

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

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

PROFESSIONAL ENGINEERS SECTION

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

RANDY M. LUND,

FINAL DECISION AND ORDER

RESPONDENT

LS0011103ENG

The parties to this action for the purposes of Wis. Sec. 227.53 are:

Randy M. Lund

408 North Albany Street

Ironwood, MI 49938

Examining Board of Architects, Landscape Architects,

Professional Engineers, Designers and Land Surveyors;

Professional Engineers Section

P.O. Box 8935

Madison, WI 53708-8935

Department of Regulation and 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 Land Surveyors Section (Section). The Section has reviewed the Stipulation and considers it acceptable.

Accordingly, the Section adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Randy M. Lund, (Lund), date of birth 06/16/1962, is credentialed as a Professional Engineer in the State of Wisconsin. His license #27719 was issued to him originally on March 22, 1991.
2. According to the licensing records of the Department of Regulation and Licensing, Lund's address is 408 North Albany Street, Ironwood, Michigan 49938.
3. Lund is not licensed in the State of Wisconsin as a Land Surveyor.
4. In December 1999 and January 2000, Lund engaged in the practice of land surveying for hire by performing a property survey for the Town of Russell of lands located in Bayfield County, Wisconsin.

CONCLUSIONS OF LAW

1. The Professional Engineers Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction in the matter pursuant to section 443.11 of the Wisconsin Statutes.
2. The Section is authorized to enter into the attached Stipulation pursuant to section 227.44(5) of the Wisconsin Statutes.
3. Section 443.02(4)(a) of the Wisconsin Statutes provides:

"443.02 Practice requirements and registration: general

(4)(a) No person may practice land surveying in this state or use or advertise any title or description tending to convey the impression that the person is a land surveyor unless the person has been issued a certificate of registration or granted a permit to practice under this chapter."

4. Section A-E 8.03(3)(a) of the Wisconsin Administrative code provides that "Misconduct" in the practice of professional engineering includes within its definition the violation by a licensee of state laws or administrative rules relating to the practice of professional engineering or land surveying.
5. Respondent's practice of land surveying during a time that he was not licensed as a land surveyor is a violation of section 44.302(4)(a) of the Wisconsin Statutes and constitutes misconduct in violation of Section A-E 8.03(3)(a) of the Wisconsin Administrative Code. Respondent is subject to disciplinary action pursuant to section 443.11(1)(d) of the Wisconsin Statutes.

ORDER

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

IT IS FURTHER ORDERED, that the Respondent **Randy M. Lund**, Professional engineer registration number #27719 is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent Randy M. Lund attend and successfully complete a Professional Engineer ethics course consisting of not less than eight hours of instruction. The Professional Engineer Section shall first approve the content and provider of the course. Lund shall have two months from the date of this Order to submit, in writing, to the Section the name and description of the content of the course. The Section shall, at a regularly scheduled meeting of the Section, consider the information submitted by Lund and either approve or disapprove the submittal. In the event the course is approved, Lund shall have six months from the date of approval to attend the course and to submit to the Section written documentation from the course provider that affirmatively states that Lund successfully attended and completed the course as approved by the Section.

In the event that the Section does not approve the course as submitted by Lund, the Section shall notify Lund of the disapproval and Lund shall have an additional two months to submit a second course for approval. In the event that Section disapproves the second submittal, the Section shall identify and acceptable course for Lund to attend.

All cost incurred by Lund in compliance with this Order shall be at his own expense.

IT IS FURTHER ORDERED, that in the event Respondent Randy M. Lund, fails to successfully complete the educational requirements within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent Randy M. Lund, his Professional Engineer credential shall be suspended, without further notice, hearing or Order of the Section, and said suspension shall continue until further Order of the Section. In addition, failure to successfully complete and report the completion of the educational requirement shall be considered a violation of this Order by the Section.

IT IS FURTHER ORDERED, that investigation file 00 ENG 019 is hereby closed.

PROFESSIONAL ENGINEERS SECTION

By Harvey Shebesta	11-10-00
A Member of the Section	Date