the Dane County Surveyor as required by Wis. Stats. sec. 59.60(2).

9. On May 27, 1986, Wendt, as an employee of Mortgage Survey Associates, completed a survey and a map of survey of residential property identified as 120 North Grove Street, Mt. Horeb, Wisconsin, owned by James and Michelle Vosberg. Mortgage Survey Associate's client in performing the survey was Preferred Title Service, Madison, Wisconsin.

10. The survey of the Vosberg property was what is commonly referred to as a "mortgage survey," and by Preferred Title Service's undated survey order, the survey was to exclude surveying work included within the requirements of Wis. Adm. Code Ch. A-E7.

11. The survey map for the Vosberg survey failed to set forth a waiver provision meeting the requirements of Wis. Adm. Code sec. A-E 7.01(2), by not stating in plain language the agreement as to those requirements waived.

12. Wendt failed to file a copy of the Vosberg survey map in the office of the Dane County Surveyor as required by Wis. Stats. sec. 59.60(2).

13. In having transposed the east and west property lines of the Champion property on his map of survey, Wendt has prepared deficient plans, drawings, maps, specifications or reports, in violation of Wis. Adm. Code sec. A-E 8.03(2)(b).

14. In having failed to include on the maps of survey for the Champion survey and the Vosberg survey a waiver provision meeting the requirements of Wis. Adm. Code sec. 7.01(2), Wendt has prepared deficient plans, drawings, maps, specifications or reports, in violation of Wis. Adm. Code sec. A-E 8.03(3)(b).

15. In failing to file the maps of survey for the Champion and the Vosberg surveys in the office of the Dane County Surveyor, as required by Wis. Stats. sec. 59.60(2), Wendt has violated a state law relating to land surveying, in violation of Wis. Adm. Code sec. A-E 8.03(2)(a).

16. The Land Surveyors Section of the board and Mark R. Wendt agree that appropriate discipline to be imposed in this matter is a public reprimand.

Dated at Madison, Wisconsin this 12 day of ~~October~~^{JANUARY 89}, 1988.

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

by Donald L. Paulson
Donald L. Paulson, R.L.S., P.E.
Chairman, Land Surveyors Section

Dated at Madison, Wisconsin this day of 18th Nov, 1988.

Donald E. Carroll
Donald E. Carroll
Attorney for Mr. Wendt

Dated at Madison, Wisconsin this day of 29th Nov, 1988.

Mark R. Wendt
Mark R. Wendt, R. Wendt, R.L.S.

Dated at Madison, Wisconsin this day of 7th January 1989, 1988.

Sherry Steffel
Sherry Steffel, Attorney
Department of Regulation & Licensing

WRA:jrb
BDLS-320