

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 SURVEYOR SECTION

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
MARTIN E. HALVORSEN,	:	94 LSR 013
RESPONDENT.	:	LS9711181LSR

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

Martin E. Halvorsen
1428 Laurel Ave.
Hudson, WI 54016

Examining Board of Architects, Landscape Architects,
Professional Geologists, Professional Engineers, Designers
and Land Surveyors, Land Surveyor 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 Land Surveyors Section. The Section 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. Martin E. Halvorsen (D.O.B 02/15/34) d/b/a Martin & Associates, is duly licensed as a land surveyor in the State of Wisconsin (license #1302). This license was first granted on March 9, 1976.
2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 1428 Laurel Ave., Hudson, WI 54016.

3. On or about November 16, 1992, Respondent completed a property survey and prepared a Plat of Survey for David Wolfe of a parcel of land located in Sections 33, Township 22 N, Range 10 W, Township of Montana, Buffalo County, Wisconsin.

4. Respondent failed to obtain a written waiver from Mr. Wolfe or any owner of the land excluding the survey referred to in paragraph three (3) above from the requirements of Wis. Admin. Code, A-E-Ch. 7.

5. In performing the land survey and preparing the plat of survey referred to in paragraph three (3) above, Respondent failed to meet the minimum standards as set forth in Chapter A-E 7, Wis. Admin. Code, in the following respects:

a) The Respondent failed to file his survey map within 60 days in compliance with Sec. 59.60(2), Wis. Stats.

b) The map fails to show and describe the monumentation necessary for the location of the parcel and indicate whether such monuments were found or placed in compliance with sec. A-E 7.05(4), Wis. Admin. Code.

c) The Respondent failed to prepare and file the following U.S. public land survey monument records in Section 33 T22N R10W in compliance with sec. A-E 7.08(1), Wis. Admin. Code:

SECTION 33, T22N R10W

- (1) The East 1/4 corner
- (2) The Southeast corner
- (3) The Southwest corner
- (4) The West 1/4 corner

6. The Respondent admits that he has not prepared this property survey to conform with the land survey requirements of Chapter A-E 7, Wis. Admin. Code, minimum standards for property surveys.

7. Respondent agrees that a reprimand of his license is an appropriate resolution of this disciplinary proceeding.

CONCLUSION OF LAW

1. The Land Surveyor Section has jurisdiction in this matter pursuant to Wis. Stats., section 443.12.

2. Respondent's conduct as set forth above is conduct contrary to Wis. Stats., sec. 443.12(1) and Wis. Admin. Code, sec. A-E 8.03(3)(a), (b) and (c) and Respondent is therefore subject to disciplinary action by the Wisconsin Land Surveyors Section.

ORDER

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

IT IS FURTHER ORDERED that the license of the Respondent, Martin E. Halversen, license #1302, is hereby reprimanded.

IT IS FURTHER ORDERED, that investigative file 94 LSR 013 be, and hereby is, closed.

EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL GEOLOGISTS, PROFESSIONAL ENGINEERS,
DESIGNERS AND LAND SURVEYORS;
LAND SURVEYOR SECTION

By: M. Robert Sheffers / a.j.h.
A Member of the Section

18TH NOVEMBER 97
Date

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

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	STIPULATION
	:	94 LSR 013
MARTIN E. HALVORSEN,	:	
RESPONDENT.	:	

It is hereby stipulated between Martin E. Halvorsen, 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 in resolution of the pending proceedings concerning Respondent's license. The Stipulation and Order shall be presented directly to the Land Surveyor Section 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 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 Land Surveyor Section's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Land Surveyor Section, 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 Land Surveyor Section, the parties agreed not to contend that the Section 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 Section assigned as an advisor in this investigation may

6. The parties to this Stipulation agree that the attorney for the Division of Enforcement and the member of the Land Surveyor Section assigned as an advisor in this investigation may appear before the Land Surveyor Section for the purpose of speaking in support of this agreement and answering questions that the members of the Section may have in connection with their deliberations on the Stipulation.

7. The Division of Enforcement joins Martin E. Halversen in recommending the Land Surveyor Section adopt this Stipulation and issue the attached Final Decision and Order.

Martin E. Halversen
Martin E. Halversen

Sept. 18, '97
Date

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

September 22, 1997
Date

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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 SURVEYOR SECTION

In the Matter of the Disciplinary Proceedings Against

Martin E. Halvorsen,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

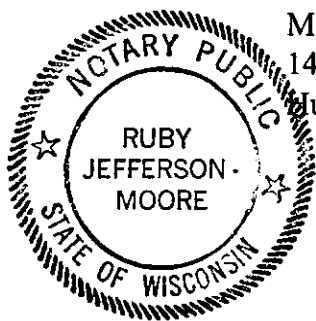
I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

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

2. On November 25, 1997, I served the Final Decision and Order dated November 18, 1997, LS9711181LSR, upon the Respondent Martin E. Halvorsen by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent 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 221 157 501.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Martin E. Halvorsen
1428 Laurel Avenue
Hudson WI 54016



Kate Rotenberg

Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 25th day of November, 1997.

Ruby Jefferson-Moore
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 SURVEYOR SEC.) 1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

November 25, 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.)