

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

FINAL DECISION
AND ORDER

The parties in this matter agree to the terms and conditions of the attached stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached stipulation and makes the following:

FINDINGS OF FACT

1. Steven J. Johnson, R.L.S. (hereinafter referred to as Mr. Johnson) was at all times relevant to this proceeding licensed as a land surveyor in the state of Wisconsin (license #S-1287); this license was issued on December 10, 1975.

2. Between August 1979 and June 1980, Mr. Johnson prepared a series of nineteen (19) certified survey maps as the agent for the owners of the parcels surveyed, all in section 19, Township 35 North, Range 18 West, Town of Eureka, Polk County, Wisconsin, just to the west of Big Lake.

These maps are identified in the complaint in this proceeding as exhibit #'s 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20; and are incorporated in this Final Decision and Order by reference. (Exhibit #01 is a composite drawing which accurately portrays the locations of the parcels surveyed in relation to one another, and is incorporated herein by reference.)

3. The surveys referred to in paragraph 2, above, created twenty (20) adjoining parcels or lots for the purpose of sale or building development, and one parcel (exhibit #08) to be used for common lake access.

4. Mr. Johnson failed to prepare and file a subdivision plat for approval as required under Wis. Stats. ch. 236 for the land divided by the paragraph 2 surveys. Mr. Johnson contends that at the time of the preliminary survey prior to the preparation of these certified survey maps, the land was comprised of four separate parcels, owned by four individual owners. The division of each of these parcels was originally planned to create not more than four (4) lots for sale or building development under 1.5 acres in size per parcel. A minor modification in the final preparation of two maps (exhibits #15 and 6) caused these lots to be reduced in size to less than 1.5 acres. Mr. Johnson failed to discover such acreage deficiency before preparation and recording of these maps. At that time, chapter 236 of the Wisconsin Statutes did not require that the area of the parcels surveyed appear on the face of the map.

5. Mr. Johnson contends that he delivered these survey maps to the owners of the land within sixty (60) days of completion of the maps for recording. (Certified survey maps recorded in the office of the Register of Deeds in Polk County were considered to be filed with the county surveyor; separate filing of survey maps with the county surveyor was therefor not required in Polk County.) However, the following surveys were not timely filed with the county as required by Wis. Stats. sec. 59.60: the maps identified as exhibit #'s 04, 06, 10, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

6. The maps identified as exhibit #'s 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 failed to show the exact date of the survey in that the date provided contained only the month and year that the survey was completed. Mr. Johnson now provides the complete date on surveys he prepares.

7. On or about March 23, 1984, Mr. Johnson completed the performance of a land survey and the preparation of two certified survey maps as the agent of Doug Hanson; the parcels surveyed were located in government lots 1 and 2, Section 19, Township 36 North, Range 15 West, Town of McKinley, Polk County, Wisconsin. These maps identified in the complaint in this proceedings as exhibit #'s 21 and 22, and are incorporated herein by reference.

8. The surveys referred to in paragraph 7, above, created seven (7) parcels or lots, all less than 1.5 acres in area.

9. Mr. Johnson failed to prepare and file a subdivision plat for approval as required under Wis. Stats. Ch. 236 for the land divided by the surveys referred to in paragraph 7, above. Mr. Johnson contends that he personally informed the owner of these lands that the creation of more than four (4) lots of less than 1.5 acres in size for the purpose of sale or building development was illegal and contrary to section 236 of the Wisconsin Statutes. Mr. Johnson also contends that Doug Hanson personally recorded said Certified Survey Maps, notwithstanding the Polk County Subdivision Control Ordinance enacted in conformity with Chapter 236 and that Mr. Hanson was the subdivider of said lands in fact.

CONCLUSIONS OF LAW

By the conduct described above, Mr. Johnson is guilty of misconduct in his practice of land surveying within the meaning of Wis. Stats. Sec. 443.12(1) and Wis. Adm. Code Sec. A-E 4.003(3)(a).

Therefore, it is hereby ORDERED:

The license of Steven J. Johnson shall be SUSPENDED for a period of SIXTY (60) DAYS, to commence upon February 4, 1985 and continue on through April 4, 1985.

Upon notification of the signing of this order, Mr. Johnson shall immediately return his license to practice land surveying to the Board at P. O. Box 8936, Madison, WI 53708-8936 via certified mail. Original notification may be made by telephone to Mr. Johnson's attorney, Jack J. Hargrove, at (715) 822-3401. Telephone notification shall be followed by mailing a copy of this order within five (5) days of its signing.

IT IS FURTHER ORDERED that Mr. Johnson shall, upon request of the State of Wisconsin Department of Development, prepare and file assessors plats for the subdivisions referred to above to resolve the problems caused by the failure to file plats for said lands. To the limited extent that his cooperation with the Department of Development may entail the preparation of an assessors plat or other surveying practice, Mr. Johnson is permitted to practice land surveying during the suspension.

LAND SURVEYORS' SECTION
EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS

By:



A Member of the Board

1-31-85
Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STEVEN J. JOHNSON, R.L.S.,
RESPONDENT.

STIPULATION

It is hereby stipulated between Steven J. Johnson, R.L.S., personally and by his attorney Jack Hargrove, and Steven M. Gloe, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

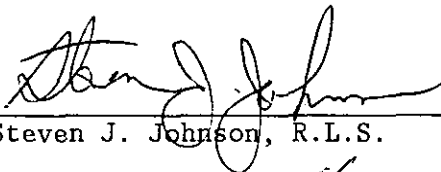
1. This stipulation shall be submitted to the Land Surveyors section of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors to form the basis for the Final Decision and Order in this matter.

2. Mr. Johnson understands that by the signing of this stipulation he voluntarily and knowingly waives his rights including: the right to a hearing on the allegations against him, at which time the State has the burden of proving those allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the Final Decision; the right to petition for re-hearing; and all other applicable rights afforded to Mr. Johnson under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

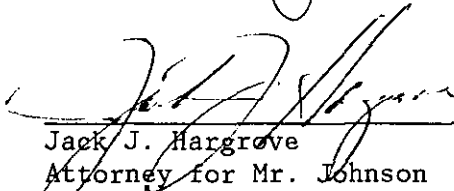
3. If the terms of this stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this stipulation, and the matter shall be returned to the hearing examiner for further proceedings.

4. If the Board accepts the terms of this stipulation, the parties to this action consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

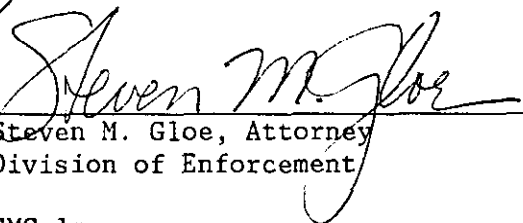
5. The Division of Enforcement joins Mr. Johnson in recommending the Board adopt this stipulation and issue the attached Final Decision and Order.


Steven J. Johnson, R.L.S.

1/22/85
(date)


Jack J. Hargrove
Attorney for Mr. Johnson

1-22-85
(date)


Steven M. Gloe, Attorney
Division of Enforcement

1-28-85
(date)

SMG: lmp
536-020