

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDING AGAINST	:	FINDINGS OF FACT
	:	CONCLUSIONS OF LAW
DARDIS JACOBSON (S-440)	:	AND ORDER
RESPONDENT	:	

The above-captioned matter was commenced by Complaint filed April 11, 1979 by Lucian Schlingens, Jr., Executive Secretary of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors. The Board, having reviewed the matter, including the Stipulation filed May 3, 1979 by the parties hereto, makes the following findings of fact and conclusions of law, and issues the following order:

FINDINGS OF FACT

1. That Dardis Jacobson, hereinafter referred to as Respondent, was at all times relevant to this matter duly licensed under the provisions of ch. 443, Wis. Stats., to practice as a land surveyor in the State of Wisconsin (License No. S-440, issued April 6, 1956).
2. That Respondent's address is W220 N9666 Amy Belle Road, Colgate, Wisconsin 53017.
3. That as a part of his land surveying practice, Respondent was retained by Mr. and Mrs. Thomas G. Schatz, residing at 2664 Hwy. 175, Richfield, Wisconsin 53076, to perform a land survey and to prepare a land survey map for the purpose of conveying land which is that part of the Northeast Quarter of the Southwest Quarter Section 35, T10N, R19E, Town of Polk, Washington County, Wisconsin, bounded and described as follows: Commencing at the center of said section 35-10-19; thence S88°23'48"W, 322.37 feet to the place of beginning; thence N89°28'27"W, 947.20 feet; thence N88°12'00"E, 37.01 feet to the center line of S.T.H. 175; thence S26°23'00"E along said center line, 308 feet; thence N83°34'15"E, 34.70 feet; thence N87°12'20"E, 813.77 feet, thence North 222.50 feet to the place of beginning. Excepting the Westerly 33.00 feet for road purposes. Containing 5.01 acres, net.
4. That Respondent did in fact perform or supervise the performance of a survey and did in fact prepare or supervise the preparation of a map of such survey as described in paragraph no. 3 above, and that Respondent was paid a professional fee for said survey and map.
5. That the closed traverse depicted on Respondent's survey map has a latitude and departure closure ratio exceeding 1 in 3000.
6. That the north point shown on Respondent's survey map is not referenced to a magnetic, true or other identifiable meridian.

7. That Respondent's metes and bounds description does not commence with some corner marked and established by the U.S. Public Land Survey.

8. That Respondent's survey map fails to note variances between the boundary line bearings and lengths shown on the map, and those recorded on the existing deed.

9. That Respondent's survey map fails to show and describe all monuments necessary for the location of the parcel and fails to indicate whether such monuments were found or placed.

10. That Respondent's survey map fails to identify the person for whom the survey was performed.

CONCLUSIONS OF LAW

1. That in performing the aforementioned survey and in preparing the aforementioned survey map, Respondent was required to meet the standards set forth in the Minimum Standards for Property Surveys, Ch. A-E 5, Wis. Adm. Code.

2. That Respondent's survey map, in depicting a closed traverse having a latitude and departure closure ratio exceeding 1 in 3000, violates s. A-E 5.01(6)(d), Wis. Adm. Code.

3. That Respondent's survey map, in showing a north point which is not referenced to a magnetic, true or other identifiable meridian, violates s. A-E 5.01(5)(b), Wis. Adm. Code.

4. That Respondent's metes and bounds description, by not commencing with some corner marked and established by the U.S. Public Land Survey, violates s. A-E 5.01(4), Wis. Adm. Code.

5. That Respondent's survey map, in failing to note variances between the boundary line bearings and lengths as shown on the map, and those recorded on the existing deed, violates s. A-E 5.01(5)(c), Wis. Adm. Code.

6. That Respondent's survey map, in failing to show and describe all monuments necessary for the location of the parcel, and in failing to indicate whether such monuments were found or placed, violates s. A-E 5.01(5)(d), Wis. Adm. Code.

7. That Respondent's survey map, in failing to identify the person for whom the survey was performed, violates s. A-E 5.01(5)(e), Wis. Adm. Code.

8. That Respondent's failure to meet the Minimum Standards for Property Surveys, as detailed in paragraph nos. 2 through 7, above, resulted in a property survey and map of survey so deficient as to be useless for the conveyance of the land surveyed, thus necessitating a new survey of said land.

9. That Respondent's failure to meet the Minimum Standards for Property Surveys, as detailed in paragraph nos. 2 through 7, above, constitutes incompetency, gross negligence and misconduct in the practice of land surveying within the meaning of s. 443.02(8)(a), Wis. Stats.

ORDER

NOW THEREFORE, IT IS ORDERED that the Respondent, Dardis Jacobson, shall be and hereby is, officially REPRIMANDED.

Dated this _____ day of _____, 1979.

7

June
Examining Board of Architects,
Professional Engineers, Designers
and Land Surveyors (Land Surveyors
Section)

Percival T. Sprague, Chairman
Land Surveyors Section

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

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	
DARDIS JACOBSON (S-440),	:	STIPULATION
RESPONDENT	:	

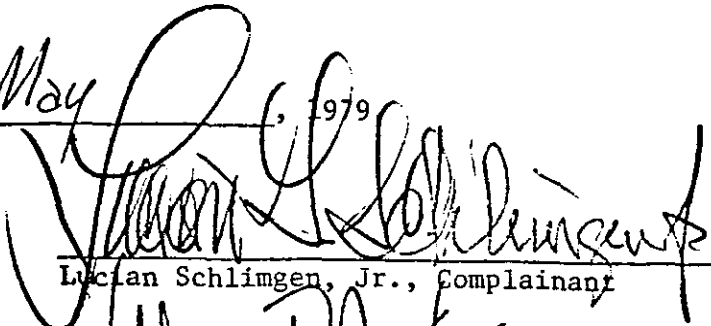
On April 9, 1979, a complaint was filed in the above-entitled matter, the gravamen of which was that respondent Dardis Jacobson, in performing a property survey and in preparing a map of survey for Mr. Thomas Schatz, Richfield, Wisconsin, had failed in a number of respects to meet the Minimum Standards for Property surveys contained in Chapter A-E 5 of the Wisconsin Administrative Code, and that said failure constitutes incompetency, gross negligence and misconduct in the practice of land surveying within the meaning of section 443.02(8)(a) of the Wisconsin Statutes. Also on April 9, 1979, 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.

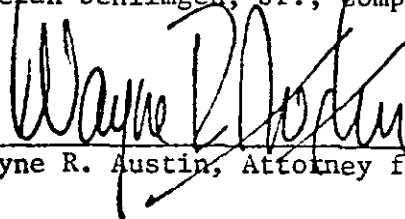
Subsequently, on April 18, 1979, William Dusso, designated Hearing Examiner in the matter, requested the parties to appear at a prehearing conference to be held on April 26, 1979. On that date, Complainant Lucian Schlimgen, Jr. appeared by his attorney, Wayne Austin. Respondent Dardis Jacobson appeared representing himself. After discussion, the named parties reached agreement on disposition of the matter, which agreement is intended as a recommended basis for the final decision of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

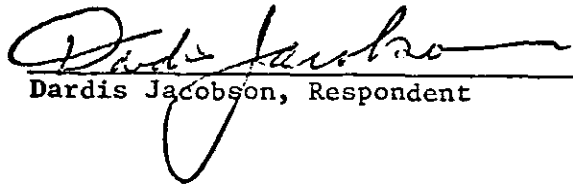
ACCORDINGLY, Lucian Schlimgen, Jr., by his attorney, and Dardis Jacobson, in consideration of the terms and conditions of this stipulation, and in consideration and upon condition of acceptance of the terms and conditions of this stipulation by the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, do hereby stipulate:

1. That respondent freely and voluntarily waives his right to a public hearing and to be represented by an attorney in this cause.
2. That respondent admits all of the alleged facts and conclusions of law contained in the complaint filed in this matter.
3. That respondent has been continuously licensed as a land surveyor in Wisconsin since 1956 and that no previous disciplinary proceedings have been instituted against him.
4. That the Board order that respondent be publicly reprimanded on the basis of his admissions to the allegations of the complaint.

Dated this 3rd day of May, 1979


Lucian Schlimgen, Jr., Complainant


Wayne R. Austin, Attorney for Complainant


Dardis Jacobson, Respondent

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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

DARDIS JACOBSON (S-440): :
RESPONDENT :

NOTICE OF HEARING

TO: Dardis Jacobson
W220 N9666 Amy Belle Road
Colgate, Wisconsin 53017

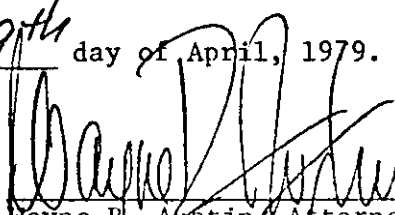
Please take notice that a hearing constituting a class 2 proceeding as defined in Sec. 227.01(2)(b), Wis. Stats., will be held on the 21st day of May, 1979, at 9:30 o'clock a.m., or as soon thereafter as the matter may be reached, in Room 180, at 1440 East Washington Avenue, Madison, Wisconsin, on the question of whether the license heretofore issued to the above-named respondent pursuant to Section 443.02, Wis. Stats., should be suspended or revoked, the above-named respondent should be reprimanded or whether such license should be limited.

The legal authority and jurisdiction under which the hearing is to be held is set forth in Chapter 443 Wis. Stats., and Chapter RL 2 Wis. Adm. Code.

The matters asserted and the charges then and there to be considered are as set forth in the attached complaint to which you are required to make answer in writing within twenty (20) days from the date of service of the complaint. The hearing examiner designated to preside over the matter pursuant to Sec. 227.09(2), Wis. Stats. and Sec. RL 2.10, Wis. Adm. Code, is William L. Dusso, Department of Regulation and Licensing, 1440 East Washington Avenue, Madison, Wisconsin 53702. You shall file your answer with the examiner at the address indicated, a copy of said answer with the Board and a copy with complainant's attorney, Wayne R. Austin, Division of Consumer Complaints, 1440 East Washington Avenue, Madison, Wisconsin 53702 (telephone 608-266-1815). If you fail to file an answer within such time, or if you fail to appear at the time set for hearing, a default judgment may be entered, and your license revoked, suspended, or other disciplinary action taken upon proof of such default.

If you are represented by counsel, the counsel is requested to file a notice of appearance with the Board forthwith.

Dated at Madison, Wisconsin this 9th day of April, 1979.


Wayne R. Austin, Attorney
Division of Consumer Complaints

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

IN THE MATTER OF THE DISCIPLINARY
PROCEEDING AGAINST

DARDIS JACOBSON (S-440)
RESPONDENT

COMPLAINT

LUCIAN SCHLINGEN, JR., Executive Secretary for the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, 1400 East Washington Avenue, Madison, Wisconsin 53702, upon information and belief, complains and alleges as follows:

1. That Dardis Jacobson, hereinafter referred to as Respondent, 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 No. S-440, issued April 6, 1956).

2. That Respondent's address is W220 N9666 Amy Belle Road, Colgate, Wisconsin 53017.

3. That as a part of his land surveying practice, Respondent was retained by Mr. and Mrs. Thomas G. Schatz, residing at 2664 Hwy. 175, Richfield, Wisconsin 53076, hereinafter referred to as Mr. and Mrs. Schatz, to perform a land survey and to prepare a land survey map for the purpose of conveying land which is that part of the Northeast Quarter of the Southwest Quarter Section 35, T10N, R19E, Town of Polk, Washington County, Wisconsin, bounded and described as follows: Commencing at the center of said section 35-10-19; thence S88°23'48"W, 322.37 feet to the place of beginning; thence N89°28'27"W, 947.20 feet; thence N88°12'00"W, 37.01 feet to the center line of S.T.H. 175; thence S26°23'00"E along said center line, 308 feet; thence N83°34'15"E, 34.70 feet; thence N87°12'20"E, 813.77 feet, thence North 222.50 feet to the place of beginning. Excepting the Westerly 33.00 feet for road purposes. Containing 5.01 acres, net.

4. That Respondent did in fact perform or supervise the performance of a survey and did in fact prepare or supervise the preparation of a map of such survey as described in paragraph no. 3 above, and that Respondent was paid a professional fee for said survey and map.

5. That in performing the land survey and in preparing the survey map described in paragraph no. 3, above, Respondent was required to meet the standards set forth in the Minimum Standards for Property Surveys, ch. A-E 5, Wis. Admin. Code, and that said survey and map did not meet the required standards in the following respects:

(a) The closed traverse depicted on Respondent's survey map has a latitude and departure closure ratio exceeding 1 in 3000, in violation of s. A-E 5.01(6)(d), Wis. Admin. Code.

(b) The north point shown on Respondent's survey map is not referenced to a magnetic, true or other identifiable meridian as required by s. A-E 5.01(5)(b), Wis. Admin. Code.

(c) Respondent's metes and bounds description does not commence with some corner marked and established by the U.S. Public Land Survey as required by s. A-E 5.01(4), Wis. Admin. Code.

Section corner

(d) Respondent's survey map fails to note variances between the boundary line bearings and lengths as shown on the map, and those recorded on the existing deed, as required by s. A-E 5.01(5)(c), Wis. Admin. Code.

(e) Respondent's survey map fails to show and describe all monuments necessary for the location of the parcel and fails to indicate whether such monuments were found or placed, as required by s. A-E 5.01(5)(d), Wis. Admin. Code.

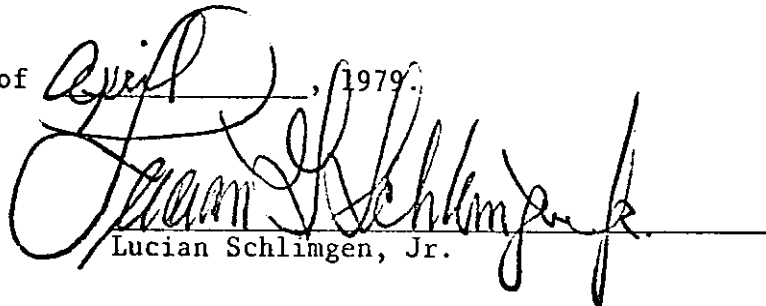
(f) Respondent's survey map fails to identify the person for whom the survey was made, as required by s. A-E 5.01(5)(e), Wis. Admin. Code.

6. That Respondent's failure to meet the Minimum Standards for Land Surveys, as detailed in paragraph no. 5, above, resulted in a land survey and map of survey so deficient as to be useless for the conveyance of the land surveyed, thus necessitating a new survey of said land.

7. That Respondent's failure to meet the Minimum Standards for Land Surveys as detailed in paragraph no. 5, above, constitutes incompetency, gross negligence and misconduct in the practice of land surveying within the meaning of s. 443.02(8)(a), Wis. Stats.

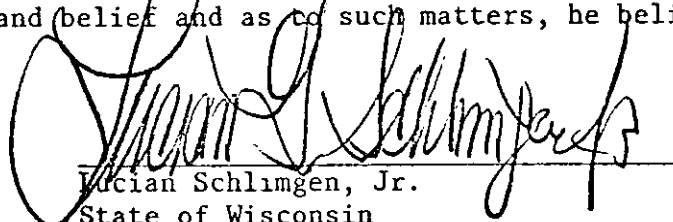
WHEREFORE, the complainant demands that the board hear evidence relevant to the matters recited herein, determine and impose the discipline warranted.

Dated this 9th day of April, 1979.


Lucian Schlingens, Jr.

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

Lucian Schlimgen, Jr., being first duly sworn on oath deposes and says that he is Executive Secretary for the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, State of Wisconsin, and that he has read the foregoing Complaint and knows the contents thereof and that the same is true to his own knowledge, except as to those matters therein stated on information and belief and as to such matters, he believes them to be true.



Lucian Schlimgen, Jr.
State of Wisconsin
Examining Board of Architects,
Professional Engineers, Designers
and Land Surveyors
Department of Regulation and Licensing
1400 East Washington Avenue
Madison, Wisconsin 53702

Subscribed and sworn to before me this 9th day of April, 1979.


Notary Public
My Commission expires March 6, 1983

SHIRLEY WHITE
NOTARY PUBLIC
STATE OF WISCONSIN

Wayne R. Austin
Attorney for Complainant
1400 East Washington Avenue, Room 166
Madison, Wisconsin 53702