

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

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IN THE MATTER OF	:	
THE INVESTIGATION OF	:	MEMORANDUM AND ORDER
	:	ON SETTLEMENT CONFERENCE
KENNETH J. BREY, JR., R.L.S.,	:	File No. 87 LSR 32
LICENSEE.	:	

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TO: Kenneth J. Brey, Jr., R.L.S.  
208 South 4th Avenue  
Sturgeon Bay, WI 54235

Sherry Steffel  
Attorney at Law  
P.O. Box 8935  
Madison, WI 53708

Pursuant to notice, a settlement conference was held before officials of the Land Surveyors Section of the board on September 15, 1988. The purpose of the conference was to provide all interested parties with an opportunity to discuss the allegations received pertaining to the practice of Kenneth J. Brey, Jr., as a registered land surveyor, and attempt to reach a fair resolution of the matter.

Presiding over the settlement conference was Donald L. Paulson, Chairman of the Land Surveyors Section of the Board. Other board members present were Bernard Watermolen and William E. Bandow. The board's legal counsel, Wayne R. Austin, was also present. Attorney Sherry Steffel appeared representing the Division of Enforcement to provide information concerning the allegations made against the licensee. The licensee, Kenneth J. Brey, Jr., appeared personally and without legal counsel.

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. Brey a proposed Stipulation and, after discussion, Mr. Brey orally agreed to accept that Stipulation. A copy of the Stipulation, executed by Mr. Brey, Ms. Steffel, and Mr. Paulson, is attached hereto and made a part hereof.

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

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Kenneth J. Brey, Jr., be, and hereby is, suspended for a period of seven days, commencing December 24, 1988.

Dated at Madison, Wisconsin this 13 day of October, 1988.

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-289

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

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IN THE MATTER OF THE	:	
INVESTIGATION OF	:	
	:	STIPULATION
KENNETH J. BREY, JR.,	:	
LICENSEE.	:	

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Kenneth J. Brey, Jr., R.L.S., and the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Land Surveyors Section, having reached an agreement for disposition of the informal complaint identified as 87 LSR 32, 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 Kenneth Brey, Jr., as a part of the board's order.

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

3. Kenneth J. Brey, Jr. (Brey) was licensed as a land surveyor on October 7, 1975, by license #5-1280.

4. Brey's license expired on January 31, 1982, and he did not renew his license until September 15, 1988. *S-1280 KBH*

5. On June 26, 1986, Brey completed his map of survey for a survey conducted of property owned by Robert Langenberg located in Government Lot 2 of Section 9, Township 29 North, Range 26, East, Town of Egg Harbor, Door County, Wisconsin.

6. In performing his survey of the Langenberg property, Brey failed to note or to show on his map of survey an ingress-egress service drive extending westerly from County Trunk Highway B and lying in part on the Langenberg property to the north and the Karmalski property to the south.

7. In early July, 1986, Langenberg notified Brey that the service drive was not shown on the survey map. Brey corrected the map to show the drive on July 3, 1986.

8. In performing the survey of the Langenberg property, Brey did not brush or mark the north boundary of the property.

9. On or about December 5, 1986, Langenberg's realtor requested that Brey mark the boundaries of the property. Brey marked the boundaries on December 8, 1986.

10. The Heatwole property is located directly to the north of the Langenberg property. In marking the north boundary of the Langenberg property, Brey discovered that the Heatwole residence encroaches on the Langenberg property by approximately 7½ feet.

11. On December 11, 1986, Brey completed his corrected map of survey showing the Heatwole encroachment.

12. In continuing to practice as a land surveyor after expiration of his license in 1982, Brey has used an expired certificate in violation of Wis. Stats. sec. 443.18(1), and has thereby engaged in misconduct within the meaning and in violation of Wis. Stats. sec. 443.12.

13. In failing to discover and/or to show the Heatwole encroachment on his original map of survey, Brey has prepared a deficient map in violation of Wis. Adm. Code sec. A-E 8.03(3)(b), and has thereby engaged in misconduct within the meaning of Wis. Stats. sec. 443.12.

14. Appropriate discipline to be imposed in light of the violations set forth herein is a seven day suspension of Brey's license commencing on December 24, 1988.

Dated at Madison, Wisconsin this 22 day of September, 1988.

EXAMINING BOARD OF ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS  
& LAND SURVEYORS

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

*STURGEON BAY, KBd.*

Dated at Madison, Wisconsin this 28<sup>th</sup> day of September, 1988.

Kenneth J. Brey, Jr.  
Kenneth J. Brey, Jr.

Dated at Madison, Wisconsin this 30<sup>th</sup> day of September, 1988.

Department of Regulation & Licensing,  
Division of Enforcement

by Sherry Steffel  
Sherry Steffel

WRA:jrb  
BDLS-267