

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

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

IN THE MATTER OF THE DISCIPLINARY :
 PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
 : 97 LSR 005
 RAYMOND L. HUGHES, :
 RESPONDENT. : LS9807301LSR

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

Raymond L. Hughes
530 E. South Ave.
Chippewa Falls, WI 54729

Division of Business Licensure & Regulation
Land Surveyors Section of the Examining Board of Architects,
Landscape Architects, Professional Geologists, Professional Engineers
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 State of Wisconsin, Land Surveyors Section of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers and Land Surveyors, having considered the Stipulation Agreement annexed-hereto of the parties, in resolution of the captioned matter, makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to jurisdiction and authority granted to the Land Surveyors Section, that the Stipulation Agreement annexed hereto, filed by Complainant's Attorney, shall be and hereby is incorporated, made and ordered the Final Decision and Order of the State of Wisconsin, Land Surveyors Section.

Let a copy of this Order be served on Respondent by certified mail.

Dated this 30th day of July, 1998.

By: John B. Margitan
A Member of the Board

7/30/98
Date

HES:daw
G\DOEATTY\FLG102.DOC

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

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
RAYMOND L. HUGHES,	:	97 LSR 005
RESPONDENT.	:	

Respondent Raymond L. Hughes (Hughes), and Complainant's Attorney, Henry E. Sanders, Division of Enforcement, having reached agreement for disposition of the captioned matter, stipulate and agree as follows:

1. Respondent Hughes of 530 E. South Ave., Chippewa Falls, WI 54729, was at all time material to the Complaint, registered as a Certified Registered Land Surveyor, and had been so registered under the provisions of ch. 443, Wis. Stats., since July 21, 1976.
2. The Stipulation shall be submitted to the Land Surveyors Section of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers, and Land Surveyor, for approval and disposition of the matter. If the terms of the Stipulation are not acceptable to the Section, then the parties shall not be bound by any of the provisions of the Stipulation.
 - a. This Stipulation is dispositive of Investigative Complaint # 97 LSR 005.
3. Respondent has been advised of his right to a public hearing on each and every allegation of the Complaint, but hereby freely and voluntarily waives his right to a hearing in this matter on the condition that all provisions of this Stipulation be acceptable to and approved by the Section.
 - a. Respondent further agrees to waive any appeal of the Section's Final Decision and Order adopting the Stipulation agreement.
4. The Department received a Complaint against Respondent Hughes, from a property owner (Complainant), who was having a property line dispute with his adjacent neighbor (neighbor), relating to the exact location of the property lines; and the fact that the neighbor was replacing a roof on a building with a pitched roof with an overhang which impacted adversely upon Complainant's renter's property involving falling snow.
5. The neighbor hired Respondent Hughes to do a survey of his subject property to establish the lot line. Respondent performed both a "Map of survey" and a certified survey map, which was used by the neighbor.
6. Complainant ultimately received a copy of the map of survey and maintained that the map of survey was not a legal correct survey, and that it was not a survey as the law required.

a. The neighbor maintained that he only gave out a couple of copies of the map of survey and that he did not know how Complainant got a copy of it.

7. The map of survey was provided to a certified Land Surveyor, Board Advisor to review for compliance with applicable Land Surveyor statutes, rules and regulations who concluded that it did not comply with chapter A-E 7, Minimum standards for property surveys, and Chapter A-E 8, Professional conduct, Wis. Adm. Code. See Exhibit "A" attached hereto.

8. Ultimately, both the map of survey and certified survey map were submitted to The Wisconsin Department of Commerce, plat review for reviews to determine compliance with applicable law, specifically, ch. 236, Wis. Stats., Platting Lands and Recording and Vacating Plats. See specifically, Exhibit "B", plat review of "Map of survey", done by Respondent Hughes on October 2, 1995, findings of violations of secs., A-E 7.02 (2) Scope, A-E 7.03 Boundary Location, A-E 7.04 Descriptions, A-E 7.05 Maps, A-E 7.05 (1)-(5), A-E 7.06 (4), Measurement, A-E 7.06 (1)-(5), and A-E 7.07 Monument, all Wis. Adm. Code.

9. See Exhibit "C", Technical Review Comments of Certified Survey map done by Respondent Hughes on October 2, 1995, by State plat reviewer, defining violations of Chapter 236, Wis. Stats. Per the Plat Reviewer's technical comments, Respondent Hughes variously violated secs. 236.20 (2)(b), 236.20 (3)(b), 236.20 (2)(i), 236.20 (3)(b), and 236.34 (1)(c-d), Wis. Stats., not inclusive.

a. Respondent Hughes was directed to, and did correct the subject certified survey map, per compliance with chapter A-E 7, Wis. Adm. Code; and recorded it.

10. Based upon the above and in settlement of these matters, Respondent Hughes hereby consents, accepts and agree to be reprimanded, and pay the amount of \$250.00 as part assessment of costs.

11. The \$250.00 part assessment of costs shall be paid at the time of the execution of this Stipulation, payable by Cashier's Check or Money Order made payable to the Department of Regulation and Licensing, and submitted to the attention of the Department's monitor:

Michelle Neverman
Monitor
Division of Enforcement
P.O. Box 8935
Madison WI 53708-8935

12. Respondent agrees that this Stipulation Agreement may be incorporated into the Sections' Final Decision and Order adopting the Stipulation Agreement.

13. Respondent further agrees that Complainant's Attorney Sanders, and the Section's Advisor assigned to the case, may appear at any closed deliberative meeting of the Section with respect to this Stipulation, but those appearances will be limited solely to clarification, justification and to statements in support of the Stipulation and for no other purpose.

Raymond B Hughes
Raymond L. Hughes

June 11, 1998
Date

Henry E. Sanders
Henry E. Sanders
Complainant's Attorney

JUNE 18, 1998
Date

HES:daw
G\DOEATTY\FLG101.DOC

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McMAHON ENGINEERS ARCHITECTS SCIENTISTS SURVEYORS ASSOCIATES, INC.

FAX TRANSMITTAL

FAX MACHINE NUMBER (414) 751-4284

DATE: 10-3-97

McM No :

FAX NO: 1-608-266-2264

cc Fax No:

TO: REG ELIC

To:

ATTN: HENRY SANDERS

Attn:

Fax No.

To:

Attn:

FROM: DAVE SCHMALZ

RE: REVIEW OF MAP IN LSR - 97005 HUGHES

PAGE 1 OF 1 (Including Transmittal Sheet)

MESSAGE: DEAR HENRY,

- AE 7.01 NO WAIVER ON MAP SO ALL OF AE 7 MUST BE COMPLIED WITH
- AE 7.03 NO MONUMENTS SET AT THE NE, SE OR SW CORNERS OF THE 45' WIDE LOT
- AE 7.04 NO DESCRIPTION ON MAP OF THE PROPERTY SURVEYED. NO BEARINGS
- AE 7.05 OR ANGLES ON THE MAP. MONUMENTS NOT LOCATED BY BEARINGS DISTANCE THAT WERE USED TO DETERMINE THE LOCATION OF THE PARCEL, ACCORDING TO THE COMPLAINT MAP WAS NOT FILED WITH THE COUNTY SURVEYOR
- AE 7.06 CLOSURE CAN NOT BE CHECKED BECAUSE BEARINGS OR ANGLES ARE NOT INDICATED. DISTANCES ARE TO BE SHOWN TO 0.01 OF A FOOT NOT TO EVEN FEET.
- AE 7.07 3 MONUMENTS ARE MISSING AT THE NE, SE & SW LOT CORNERS

BECAUSE COPIES WERE PROVIDED I COULD NOT TELL IF AE 2 "WET SEAL" WAS COMPLIED WITH.

PLEASE CALL ME TO DISCUSS THIS THANK YOU Dave Schmalz

CONFIDENTIALITY NOTICE: This message and any accompanying documents are intended for the use of the individual(s) or entity to which they are addressed and may contain information that is confidential and legally privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange the return of the original documents to us via the U.S. Postal Service without making a copy. Thank you for your cooperation.

1445 McMAHON DR NEENAH, WI 54958 - Mailing Address: P.O. BOX 1025 NEENAH, WI 54957-1025 - PH 414-751-4200

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL BACK IMMEDIATELY.

EXHIBIT "A"

Raymond Hughes (S-1336) Survey Dated 10/2/95

s. A-E 7.01 (2) **Scope.**

The map does not show a statement agreeing to exclude work from the provisions of ch. A-E 7, Wis. Admin. Code. Therefore, technical comments below are based on this map complying with the Minimum Standards From Property Surveys (ch. A-E 7, Wis. Admin. Code).

TECHNICAL COMMENTS:

s. A-E 7.03 **Boundary Location.**

There is no indication that this map is based on records of the register of deeds. The "referenced" boundary appears to be the edge of the pavement of Main Street. Street improvements (pavement, curb, sidewalk) frequently do not coincide with title boundaries within acceptable surveying accuracy.

There are only 3 existing monuments shown on the map, they aren't "tied" by bearing and distance to each other or to corners of the parcel being described.

It appears that no monuments were set at the parcel corners.

s. A-E 7.04 **Descriptions.**

Description is missing.

In my opinion this map cannot be retraced.

References to location by 1/4-1/4 section, section, township, range and county is missing.

Metes and bounds commencing with U.S. public land survey corner is missing.

Raymond Hughes (S-1336) Survey Dated 10/2/95
(cont.)

s. A-E 7.05 **Maps.**

- s. A-E 7.05 (1) Map is not drawn to scale.
- s. A-E 7.05 (2) Map is not referenced per s. 59.61, Wis. Stats. (to identifiable line of the public land survey or a recorded subdivision).
- s. A-E 7.05 (3) Bearings are not shown. Lengths are shown only to nearest foot (not "exact" for surveying standards).
- s. A-E 7.05 (4) 3 existing monuments are shown & described, but they are not related, by bearing & distance, to the parcel being mapped.
- s. A-E 7.05 (5) Description is missing.

s. A-E 7.06 **Measurements.**

- s. A-E 7.06 (1-4) Insufficient data on map to determine compliance with these requirements.
- s. A-E 7.06 (5) Bearings are not shown.

s. A-E 7.07 **Monuments.**

Parcel corners are not monumented.

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CORRESPONDENCE MEMORANDUM

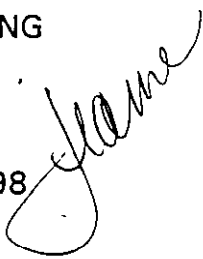
Department of Administration
State of Wisconsin

DATE: January 21, 1998

TO: TROY BROADY
DEPT OF REGULATION & LICENSING

FROM: JEANNE STORM, PLAT REVIEW
Phone: 224-4600 FAX: 224-4598

SUBJECT: HUGHES C.S.M.



Attached are my technical review comments and noncompliance notations on the C.S.M.

If you have any questions, or would like to go through any of the data, please call.

Sorry for the delay!

EXHIBIT "C"

Raymond Hughes (S-1336) Certified Survey Map Dated 10/2/95

TECHNICAL REVIEW COMMENTS:

- s. 236.20 (2) (b) In the LEGEND:
- the material and shape of the **3/4" x 24" BAR** must also be shown (ex. "Rebar", "Iron Rod", "Hexagonal Steel Bar"; and,
- the monument symbol "o" should be reduced to match the size of the symbol at lot corner on the C.S.M.
- s. 236.20 (3) (b) Along the north part of the map:
- increments don't total the overall length shown between the N 1/4 Cor. and NW Cor. of Sec. 28. ($1712.04' + 950.74' = 2,662.78'$ but the overall distance on the "distorted" review copy appears to be $2,662.04'$); and,
- the "tie" between the MAIN STREET centerline and northeast corner of lot 1 Block 1 of the ORIGINAL PLAT OF CAMERON should be drawn in as a dashed line and the **33.00' SOUTH** length and bearing delineated.
- s. 236.20 (2) (i), s. 236.20 (3)(b), s. 236.34 (1) (c & d) This C.S.M. is located in the NW 1/4 of the NW 1/4 of Section 28 T34N R11W.
- Section references in the following locations are incorrect:
- description under the C.S.M. label;
- reference at the NW Cor. of section;
- reference at the N1/4 Cor. of section;
- reference at the NORTH point;
- in line 3 of the Surveyor' Certificate;
- in line 5 of the Surveyor's Certificate.
- s. 236.34 (1) (d) 2 A bearing is missing in line 9 of the Surveyor's Certificate.
"...ALONG SAID WEST LINE 46.00 FEET; THENCE..." should be **"...ALONG SAID WEST LINE SOUTH 46.00 FEET; THENCE..."**
- s. 236.34 (1) (d) 3 The required statement that **"this map is a correct representation of the exterior boundaries of the land surveyed and the division thereof"** is missing.
- s. 236.34 (1) (d) 4 The required statement that **"the surveyor has complied with s. 236.34, Stats., in surveying dividing and mapping this land"** is missing.

EXHIBIT "C"

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

In the Matter of the Disciplinary Proceedings Against

Raymond L. Hughes,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

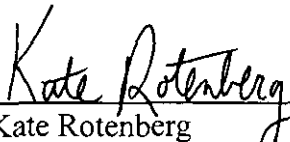
I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

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

2. On July 31, 1998, I served the Final Decision and Order dated July 30, 1998, LS9807301LSR, upon the Respondent Raymond L. Hughes 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 Z 233 819 636.

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:


Raymond L. Hughes
530 E. South Avenue
Chippewa Falls WI 54729



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 3rd day of August, 1998.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: RAYMOND L HUGHES

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 7/31/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:
STATE OF WISCONSIN LAND SURVEYORS SECTION OF THE EXAMINING BOARD OF
ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL GEOLOGISTS, PROFESSIONAL ENGINEERS
AND LAND SURVEYORS
1400 East Washington Avenue
P.O. Box 8935
Madison WI 53708-8935