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

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST DONALD H. NERENHAUSEN, R.L.S., RESPONDENT	: : : : :	FINAL DECISION AND ORDER

The State of Wisconsin, Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Hearing Examiner, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Examining Board of Architects, Professional Engineers, Designers and Land Surveyors. Let a copy of this order be served on the respondent by certified mail.

Dated this 28th day of September, 1981.

Percival Sprague

017-552

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

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST DONALD H. NERENHAUSEN, R.L.S., RESPONDENT.	PROPOSED DECISION

The parties to this proceeding for the purposes of Wis. Stats. sec. 227.16 are:

Donald H. Nerenhausen
710 Arbutus Avenue
Oconto, Wisconsin 54153

Examining Board of Architects, Professional Engineers,
Designers and Land Surveyors
1400 East Washington Avenue, Room 290
P. O. Box 8936
Madison, Wisconsin 53708

A Notice of Hearing and Complaint were filed in the above-captioned matter on January 23, 1981. On August 27, 1981, a Stipulation was filed setting forth terms and conditions for an agreed disposition of the case. A copy of the Stipulation is attached hereto.

Based upon the Stipulation on file herein, the Hearing Examiner recommends that the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors adopt as its final decision the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Donald H. Nerenhausen (Nerenhausen) was at all times relevant to the Complaint filed in this matter duly licensed under the provisions of Chapter 443 of the Wisconsin Statutes to practice as a land surveyor in the State of Wisconsin (License No. S-1055, issued August 4, 1971).

2. Nerenhausen's address is 710 Arbutus Avenue, Oconto, Wisconsin 54153.

3. On or about October 17, 1977, and as a part of his land surveying practice, Nerenhausen completed the performance of a land survey and the preparation of a map of survey for client Raph Comins, owner of the parcel surveyed, described as part of the southwest quarter of the southeast quarter of section 5, Township 29 North, Range 21 East, Town of Little River, Oconto County, Wisconsin.

4. In performing the land survey and in preparing the survey map described in paragraph 3 above, Nerenhausen was required to meet the standards set forth in the Minimum Standards for Property Surveys, Chapter A-E 5, Wis. Adm. Code, and said survey and map did not meet the required standards in the following respects:

(a) The map failed to show the exact length and bearing of the boundaries of the parcel surveyed as required by Section A-E 5.01(5)(c), Wis. Adm. Code.

(b) The bearings were not expressed with reference to a magnetic, true or other identifiable meridian or line of the public land survey, recorded subdivision or the Wisconsin Coordinate System as required by Section A-E 5.01(5)(b), Wis. Adm. Code.

(c) The description did not commence with a government corner as required by Section A-E 5.01(4), Wis. Adm. Code.

(d) The map failed to identify the person for whom the survey was made, as required by Section A-E 5.01(5)(e), Wis. Adm. Code.

(e) The map did not bear a certifying statement as required by Section A-E 5.01(5)(f), Wis. Adm. Code.

(f) Nerenhausen failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by Section A-E 5.01(3), Wis. Adm. Code, and s. 59.62, Stats. More specifically, Nerenhausen failed to properly establish the north-south quarter-quarter section line of the southeast quarter of section 5.

5. On or about July 11, 1979, Nerenhausen amended the map of survey as described in paragraph 3 above, for the purpose of correcting deficiencies in said survey; and Nerenhausen again failed to properly establish the north-south quarter quarter line of the southeast quarter of section 5, to show the exact length and bearing of boundaries, and to commence the description with a government corner.

6. On or about September 2, 1977, and as a part of his land surveying practice, Nerenhausen completed the performance of a land survey and the preparation of a map of survey for client Lenard Belongia, owner of the parcel surveyed, described as part of the southwest quarter of the northwest quarter of section 9, Township 28 North, Range 21 East, Town of Oconto County, Wisconsin.

7. In performing the land survey and in preparing the survey map described in paragraph 6 above, Nerenhausen was requrired to meet the standards set forth in the Minimum Standards for Property Surveys, Chapter A-E 5, Wis. Adm. Code, and said survey and map did not meet the required standards in the following respects:

(a) Nerenhausen failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by Section A-E 5.01(3), Wis. Adm. Code, and s. 59.62, Wis. Stats. More specifically, Nerenhausen failed to properly establish the east-west quarter section line of section 9.

(b) The map failed to show the exact length and bearing of the boundaries of the parcels surveyed as required by Section A-E 5.01(5)(e), Wis. Adm. Code.

(c) The map failed to bear a certifying statement as required by Section A-E 5.01(5)(f), Wis. Adm. Code.

(d) The description did not commence with a government corner as required by Section A-E 5.01(4), Wis. Adm. Code.

8. On or about July 11, 1979, Nerenhausen amended the map of survey described in paragraph 6 above, for the purpose of correcting deficiencies in said survey; and Nerenhausen again failed to properly establish the east-west quarter section line of section 9, to show the exact length and bearing of boundaries, and to commence the description with a government corner.

9. On or about October 1, 1977, and as a part of his land surveying practice, Nerenhausen completed the performance of a land survey and the preparation of a map of survey for client Harold Huebscher, owner of the parcel surveyed, described as part of the northeast quarter of the southwest quarter of section 20, Township 27 North, Range 21 East, Town of Pensaukee, Oconto County, Wisconsin.

10. In performing the land survey and in preparing the survey map described in paragraph 9 above, Nerenhausen was required to meet the standards set forth in the Minimum Standards for Property Surveys, Chapter A-E 5, Wis. Adm. Code, and said survey and map did not meet the required standards in the following respects:

(a) The bearings are not referenced to a magnetic, true or other identifiable meridian or line of the public land survey, recorded subdivision or the Wisconsin Coordinate System, as required by Section A-E 5.01(5)(b), Wis. Adm. Code.

(b) The map failed to identify the person for whom the survey was made, as required by Section A-E 5.01(5)(e), Wis. Adm. Code.

(c) The map failed to contain a certifying statement as required by Section A-E 5.01(5)(f), Wis. Adm. Code.

(d) Nerenhausen failed to make a careful determination of the position of the boundaries of the parcel surveyed, as required by Section A-E 5.01(3), Wis. Adm. Code, and s. 59.62, Wis. Stats. More specifically, Nerenhausen failed to properly establish the position of the east-west quarter section line

of section 20 and the position of the north-south quarter quarter section line of the southwest quarter of section 20.

(e) The description did not commence with a government corner as required by Section A-E 5.01(4), Wis. Adm. Code.

11. On or about July 17, 1979, Nerenhausen amended the map of survey described in paragraph 9 above, for the purpose of correcting deficiencies in said survey and Nerenhausen again failed to properly establish the east-west quarter section line of section 20 and the north-south quarter-quarter section line of the southwest quarter of section 20, and again failed to commence the description with a government corner.

12. On or about August 20, 1977, and as a part of his land surveying practice, Nerenhausen completed the performance of a land survey and the preparation of a map of survey for client Peter Netzer, owner of the parcel surveyed, described as part of the southeast quarter of the southwest quarter of section 21, Township 29 North, Range 21 East, Town of Little River, Oconto County, Wisconsin.

13. In performing the land survey and in preparing the survey map described in paragraph 12 above, Nerenhausen was required to meet the standards set forth in the Minimum Standards for Property Surveys, Chapter A-E 5, Wis. Adm. Code, and said survey and map did not meet the required standards in the following respects:

(a) Nerenhausen failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by Section A-E 5.01(3), Wis. Adm. Code, and s. 59.62, Wis. Stats. More specifically, Nerenhausen failed to properly establish the position of the north-south quarter section line of section 21.

(b) The map failed to show the exact length and bearing of the boundaries of the parcel surveyed as required by Section A-E 5.01(5)(c), Wis. Adm. Code.

(c) The map failed to identify the person for whom the survey was made, as required by Section A-E 5.01(5)(e), Wis. Adm. Code.

(d) The map did not bear a certifying statement as required by Section A-E 5.01(5)(f), Wis. Adm. Code.

14. On or about July 15, 1979, Nerenhausen amended the map of survey described in paragraph 12 above, for the purpose of correcting deficiencies in said survey; and Nerenhausen again failed to properly establish the position of the north-south quarter section line of section 21, and to show the exact length and bearing of the boundaries of the parcel surveyed.

15. On or about June 29, 1977, and as a part of his land surveying practice, Nerenhausen completed the performance of a land survey and the preparation of a map of survey for client Harold Larmay, owner of the

parcel surveyed, described as part of the southwest quarter of the northwest quarter of section 27, Township 29 North, Range 21 East, Town of Little River, Oconto County, Wisconsin.

16. In performing the land survey and in preparing the survey map described in paragraph 15 above, Nerenhausen was required to meet the standards set forth in the Minimum Standards for Property Surveys, Chapter A-E 5, Wis. Adm. Code, and said survey and map did not meet the required standards in the following respects:

(a) Nerenhausen failed to make a careful determination of the position of the boundaries of the parcel surveyed, as required by Section A-E 5.01(3), Wis. Adm. Code, and s. 59.62, Wis. Stats. More specifically, Nerenhausen failed to properly establish the position of the north-south quarter quarter section line of the northwest quarter of section 27, and the east-west quarter section line of section 27.

(b) The description did not commence with a government corner as required by Section A-E 5.01(4), Wis. Adm. Code.

17. On or about July 25, 1979, Nerenhausen amended the map of survey described in paragraph 15 above, for the purpose of correcting deficiencies in said survey; and Nerenhausen again failed to properly establish the position of the boundaries of the parcel surveyed. Further, Nerenhausen's amended description fails to establish the length of the line commencing at the south quarter corner of section 27 and bearing south 80° 39 minutes west, as required by Section A-E 5.01(4), Wis. Adm. Code.

18. On or about June 14, 1977, and as a part of his land surveying practice, Nerenhausen completed the performance of a land survey and the preparation of a map of survey for client Harold Crozier, owner of the parcel surveyed, described as a part of the northwest quarter of the northeast quarter of section 14, Township 28 North, Range 21 East, Town of Oconto, Oconto County, Wisconsin.

19. In performing the land survey and in preparing the survey map described in paragraph 18 above, Nerenhausen was required to meet the standards set forth in the Minimum Standards for Property Surveys, Chapter A-E 5, Wis. Adm. Code, and said survey and map did not meet the required standards in the following respects:

(a) Nerenhausen failed to make a careful determination of the position of boundaries of the parcel surveyed as required by Section A-E 5.01(3), Wis. Adm. Code, and s. 59.62, Wis. Stats. More specifically, Nerenhausen failed to properly establish the position of the north-south quarter quarter section line of the northeast quarter of section 14 and the north section line of section 14.

(b) The bearings were not expressed with reference to a magnetic, true or other identifiable meridian or line of the public land survey, recorded subdivision or to the Wisconsin Coor-

dinate System, as required by Section A-E 5.01(5)(b), Wis. Adm. Code.

(c) The map failed to identify the person for whom the survey was made, as required by Section A-E 5.01(5)(e), Wis. Adm. Code.

20. On or about July 23, 1979, Nerenhausen amended the map of survey described in paragraph 18 above, for the purpose of correcting deficiencies in said survey; and Nerenhausen again failed to properly establish the position of the north-south quarter quarter section line of the northeast quarter of section 14.

21. On or about October 27, 1977, and as a part of his land surveying practice, Nerenhausen completed the performance of a land survey and the preparation of a map of survey for client Orville Griebeler, owner of the parcel surveyed, described as part of the southeast quarter of the southwest quarter of section 25, Township 28 North, Range 21 East, Town of Oconto, Oconto County, Wisconsin.

22. In performing the land survey and in preparing the survey map described in paragraph 21 above, Nerenhausen was required to meet the standards set forth in the Minimum Standards for Property Surveys, Chapter A-E 5, Wis. Adm. Code, and said survey and map did not meet the required standards in the following respects:

(a) The bearings were not expressed with reference to a magnetic, true or other identifiable meridian or line of the public land survey, recorded subdivision or to the Wisconsin Coordinate System, as required by Section A-E 5.01(5)(b), Wis. Adm. Code.

(b) The map failed to identify the person for whom the survey was made as required by Section A-E 5.01(5)(e), Wis. Adm. Code.

(c) The map failed to properly describe monuments necessary for the location of the parcel, as required by Section A-E 5.01 (5)(b), Wis. Adm. Code.

(d) The description did not commence with a government corner as required by Section A-E 5.04(4), Wis. Adm. Code.

(e) Nerenhausen failed to make a careful determination of the position of the boundaries of the parcel surveyed, as required by Section A-E 5.01(3), Wis. Adm. Code, and s. 59.62, Wis. Stats. More specifically, Nerenhausen failed to properly establish the position of the north-south quarter quarter section line of the southwest quarter of section 25.

(f) Nerenhausen's map showed the parcel located in section 24, while his description locates the parcel in section 25.

23. On or about July 19, 1979, Nerenhausen amended the map of survey described in paragraph 21 above, for the purpose of correcting deficiencies in said survey; and Nerenhausen again failed to properly establish the position of the north-south quarter quarter section line of the southwest quarter of section 25.

24. Between March 30 and May 3, 1981, Nerenhausen completed and filed corrections to each of the surveys described in paragraphs 3 through 23 above. Copies of the corrected survey maps are attached hereto and made a part hereof.

CONCLUSIONS OF LAW

1. The State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction to take disciplinary action in this proceeding pursuant to section 227.07(5), Wis. Stats.

2. Nerenhausen's failure to meet the requirements of Chapter A-E 5, Wis. Adm. Code, and Chapter 59, Wis. Stats., constitutes negligence and misconduct in the practice of land surveying within the meaning of s. 443.02(8)(a), Wis. Stats.

ORDER

IT IS HEREBY ORDERED that Donald H. Nerenhausen be, and hereby is, reprimanded.

[In the event the Proposed Decision, or any part hereof, is not adopted by the Examining Board as its final decision, the Stipulation will not be binding in any manner on any party (see, Wis. Adm. Code sec. RL 2.12) and the matter shall be remanded to the Hearing Examiner for further proceedings.]

Dated at Madison, Wisconsin this 1st day of September, 1981.

Respectfully submitted,

Donald R. Rittel

Donald R. Rittel
Hearing Examiner

362-563

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

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST DONALD H. NERENHAUSEN, R.L.S., RESPONDENT.	:	STIPULATION

On January 23, 1981, a Complaint was filed in the above-captioned matter, the gravamen of which was that the respondent, Donald H. Nerenhausen, had performed a number of surveys in 1977 which failed to meet the requirements established by Ch. A-E 5, Wis. Adm. Code, entitled "Minimum Standards for Property Surveys". The Complaint also alleged that Mr. Nerenhausen had undertaken the amendment and correction of the affected surveys in July, 1979, but that the amended maps of survey still did not meet all the requirements of Ch. A-E 5, Wis. Adm. Code.

Following filing of the Complaint, discussions were initiated between Wayne R. Austin, attorney for the complainant, and Michael T. Judge, attorney for Mr. Nerenhausen. Those discussions resulted in an agreement between the parties as to a stipulated disposition of the matter. That agreement included a commitment by Mr. Nerenhausen to correct the surveys in question. Subsequently, on May 5, 1981, Attorney Judge filed a formal Answer on behalf of Mr. Nerenhausen. Appended thereto were copies of the corrected survey maps.

ACCORDINGLY, complainant, by his attorney, and Donald H. Nerenhausen, by himself and his attorney, in consideration of the terms and conditions of this Stipulation, and in consideration and upon condition of acceptance of this Stipulation by the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, do hereby stipulate as follows:

1. Donald H. Nerenhausen (Nerenhausen) freely and voluntarily waives his right to a public hearing in this cause.

2. The parties agree the following facts exist and further agree to the adoption by the Board of Findings of Fact consistent therewith:

(a) Donald H. Nerenhausen (Nerenhausen) was at all times relevant to the Complaint filed in this matter duly licensed under the provisions of Chapter 443, Wis. Stats., to practice as a land surveyor in the State of Wisconsin (License No. S-1055, issued August 4, 1971).

(b) Nerenhausen's address is 710 Arbutus Avenue, Oconto, Wisconsin 54153.

(c) On or about October 17, 1977, and as a part of his land surveying practice, Nerenhausen completed the performance of a land

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survey and the preparation of a map of survey for client Ralph Comins, owner of the parcel surveyed, described as part of the southwest quarter of the southeast quarter of section 5, Township 29 North, Range 21 East, Town of Little River, Oconto County, Wisconsin.

(d) In performing the land survey and in preparing the survey map described in paragraph (c), above, Nerenhausen was required to meet the standards set forth in the Minimum Standards for Property Surveys, Chapter A-E 5, Wis. Adm. Code, and said survey and map did not meet the required standards in the following respects:

(1) The map failed to show the exact length and bearing of the boundaries of the parcel surveyed as required by Section A-E 5.01(5)(c), Wis. Adm. Code.

(2) The bearings were not expressed with reference to a magnetic, true or other identifiable meridian or line of the public land survey, recorded subdivision or the Wisconsin Coordinate System as required by Section A-E 5.01(5)(b), Wis. Adm. Code.

(3) The description did not commence with a government corner as required by Section A-E 5.01(4), Wis. Adm. Code.

(4) The map failed to identify the person for whom the survey was made, as required by Section A-E 5.01(5)(e), Wis. Adm. Code.

(5) The map did not bear a certifying statement as required by Section A-E 5.01(5)(f), Wis. Adm. Code.

(6) Respondent failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by Section A-E 5.01(3), Wis. Adm. Code, and s. 59.62, Stats. More specifically, Respondent failed to properly establish the north-south quarter-quarter section line of the southeast quarter of section 5.

(e) On or about July 11, 1979, Respondent amended the map of survey described in paragraph 3, above, for the purpose of correcting deficiencies in said survey; and Respondent again failed to properly establish the north-south quarter quarter line of the southeast quarter of section 5, to show the exact length and bearing of boundaries, and to commence the description with a government corner.

(f) On or about September 2, 1977, and as a part of his land surveying practice, Nerenhausen completed the performance of a land survey and the preparation of a map of survey for client Lenard Belongia, owner of the parcel surveyed, described as part of the southwest quarter of the northwest quarter of section 9, Township 28 North, Range 21 East, Town of Oconto, Oconto County, Wisconsin.

(g) In performing the land survey and in preparing the survey map described in paragraph (f), above, Nerenhausen was required to meet the standards set forth in the Minimum Standards for Property

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Surveys, Chapter A-E5, Wis. Adm. Code, and said survey and map did not meet the required standards in the following respects:

(1) Nerenhausen failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by Section A-E 5.01(3), Wis. Adm. Code, and s. 59.62, Wis. Stats. More specifically, Nerenhausen failed to properly establish the east-west quarter section line of section 9.

(2) The map failed to show the exact length and bearing of the boundaries of the parcels surveyed as required by Section A-E 5.01(5)(e), Wis. Adm. Code.

(3) The map failed to bear a certifying statement as required by Section A-E 5.01(5)(f), Wis. Adm. Code.

(4) The description did not commence with a government corner as required by Section A-E 5.01(4), Wis. Adm. Code.

(h) On or about July 11, 1979, Nerenhausen amended the map of survey described in paragraph (f), above, for the purpose of correcting deficiencies in said survey; and Nerenhausen again failed to properly establish the east-west quarter section line of section 9, to show the exact length and bearing of boundaries, and to commence the description with a government corner.

(i) On or about October 1, 1977, and as a part of his land surveying practice, Nerenhausen completed the performance of a land survey and the preparation of a map of survey for client Harold Huebscher, owner of the parcel surveyed, described as part of the northeast quarter of the southwest quarter of section 20, Township 27 North, Range 21 East, Town of Pensaukee, Oconto County, Wisconsin.

(j) In performing the land survey and in preparing the survey map described in paragraph (i), above, Nerenhausen was required to meet the standards set forth in the Minimum Standards for Property Surveys, Chapter A-E 5, Wis. Adm. Code, and said survey and map did not meet the required standards in the following respects:

(1) The bearings are not referenced to a magnetic, true or other identifiable meridian or line of the public land survey, recorded subdivision or the the Wisconsin Coordinate System, as required by Section A-E 5.01(5)(b), Wis. Adm. Code.

(2) The map failed to identify the person for whom the survey was made, as required by Section A-E 5.01(5)(e), Wis. Adm. Code.

(3) The map failed to contain a certifying statement as required by Section A-E 5.01(5)(f), Wis. Adm. Code.

(4) Nerenhausen failed to make a careful determination of the position of the boundaries of the parcel surveyed, as required by Section A-E 5.01(3), Wis. Adm. Code, and

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s. 59.62, Wis. Stats. More specifically, Nerenhausen failed to properly establish the position of the east-west quarter section line of section 20 and the position of the north-south quarter quarter section line of the southwest quarter of section 20.

(5) The description did not commence with a government corner as required by Section A-E 5.01(4), Wis. Adm. Code.

(k) On or about July 17, 1979, Nerenhausen amended the map of survey described in paragraph (i), above, for the purpose of correcting deficiencies in said survey and Nerenhausen again failed to properly establish the east-west quarter section line of section 20 and the north-south quarter-quarter section line of the southwest quarter of section 20, and again failed to commence the description with a government corner.

(l) On or about August 20, 1977, and as a part of his land surveying practice, Nerenhausen completed the performance of a land survey and the preparation of a map of survey for client Peter Netzer, owner of the parcel surveyed, described as part of the southeast quarter of the southwest quarter of section 21, Township 29 North, Range 21 East, Town of Little River, Oconto County, Wisconsin.

(m) In performing the land survey and in preparing the survey map described in paragraph (l), above, Nerenhausen was required to meet the standards set forth in the Minimum Standards for Property Surveys, Chapter A-E 5, Wis. Adm. Code, and said survey and map did not meet the required standards in the following respects:

(1) Nerenhausen failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by Section A-E 5.01(3), Wis. Adm. Code, and s. 59.62, Wis. Stats. More specifically, Nerenhausen failed to properly establish the position of the north-south quarter section line of section 21.

(2) The map failed to show the exact length and bearing of the boundaries of the parcel surveyed as required by Section A-E 5.01(5)(c), Wis. Adm. Code.

(3) The map failed to identify the person for whom the survey was made, as required by Section A-E 5.01(5)(e), Wis. Adm. Code.

(4) The map did not bear a certifying statement as required by Section A-E 5.01(5)(f), Wis. Adm. Code.

(n) On or about July 18, 1979, Nerenhausen amended the map of survey described in paragraph (l), above, for the purpose of correcting deficiencies in said survey; and Nerenhausen again failed to properly establish the position of the north-south quarter section line of section 21, and to show the exact length and bearing of the boundaries of the parcel surveyed.

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(o) On or about June 29, 1977, and as a part of his land surveying practice, Nerenhausen completed the performance of a land survey and the preparation of a map of survey for client Harold Larmay, owner of the parcel surveyed, described as part of the southwest quarter of the northwest quarter of section 27, Township 29 North, Range 21 East, Town of Little River, Oconto County, Wisconsin.

(p) In performing the land survey and in preparing the survey map described in paragraph (o), above, Nerenhausen was required to meet the standards set forth in the Minimum Standards for Property Surveys, Chapter A-E 5, Wis. Adm. Code, and said survey and map did not meet the required standards in the following respects:

(1) Nerenhausen failed to make a careful determination of the position of the boundaries of the parcel surveyed, as required by Section A-E 5.01(3), Wis. Adm. Code and sec. 59.62, Wis. Stats. More specifically, Nerenhausen failed to properly establish the position of the north-south quarter quarter section line of the northwest quarter of section 27, and the east-west quarter section line of section 27.

(2) The description did not commence with a government corner as required by Section A-E 5.01(4), Wis. Adm. Code.

(q) On or about July 25, 1979, Nerenhausen amended the map of survey described in paragraph (o), above, for the purpose of correcting deficiencies in said survey; and Nerenhausen again failed to properly establish the position of the boundaries of the parcel surveyed. Further, Nerenhausen's amended description fails to establish the length of the line commencing at the south quarter corner of section 27 and bearing south 80° 39 minutes west, as required by Section A-E 5.01(4), Wis. Adm. Code.

(r) On or about June 14, 1977, and as a part of his land surveying practice, Nerenhausen completed the performance of a land survey and the preparation of a map of survey for client Harold Crozier, owner of the parcel surveyed, described as a part of the northwest quarter of the northeast quarter of section 14, Township 28 North, Range 21 East, Town of Oconto, Oconto County, Wisconsin.

(s) In performing the land survey and in preparing the survey map described in paragraph (r), above, Nerenhausen was required to meet the standards set forth in the Minimum Standards for Property Surveys, Chapter A-E 5, Wis. Adm. Code, and said survey and map did not meet the required standards in the following respects:

(1) Nerenhausen failed to make a careful determination of the position of boundaries of the parcel surveyed as required by Section A-E 5.01(3), Wis. Adm. Code, and s. 59.62, Wis. Stats. More specifically, Nerenhausen failed to properly establish the position of the north-south quarter quarter section line of the northeast quarter of section 14 and the north section line of section 14.

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(2) The bearings were not expressed with reference to a magnetic, true or other identifiable meridian or line of the public land survey, recorded subdivision or to the Wisconsin Coordinate System, as required by Section A-E 5.01(5)(b), Wis. Adm. Code.

(3) The map failed to identify the person for whom the survey was made, as required by Section A-E 5.01(5)(e), Wis. Adm. Code.

(t) On or about July 23, 1979, Nerenhausen amended the map of survey described in paragraph (r), above, for the purpose of correcting deficiencies in said survey; and Nerenhausen again failed to properly establish the position of the north-south quarter quarter section line of the northeast quarter of section 14.

(u) On or about October 27, 1977, and as a part of his land surveying practice, Nerenhausen completed the performance of a land survey and the preparation of a map of survey for client Orville Griebeler, owner of the parcel surveyed, described as part of the southeast quarter of the southwest quarter of section 25, Township 28 North, Range 21 East, Town of Oconto, Oconto County, Wisconsin.

(v) In performing the land survey and in preparing the survey map described in paragraph (u), above, Nerenhausen was required to meet the standards set forth in the Minimum Standards for Property Surveys, Chapter A-E 5, Wis. Adm. Code, and said survey and map did not meet the required standards in the following respects:

(1) The bearings were not expressed with reference to a magnetic, true or other identifiable meridian or line of the public land survey, recorded subdivision or to Wisconsin Coordinate System, as required by Section A-E 5.01(5)(b), Wis. Adm. Code.

(2) The map failed to identify the person for whom the survey was made as required by Section A-E 5.01(5)(e), Wis. Adm. Code.

(3) The map failed to properly describe monuments necessary for the location of the parcel, as required by Section A-E 5.01(5)(b), Wis. Adm. Code.

(4) The description did not commence with a government corner as required by Section A-E 5.04(4), Wis. Adm. Code.

(5) Nerenhausen failed to make a careful determination of the position of the boundaries of the parcel surveyed, as required by Section A-E 5.01(3), Wis. Adm. Code, and s. 59.62, Wis. Stats. More specifically, Nerenhausen failed to properly establish the position of the north-south quarter quarter section line of the southwest quarter of section 25.

(6) Nerenhausen's map showed the parcel located in section 24, while his description locates the parcel in section 25.

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(w) On or about July 19, 1979, Nerenhausen amended the map of survey described in paragraph (u), above, for the purpose of correcting deficiencies in said survey; and Nerenhausen again failed to properly establish the position of the north-south quarter quarter section line of the southwest quarter of section 25.

(x) Between March 30 and May 3, 1981, Nerenhausen completed and filed corrections to each of the surveys described in paragraphs (c) through (w), above. Copies of the corrected survey maps are attached hereto and made a part hereof.

3. The parties agree to the adoption by the Board of Conclusions of Law as follows:

(a) The State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction to take disciplinary action in this proceeding pursuant to section 227.07(5), Wis. Stats.

(b) Nerenhausen's failure to meet the requirements of Chapter A-E 5, Wis. Adm. Code, and Chapter 59, Wis. Stats., constitutes negligence and misconduct in the practice of land surveying within the meaning of s. 443.02(8)(a), Wis. Stats.

4. The parties agree to the adoption by the Board of an Order as follows:

IT IS HEREBY ORDERED that Donald H. Nerenhausen be, and he hereby is, reprimanded.

Dated this 18th day of August, 1981.

Wayne R. Austin
Attorney for Complainant

Dated this 21st day of August, 1981.

Donald H. Nerenhausen, Respondent

Michael T. Judge
Attorney for Respondent

374-353

AUG 25 1981

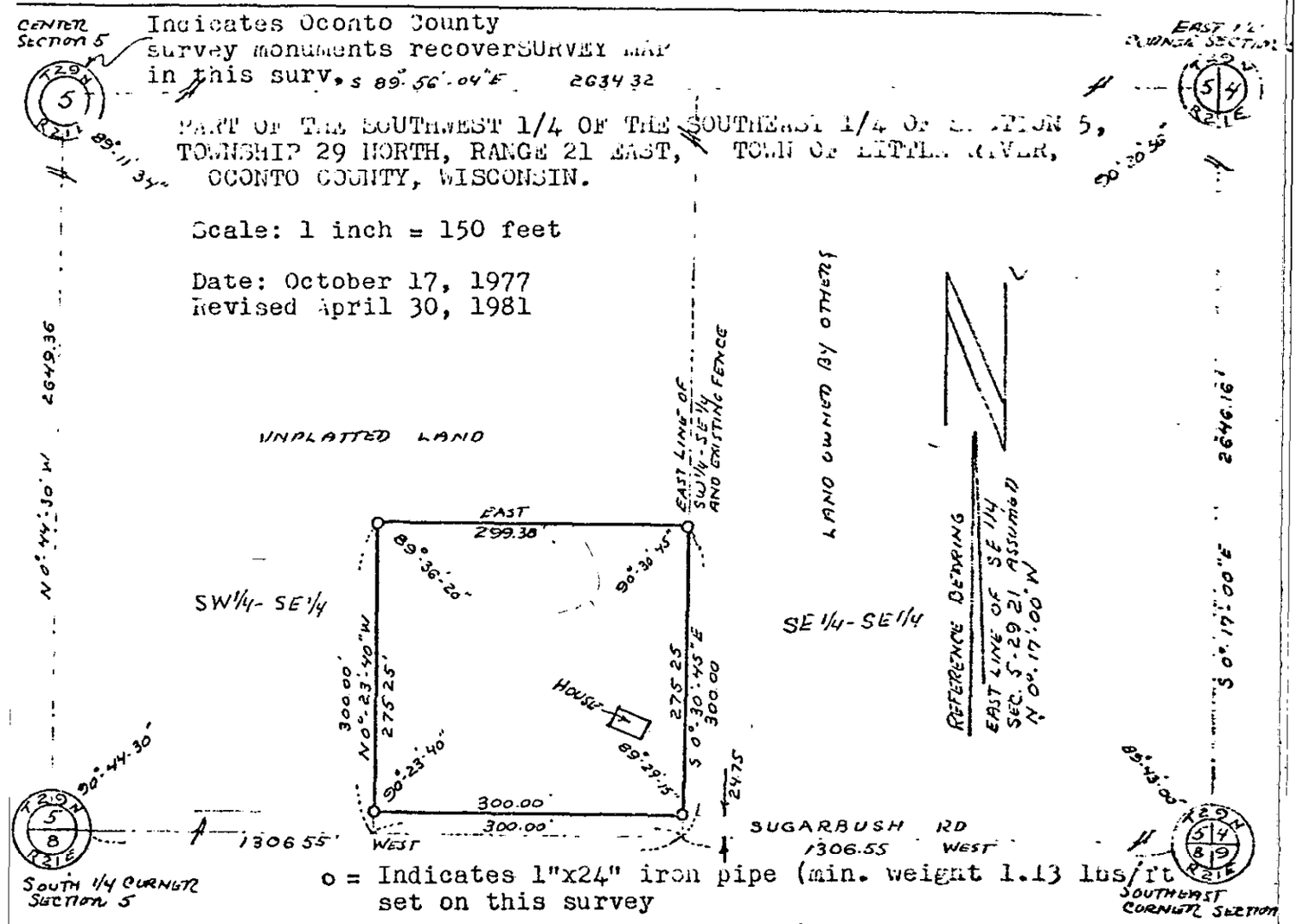
Indicates Oconto County survey monuments recover in this surv.

SURVEY MAP

PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 29 NORTH, RANGE 21 EAST, TOWN OF LITTLE RIVER, OCONTO COUNTY, WISCONSIN.

Scale: 1 inch = 150 feet

Date: October 17, 1977
Revised April 30, 1981



o = Indicates 1"x24" iron pipe (min. weight 1.13 lbs/ft set on this survey

SURVEYOR'S CERTIFICATE

I, Donald H. Nerenhausen, Registered Land Surveyor, hereby certify that I have surveyed, divided and mapped as shown part of the Southwest 1/4 of the Southeast 1/4 of Section 5, Township 29 North, Range 21 East, Town of Little River, Oconto County, Wisconsin described as follows:

Commencing at the Southeast corner said Section 5; thence west along the South line of the said Section 5 1306.55 feet to the Southeast corner of said SW¼-SE¼ and the point of beginning; thence continuing along the South line of said Section 5 West 300.00 feet; thence North 0°-23'-40" West 300.00 feet; thence East 299.38 feet to the East line of the said SW¼-SE¼; thence South 0°-30'-45" East 300.00 feet to the point of beginning; excepting therefrom the South 24.75 feet previously dedicated for road purposes.

I further certify that I amde such survey by the order of Ralph Comins, owner of said lands and is correct to the best of my knowledge and belief.

Donald H. Nerenhausen S-1055

S 1055
OCONTO
WIS.

EXHIBIT "A"

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Div. of Consumer Complaints

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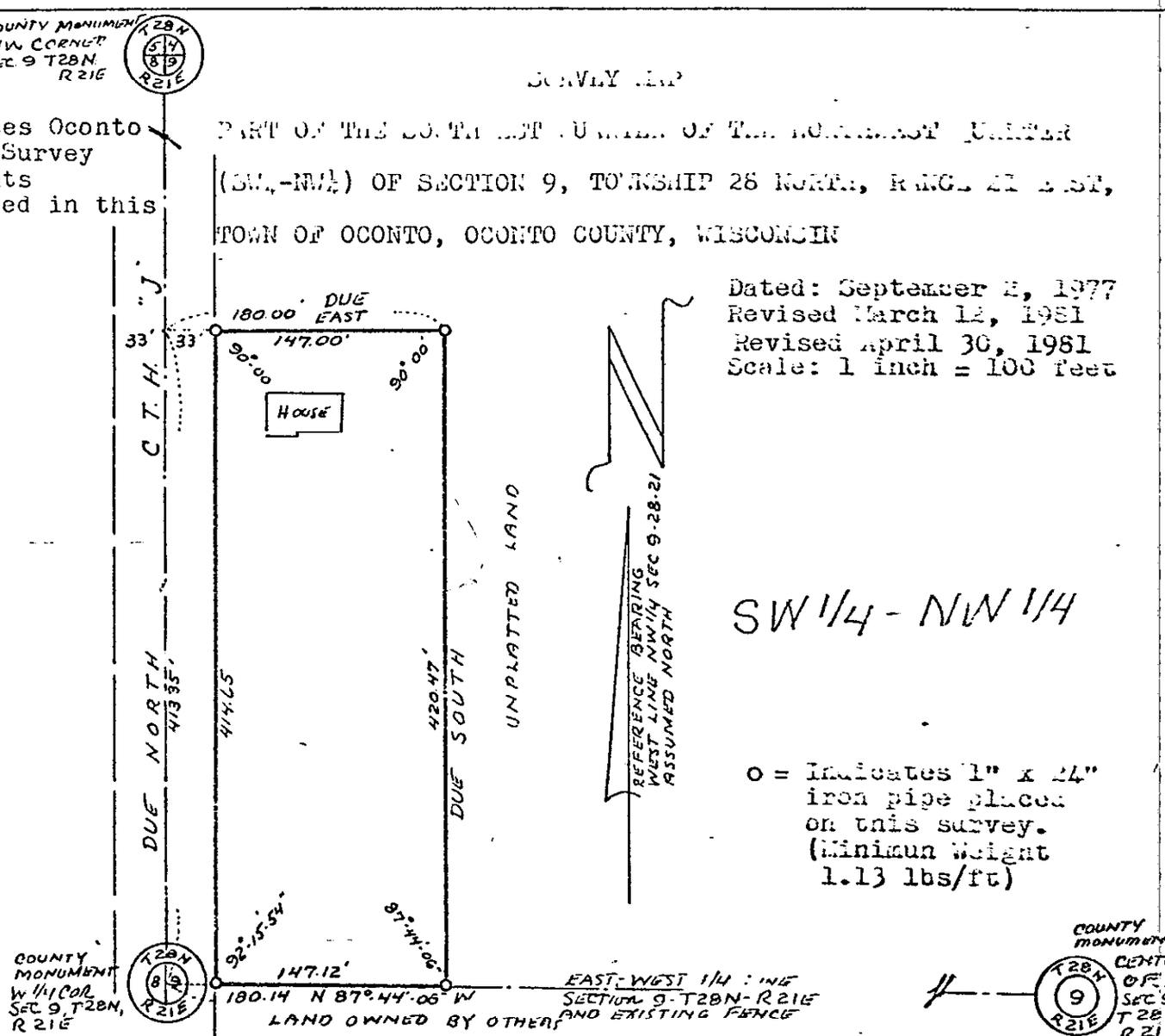
Indicates Oconto County Survey Monuments recovered in this survey

SURVEY MAP

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW¼-NW¼) OF SECTION 9, TOWNSHIP 28 NORTH, RANGE 21 EAST, TOWN OF OCONTO, OCONTO COUNTY, WISCONSIN

Dated: September 8, 1977
Revised March 12, 1981
Revised April 30, 1981
Scale: 1 inch = 100 feet



SURVEYOR'S CERTIFICATE

I, Donald H. Nerenhausen, Registered Land Surveyor, hereby certify that I have surveyed, divided and mapped, as shown, part of the Southwest Quarter of the Northwest Quarter (SW¼-NW¼) of Section 9, Township 28 North, Range 21 East, Town of Oconto, Oconto County, Wisconsin, described as follows:

Commencing at the Southwest (SW¼) corner of the Northwest Quarter (NW¼) of Section 9, Township 28 North, Range 21 East and the point of beginning; thence North along the West line of the said NW¼ 413.35 feet; thence at right angles due East 180.00 feet; thence at right angles due South 420.47 feet to the South line of the said NW¼; thence North 87°-44'-06" West 180.14 feet to the point of beginning; excepting therefrom the West 33 feet previously dedicated for road purpose

I further certify that I made such survey by the order of Lenard Belongia, owner of said lands and the survey is correct to the best of my knowledge and belief.

WISCONSIN
DONALD H. NERENHAUSEN
S-1055
OCONTO, WIS.
LAND SURVEYOR

Donald H. Nerenhausen S-1055
March 12, 1981

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Div. of Consumer Complaints

EXHIBIT "B"

SURVEY MAP

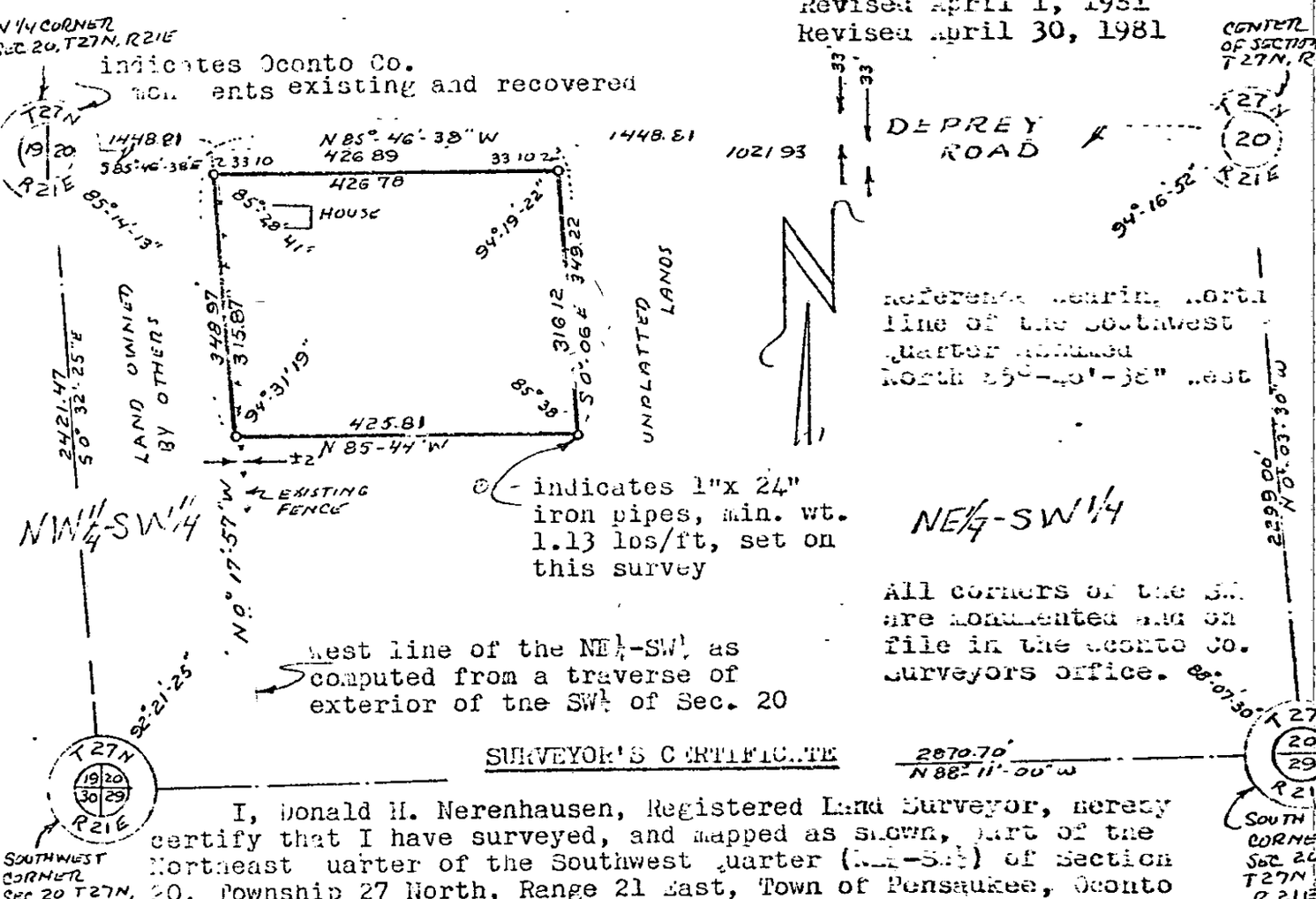
PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE¼-SW¼)

OF SECTION 20, TOWNSHIP 27 NORTH, RANGE 21 EAST, TOWN OF

PENSAUKEE, OCONTO COUNTY, WISCONSIN.

Scale: 1 inch = 200 feet

Date: October 1, 1977
Revised April 1, 1981
Revised April 30, 1981



SURVEYOR'S CERTIFICATE

I, Donald H. Nerenhausen, Registered Land Surveyor, hereby certify that I have surveyed, and mapped as shown, part of the Northeast Quarter of the Southwest Quarter (NE¼-SW¼) of Section 20, Township 27 North, Range 21 East, Town of Pensaukee, Oconto County Wisconsin, described as follows:

Commencing at the West Quarter corner of said Section 20; thence South 85°-46'-38" East along the North line of the Southwest Quarter of said Section 20 1448.81 feet to the Northwest corner of the Northeast Quarter of the Southwest Quarter (NE¼-SW¼) and the Point of Beginning; thence South 85°-46'-38" East 426.89 feet; thence South 0°-06' East 349.22 feet; thence North 85°-44' West 425.88 feet; to the West line of the said NE¼-SW¼; thence North 0°-17'-57" West along the West line of the said NE¼-SW¼ 348.97 feet to the P.O.B.; excepting therefrom the Northerly 33 feet previously dedicated for road purpose.

I further certify that I made such survey by the order of Harold Huebscher, owner of said lands and that the survey is correct to the best of my knowledge and belief.

WISCONSIN DONALD H. NERENHAUSEN S-1055 OCONTO, WIS. LAND SURVEYOR

Donald H. Nerenhausen S-1055

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EXHIBIT "C"

101

SURVEY MAP

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER

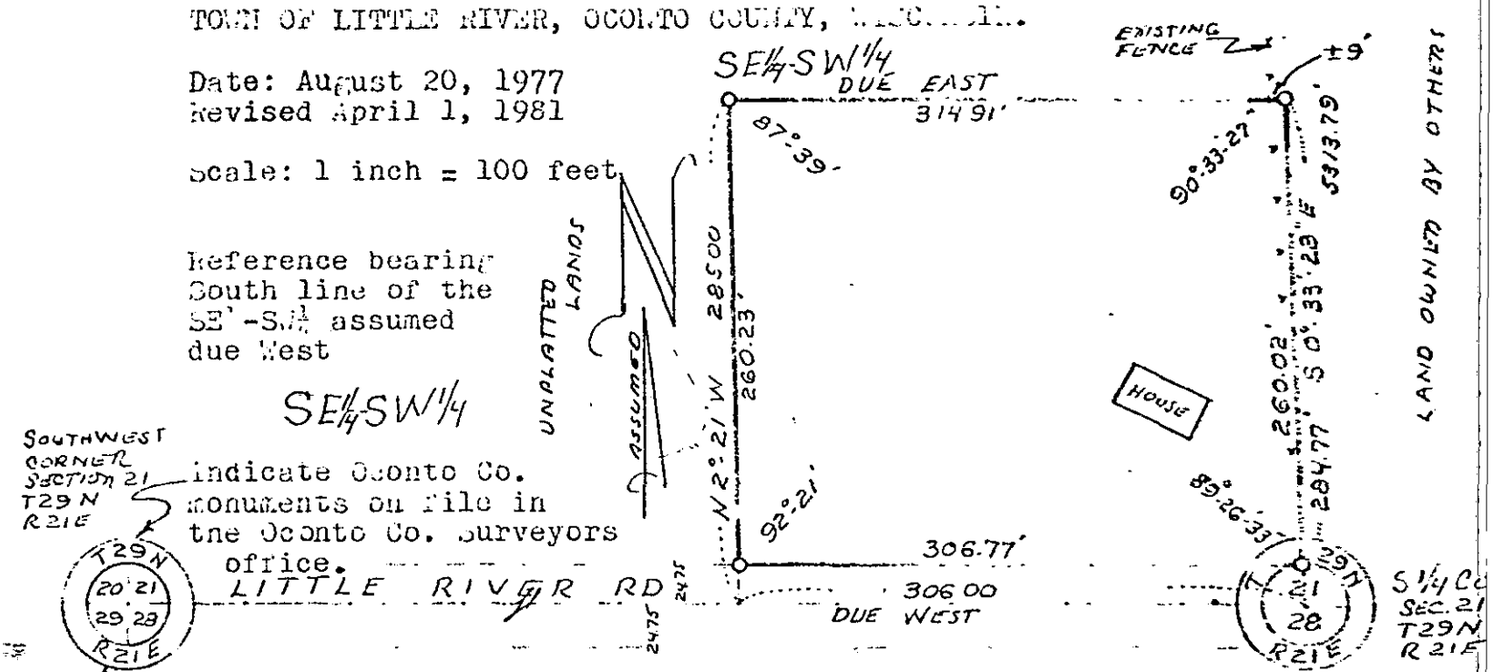
(SE¼-SW¼) OF SECTION 21, TOWNSHIP 29 NORTH, RANGE 21 EAST,

TOWN OF LITTLE RIVER, OCONTO COUNTY, WISCONSIN.

Date: August 20, 1977
Revised April 1, 1981

Scale: 1 inch = 100 feet

Reference bearing South line of the SE¼-SW¼ assumed due West



Indicate Oconto Co. monuments on file in the Oconto Co. Surveyors office.

Indicates Oconto Co survey Monuments recovered on this survey.

o Indicates 1"x 24' iron pipes set on this survey. (min. wt. 1.13 lbs/ft)

SURVEYOR'S CERTIFICATE

I, Donald H. Nerenhausen, Registered Land Surveyor, hereby certify that I have surveyed and mapped, as shown, part of the Southeast Quarter of the Southwest Quarter (SE¼-SW¼) of Section 21, Township 29 North, Range 21 East, Town of Little River, Oconto County, Wisconsin, described as follows:

Commencing at the South Quarter (S¼) corner of Section 21, Township 29 North, Range 21 East and the Point of Beginning; thence Due West along the South line of the Southwest Quarter 306.00 feet; thence North 2°-21' West 285.00 feet; thence Due East parallel with the South line of the Southwest Quarter 314.91 feet to the East line of the said Southwest Quarter; thence South 0°-33'-28" East along the East line of the said Southwest Quarter 284.77 feet to the South Quarter corner of Section 21 and the Point of Beginning; containing 2.02 acres, more or less; Excepting therefrom the South 24.75 feet of the above described parcel previously dedicated for road purpose.

I further certify that I made such survey by the order of Peter Netzer, owner of the land, and that the survey is correct to the best of my knowledge and belief.

WISCONSIN DONALD H. NERENHAUSEN S-1055 OCONTO, WIS. LAND SURVEYOR

Donald H. Nerenhausen S-1055

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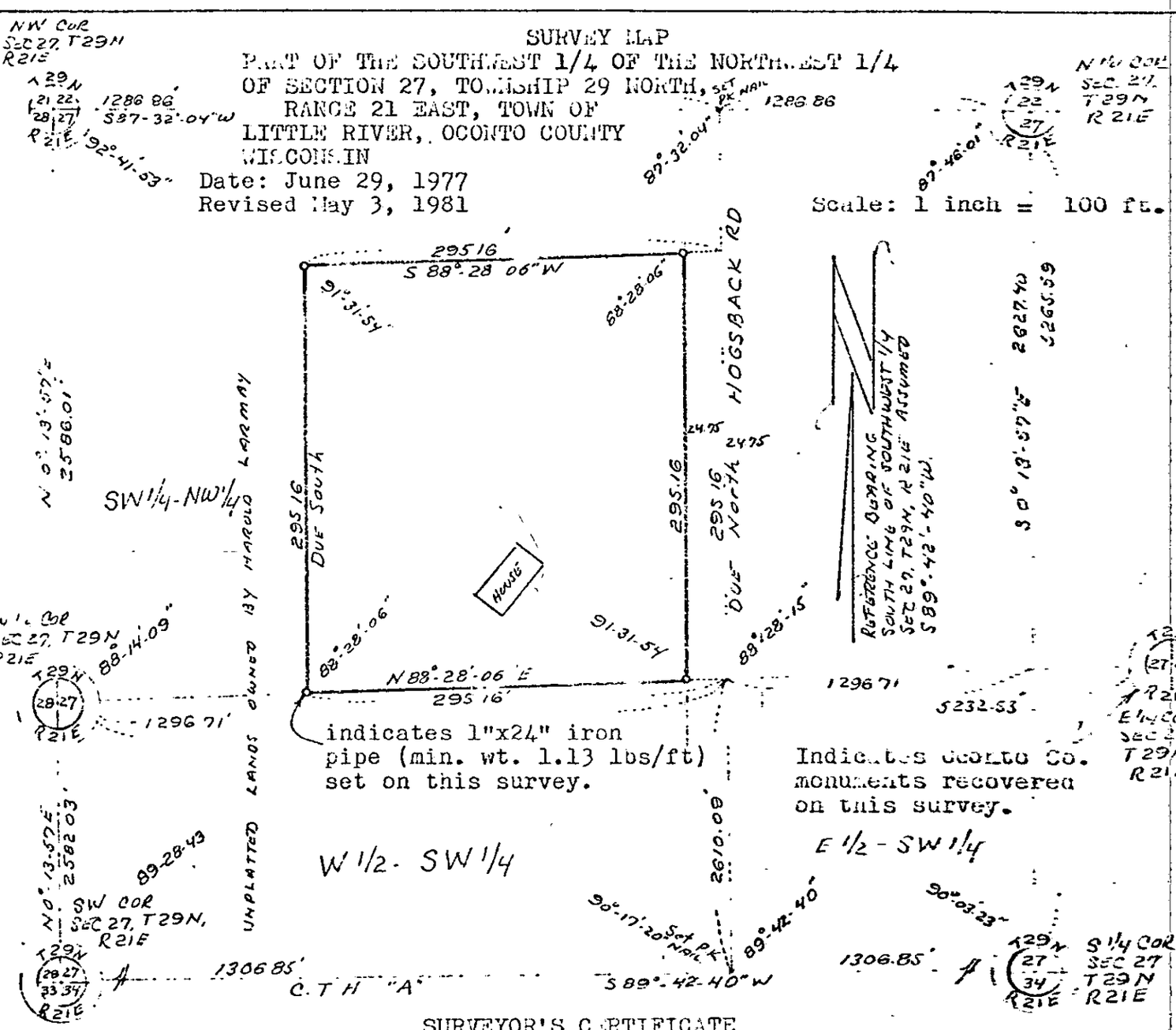
EXHIBIT "D"

SURVEY MAP

PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4
OF SECTION 27, TOWNSHIP 29 NORTH,
RANGE 21 EAST, TOWN OF
LITTLE RIVER, OCONTO COUNTY
WISCONSIN

Date: June 29, 1977
Revised May 3, 1981

Scale: 1 inch = 100 ft.



SURVEYOR'S CERTIFICATE

I, Donald H. Nerenhausen, Registered Land Surveyor, hereby certify that I have surveyed and mapped as shown part of the Southwest 1/4 of the Northwest 1/4 of Section 27, Township 29 North, Range 21 East, Town of Little River, Oconto County, Wisconsin described as follows:

Commencing at the Southwest corner of said Section 27; thence North 89°-42'-40" East along the South line of said Section 27 1306.85 feet to the Southeast corner of the West 1/2 of the Southwest 1/4 of said Section 27; thence Due North along the East line of the said West 1/2 of the southwest 1/4 2610.00 feet to the Southeast corner of the Said Southwest 1/4 of the Northwest 1/4 and the point of beginning; thence continuing Due North along the East line of the said Southwest 1/4 of the Northwest 1/4 295.16 feet; thence South 88°-28'-06" West 295.16 feet; thence Due South 295.16 feet to the South line of the said Southwest 1/4 of the Northwest 1/4; thence North 88°-28'-06" East 295.16 feet to the point of beginning; excepting therefrom the East 24.75 feet previously dedicated for road purpose.

I further certify that I made such survey by the order of Harold Larmay, owner of said lands and that this survey is correct to the best of my knowledge and belief.

WISCONSIN
DONALD H. NERENHAUSEN
S-1055
OCONTO, WIS.
LAND SURVEYOR

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Department of Regulation & Licensing

Donald H. Nerenhausen S-1055

SURVEY MAP

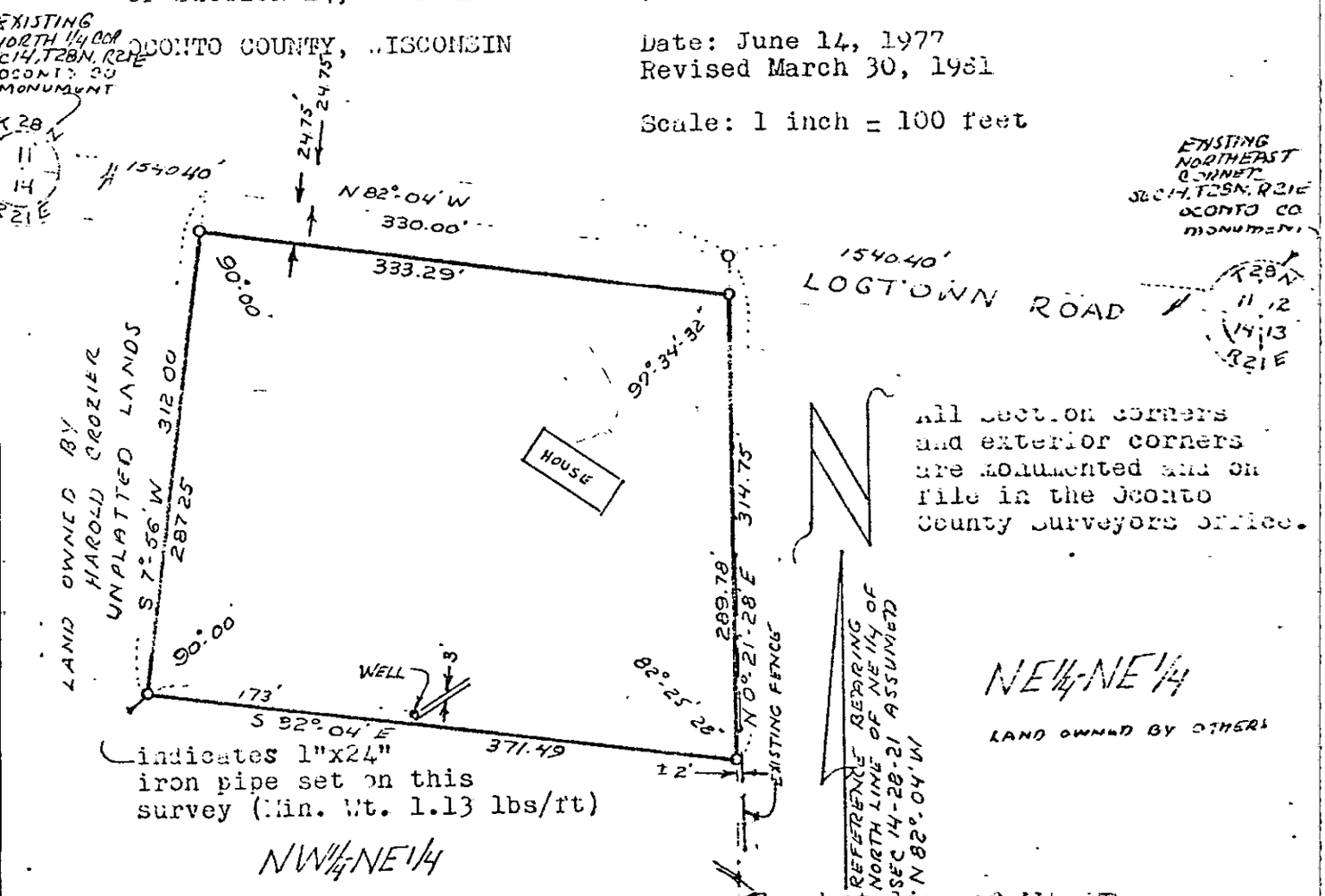
PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW¼-NE¼)

OF SECTION 14, TOWNSHIP 28 NORTH, RANGE 21 EAST, TOWN OF OCONTO,

OCONTO COUNTY, WISCONSIN

Date: June 14, 1977
Revised March 30, 1981

Scale: 1 inch = 100 feet



All section corners and exterior corners are monumented and on file in the Oconto County Surveyors Office.

indicates 1"x24" iron pipe set on this survey (Min. Wt. 1.13 lbs/ft)

East line of NW¼-NE¼ as computed from a traverse of the exterior of Section 14.

SURVEYOR'S CERTIFICATE

I, Donald H. Nerenhausen, Registered Land Surveyor, hereby certify that I have surveyed and mapped, as shown, part of the Northwest Quarter of the Northeast Quarter (NW¼-NE¼) of Section 14, Township 28 North, Range 21 East, Town of Oconto, Oconto County, Wisconsin described as follows:

Commencing at the Northeast corner of said Section 14; thence North 82°-04' West 1540.40 feet to the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 14 and the Point of Beginning; thence North 82°-04' West along the North line of the said Section 14 330.00 feet; thence South 7°-56' West [illegible] feet; thence South 82°-04' East 371.49 feet to the East line of the said NW¼-NE¼; thence North 0°-21'-28" East 31[illegible].79 feet to the Point of Beginning; excepting therefrom the Northerly [illegible] feet previously dedicated for road purpose.

I further certify that I made such survey by the order of Harold Crozier, owner of said lands and the survey is correct to the best of my knowledge and belief.

Donald H. Nerenhausen S-1055

WISCONSIN DONALD H. NERENHAUSEN S-1055 OCONTO, WIS. LAND SURVEYOR

EXISTING SOUTH 1/4 CORNER SEC. 14, T28N, R21E

R28N 14 23 R21E

R28 14 R21

EXISTING EAST 1/4 CORNER SEC 14 T28N R21E

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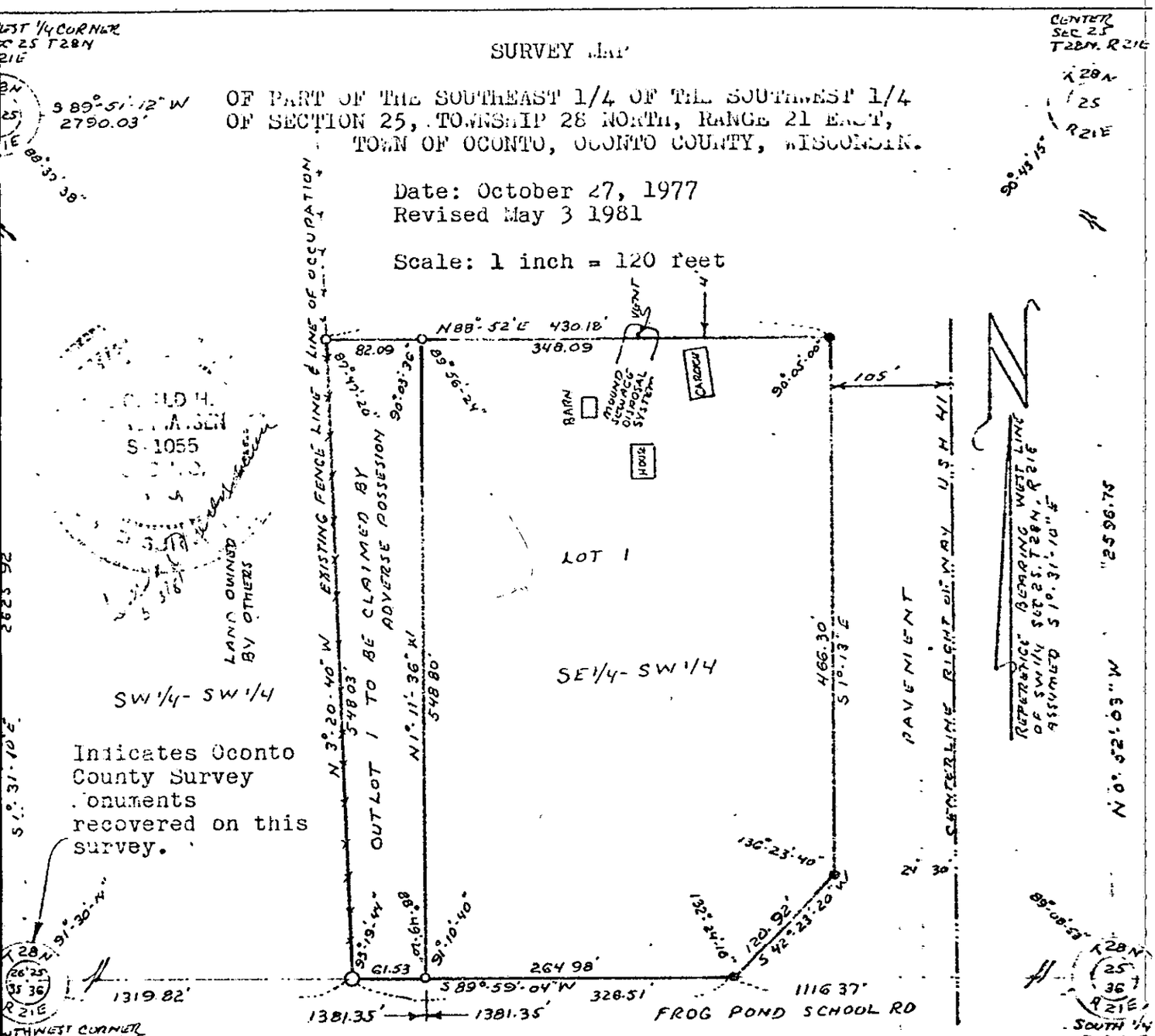
SURVEY MAP

OF PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4
OF SECTION 25, TOWNSHIP 28 NORTH, RANGE 21 EAST,
TOWN OF OCONTO, OCONTO COUNTY, WISCONSIN.

Date: October 27, 1977
Revised May 3 1981

Scale: 1 inch = 120 feet



O indicates 2"x30" iron pipe set on this survey
o indicates 1"x24" iron pipe (min. wt. 1.13 lbs/ft) set on this survey
• indicates right of way marker posts and 1"x24" iron pipe

DESCRIPTION OF LOT 1

That part of the Southeast 1/4 of the Southwest 1/4 of Section 25, Township 28 North, Range 21 East, Town of Oconto, Oconto County Wisconsin described as follows:

Commencing at the Southwest corner of said Section 25; thence North 89°-59'-04" East along the South line of said section 25 1381.35 feet to the Southwest corner of said Southeast 1/4 of the Southwest 1/4 and the point of beginning; thence North 1°-11'-30" West along the West line of the said Southeast 1/4 of the Southwest 1/4 548.80 feet; thence North 88°-52' East 348.09 feet to the West right of way line of U.S.H. 41; thence South 1°-13' East along the West right of way line of U.S.H. 41 466.30 feet; thence South 42°-23'-20" West along the right of way of U.S.H. 41 to

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Div. of Sheet 2 of 2

DESCRIPTION OF LOT 1 (continued)

to the south line of said Section 25 120.92 feet; thence South 89°-59'-04" West along the South line of said Section 25 204.98 feet to the point of beginning.

DESCRIPTION OF OUTLOT 1 (to be claimed by adverse possesion)

That part of the Southwest 1/4 of the Southwest 1/4 of Section 25, Township 28 North, Range 21 East, Town of Oconto, Oconto County, Wisconsin, described as follows:

Commencing at the Southwest corner of said Section 25; thence North 89°-59'-04" East along the south line of said Section 25 1381.35 feet to the Southeast corner of said Southwest 1/4 of the Southwest 1/4 and the point of beginning; thence North 1°-11'-36" West along the East line of the said Southwest 1/4 of the Southwest 1/4 548.80 feet; thence South 88°-52' West 82.09 feet to an existing fence; thence South 3°-20'-40" East along the existing fence line 548.63 feet to the South line of the said Section 25; thenceNorth 89°-59'-04" East 61.53 feet to the point of beginning.

Surveyor's Certificate

I certify that I made this survey by the order of Orville Griebeler, owner of the land, and that the survey is correct to the best of my knowledge and belief.

Donald H. Nerenhausen S-1055

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Div. of Consumer Protection

STATE OF WISCONSIN

FILE COPY

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS, AND LAND SURVEYORS (ENGINEERS' SECTION)

74

IN THE MATTER OF THE REVOCATION OF THE CERTIFICATE OF REGISTRATION AS A PROFESSIONAL ENGINEER OF FRANCIS J. VIVIAN, RESPONDENT (E-7378)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

The above entitled proceeding having come on for hearing before the Engineers' Section of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors on June 17, 1974, pursuant to notice and upon judgments of remand by the Supreme Court of Wisconsin and the Circuit Court of Dane County in respect to the previous decision herein of this Examining Board, with directions to impose the appropriate penalty, if any, for respondent's misconduct in violating Ind 53.16 (13), Wis. Adm. Code, and for a determination of whether respondent's failure to design and supervise the construction of an open web frame truss which would support a reasonable live load constituted gross negligence, and to impose a penalty appropriate to its finding, and the Board having considered the entire record and being fully informed, makes its findings of fact, conclusions of law and order:

FINDINGS OF FACT

1. That Francis J. Vivian, of 571 Park Lane, Madison, Wisconsin, is duly registered under the provisions of sec. 443.01, Wis. Stats., as a professional engineer, certificate number E-7378.

2. That C.F. Hurc is the Secretary of the Examining Board of Architects, Professional Engineers, Designers, and Land Surveyors and was duly authorized by the Engineers' Section of said Board to institute this proceeding under the provisions of sec. 443.01 (13), Wis. Stats.