

# 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, LAND SURVEYOR SECTION

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
DANIEL D. COOPER, R.L.S.,	:	89 LSR 018
RESPONDENT.	:	

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The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Daniel D. Cooper, R.L.S.  
Rout 4, Box 508B  
Elkhorn, WI 53121

Land Surveyors Section Examining Board of Architects,  
Professional Engineers, Designers and Land Surveyors  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision 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. Daniel D. Cooper (D.O.B. February 13, 1953) is duly licensed in the state of Wisconsin as a registered land surveyor (license #1464). This license was first granted on August 22, 1978.

2. Respondent's latest address on file with the Department of Regulation and Licensing is Route 4, Box 508B, Elkhorn, WI 53121.

3. The Respondent performed 21 land surveys and prepared survey maps for property located in Walworth County, Wisconsin, that failed to meet the minimum standards as set forth in the Applicable Provision of Wis. Adm. Code A-E, Chapter 7 in the following respects:

a. EIGHT of the maps contained an incomplete or incorrect monument legend as required by A-E 7.05(4).

b. SIX of the maps did not identify the owner of the land being surveyed as required by A-E 7.05(5).

c. THREE of the maps failed to contain the licensee's stamp or seal as required by A-E 7.05(6).

d. SEVENTEEN of the maps contained a missing bearing reference as required by A-E 7.05(2).

e. FOURTEEN of the maps reflected missing bearing and/or distances as required by A-E 7.05(3).

f. FOUR of the maps did not identify adjacent U.S. Public Land Survey boundaries as required by A-E 7.04.

g. THREE of the maps failed to indicate the correct scale as required by A-E 7.05(1).

4. On February 20, 1991, licensee delivered to the Walworth County Surveyor's office 50 separate certified survey maps which licensee had prepared in 1989 and 1990 for filing contrary to the timely requirement provided in section 59.60, Wis. Stats.

#### CONCLUSIONS OF LAW

By the conduct described above, Respondent is subject to disciplinary action against his license to practice as a registered land surveyor in the state of Wisconsin, pursuant to Wis. Stats. sec. 443.12(1), and Wis. Adm. Code Sec. A-E 8.03(1), (2) and (3)(a), and (b).


NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Daniel D. Cooper, license No. 1464, is hereby reprimanded.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

This Order shall become effective ten (10) days following the date of its signing.

Land Surveyor Section

By:   
A Member of the Board

01 APRIL 93  
Date

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

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
DANIEL D. COOPER, R.L.S.,	:	89 LSR 018
RESPONDENT	:	

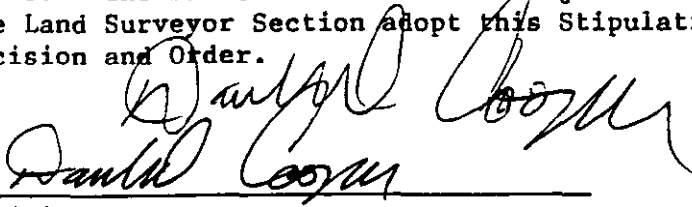
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It is hereby stipulated between Daniel D. Cooper, personally on his own behalf and Roger R. Hall, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

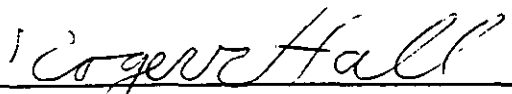
1. This Stipulation is entered into as a result of a pending investigation of Daniel D. Cooper's licensure by the Division of Enforcement. Daniel D. Cooper consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Daniel D. Cooper understands that 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 a preponderance of the 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 rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Daniel D. Cooper is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.
4. Daniel D. Cooper agrees to the adoption of the attached Final Decision and Order by the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Land Surveyor Section. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. 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 Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Land Surveyor Section for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

6. The Division of Enforcement joins Daniel D. Cooper in recommending the Land Surveyor Section adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Daniel D. Cooper

12/15/92  
Date

  
\_\_\_\_\_  
Roger R. Hall, Attorney  
Division of Enforcement

April 1, 1993  
Date

RH:djm  
DOEATTY-2282

## **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 the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Land Surveyors Section.**

**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 the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Land Surveyors Section**

**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:** the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Land Surveyors Section.

**The date of mailing of this decision is April 5, 1993.**