

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
KIM H. PRITZLAFF, :  
RESPONDENT : LS0803064LSR

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Division of Enforcement Case 04 LSR 011

The parties to this action for the purposes of Section 227.53 of the Wisconsin statutes are:

Kim H. Pritzlaff  
5830 Donegal Lane  
Oconto Falls, Wisconsin 54154

Land Surveyor Section  
Examining Board of Architects, Landscape Architects,  
Professional Engineers, Designers and Land Surveyors  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

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, Professional Engineers, Designers and Land Surveyors. The Section has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Kim H. Pritzlaff (Date of Birth: May 10, 1948) possesses a certificate of registration to practice as a land surveyor in the state of Wisconsin (number 8-1259). This registration was first granted on May 9, 1975, and is current through January 31 2010. Mr. Pritzlaff's most recent address on file with the Department of Regulation and Licensing (Department) is 5830 Donegal Lane, Oconto Falls, WI 54154.

2. In March 2004 a landowner in Oconto County, Wisconsin, Mr. A, hired a surveyor to find the north property line of his property. That surveyor found that a corner post put in 1991 by Mr. Pritzlaff for the adjoining landowner, Mr. B, encroached 15 feet in Mr. A's property. That encroachment was also documented in Certified Survey Map Number 1633 which was signed and sealed by Mr. Pritzlaff on June 24, 1991, and filed in the Oconto County Register of Deeds on June 26, 1991.

3. The Oconto County Surveyor, Mark Teuteberg, confirmed the encroachment. In the summer of 2004, Mr. Teuteber; talked to and then wrote to Mr. Pritzlaff to have him correct the encroachment. Mr. Pritzlaff never responded to Mr. Teuteber;

with any changes or corrections.

4. In early February 2005, the Department contacted Mr. Pritzlaff. Mr. Pritzlaff responded by letter dated February 28, 2005. In that letter, Mr. Pritzlaff admitted that he had made an error in the 1991 survey. He also stated that after being contacted by Mr. Teuteberg, he told Mr. B of the error in the 1991 survey and his desire to file a correction map and restake the property. Mr. Pritzlaff said that he also wished to talk to Mr. C, the owner of another surrounding property, regarding the existing property fence line on Mr. A's property which continued into Mr. C's property. No further conversations between Mr. B and Mr. C occurred and Mr. Pritzlaff said that he had forgotten about the situation for a time.

5. In the February 28, 2005, letter to the Department, Mr. Pritzlaff states that he is ready to address the errors with corrections of the Certified Survey Map and correct the boundaries and legal descriptions all at no cost to the parties involved. However, he says that he needs direction to base the corrections on.

6. Mr. Teuteberg declared in a September 28, 2005, letter to the Department that if a Surveyors Affidavit were filed indicating an error was made and the iron pipes were set at the proper locations then Mr. Pritzlaff's obligations would be fulfilled.

7. On June 2, 2006, Mr. Pritzlaff signed and sealed Retracement Certified Survey Map Number 4034 concerning the property surveyed on Certified Survey Map Number 1633. Retracement Certified Survey Map Number 4034 was filed with the Oconto County Register of Deeds on July 17, 2006.

8. Mr. Pritzlaff has recently retired and wishes to surrender his registration to practice as a land surveyor in the state of Wisconsin

9. In resolution of this matter, Kim H. Pritzlaff consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Land Surveyors Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction to act in this matter pursuant to Wis. Stat. sec. 443.11.
2. The Land Surveyors Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors is authorized to enter into the attached Stipulation pursuant to Wis. Stat. secs. 227.44(5) and 443.11.
3. By the conduct described in the above Findings of Fact, Mr. Pritzlaff violated Wis. Admin. Code sec. A-E 7.03. Every property survey shall be made in accordance with the records of the register of deeds as nearly as practicable. The surveyor shall acquire data necessary to retrace title boundaries such as deeds, maps, certificates of title and center line and other boundary line locations. The surveyor shall analyze the data and make a careful determination of the position of the boundaries of the parcel being surveyed. The surveyor shall make a field survey, transversing and connecting monuments necessary for location of the parcel and coordinate the facts of the survey with the analysis. The surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners.
4. By the conduct described above in the Findings of Fact, Mr. Pritzlaff violated of Wis. Admin. Code sec. A-E 8.09(1). An architect, landscape architect, professional engineer, designer or land surveyor:
  - (1) Shall comply with the requirements in ch. 443, Stats., rules in this chapter and all other federal, state and local codes which relate to the practice of architecture, landscape architecture, professional engineering, designing and land surveying.

#### **ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Land Surveyors Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors accepts the **SURRENDER** of Kim H. Pritzlaff's certificate of registration to practice as a land surveyor in the state of Wisconsin (number 8-1259).

Mr. Pritzlaff shall also submit all indicia of registration to the Department Monitor within 15 days from the date of this Order:

Department Monitor  
Division of Enforcement  
Post Office Box 8935  
Madison, Wisconsin 53708-8935  
608-261-7904

This Order shall become effective upon the date of its signing.

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

By Matthew J. Janiak  
A Member of the Land Surveyor Section

3/6/08  
Date

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

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 : STIPULATION  
KIM H. PRITZLAFF, : LS# \_\_\_\_\_  
RESPONDENT :

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Division of Enforcement Case 04 LSR 011

It is hereby stipulated between Kim H. Pritzlaff and John C. Temby, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Mr. Pritzlaff's licensure by the Division of Enforcement (04 LSR 011). Mr. Pritzlaff consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Pritzlaff understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Mr. Pritzlaff is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this Stipulation.
4. Mr. Pritzlaff agrees to the adoption of the attached Final Decision and Order by the Land Surveyor Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors (Section). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Mr. Pritzlaff waives all rights to any appeal of the Section's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Mr. Pritzlaff or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with the Section's deliberations on the Stipulation. Additionally, any such Section advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.
7. Mr. Pritzlaff is informed that should the Section adopt this Stipulation, the Final Decision and Order is a public record and will be published in accordance with standard Department procedures.

8. The Division of Enforcement joins Kim H. Pritzlaff in recommending the Land Surveyor Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors adopt this Stipulation and issue the attached Final Decision and Order.

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**Kim H. Pritzlaff**  
Respondent  
5830 Donegal Lane  
Oconto Falls, WI 54154  
License Number 8-1259

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Date

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**John C. Temby**  
Attorney  
Division of Enforcement  
Post Office Box 8935  
Madison, WI 53708

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Date