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**STATE OF WISCONSIN
BEFORE THE LAND SURVEYORS SECTION OF THE EXAMINING BOARD OF ARCHITECTS,
LANDSCAPE ARCHITECTS, ENGINEERS, DESIGNERS AND LAND SURVEYORS**

| | | |
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| IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST | : | FINAL DECISION AND ORDER LS0803063LSR |
| JOHN R. KARNS, RESPONDENT. | : | |

Division of Enforcement Case # 07 LSR 003

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

John R. Karns
N7994 Kelly Road
Brooklyn, WI 53521

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Land Surveyors Section
Examining Board of Architects, Landscape Architects, Engineers, Designers and Land Surveyors
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

On March 8, 2007, the Land Surveyors Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors considered the third petition from Respondent for full reinstatement of his land surveyor registration. The Respondent's registration had originally been suspended and limited pursuant to the Section's order dated November 13, 2003. On March 1, 2006, the Section issued an order denying full reinstatement and modifying the terms and conditions of the Respondent's limited registration regarding remedial continuing education and supervision of his land surveying practice, based upon Respondent's failure to comply with the Section order. Based upon information of record as of March 8, 2007, showing that Respondent had not achieved compliance with the remedial continuing education and supervised practice requirements of the March 1, 2006, order, the Section denied Respondent's request for full reinstatement of his registration and instead suspended the registration for failure to comply with the Section's previous orders.

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Land Surveyors Section of the Examining Board of Architects, Landscape Architects, Engineers, Designers and Land Surveyors. The Section has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. The Respondent is John R. Karns (born March 30, 1942) and is licensed as a land surveyor in the State of Wisconsin under license # 1295.
2. Respondent's most recent address on file with the Department of Regulation and Licensing is N7994 Kelly Road, Brooklyn, WI 53521.
3. On November 13, 2003, the Land Surveyors Section (Section) suspended Respondent's registration for one month beginning November 23, 2003, and ordered Respondent to complete by May 13, 2004, three classes with a grade of C or above on the topics of the U.S. Public Land Survey system, field techniques, instrument error, and professional ethics. Attendance at the annual Institute offered by the Wisconsin Society of Land Surveyors (WSLS) or completion of continuing education offered by WSLS could be used to meet part of the requirement.
4. The Section placed limitations upon Respondent's registration for a two-year period beginning December 23, 2003, in that Respondent was required to practice only under direct supervision of another land surveyor licensed to practice in Wisconsin. Any registrant selected as supervising surveyor for Respondent was subject to approval by the Section.

5. On January 23, 2004, Respondent requested in writing that D. William Karns, Respondent's brother, be approved as supervising surveyor.
6. Respondent appeared before the Section at the meeting of February 18, 2004, in furtherance of his request for approval of his brother as supervising surveyor. The complainant in the matter that resulted in the November 13, 2003, order opposed the request. After deliberation in closed session, the Section denied approval of Respondent's brother as supervising surveyor and specified that the supervising surveyor must be someone other than a relative or employee. It is not clear whether Respondent was notified of the Section's decision.
7. On May 25, 2004, the Department Monitor received from Respondent a report listing five courses taken to meet the education requirement of the November 13, 2003, order. The courses, providers and dates of attendance were as follows:
 - Boundary Law and Adjoining Land Owner Disputes, Professional Education Systems Institute, LLC, October 17, 2003;
 - Practical Guide to Zoning and Land Use Law in Wisconsin, National Business Institute, December 12, 2003;
 - Safety Seminar, Wisconsin Society of Land Surveyors, April 2, 2004;
 - Wisconsin Land Use: Current Issues in Subdivision, Annexation and Zoning Law, National Business Institute, May 17, 2004;
 - Subdivision of Closing and Fractional Sections, Wisconsin Society of Land Surveyors, May 21, 2004.
8. On December 29, 2005, Respondent petitioned the Section for termination of the limitations on his registration. The Department Monitor contacted the Respondent by telephone on January 17, 2006, to request the plats of survey that the November 2003 order specified should accompany a request for reinstatement of full registration. The requested maps were delivered the next day.
9. On January 20, 2006, Respondent submitted an updated report of continuing education. The following courses were listed in addition to the courses included on the May 2004 report:
 - Water Boundary/Public Water and Private Land, Wisconsin Society of Land Surveyors, January 26, 2005;
 - Addressing Stormwater Management, Wisconsin Society of Land Surveyors, January 26, 2005;
 - The Assessor's Plat in Wisconsin, Wisconsin Society of Land Surveyors, January 27, 2005;
 - High-Definition Surveying, Wisconsin Society of Land Surveyors, January 27, 2005;
 - Adverse Possession, Wisconsin Society of Land Surveyors, January 28, 2005;
 - Surveying Principles and Court Decisions, Wisconsin Society of Land Surveyors, April 22, 2005.
10. On March 1, 2006, the Section issued an order denying Respondent's request for removal of limitations for failure to fulfill in a timely and accurate way the terms and conditions of the November 2003 order. The Section also issued an order modifying the original order to require Respondent to complete within one year from the date of the modification six pre-approved college-level credit hours with a grade of C or above in the topics of U.S. Public Land Survey System, field techniques, instrument error, and professional ethics. The new order also specified that Respondent was required to work under the direct supervision of an approved registered land surveyor for a period of at least one year or until he completed the required education, whichever occurred earlier. The order further stated that the Respondent may not be supervised by a family member and required Respondent to submit the names of possible supervisors to the Section for approval within 30 days. The Section designated Rick Van Goethem as the Section designee to approve the courses and supervisor.
11. Respondent submitted a petition for rehearing on March 16, 2006, and submitted the name of one potential supervisor on

March 24, 2006. The Department Monitor submitted the name to Mr. Van Goethem, who denied approval of the nominee on April 4, 2006. The Department Monitor notified Respondent by telephone the same day of the denial and requested another name for a potential supervisor.

12. On May 5, 2006, Respondent submitted a request for approval of a seminar to meet the continuing education requirements. After consultation with Section members, the Department Monitor notified the Respondent by telephone on May 18, 2006, that the seminar was not approved.
13. The Department Monitor received another petition for reinstatement of unlimited registration from Respondent on July 5, 2006. On August 1, 2006, R submitted the name of a proposed supervisor. The Section denied the petition for reinstatement on August 3, 2006, but approved the proposed supervising surveyor, Arden Sandsnes.
14. Respondent again petitioned on February 10, 2007, for reinstatement of unlimited registration. He stated in the petition that he had no intention of returning to school at any time.
15. On March 8, 2007, the Section denied Respondent's petition and suspended his registration for failure to comply with the March 1, 2006, order.
16. Respondent had in fact not enrolled in any college-level courses as of January 23, 2008.

CONCLUSIONS OF LAW

1. The Land Surveyor Section of the Examining Board of Architects, Landscape Architects, Engineers, Designers and Land Surveyors has jurisdiction to act in this matter pursuant to Wis. Stat. § 443.12, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44 (5).
2. The Respondent, by virtue of the items cited in paragraphs 14 And 16 above, violated Wis. Admin. Code § A-E 8.09 (1) and (2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent John R. Karns shall successfully complete the course #10-607-168 (Land Surveying 1), course #10-607-175 (Land Surveying 2) and course #607-190 (Special Problems) at Madison Area Technical College (MATC) by March 6, 2009. Successful completion is defined as receiving the grade of C or above in each course attempted.
2. Respondent shall submit to the Department Monitor by March 30, 2009, proof of successful completion in the form of an official transcript from MATC.
3. The Land Surveyor Registration of John R Karns shall be REINSTATED WITH LIMITATIONS for a period of one year after submission to the Department Monitor of the transcript from MATC, as follows:
 - a. Respondent shall practice land surveying, as the term is defined in Wis. Stats. §443.01(4), only under the direct supervision of Mr. Arden Sandsnes (hereafter called the "approved supervising surveyor").
 - b. Respondent is prohibited from providing any plans, drawings, survey maps, plats, or tie sheets for land surveying to anyone without first having the approved supervising surveyor initial and date each page of any such document. The approved supervising surveyor shall initial and date each plan, drawing, survey map, plat, or tie sheet only after he has determined that the document being reviewed fully complies with all state laws and administrative rules relating to the practice of land surveying in the State of Wisconsin.
 - c. The approved supervising surveyor shall report to the Section in writing on a quarterly basis regarding Respondent's performance. The report shall be received by the Department Monitor within 30 days of the end of the quarter and shall include information regarding the percentage of surveys on which the approved supervising surveyor found errors and the types of errors found.

