

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

IN THE MATTER OF :
 : **FINAL DECISION AND ORDER**
 :
GEORGE W. SARGEANT : **Case LS9701311LSR**
RESPONDENT :

The parties in this matter for the purposes of Wis. Stats. Sec. 227.53 are:

George W. Sargeant
970 Baytree Drive
Bartlett, Illinois 60103

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

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Land Surveyors Section (Section). The Section has reviewed the Stipulation and considers it acceptable.

Accordingly, the Section adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. George W. Sargeant, (Sargeant), 970 Baytree Drive, Bartlett, Illinois 60103, is credentialed as a registered land surveyor in the State of Wisconsin. His license #2030 was issued to him originally on July 11, 1990. His date of birth is December 12, 1934. Sargeant is a principal in a business known as "Sargeant Engineering Company, Ltd.", an Illinois corporation.

2. Sargeant agrees without admitting any non-compliance with any statute or administrative rule of the State of Wisconsin to voluntarily surrender his land surveyor credential in Wisconsin as a means of resolving this matter. The terms of this surrender are as stated in the Order portion of this final decision and order.

3. Sargeant also holds a license as a Wisconsin Professional Engineer, being license #14141, originally granted to him on June 3, 1974.

4. As a material term of his agreement to resolve this land survey case, Sargeant agrees on or before October 1, 1997 to voluntarily surrender his professional engineer credential in Wisconsin. The surrender of Sargeant's credential as a professional engineer must be approved by the joint Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, which has jurisdiction pursuant to Section 443.11 of the Wisconsin Statutes.

CONCLUSIONS OF LAW

1. The Land Surveyors Section of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors has jurisdiction in the matter pursuant to Section 443.12 of the Wisconsin Statutes.

2. The Section is authorized to enter into the attached Stipulation pursuant to Section 227.44(5) of the Wisconsin Statutes.

ORDER

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

IT IS FURTHER ORDERED, that the Voluntary Surrender of the Land Surveyor Registration of Respondent George W. Sargeant, 970 Baytree Drive, Bartlett, Illinois 60103, credential #2030, is accepted.

IT IS FURTHER ORDERED, that all rights and privileges heretofore granted Respondent George W. Sargeant to engage, or offer to engage, in the practice of land surveying in the State of Wisconsin, either directly or indirectly, are forever terminated effective at 11:59 P.M. on the date of this Order as set forth below.

IT IS FURTHER ORDERED, that Respondent George W. Sargeant shall not be granted a credential as a registered land surveyor in the State of Wisconsin at any time in the future. The denial, in whole or in part, of any petition by Sargeant for a credential as a registered land surveyor shall not constitute denial of a license and shall not give rise to a contested case within the meaning of sections 227.01(3) and 227.42 of the Wisconsin Statutes.

IT IS FURTHER ORDERED, that nothing contained herein, nor the voluntary surrender of the Wisconsin Land Surveyor License and the Wisconsin Professional Engineer License, shall be construed or deemed to be a disciplinary action by the Department, the Board or the Section against Mr. Sargeant.

IT IS FURTHER ORDERED, that Case LS9701311LSR is hereby closed as to George W. Sargeant.

By: M. Robert Sheffer/ajh Date 5 AUG 1997
A Member of the Section

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

IN THE MATTER OF :
 :
 : **STIPULATION**
 :
 GEORGE W. SARGEANT : **Case LS9701311LSR**
 RESPONDENT :

The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into for the purpose of resolving this matter of **GEORGE W. SARGEANT LS 9701311 LSR** called "Respondent" and Attorney **RAYMOND P. TAFFORA**, attorney for the Respondent, and the Division of Enforcement, Department of Regulation and Licensing, by its attorney, **CHARLES J. HOWDEN**, consent to the resolution of this matter pursuant to the terms of this Stipulation and the attached Final Decision and Order.

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; 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 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 has had the opportunity to consult with legal counsel regarding this matter and the legal implications to the stipulation. Respondent is represented by Attorney **Raymond P. Taffora, Michael, Best & Friedrich**, One South Pinckney Street, Madison, WI 53701-1806.

4. Respondent voluntarily and knowingly waives his rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Land Surveyors Section.

5. With respect to the attached Final Decision and Order, Respondent neither admits nor denies the facts set forth in the Findings of Fact, however, he agrees that the Land Surveyor

Section may make the Findings of Fact and may reach the conclusions set forth in the Conclusions of Law and enter the Order attached hereto.

6. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order. In the event that the Stipulation is not accepted by the Section, the parties agree not to contend that the members of the Section have been prejudiced or biased in any manner by the consideration of this attempted resolution.


7. If the Section accepts the terms of this Stipulation, 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.

8. Respondent agrees that Division's attorney, Charles J. Howden, may appear at any meeting with the Section with respect to the Stipulation and that his appearance is limited to statements in support of the Stipulation and to answer any questions the Section may have regarding the Stipulation. Respondent waives any right he may have to have notice of that meeting.




GEORGE W. SARGEANT
Respondent

7/31/97
Date



RAYMOND P. TAFFORA, Attorney
for Respondent

8-4-97
Date



CHARLES J. HOWDEN, Attorney
Division of Enforcement

8/5/97
Date

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND
SURVEYORS (LAND SURVEYORS SECTION)

In the Matter of

George W Sargeant,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On August 7, 1997, I served the Final Decision and Order dated August 5, 1997, LS9701311LSR, upon the Respondent George W. Sargeant's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 434.

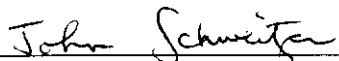
Raymond P. Taffora, Attorney
One S. Pinckney Street
Madison WI 53701-1806



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 7th day of August, 1997.



Notary Public, State of Wisconsin

My commission is permanent.

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.

Serve Petition for Rehearing or Judicial Review on:
STATE OF WISCONSIN EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
(LAND SURVEYORS SEC.)
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

August 7, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)