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

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATED ORDER OF SUMMARY SUSPENSION
LUTHER J. HOFFMANN, RESPONDENT.	:	LS0808111LSR

Division of Enforcement Case ## 07 LSR 004 and 07 LSR 009

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

Luther J. Hoffmann
W1834 Beech Drive
Pulaski, WI 54162

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

Land Surveyor 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 August 5, 2008, the Division of Enforcement filed a petition for summary suspension of Respondent's land surveyor registration. Respondent was sent a copy of the Notice and Petition by regular mail, by e-mail and by fax, as was the attorney who represented him in the previous matter before the Section. Respondent elected to proceed in the current matter without an attorney and negotiated a tentative resolution with counsel for the Division of Enforcement.

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 Surveyor 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 Luther J. Hoffmann (born May 25, 1963) and is licensed as a land surveyor in the State of Wisconsin under license # 2254.
2. Respondent's most recent address on file with the Department of Regulation and Licensing is W1834 Beech Drive, Pulaski, Wisconsin 54162.
3. At all times relevant to this action, Respondent was working as land surveyor in and about Brown, Shawano and Waupaca Counties, Wisconsin.
4. Respondent admits that he made available to owners and filed maps and other documents subject to the Section's Order of July 31, 2007, without having the maps and documents bear the initials of a representative of the Plat Review Program (Program) of the Department of Administration, but denies doing so willfully. Respondent believed that only final documents and maps were subject to the requirement of a dated signature from a representative of Program.
5. Respondent admits that all maps and other documents that he filed with Program for review under the July 31, 2007, Order contained errors. He notes, however, that many (but not all) of the errors were characterized by the representative of Program who reported to the Department Monitor as minor or technical.
6. Respondent is unable, because of his current financial situation, to make the payment of \$3,000 in costs that is due on

August 31, 2008, and has requested an extension of time and a payment plan in order to meet his obligation.

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 conduct cited in Finding of Fact #4 above, violated the terms of the Section's Order of July 31, 2007.
3. The Respondent, by virtue of violating the Section's Order, engaged in conduct adversely affecting his fitness to practice land surveying and therefore violated Wis. Admin. Code § A-E 8.09 (2).
4. The Respondent, because of the errors noted in Finding of Fact #5 above, prepared deficient plans, drawings, maps, specifications or reports and therefore engaged in misconduct in the practice of land surveying, as misconduct is defined in Wisconsin Administrative Code § A-E 8.03 (3).
5. Protection of the public requires that the limitations imposed on Respondent's registration be extended beyond August 31, 2008.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Wisconsin Land Surveyor Registration of Respondent Luther J. Hoffmann is hereby SUSPENDED indefinitely.
2. The suspension of Luther J. Hoffman's land surveyor registration is STAYED and the registration is LIMITED 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 another land surveyor licensed to practice in Wisconsin. This supervision shall be accomplished through Respondent's submitting all surveys to the Land Subdivision Plat Review Program in the Wisconsin Department of Administration (hereafter Program) for review.
 - b. Respondent is prohibited from providing any final plans, drawings, survey maps, plats, or tie sheets for land surveying to anyone without first having had a representative of Program initial and date each page of any such document. Respondent may submit preliminary copies of plans, drawings, maps, plats or tie sheets to county authorities and clients for review prior to submitting the documents to Program; such preliminary copies shall be clearly marked as preliminary on each page. A representative of Program shall initial and date each plan, drawing, survey map, plat, or tie sheet only after Program 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. Program 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 Program found errors, the types of errors found, and Program's recommendation for further education or supervision.
3. Respondent shall be responsible for all costs and expenses incurred for compliance with the terms of this Order.
4. The terms and conditions of this Order may only be modified by further written Order of the Land Surveyor Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors.
5. Section may require Respondent to appear personally before the Section at its first meeting of 2009 to discuss his work and whether the Section should modify or rescind the limitations placed on his registration by this Order.
6. Within one hundred eighty (180) days after the signing of this Order, Respondent shall make the first of six (6) payments of five hundred dollars (\$500.00) toward the three thousand dollars (\$3,000.00) in costs assessed in the previous proceedings. The remaining payments shall be due at one hundred eighty (180) day intervals thereafter. Checks should be made payable to the Wisconsin Department of Regulation and Licensing and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P. O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
FAX (608) 266-2264
7. **In the event Respondent fails to submit timely any payment of the costs as ordered, or violates any of the terms or conditions of this Order, the stay of the suspension of Respondent's registration (#2254-08) shall be lifted and the registration SHALL BE SUSPENDED, without further notice or hearing until Respondent has complied with the terms of this Order. The Section in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order**
8. Division of Enforcement cases ## 07 LSR 004 and 07 LSR 009 are hereby closed.
9. This Order is effective on the date of its signing.

By: Rick Van Goethem
For the Section

8/11/08
Date