

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

IN THE MATTER OF
THE INVESTIGATION OF

RICHARD P. JAHNKE, P.E., R.L.S.,

Licensee

FILE COPY

MEMORANDUM AND ORDER ON SETTLEMENT CONFERENCE

TO: Richard P. Jahnke
Jahnke & Jahnke Associates, Inc.
711 West Moreland Boulevard
Waukesha, WI 53188-2479

Roger R. Hall
Attorney at Law
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

An informal settlement conference was conducted in the above-captioned matter before an informal settlement conference committee of the Land Surveyors Section of the board on July 7, 1993. The purpose of the conference was to provide interested parties with an opportunity to discuss allegations received pertaining to the practice of Mr. Jahnke as a land surveyor, and to attempt to reach a fair and consensual resolution of the matter.

The committee consisted of G. Robert Sheffers, David M. Schmalz and Bernard E. Thompson. Mr. Jahnke appeared by his brother, John Jahnke. Others present included Wayne Austin, the board's legal counsel, and Roger R. Hall, attorney for the Department of Regulation & Licensing, Division of Enforcement.

The parties orally presented their respective positions regarding the matter to the committee, and the committee deliberated on a possible disposition of the matter. The committee thereafter presented a proposed Stipulation for Mr. Jahnke's

consideration, a copy of which is attached hereto and made a part hereof. The Stipulation was ultimately executed by Mr. Jahnke, Mr. Hall, and Mr. Sheffers, section Chairman.

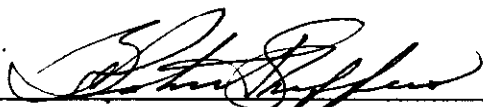
Based upon the proceedings at the conference, and upon the Stipulation of the parties, the board enters the following order.

ORDER

NOW, THEREFORE, IT IS ORDERED that based on the findings and conclusions in this case, as set forth in the Stipulation of the parties hereto, Mr. Richard P. Jahnke be reprimanded.

Dated this 11th day of Nov., 1993.

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

by 
G. Robert Sheffers, RLS
Chairman, Land Surveyors Section

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

IN THE MATTER OF
THE INVESTIGATION OF

RICHARD P. JAHNKE, P.E., R.L.S.,

Licensee

STIPULATION

Richard P. Jahnke, P.E., R.L.S. (Mr. Jahnke), and the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Land Surveyors Section (board), having reached agreement on disposition of the informal complaint identified as 89 LSR 014, 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 terms of the Stipulation shall be binding on Mr. Jahnke as a part of the board's order.

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

3. Mr. Jahnke is licensed to practice land surveying in Wisconsin by license #318, issued on March 9, 1956, and he practices at Jahnke & Jahnke Associates Inc., 711 West Moreland Boulevard, Waukesha, Wisconsin 53188-2479 (Jahnke & Jahnke).

4. On April 2, 1987, Jahnke & Jahnke contracted with Demlang Builders, Menomonee Falls, Wisconsin, to perform a survey of a residential property owned by David Lauterbach, consisting of what was characterized as a "residence building stakeout." The survey relied in part on monuments found at the apparent northeast and northwest corners of the property which were presumed to have been set in a previous survey of the area performed by William J. Krueger, R.L.S. The location of the residence was staked and a plat of survey, identified as "Plat No. Washington 351", was prepared on April 23, 1987.

5. On July 16, 1987, Plat No. Washington 351 was revised by Jahnke & Jahnke. Distances from the residence to the northerly, southerly and easterly property lines, and to the northwest corner of the lot, were revised, and the following note was added.

BASEMENT SURVEY: 7/13/87 - Basement constructed and residence partly enclosed. NOTE: Original stakeout was based on the two iron pipes found along the northerly lot line. At the time of the basement survey the utilities had knocked out the iron pipe at the "northwest corner" of the survey parcel. Our survey crew then checked back to the iron spike found at the point presumed to be the southeast corner of Section 26, T10N, R18E. (SEWRPC did not have any ties for this corner.) Discrepancies were found in the location and length of the northerly lot line of the survey parcel as located in the field compared to the recorded CSM. Due to these discrepancies we can certify to the approximate location of the residence in relation to the northerly lot line as monumented by the original surveyor.

6. On or about October 15, 1987, Jahnke & Jahnke undertook to survey the exterior boundaries of Lauterbach property, the east line of the abutting subdivision to the west, the section line, and the road to the east. Based on the results of that survey, which showed a 6.53 foot discrepancy in the recorded location of the southeast corner of the SE 1/4 of Section 26, the septic vent for the Lauterbach septic field, which had been constructed during the interim period, was found to be between nine and 16.5 feet over the southerly line.

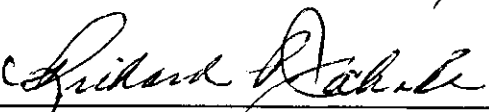
7. In part, the discrepancies later revealed in the resurveys performed by Jahnke & Jahnke arose from the fact that the stakes at the northeast and northwest corners of the property upon which the survey relied were not in fact the stakes marking those corners previously set by William J. Krueger, R.L.S.

8. If at the time of the original stake-out survey, Jahnke & Jahnke had compared the location of the monuments found at the apparent northeast and northwest corners of the Lauterbach property with the location of monuments set in the survey performed by Mr. Krueger, it would have been revealed that the found monuments had not in fact been set in the Krueger survey.

9. The survey performed in this case constitutes the preparation of deficient maps, specifications and reports in violation of sec. A-E 8.03(3)(b), Code.

10. The parties agree that appropriate discipline to be imposed in this case is a reprimand.

Dated this 26th day of July, 1993.


Richard P. Jahnke, P.E., R.L.S.

Richard P. Jahnke, P.E., R.L.S.

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Dated this 15th day of November, 1993.

G. Robert Sheffers (for)

G. Robert Sheffers, R.L.S.

Chairman, Land Surveyors Section

Dated this 15th day of November, 1993.

Roger R. Hall by MSB

Roger R. Hall

Attorney, Division of Enforcement

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