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FILE COPY

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

IN THE MATTER OF :
THE INVESTIGATION OF : MEMORANDUM AND ORDER
JAMES CARROLL, R.L.S., : ON SETTLEMENT CONFERENCE
LICENSEE. :

TO: James Carroll
624 State Street
Mauston, WI 53948

Steven M. Gloe
Division of Enforcement
1400 East Washington Avenue, Room 183
Madison, WI 53708

A settlement conference was conducted in the above-captioned matter before the Land Surveyors Section of the Examining Board on January 12, 1989. The purpose of the conference was to provide all interested parties with an opportunity to discuss allegations received pertaining to the practice of Mr. Carroll as a registered land surveyor, and to attempt to reach a fair resolution of the matter.

Presiding over the conference was Donald L. Paulson, Chairman of the Land Surveyors Section. Also present were other members of the section, the Board's legal counsel, and Attorney Sherry Steffel of the Department's Division of Enforcement, who was present to provide information concerning the allegations against Mr. Carroll. Mr. Carroll appeared in person and was not represented by counsel.

The parties orally presented their respective positions regarding the matter to the section, and the section deliberated on a possible disposition of the matter. The section thereafter presented to Mr. Carroll a Proposed Stipulation. Mr. Carroll subsequently obtained the advise of legal counsel in the person of Dennis C. Schuh, who submitted a response and counter proposal. The matter was remanded to the Division of Enforcement for negotiation and a stipulation was ultimately executed by Mr. Carroll, Mr. Paulson and Mr. Gloe. A copy of the stipulation is attached to this Order and incorporated herein by reference.

Based upon the proceedings at the conference, and upon the stipulation of the parties, the Board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that James Carroll, R.L.S. be, and hereby is, **REPRIMANDED**.

Dated at Madison, Wisconsin this 22nd day of February, 1990.

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

By: Bernard J. Wabnick
A member of the Board

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

IN THE MATTER OF :
THE INVESTIGATION OF : STIPULATION
JAMES CARROLL, R.L.S., :
LICENSEE. :

James Carroll, R.L.S., and the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Land surveyors Section, having reached an agreement on disposition of the informal complaint identified as 86 LSR 025, agree and stipulate as follows:

1. This stipulation shall be made a part of a Memorandum and Order on Settlement Conference to be issued by the board, and all the terms of the Stipulation shall be binding on James Carroll, R.L.S., as part of the board's order.

2. This Stipulation and the Board's order shall be placed in the permanent file of James Carroll, and may be used if there are further complaints against him.

3. James Carroll, R.L.S., 624 East State Street, Mauston, Wisconsin 53948, is licensed as a registered land surveyor in the State of Wisconsin by license #S-606 issued March 15, 1957.

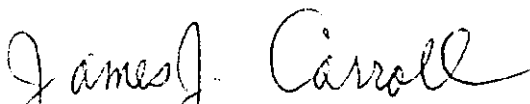
4. On or about June 13, 1986, Mr. Carroll prepared a "surveyors certificate" for Pavelec Realty, by which he certified that at the direction of Adolf Pavelec, Mr. Carroll surveyed and staked the west line and the south line of the property at 502 West Street, Friendship, Wisconsin. No map of survey was prepared, but Mr. Carroll's field notes (which revised field notes prepared by Mr. Carroll for what is commonly referred to as a "mortgage survey" of the 502 West Street property) set forth the work performed in 1986.

5. There was no signed agreement between Mr. Carroll and Pavelec Realty by which the parties agreed to exclude any of the land surveying requirements set forth at Wis. Adm. Code Ch. A-E 7 for Mr. Carroll's work performed on June 13, 1986.

6. By failing to meet the minimum standards for property surveys required by Wis. Adm. Code Ch. A-E 7 without a written agreement from his client agreeing to the exclusion of surveying work included within those requirements, James Carroll has engaged in misconduct in the practice of land surveying within the meaning and in violation of Wis. Adm. Code sec. A-E 8.03(3)(a).

I, James Carroll, acknowledge that I understand the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors holds the position that the preparation of a "mortgage survey" is the practice of land surveying. I will bear this in mind in the future conduct of my practice.

Dated at Mauston, Wisconsin this 5th day of January, 1990.


James Carroll
Land Surveyor

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

The date of mailing of this decision is March 1, 1990.

WLD:dms
886-490