

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

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

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IN THE MATTER OF THE : MEMORANDUM AND ORDER  
INVESTIGATION OF : ON SETTLEMENT CONFERENCE  
:   
JAMES L. MURPHY, R.L.S., :   
LICENSEE. : File No. 84 A&E 49  
-----

TO: James L. Murphy, R.L.S.  
1003 East Hazel  
River Falls, WI 54022

Sherry Steffel  
Attorney at Law  
P.O. Box 8935  
Madison, WI 53708

Pursuant to notice, a settlement conference was held before officials of the Land Surveyors Section of the Board on August 6, 1987. The purpose of the conference was to provide all interested parties with an opportunity to discuss the allegations received pertaining to the practice of James L. Murphy as a registered land surveyor, and attempt to reach a fair resolution of the matter.

APPEARANCES

Presiding over the settlement conference was Donald L. Paulson, Chairman of the Land Surveyors Section of the Board. Other board members present were Frederic Copp, Mary Hall Sullivan, and Bernard Watermolen. The board's legal counsel, Wayne R. Austin, was also present.

Attorney Sherry Steffel appeared representing the Division of Enforcement to provide information concerning the allegations made against the licensee.

The licensee, James L. Murphy, appeared personally and with his nephew, Laurence Murphy, R.L.S.

PROCEEDINGS

The presiding officer made an introductory statement describing the procedures by which the settlement conference would be conducted.

Oral presentations of the positions of the parties were made. These statements were made for the sole purpose of negotiating a binding, consensual agreement. They were received without prejudice to later changes and may not be used against the licensee in any formal hearing.

Subsequent to the receipt of the oral statements the parties presented recommendations for terms of settlement. The board members considered the presentations and made a recommendation of settlement terms on behalf of the board.

After discussion, Mr. Murphy accepted the terms of the proposed settlement, and thereafter entered into a Stipulation with the board, a copy of which is attached hereto and made a part hereof.

Based upon the proceedings at the settlement conference, and upon the Stipulation executed by the parties, the board orders as follows:

ORDER

IT IS HEREBY ORDERED that James L. Murphy be, and hereby is, reprimanded.

IT IS FURTHER ORDERED that notice of the reprimand shall be sent to newspapers published in Murphy's area of practice.

Dated at Madison, Wisconsin this 2 day of September, 1987.

Examining Board of Architects, Professional Engineers, Designers  
and Land Surveyors

by Donald L. Paulson  
Donald L. Paulson, P.E., R.L.S.  
Chairman, Land Surveyors Section

WRA:jrb  
386-241

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

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IN THE MATTER OF THE  
INVESTIGATION OF

JAMES L. MURPHY, R.L.S.,  
LICENSEE.

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STIPULATION  
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James L. Murphy, R.L.S., and the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Land Surveyors Section, having reached an agreement for disposition of the informal complaint identified as 84 A&E 49, stipulate and agree as follows:

1. This Stipulation shall be included as part of a Memorandum and Order on Settlement Conference to be issued by the board, and all the terms of this Stipulation shall be binding on James L. Murphy (Murphy) as a part of the board's order.

2. This Stipulation and the board's order shall be placed in Murphy's permanent file in the board's records, and may be used if there are subsequent complaints against him.

3. Murphy was granted a license to practice as a land surveyor in the State of Wisconsin on January 15, 1971.

4. Murphy is proprietor of James L. Murphy Engineering, a firm engaging in the practices of engineering and land surveying.

5. On or about December 17, 1980, Murphy, by his employee, completed a survey and map of survey for Arthur and Mary Ann Windolff for an access easement located in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 12, Township 29 North, Range 20 West.

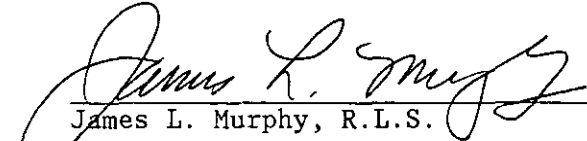
6. The survey map prepared was deficient in that it conformed neither to the field notes nor to the location of the easement in the field.

7. Proper review by Murphy of the field notes and map prepared by his employee would have revealed the deficiencies of the map.

8. Failure by Murphy to discover the deficiencies of the map constitutes failure to properly supervise as required by Wis. Adm. Code sec. A-E 8.03(5), and he has thereby engaged in misconduct within the meaning and in violation of s. 443.12(1), Stats.

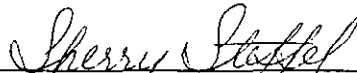
9. Murphy and the board agree that appropriate discipline to be imposed in recognition of the misconduct found in this case is a reprimand, and agree that notice of the board's disciplinary action shall be sent to newspapers published in Murphy's area of practice.

Dated at River Falls, Wisconsin, this 17<sup>th</sup> day of August, 1987.

  
James L. Murphy, R.L.S.

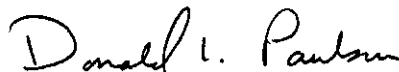
Dated at Madison, Wisconsin, this 12<sup>th</sup> day of August, 1987.

Department of Regulation & Licensing  
Division of Enforcement

by   
Sherry Steffel, Attorney

Dated at Madison, Wisconsin, this 2 day of ~~August~~ <sup>Sept.</sup>, 1987.

Examining Board of Architects,  
Professional Engineers, Designers  
and Land Surveyors

by   
Donald L. Paulson, P.E., R.L.S.  
Chairman

WRA:rjt  
898-184