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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 JOSEPH S. MURPHY, 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 Grogue

017-552

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

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	PROPOSED DECISION
JOSEPH S. MURPHY, R.L.S., RESPONDENT.	:	

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

Joseph S. Murphy
2080 Wedgewood Drive, East
La Crosse, Wisconsin 54601

Examining Board of Architects, Professional Engineers,
Designers and Land Surveyors
1400 East Washington Avenue, Room 288
Madison, Wisconsin 53708

A Notice of Hearing and Complaint were filed in the above-captioned matter on April 22, 1981. On August 25, 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. Joseph S. Murphy (Murphy) was at all times relevant to this proceeding duly licensed under the provisions of Chapter 443 of the Wisconsin Statutes to practice as a land surveyor in the State of Wisconsin (license #S-578, issued January 18, 1957).

2. Murphy's address is 2080 Wedgewood Drive, East, La Crosse, Wisconsin 54601.

3. On or about October 20, 1976, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an unspecified owner, described as part of the southeast quarter, Section 6, and of Government Lot 4, Township 10 North, Range 6 West, Town of Freeman, Crawford County, Wisconsin.

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

(a) The map does not indicate whether monuments shown were found or placed as required by sec. A-E 5.01(5)(d), Wis. Adm. Code.

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

(c) The map does not contain a description as required by sec. A-E 5.01(5)(e), Wis. Adm. Code.

5. On or about September 5, 1975, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an unspecified owner, described as a part of the southeast quarter of Section 6, Township 10 North, Range 6 West, Town of Freeman, Crawford County, Wisconsin.

6. In performing the land survey and in preparing the survey map described in paragraph 5 above, Murphy was required to meet standards set forth in the Minimum Standards for Property Surveys, Ch. A-5 5, Wis. Adm. Code, and that said survey and map does not meet the required standards in the following respects:

(a) The map does not show and describe all monuments necessary for the location of the parcel and does not indicate whether such monuments were found or placed as required by sec. A-E 5.01(5)(d). More specifically, the map does not show or describe any monuments placed at the western corners of the parcel surveyed and does not properly identify the section corner.

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

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

(d) The map does not contain a description as required by sec. A-E 5.01(5)(e), Wis. Adm. Code.

7. On or about September 5, 1977, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an unspecified owner, described as a part of the northeast quarter of the souteast quarter and part of the southeast quarter of the northeast quarter of Section 6, Township 10 North, Range 6 West, Town of Freeman, Crawford County, Wisconsin.

8. That in performing the land survey and in preparing the survey map described in paragraph 7 above, Murphy was required to meet the standards set forth in the minimum standards for property surveys, Ch. A-E 5, Wis. Adm. Code, and that said survey and map does not meet the required standards in the following respects:

(a) The map fails to correctly describe the parcels surveyed by quarter-quarter section as required by sec. A-E 5.01(4), Wis. Adm. Code.

(b) The map does not show and describe all monuments necessary for the location of the parcel and does not indicate whether such monuments were found or placed as required by sec. A-E 5.01(5)(d), Wis. Adm. Code. More specifically, the map does not show or describe any monument placed at the southwest corner of the parcel surveyed and does not properly identify the section corner shown.

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

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

(e) The map does not contain a description as required by sec. A-E 5.01(5)(e), Wis. Adm. Code.

9. On or about August 17, 1977, and as part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a certified survey map for owners identified as James W. Smith and Thomas D. White described as Crawford County certified survey map #114.

10. That in performing the land survey and in preparing the certified survey map described in paragraph 9 above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E 5, Wis. Adm. Code, and/or the requirements of sec. 236.34, Wis. Stats., and that said survey and map does not meet those standards and requirements in the following respects:

(a) The map fails to properly describe monuments set and found as required by sec. 5.01(5)(d), Wis. Adm. Code, and sec. 236.34(1)(c), Wis. Stats. More specifically, the map fails to identify the section corner monument shown and fails to show the weight per lineal foot of monuments placed.

(b) Murphy failed to make a careful determination of the position of the boundaries of the parcels surveyed as required by sec. A-E 5.01(3), Wis. Adm. Code, and sec. 236.34(1)(c), Wis. Stats. More specifically, Murphy fails to show the road shown on certified survey map #115 (see paragraphs 11 and 12 below).

(c) The map fails to give a clear and concise description of the land surveyed as required by sec. 236.34(d), Stats. More specifically, the description erroneously describes the point of commencement as the N.W. corner of government lot #4.

11. On or about August 17, 1977, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a certified survey map for owners identified as Thomas White and James Smith, described as Crawford County certified survey map #115.

12. In performing the land survey and preparing the survey map described in paragraph 11 above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E 5, Wis. Adm. Code, and/or the requirements of sec. 236.34, Wis. Stats., and that said survey and map does not meet those standards and requirements in the following respects:

(a) The map fails to properly describe monuments set and found as required by sec. A-E 5.01(5)(d), Wis. Adm. Code, and sec. 236.34(1)(c), Wis. Stats. More specifically, the map fails to properly identify the section corner monument shown, fails to show the weight per foot of iron pipe monuments set, and fails to show what was found or placed at what appears to be the S.W. corner of the SW ¼, SW ¼, Section 5.

(b) Murphy failed to make a careful determination of the position of the boundaries of the parcels surveyed. More specifically, Respondent fails to show the center line and right-of-way of County Trunk B or the right-of-way of the other road shown; and shows a latitude and departure closure ratio greater than 1 in 3,000 (1 in 48), all in violation of secs. A-E 5.01(3) and 5.01(6)(d), Wis. Adm. Code, and sec. 236.34(1)(c), Wis. Stats.

13. On or about September 17, 1977, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a certified survey map for owners identified as James Smith and Thomas White, described as Crawford County certified survey map #117.

14. In performing the land survey and in preparing the certified survey map described in paragraph 13 above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E 5, Wis. Adm. Code, and/or the requirements of sec. 236.34, Wis. Stats., and that said survey and map does not meet those standards and requirements in the following respects:

(a) The map fails to properly describe monuments set and found as required by sec. A-E 5.01(5)(d), Wis. Adm. Code, and sec. 236.34(1)(c), Wis. Stats. More specifically, the map fails to properly identify the section corner monument shown and fails to state whether other pipes were set or found.

(b) Murphy failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by secs. A-E 5.01(3) and 5.01(6)(d), Wis. Adm. Code, and sec. 236.34(1)(c), Wis. Stats. More specifically, the map does not show the center line and right-of-way of the road shown on certified survey map #115, and has a latitude and departure closure ratio greater than 1 in 3,000 (1 in 1,018).

(c) The map does not contain a description as required by sec. A-E 5.01(5)(e), Wis. Adm. Code, and sec. 236.34(1)(d), Wis. Stats. More specifically, the description fails to properly describe the point of beginning.

15. On or about February 28, 1977, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an owner identified as Bedward, and described as part of the northeast quarter of the southwest quarter of Section 11, Township 6 North, Range 7 West, Town of Bridgeport, Crawford County, Wisconsin.

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

(a) The map does not contain a description as required by sec. A-E 5.01(5)(e), Wis. Adm. Code.

(b) The map fails to properly describe monuments set and found as required by sec. A-E-5.01(5)(d), Wis. Adm. Code.

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

(d) The survey does not commence with a government corner as required by sec. A-E 5.01(4), Wis. Adm. Code.

(e) Murphy failed to make a careful determination of the position of boundaries of the parcel surveyed as required by secs. A-E 5.01(3) and 5.01(6)(d), Wis. Adm. Code. More specifically, Murphy appears to have failed to properly establish the east-west quarter quarter section line of the southwest quarter of Section 11. Additionally, the survey map has a latitude and departure closure ratio greater than 1 in 3,000 (1 in 126).

17. On or about April 29, 1977, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an owner identified as J. A. Kurt, and described as part of the southwest quarter of the northeast quarter and part of the southeast quarter of the northeast quarter, Section 11, Township 6 North, Range 6 West, Town of Bridgeport, Crawford County, Wisconsin.

18. In performing the land survey and in preparing the survey map described in paragraph 17 above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E 5, Wis. Adm. Code, and that said survey and map does not meet the required standards in the following respects:

(a) The map does not show and describe all monuments necessary for the location of the parcel and does not indicate whether such monuments were found or placed as required by sec. A-E 5.01(5)(d), Wis. Adm. Code.

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

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

(d) Murphy failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by secs. A-E 5.01(3) and 5.01(6)(d), Wis. Adm. Code. More specifically, the survey map shows a latitude and departure closure ratio greater than 1 in 3,000 (1 in 22).

19. That on or about September 21, 1979, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an unspecified owner, described as part of the northwest quarter of the southwest quarter of Section 32, Township 8 North, Range 6 West, Crawford County, Wisconsin.

20. That in performing the land survey and in preparing the survey map described in paragraph 19 above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E 5, Wis. Adm. Code, and that said survey and map does not meet the required standards in the following respects:

(a) The bearings are 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 sec. A-E 5.01(5)(b), Wis. Adm. Code.

(b) The map fails to properly describe monuments set and found as required by sec. A-E 5.01(5)(d), Wis. Adm. Code. More specifically, the map fails to show the weight per lineal foot of monuments placed and fails to properly identify the government corner shown.

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

(d) Murphy failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by sec. A-E 5.01(3). More specifically, the map fails to properly show the rights-of-way of the roads shown.

21. On or about December 20, 1975, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an unidentified owner, described as part of the northeast quarter, southwest quarter, Section 27, Township 9 North, Range 6 West, Town of Seneca, Crawford County, Wisconsin.

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

(a) The bearings are 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 sec. A-E 5.01(5)(b), Wis. Adm. Code.

(b) The map does not show and describe all monuments necessary for the location of the parcel and does not indicate whether such monuments were found or placed, as required by sec. A-E 5.01(5)(d), Wis. Adm. Code.

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

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

(e) Murphy failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by sec. A-E-5.01(3), Wis. Adm. Code. More specifically, Murphy shows the northeast corner of the northeast quarter, southwest quarter, as the intersection of two fence lines without any indication that he properly subdivided the section or that he discovered a monument previously set.

23. On or about September 14, 1977, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an owner identified as Randy Kingsley, described as part of the southwest quarter of the southwest quarter of Section 21, Township 9 North, Range 5 West, Town of Seneca, Crawford County, Wisconsin.

24. That in performing the land survey and in preparing the survey map described in paragraph 23 above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E 5, Wis. Adm. Code, and that said survey and map did not meet the required standards in the following respects:

(a) The map fails to properly describe monuments set or found as required by sec. A-E 5.01(5)(d), Wis. Adm. Code.

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

21. On or about December 20, 1975, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an unidentified owner, described as part of the northeast quarter, southwest quarter, Section 27, Township 9 North, Range 6 West, Town of Seneca, Crawford County, Wisconsin.

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

(a) The bearings are 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 sec. A-E 5.01(5)(b), Wis. Adm. Code.

(b) The map does not show and describe all monuments necessary for the location of the parcel and does not indicate whether such monuments were found or placed, as required by sec. A-E 5.01(5)(d), Wis. Adm. Code.

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

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

(e) Murphy failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by sec. A-E-5.01(3), Wis. Adm. Code. More specifically, Murphy shows the northeast corner of the northeast quarter, southwest quarter, as the intersection of two fence lines without any indication that he properly subdivided the section or that he discovered a monument previously set.

23. On or about September 14, 1977, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an owner identified as Randy Kingsley, described as part of the southwest quarter of the southwest quarter of Section 21, Township 9 North, Range 5 West, Town of Seneca, Crawford County, Wisconsin.

24. That in performing the land survey and in preparing the survey map described in paragraph 23 above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E 5, Wis. Adm. Code, and that said survey and map did not meet the required standards in the following respects:

(a) The map fails to properly describe monuments set or found as required by sec. A-E 5.01(5)(d), Wis. Adm. Code.

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

(a) The map fails to properly describe monuments set or found as required by sec. A-E 5.01(5)(d), Wis. Adm. Code, and sec. 236.34(d), Wis. Stats. More specifically, the map fails to properly identify the west quarter corner shown.

(b) The bearings are not properly referenced as required by sec. A-E 5.01(5)(b), Wis. Adm. Code, and sec. 236.34(1)(c), Wis. Stats.

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. Murphy's failure to meet the requirements of Chapter A-E 5, Wis. Adm. Code, and Chapter 236, Wis. Stats., as set forth in Findings of Fact 3 through 28 above, constitutes gross negligence and misconduct in the practice of land surveying within the meaning of section 443.12, Wis. Stats.

3. Pursuant to section 443.12, Wis. Stats., gross negligence and misconduct in the practice of land surveying constitutes basis for limitation, suspension or revocation of Murphy's license or for reprimand by the Examining Board.

ORDER

IT IS HEREBY ORDERED that the license of Joseph S. Murphy to practice as a land surveyor in the State of Wisconsin be, and hereby is, suspended for an indefinite period. Following suspension of his license, Murphy may write the Wisconsin portion of the land surveyor's written licensing examination on any regularly scheduled examination date. Upon achieving a passing score on that examination, Murphy's license to practice land surveying shall be reinstated.

[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 31st day of August, 1981.

Respectfully submitted,

Donald R. Rittel

Donald R. Rittel
Hearing Examiner

086-360

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

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
JOSEPH S. MURPHY, R.L.S., RESPONDENT.	:	

On April 22, 1981, a formal complaint was filed in the above-referenced matter, the gravamen of which was that the respondent, Joseph S. Murphy, had, over a period of time beginning in 1975, performed a number of surveys and prepared maps of survey therefore which failed to meet the requirements of Chapter A-E 5, Wis. Adm. Code, entitled "Minimum Standards for Property Surveys."

On the same date the complaint was filed, a hearing was ordered pursuant to Chapter 443, Wis. Stats., and Ch. RL-2, Wis. Adm. Code, for the purpose of considering the allegations of the complaint. Thereafter, on May 22, 1981, a prehearing conference was held at the request of Donald R. Rittel, designated hearing examiner in the matter. Attending the conference were Wayne R. Austin, attorney for complainant, Thomas F. Peterson, attorney for respondent, and Mr. Murphy. Discussions were initiated at the conference for the purpose of attempting a resolution of the matter without the necessity for a full fact-finding hearing. Those discussions continued through the following month and, by July 1, 1981, an agreement was reached on a stipulated settlement. That agreement, as set forth below, is intended as a full disposition of all complaints presently pending against respondent and is further intended as a recommended basis for the final decision of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

ACCORDINGLY, complainant by his attorney, and Joseph S. Murphy, 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, do hereby stipulate:

1. That respondent freely and voluntarily waives his right to a public hearing in this cause.

2. That respondent does not admit the substantive allegations of the complaint filed in this matter but chooses not to defend against them. Accordingly, the parties agree to the adoption by the Examining Board of Findings of Fact not inconsistent with the following:

(a) That Joseph S. Murphy, (Murphy) was at all times relevant to this complaint duly licensed under the provisions of Ch. 443, Wis. Stats., to practice as a land surveyor in the State of Wisconsin (license #S-578, issued January 18, 1957).

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Hearing Examiner

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(b) That Murphy's address is 2080 Wedgewood Drive, East LaCrosse, Wisconsin 54601.

(c) That on or about October 20, 1976, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an unspecified owner, described as part of the southeast quarter, Section 6, and of Government Lot 4, Section 7, Township 10 North, Range 6 West, Town of Freeman, Crawford County, Wisconsin.

(d) That in performing the land survey and in preparing the survey map described in paragraph 3, above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E5, Wis. Adm. Code, and that said survey and map did not meet the required standards in the following respects:

(1) The map does not indicate whether monuments shown were found or placed as required by sec. 5.01(5)(d), Wis. Adm. Code.

(2) The map fails to identify the person for whom the survey was made, as required by sec. A-E5.01(5)(e), Wis. Adm. Code.

(3) The map does not contain a description as required by sec. 5.01(5)(e), Wis. Adm. Code.

(e) That on or about September 5, 1975, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an unspecified owner, described as a part of the southeast quarter of Section 6, Township 10 North, Range 6 West, Town of Freeman, Crawford County, Wisconsin.

(f) That in performing the land survey and in preparing the survey map described in paragraph 5, above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E5, Wis. Adm. Code, and that said survey and map does not meet the required standards in the following respects:

(1) The map does not show and describe all monuments necessary for the location of the parcel and does not indicate whether such monuments were found or placed as required by sec. 5.01(5)(d). More specifically, the map does not show or describe any monuments placed at the westerly corners of the parcel surveyed and does not properly identify the section corner.

(2) The map fails to identify the person for whom the survey was made, as required by sec. A-E5.01(5)(e), Wis. Adm. Code.

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(3) The map does not bear a certifying statement as required by sec. A-E5.01(5)(f), Wis. Adm. Code.

(4) The map does not contain a description as required by sec. 5.01(5)(e), Wis. Adm. Code.

(g) That on or about September 5, 1977, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an unspecified owner, described as a part of the northeast quarter of the southeast quarter and part of the southeast quarter of the northeast quarter of Section 6, Township 10 North, Range 6 West, Town of Freeman, Crawford County, Wisconsin.

(h) That in performing the land survey and in preparing the survey map described in paragraph 7, above, Murphy was required to meet the standards set forth in the minimum standards for property surveys, Ch. A-E5, Wis. Adm. Code, and that said survey and map does not meet the required standards in the following respects:

(1) The map fails to correctly describe the parcels surveyed by quarter-quarter section as required by sec. A-E5.01(4), Wis. Adm. Code.

(2) The map does not show and describe all monuments necessary for the location of the parcel and does not indicate whether such monuments were found or placed as required by sec. A-E5.01(5)(d), Wis. Adm. Code. More specifically, the map does not show or describe any monument placed at the southwest corner of the parcel surveyed and does not properly identify the section corner shown.

(3) The map fails to identify the person for whom the survey was made, as required by sec. A-E5.01(5)(e), Wis. Adm. Code.

(4) The map does not bear a certifying statement as required by sec. A-E5.01(5)(f), Wis. Adm. Code.

(5) The map does not contain a description as required by sec. 5.01(5)(e), Wis. Adm. Code.

(i) That on or about August 17, 1977, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a certified survey map for owners identified as James W. Smith and Thomas B. White described as Crawford County certified survey map #114.

(j) That in performing the land survey and in preparing the certified survey map described in paragraph 9, above, Murphy was required to meet the standard set forth in the Minimum Standards

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for Property Surveys, Ch. A-E5, Wis. Adm. Code, and/or the requirements of sec. 236.34, Wis. Stats., and that said survey and map does not meet those standards and requirements in the following respects:

(1) The map fails to properly describe monuments set and found as required by sec. 5.01(5)(d), Wis. Adm. Code and sec. 236.34(1)(c), Wis. Stats. More specifically, the map fails to identify the section corner monument shown and fails to show the weight per lineal foot of monuments placed.

(2) Murphy failed to make a careful determination of the position of the boundaries of the parcels surveyed as required by sec. A-E5.01(3), Wis. Adm. Code, and sec. 236.34(1)(c), Wis. Stats. More specifically, Murphy fails to show the road shown on certified survey map #115 (see paragraphs 11 and 12, below).

(3) The map fails to give a clear and concise description of the land surveyed as required by sec. 236.34(d), Stats. More specifically, the description erroneously describes the point of commencement as the N.W. corner of government lot #4.

(k) That on or about August 17, 1977, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a certified survey map for owners identified as Thomas White and James Smith, described as Crawford County certified survey map #115.

(1) That in performing the land survey and preparing the survey map described in paragraph 11, above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E5, Wis. Adm. Code, and/or the requirements of sec. 236.34, Wis. Stats., and that said survey and map does not meet those standards and requirements in the following respects:

(1) The map fails to properly describe monuments set and found as required by sec. A-E5.01(5)(d), Wis. Adm. Code, and sec. 236.34(1)(c), Wis. Stats. More specifically, the map fails to properly identify the section corner monument shown, fails to show the weight per foot of iron pipe monuments set, and fails to show what was found or placed at what appears to be the S.W. corner of the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 5.

(2) Murphy failed to make a careful determination of the position of the boundaries of the parcels surveyed. More specifically, Respondent fails to show the center line and right-of-way of County Trunk B or

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the right of way of the other road shown; and shows a latitude and departure closure ratio greater than 1 in 3,000 (1 in 48), all in violation of secs. A-E5.01(3) and 5.01(6)(d), Wis. Adm. Code, and sec. 236.34(1)(c), Wis. Stats.

(m) That on or about September 7, 1977, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a certified survey map for owners identified as James Smith and Thomas White, described as Crawford County certified survey map #117.

(n) That in performing the land survey and in preparing the certified survey map described in paragraph 13, above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E5, Wis. Adm. Code, and/or the requirements of sec. 236.34, Wis. Stats., and that said survey and map does not meet those standards and requirements in the following respects:

(1) The map fails to properly describe monuments set and found as required by sec. A-E5.01(5)(d), Wis. Adm. Code and sec. 236.34 (1)(c), Wis. Stats. More specifically, the map fails to properly identify the section corner monument shown and fails to state whether other pipes were set or found.

(2) Murphy failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by secs. A-E5.01(3) and 5.01(6)(d), Wis. Adm. Code, and sec. 236.34(1)(c), Wis. Stats. More specifically, the map does not show the center line and right-of-way of the road shown on certified survey map #115, and has a latitude and departure closure ratio greater than 1 in 3,000 (1 in 1,018).

(3) The map does not contain a description as required by sec. 5.01(5)(e), Wis. Adm. Code and sec. 236.34(1)(d), Wis. Stats. More specifically, the description fails to properly describe the point of beginning.

(o) That on or about February 28, 1977, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an owner identified as Bedward, and described as part of the northeast quarter of the southwest quarter of Section 11, Township 6 North, Range 7 West, Town of Bridgeport, Crawford County, Wisconsin.

(p) That in performing the land survey and in preparing the survey map described in paragraph 15, above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E5, Wis. Adm. Code, and that said survey and map does not meet the required standards in the following respects:

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(1) The map does not contain a description as required by sec. 5.01(5)(e), Wis. Adm. Code.

(2) The map fails to properly describe monuments set and found as required by sec. A-E5.01(5)(d), Wis. Adm. Code.

(3) The map does not bear a certifying statement as required by sec. A-E5.01(5)(f), Wis. Adm. Code.

(4) The survey does not commence with a government corner as required by sec. A-E5.01(4), Wis. Adm. Code.

(5) Murphy failed to make a careful determination of the position of boundaries of the parcel surveyed as required by sec. A-E5.01(3) and A-E5.01(6)(d), Wis. Adm. Code. More specifically, Murphy appears to have failed to properly establish the east-west quarter quarter section line of the southwest quarter of Section 11. Additionally, the survey map has a latitude and departure closure ratio greater than 1 in 3,000 (1 in 126).

(q) That on or about April 29, 1977, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an owner identified as J. A. Kurt, and described as part of the southwest quarter of the northeast quarter and part of the southeast quarter of the northeast quarter, Section 11, Township 6 North, Range 6 West, Town of Bridgeport, Crawford County, Wisconsin.

(r) That in performing the land survey and in preparing the survey map described in paragraph 17, above, Murphy was required to meet the standards set forth in the minimum standards for property surveys, Ch. A-E5, Wis. Adm. Code, and that said survey and map does not meet the required standards in the following respects:

(1) The map does not show and describe all monuments necessary for the location of the parcel and does not indicate whether such monuments were found or placed as required by sec. 5.01(5)(d), Wis. Adm. Code.

(2) The map does not bear a certifying statement as required by sec. A-E5.01(5)(f), Wis. Adm. Code.

(3) The description does not commence with a government corner as required by sec. A-E5.01(4), Wis. Adm. Code.

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(4) Murphy failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by sec. A-E5.01(3) and A-E5.01(6)(d), Wis. Adm. Code. More specifically, the survey map shows a latitude and departure closure ratio greater than 1 in 3,000 (1 in 22).

(s) That on or about September 21, 1979, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an unspecified owner, described as part of the northwest quarter of the southwest quarter of Section 32, Township 8 North, Range 6 West, Crawford County, Wisconsin.

(t) That in performing the land survey and in preparing the survey map described in paragraph 19, above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E5, Wis. Adm. Code, and that said survey and map does not meet the required standards in the following respects:

(1) The bearings are 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 sec. A-E5.01(5)(b), Wis. Adm. Code.

(2) The map fails to properly describe monuments set and found as required by sec. A-E5.01(5)(d), Wis. Adm. Code. More specifically, the map fails to show the weight per lineal foot of monuments placed and fails to properly identify the government corner shown.

(3) The map fails to identify the person for whom the survey was made, as required by sec. A-E5.01(5)(e), Wis. Adm. Code.

(4) Murphy failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by sec. A-E5.01(3). More specifically, the map fails to properly show the rights of way of the roads shown.

(u) That on or about December 20, 1975, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an unidentified owner, described as part of the northeast quarter, southwest quarter, Section 27, Township 9 North, Range 6 West, Town of Seneca, Crawford County, Wisconsin.

(v) That in performing the land survey and in preparing the survey map described in paragraph 21, above, Murphy was required to meet the standards set forth in the Minimum Standards for Property

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

(1) The bearings are 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 sec. A-E5.01(5)(b), Wis. Adm. Code.

(2) The map does not show and describe all monuments necessary for the location of the parcel and does not indicate whether such monuments were found or placed, as required by sec. A-E5.01(5)(d), Wis. Adm. Code.

(3) The map fails to identify the person for whom the survey was made, as required by sec. A-E5.01(5)(e), Wis. Adm. Code.

(4) The map does not bear a certifying statement as required by sec. A-E5.01(5)(f).

(5) Murphy failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by sec. A-E5.01(3), Wis. Adm. Code. More specifically, Murphy shows the northeast corner of the northeast quarter, southwest quarter, as the intersection of two fence lines without any indication that he properly subdivided the section or that he discovered a monument previously set.

(w) That on or about September 14, 1977, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an owner identified as Randy Kingsley, described as part of the southwest quarter of the southwest quarter of Section 21, Township 9 North, Range 5 West, Town of Seneca, Crawford County, Wisconsin.

(x) That in performing the land survey and in preparing the survey map described in paragraph 23, above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E5, Wis. Adm. Code, and that said survey and map did not meet the required standards in the following respects:

(1) The map fails to properly describe monuments set or found as required by sec. A-E5.01(5)(d), Wis. Adm. Code.

(2) The map does not bear a certifying statement as required by sec. A-E5.01(5)(f), Wis. Adm. Code.

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(3) Murphy failed to make a careful determination of the position of boundaries of the parcel surveyed as required by sec. A-E5.01(3), Wis. Adm. Code. More specifically, Murphy fails to show the right of way of the road shown; shows the parcel as being in the southwest quarter of the southwest quarter while the description indicates it is in the northwest quarter of the northwest corner; and specifies that the acreage of the parcel is 2.20 acres when the parcel described actually measures 1.90 acres. Additionally, there is no indication that the 1/16th line shown was established by proper subdivision of the section.

(y) That on or about September 24, 1977, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a map of survey for an owner identified as Vernon Turner, and described as a part of the northeast quarter of the northwest quarter of Section 13, Township 10 North, Range 6 West, Town of Freeman, Crawford County, Wisconsin.

(z) That in performing the land survey and in preparing the survey map described in paragraph 25, above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E5, Wis. Adm. Code, and that said survey and map did not meet the required standards in the following respects:

(1) The map fails to properly describe the monuments set and found as required by sec. A-E5.01(5)(d), Wis. Adm. Code.

(2) The map does not bear a certifying statement as required by sec. A-E5.01(5)(f), Wis. Adm. Code.

(3) The description does not commence with a government corner as required by sec. A-E5.01(4), Wis. Adm. Code.

(4) Murphy failed to make a careful determination of the position of the boundaries of the parcel surveyed as required by sec. A-E5.01 (3), Wis. Adm. Code. More specifically, the north boundary of the parcel is described as the "1/16th line", when it appears to be the section line; no right of way for the road shown is specified; the acreage of the parcel is incorrectly calculated; and Buck Creek Road is shown as including two curves while the description describes only a series of straight lines.

(aa) That on or about September 21, 1979, and as a part of his land surveying practice, Murphy completed the performance of a land survey and the preparation of a certified survey map for an owner

identified as Harold Shulka, described as Crawford County certified survey map #153.

(bb) That in performing the land survey and in preparing the certified survey map described in paragraph 27, above, Murphy was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E5, Wis. Adm. Code and/or the requirements of sec. 236.34, Wis. Stats., and that said survey and map does not meet those standards and requirements in the following respects:

(1) The map fails to properly describe monuments set or found as required by sec. A-E5.01(5)(d), Wis. Adm. Code and sec. 236.34(d), Wis. Stats. More specifically, the map fails to properly identify the west quarter corner shown.

(2) The bearings are not properly referenced as required by sec. A-E5.01(5)(b) and sec. 236.34(1)(c), Wis. Stats.

3. That the parties agree to the adoption by the Examining Board of Conclusions of Law consistent with the following:

(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) Murphy's failure to meet the requirements of Chapter A-E 5, Wis. Adm. Code, and Chapter 236, Wis. Stats., as set forth in Findings of Fact (c) through (bb), above, constitutes gross negligence and misconduct in the practice of land surveying within the meaning of section 443.12, Wis. Stats.

(c) Pursuant to section 443.12(1), Wis. Stats., gross negligence and misconduct in the practice of land surveying constitutes basis for limitation, suspension or revocation of Murphy's license or for reprimand by the Examining Board.

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

IT IS HEREBY ORDERED that the license of Joseph S. Murphy to practice as a land surveyor in the State of Wisconsin be, and hereby is, suspended for an indefinite period. Following suspension of his license, Murphy may write the Wisconsin portion of the land surveyors written licensing examination on any reularly scheduled examination date. Upon achieving a passing score on that examination, Murphy's license to practice land surveying shall be reinstated.

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Dated at Madison, Wisconsin this 11th day of August, 1981.

Wayne R. Austin, Attorney for Complainant

Dated at La Crosse, Wisconsin this 19th day of August, 1981.

Joseph S. Murphy, Respondent

Thomas F. Peterson, Attorney for Respondent

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