

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

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

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 : FINAL DECISION AND ORDER  
 LYLE L. ELLIOTT, R.L.S., : 88 LSR 005, 89 LSR 002, 89 LSR 009,  
 RESPONDENT. : 90 LSR 005, 90 LSR 006, 92 LSR 013  
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The parties to this action for the purpose of Wis. Stats., sec. 227.53 are:

Lyle L. Elliott  
Rt 1, Southtown #8  
Spooner, WI 54801

Examining Board of Architects,  
Professional Engineers, Designers  
and Land Surveyors  
Land Surveyors Section  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts and approves the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Lyle L. Elliott, Respondent herein, Rt. 1, Southtown #8, Spooner, Wisconsin 54801, date of birth March 28, 1946, is duly licensed as a land surveyor in the State of Wisconsin. His license bears #1300 and was first granted on March 9, 1976.

2. Lyle L. Elliott, by stipulation withdrew and waived his right to file a formal answer to the original Complaint, and consented to the entry of this Final Decision and Order. He agrees that one or more of his surveying practices in the past were below minimum surveying standards.

3. Lyle L. Elliott, voluntarily agrees to a sixty (60) day suspension of his license to practice land surveying, commencing on January 1, 1993. Upon expiration of the suspension period, he agrees that until December 31, 1993 as a condition of his practice of land surveying, his survey maps must be submitted to and approved by Steven J. Johnson, R.L.S., or other R.L.S., prior to filing or recording in the public record.

#### CONCLUSIONS OF LAW

1. The Land Surveyors Section has jurisdiction in this matter pursuant to Wis. Stats., sec. 443.12.

2. Respondent's conduct as set forth in paragraph 2 of the Findings of Fact above, constitutes violations of the Wisconsin Administrative Code provisions relating to the practice of land surveying and is therefore misconduct contrary to Wis. Stats., sec. 443.12(1) and Wis. Adm. Code sec. A-E 8.03(1), and Respondent is therefore subject to disciplinary action by the Wisconsin Land Surveyors Section.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that the license of Lyle L. Elliott, is hereby suspended for sixty (60) days effective on the 1st day of January 1993, following the signing of this Order.

IF IS FURTHER ORDERED, that upon the expiration of the suspension period, the license of Lyle L. Elliott shall be restored upon the following terms and conditions, which shall remain in effect until December 31, 1993.

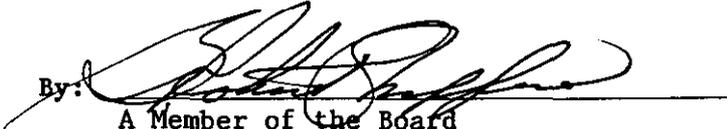
1. Lyle L. Elliott, shall submit his land survey maps to Steven J. Johnson, R.L.S., or other R.L.S. approved by the Board for review and approval prior to filing or recording.

2. Lyle L. Elliott, shall submit a certification to the Land Surveyors Section by January 1, 1994, that he has not practiced land surveying in 1993 in a manner inconsistent with the foregoing limitation on his license to practice land surveying; and Lyle L. Elliott shall report immediately to the Land Surveyors Section any suspected violations of this Final Decision and Order.

3. In the event that at any time during 1993 Lyle L. Elliott petitions the Board to modify the foregoing, it shall be totally within the discretion of the Board to determine whether to grant said petition. The Board may do so in a manner different than that requested by Lyle L. Elliott. If the Board determines not to grant said petition, the Board's decision shall not be considered a denial of a license under secs. 227.01(3) or 227.51, Wis. Stats., and Lyle L. Elliott shall not be entitled to a hearing on the Board's decision.

IT IS FURTHER ORDERED, that investigative files 88 LSR 005, 89 LSR 002, 89 LSR 009, 90 LSR 005, 90 LSR 006, 92 LSR 013, and formal disciplinary proceedings file, LSR 9208271 LSR be closed and the Respondent shall bear and be responsible for fees, costs, and expenses relative to or of these proceedings in the amount of \$750.00.

EXAMINING BOARD OF ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS  
AND LAND SURVEYORS;  
LAND SURVEYORS SECTION

By: 

A Member of the Board

Date: 01 Dec. 92

RRH:pw  
ATTY-2288

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

---

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	STIPULATION
	:	88 LSR 005, 89 LSR 002,
LYLE L. ELLIOTT R.L.S.,	:	89 LSR 009, 90 LSR 005,
RESPONDENT.	:	90 LSR 006, 92 LSR 013

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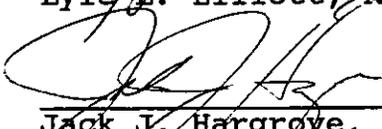
It is hereby stipulated between Lyle L. Elliott, R.L.S., personally and by his attorney Jack J. Hargrove, and Roger R. Hall, attorney for Complainant, as follows:

1. Lyle L. Elliott, Rte. 1, Southtown #8, Spooner, Wisconsin 54801 is currently licensed as a Registered Land Surveyor in the State of Wisconsin, license #1300, said license having been first granted on March 9, 1976.
2. A complaint against Lyle L. Elliott is pending before the Land Surveyor Section, to which Lyle L. Elliott has filed an Answer.
3. Lyle L. Elliott hereby withdraws and waives his right to file his Answer to the complaint and by doing so he concedes that one or more of his surveying practices in the past were below minimum surveying standards. He consents to the entry of the proposed Final Decision and Order, copies of which are attached hereto and incorporated herein. The Respondent shall bear and be responsible for the costs and disbursements of these proceedings.
4. If any term or condition of this Stipulation is not accepted by the Examining Board of Architects, Professional Engineers, Designers or Land Surveyors, then no term of this Stipulation shall be binding in any manner on any party.

Dated: Nov. 19, 1992

  
Lyle L. Elliott, Respondent

Dated: 11/19/92

  
Jack J. Hargrove,  
Attorney for Respondent

Dated: 11/23/92

  
Roger R. Hall, Attorney for Complainant

## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each, and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

The date of mailing of this decision is December 3, 1992.