

# 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 SURVEYORS SECTION

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|                                   |   |                          |
|-----------------------------------|---|--------------------------|
| IN THE MATTER OF THE DISCIPLINARY | : |                          |
| PROCEEDINGS AGAINST               | : | FINAL DECISION AND ORDER |
|                                   | : | 90 LSR 013               |
| MARK I. KUPSCH, R.L.S.            | : |                          |
| RESPONDENT.                       | : |                          |

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

Mark I Kupsch  
3050 Greenway Tr.  
Madison, WI 53719

Wisconsin Examining Board of Architects, Professional Engineers,  
Designers and Land Surveyors, Land Surveyors Section  
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. Mark I Kapsch (D.O.B. 7/1/54 is duly licensed in the state of Wisconsin as a registered land surveyor (license #1426). This license was first granted on October 4, 1977.

2. Respondent's latest address on file with the Department of Regulation and Licensing is 3050 Greenway Tr., Madison, WI 53719.
3. On or about May, 1987, Respondent completed a property survey and prepared a survey map for a parcel of land located in the Town of Rock, Rock County, Wisconsin, for Steven and Patricia Nicks.
4. In performing the property survey and preparing the survey map referred to in paragraph three, Respondent used the West quarter corner of Section 26, Township 2N, Range 12E, Rock County, Wisconsin, and failed to file a U.S. Public Land Survey Monument Record in violation of Wis. Admin. Code Sec. AE 7.08.

#### CONCLUSIONS OF LAW

1. The Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Land Surveyor Section has jurisdiction in this matter pursuant to Wis. Stats., Section 443.12.
2. The conduct described above in paragraph four (4) of the Findings of Fact, constitutes a violation of Wis. Admin. Code, Section AE 7.08.
3. By the conduct described in paragraph two above, Respondent is subject to disciplinary action against his license pursuant to Wis. Stats. Section 443.12(1) and Wis. Admin. Code Sections AE 8.03(1), (2) and (3)(a) and (b).

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

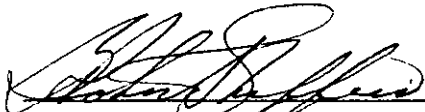
IT IS FURTHER ORDERED, that Mark I. Kapusch, License No. 1426, is hereby reprimanded.

IT IS FURTHER ORDERED, that the Examining Board of Architects, Professional Engineers, Designers, and Land Surveyors, Land Surveyors Section, shall close investigative file No. 90 LSR 013.

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.

Wisconsin Examining Board of Architects, Professional Engineers, Designers, and Land Surveyors, Land Surveyor Section

By:   
A Member of the Board

11 Nov. 95  
Date

AH:csd

ATTY-clg30

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                 | : |             |
| DISCIPLINARY PROCEEDINGS AGAINST | : | STIPULATION |
|                                  | : | 90 LSR 013  |
| MARK I. KUPSCH, R.L.S.,          | : |             |
| RESPONDENT.                      | : |             |

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It is hereby stipulated between Mark I. Kupsch, 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 in resolution of the pending proceedings concerning Respondent's license. The stipulation and order shall be presented directly to the Land Surveyor Board for its consideration for adoption.

2. Respondent 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. Respondent 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. Respondent agrees to the adoption of the attached Final Decision and Order by the Land Surveyor Board. 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.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Land Surveyor Board assigned as an advisor in this investigation may appear before the Land Surveyor Board 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.

7. The Division of Enforcement joins Mark I. Kupsch in recommending the Land Surveyor Board adopt this Stipulation and issue the attached Final Decision and Order.

Mark I. Kupsch  
Mark I. Kupsch

8-11-93  
Date

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

2/16/93  
Date

RRH:kcb  
ATY-2597

## **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.

**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.

**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.

**The date of mailing of this decision is** November 16, 1993.