

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MARK MORSETH-MAYER,	:	96 GEO 001
RESPONDENT.	:	LS9811112GEO

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

Mark Morseth-Mayer
537 North Danz Ave.
Green Bay, WI 54302

&

1423 Lincoln Ave.
Marshfield, WI 54449

Bureau of Business and Design Professions
Professional Geologist Section
Examining Board of Architects, Landscape Architects, Professional Geologist,
Professional Engineers, Designers and Land Surveyors
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

The Professional Geologist Section of the Examining Board of Architects, Landscape Architects, Professional Geologist, Professional Engineers, Designers 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 Board's Section, in ch. 443, Wis. Stats., and sec. RL 2.12, Wis. Adm. Code, 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 Professional Geologist

Section of the Examining Board of Architects, Landscape Architects, Professional Geologists,
Professional Engineers, Designers and Land Surveyors.

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

Dated this 11th day of November, 1998.

Joan E. Underwood

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

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
MARK MORSETH-MAYER,	:	96 GEO 001
RESPONDENT.	:	

Respondent Mark Morseth-Mayer (Mayer), 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 Mayer, of 537 N. Danz Avenue, Green Bay, Wisconsin 54302 , was at all time material to the complaint, registered as a professional geologist, and had been so registered under the provisions of Ch. 443, Wis. Stats., since April 5, 1995.

a. 537 N. Danz Avenue, Green Bay, Wisconsin, is Respondent’s more recent address of record with the Department.

2. This Stipulation shall be submitted to the Professional Geologists Section of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers, and Land Surveyors (Board).

a. This Stipulation is dispositive of Investigative Complaint # 96 GEO 001.

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 Geologists’ Section of the Board.

a. Respondent further agrees to waive any appeal of the Geologists’ section of the Board’s Final Decision and Order adopting the Stipulation Agreement.

4. Respondent Mayer had applied for and was granted a certificate as a Professional Geologist by application dated December 17, 1994, Exhibit “A,” which registration was granted April 5, 1995.

a. Pursuant to Respondent’s application, he also completed form #463, Exhibit “A1,” Experience Record, which indicated his “Engagement” at #8 of the form that he had been employed as a “Senior Hydrologist-Cooper Environmental & Engineering Resources, Inc., West Bend, Wisconsin, from 8/1994 to the present (12/17/94).

5. Thereafter, the Department received a complaint against Respondent Mayer from his more recent employer, Kevin J. Cooper, President, Cooper Environmental & Engineering Resources, Inc., (Cooper), Exhibit "B" alleging in pertinent part that Respondent, while employed with Cooper, had fraudulently used the corporation's credit card for his personal use (without approval or authorization) which complaint was filed with the West Bend, Wisconsin Police Department, Detective Luka.

6. Detective Luka informed Mr. Cooper that he was already investigating Respondent Mayer's past work history and credentials as a result of a complaint filed by the State of Minnesota; and encouraged Mr. Cooper to investigate Respondent Mayer's academic credentials.

7. When Respondent had applied for employment at Cooper's Inc., he had represented on his resume to Cooper, Exhibit "B1," that he had been awarded an M.S. degree in Civic and Geological Engineering from New Mexico State; and that Mayer was about to receive a master of Engineering Degree from the University Mexico.

8. Thereafter, Mr. Cooper wrote letters to each of the above named educational institutions, with New Mexico State responding that Respondent Mayer did not hold an M.S. degree from it, Exhibit "B2,"; the University of Minnesota responded that Respondent Mayer had not attended their college since 1974, Exhibit "B3." The University of Minnesota, Winona State did provide that Respondent had been provided a BS degree in Geology in 1987, Exhibit "B4" in pertinent part.

9. Based upon the above complaint and documentation, the Department initiated a formal investigation into the allegations, and requested documentation from West Bend, Wisconsin Police Department. Succinctly, the matter was settled/resolved by the West Bend Police Department by allowing Respondent to make restitution of the amount of money he owed for unauthorized use of the credit card and the matter was dismissed, Exhibit "C," in pertinent part.

10. Respondent responded to the Department's letter dated October 11, 1996, Exhibit "D," and gave false and misleading information to the Department, Exhibit "D1."

11. Complainant Willie Garrette telephonically followed up on his written contact with West Bend Police Department and determined that West Bend had assisted the State of Minnesota Attorney General's office execute a search warrant of Respondent's West Bend residence on October 19, 1995, but West Bend did not know of the outcome of Minnesota's investigation etc.

12. Subsequently pursuant to a telephone follow-up with the State of Minnesota's Attorney General's office, Complainant Garrette was informed succinctly that:

Minnesota A.G.'s office "have approximately 20 felony charges they are getting ready to file against Mayer: Four of the felony counts are 1st degree and are for theft

of money in excess of \$35,00.00; there are two second degree counts of felony theft over \$2,500.00; thirteen counts of aggravated forgery; two counts of tax evasion; one (1) count of filing false income taxes; one felony count of money laundering and one (1) felony count of racketeering relating to Mayer's concealing his criminal activities which is considered racketeering in Minnesota."

That "Respondent Mayer was employed by Worldwide Engineering (January 22, 1990 - January 4, 1994), which is a company that is based out of Grand Rapids, Michigan, and Respondent Mayer was working with a Petro Fund for the State of Minnesota that covers leaking underground storage tanks that are removed, and contaminated soil is cleaned at the site. Mayer was the manager of the Petro Fund and was responsible for seven (7) Petro Fund sites in which he did site surveys, set up work and was responsible for getting sub-contractors to perform the work.

Respondent Mayer would set up the sites, receive and submit subcontractors billings to Michigan. However, Respondent Mayer created a phony-dummy company, Remediation Management Corp., Inc. (RMC), which he established as a receiving company for the bills for the false invoices that he falsely submitted for the supposedly sub-contractors. Mayer embezzled \$100,000.00 from his employer."

13. Thereafter, the State of Minnesota Attorney General's office, filed or caused to have filed against Respondent on June 10, 1997, and eight (8) count criminal complaint and summons, Exhibit "E," charging Respondent with:

- 1. Count I. Theft by Swindle (\$35,000.00 or more)
- 2. Count II. Theft by Swindle (\$25,000 or more)
- 3. Count III. Theft (\$2,500.00 or more)
- 4. Count IV. Attempted Theft by Swindle (greater than \$2,500.00)
- 5. Count V. Willful attempt to evade or defeat tax
- 6. Count VI. False or Fraudulent return
- 7. Count VII. Willful attempt to evade or defeat tax
- 8. Count VIII. False or fraudulent return

14. On about September 16, 1997, in case # K8-97185, in the Ramsey County District Court, second Judicial District, St. Paul, Minnesota, the Honorable Judge Gordon Shumaker presiding, Respondent entered a plea of guilty to Count I of the criminal complaint, Theft by Swindle; Count II, Theft by Swindle; and Count V, Willful attempt to evade or defeat tax, Exhibit "E1."

15. Succinctly, on October 29, 1997, Respondent was sentenced as to the first count (Count I) to 21 months in prison - which sentence was stayed, conditioned upon his serving six months in county jail and pay for restitution of \$79,749.05; as to count II, was sentenced to 26 months in prison, stayed on the same conditioned as to Count I supra; and as to Count V for

tax evasion, was sentenced to 17 months in prison, which was also stayed, conditioned upon his making full restitution of \$7,149.00 to Minnesota Department of Revenue. See Exhibit "E2."

a. Ultimately, Respondent was ordered to serve concurrently, six (6) months in county jail in Wisconsin, which Respondent commenced serving on January 9, 1998.

16. By virtue of the above enumerated acts and or omissions, including those acts enumerated in the Criminal Complaint, Judgment Upon Conviction and Warrant of Commitment supra, Respondent has, by allowing his employers at Coopers Environmental & Engineering Resources, Inc., West Bend, Wisconsin to submit letters of recommendations relating to his experience and academic accomplishments based upon false information supplied by him, has violated sec. 443.037(3), Wis. Stats., Registration requirements for Professional Geologists; and correspondingly, has violated secs. 443.11(1)(a),(d),(f), Wis. Stats., (a) Fraud or deceit in obtaining a certificate of registration or a certificate of record, (d) ... misconduct in the practice of ... Professional Geology, and (f) conviction of a felony; violated secs. A-E 8.03 (2)(a), Wis. Adm. Code, lack of ... fitness to discharge the duty owed by a professional geologist.

2. Violated secs. A-E 8.03(3)(a), (c)-(d) Wis. Adm. Code, (a) Misconduct in the practice of Professional Geology ... which jeopardized the interest of the public; (c) engaged in conduct which evidenced a lack of trustworthiness to transact the business required by the profession; or (d) misrepresentation of qualification such as education, specialized training or experience to his employer, Cooper Environmental: violated sec. A-E 8.04(4), Wis. Adm. Code, may not use advertising or publicity which is fraudulent or deceptive regarding the dummy corporation; violated secs. A-E 8.09(1)-(2), Wis. Adm. Code, ... a Professional Geologist (1) shall comply with the requirements in ch. 443, Stats., rules in this chapter and all other federal, state and local codes which relate to the practice of Professional Geology, and (2) may not engage in conduct that adversely affect his or her fitness to practice Professional Geology, all not inclusive.


17. Based upon the above and in settlement of these matters, Respondent hereby consents and agrees to revocation of all professional registrations, certificates and or permits previously issued to him by the Department, which revocation shall be effectively November 11, 1998, or whenever this stipulation is signed by the Geologists Section's designee.

18. On or before the effective date of the Geologist's Section's Order, Respondent shall submit all Geologist's Registration(s), certificates, and or permits previously issued to him to the Department, to the attention of Michelle Neverman, Monitor, P.O. Box 8935, Madison, Wisconsin 53708-8935.


19. Respondent further agrees that this Stipulation Agreement may be incorporated into the Section's Final Decision and Order adopting the Stipulation Agreement.

20. Respondent further agrees that Complainant's Attorney Sanders, and the case advisor assigned to the complaint, may appear at any closed-deliberative meeting of the Section

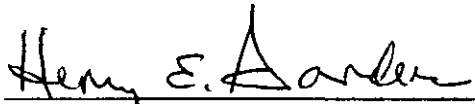
with respect to this Stipulation, but those appearances will be limited solely to clarification, justification, and to statements in support of the Stipulation and for no other purpose.



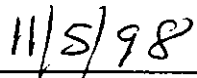
Mark Morseth-Mayer
Respondent



Date



Henry E. Sanders
Complainant's Attorney



Date

HES:deh
G:\DOEATTY\CLG71 DOC

Department of Regulation & Licensing 21

State of Wisconsin

P.O. Box 8935, Madison, WI 53708

Information requested is required for processing this application.

(608) 266-1397

TTY# (608) 267-2416, hearing or speech impaired only
 TRS# 1-800-947-3529

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

GEOLOGIST SECTION

APPLICATION FOR PROFESSIONAL GEOLOGIST CREDENTIAL

PLEASE TYPE OR PRINT IN INK

Last Name: Morseth-Mayer First Name: Mark MI: R

Former Name(s) - If Applicable: Mayer, Mark Richard

Street Address: 1912 Camden Lane

City: West Bend State: Wisconsin Zip: 53095

Phone (days): (414) 338-9697 Date of Birth: 2/17/1954

Ethnic and gender status information is optional, and is for research and reporting to the Equal Employment Opportunity Commission.

Race: (1) White, not of Hispanic origin (4) American Indian or Alaskan
 (2) Black, not of Hispanic origin (5) Asian or Pacific Islander
 (Check one) (3) Hispanic (6) Other

Sex: M F

QUALIFICATION: Place an "X" in ONE space only indicating how you qualify.

Comity (Credentialed/licensed in another state) _____ (State) _____ (License Number)

Degree and 5 years experience with 2 years experience under supervision of credentialed (licensed) geologist

Degree and 7 years experience with peer review

FOR BOARD APPROVAL ONLY	
BY	<u>[Signature]</u>
BY	<u>[Signature]</u>
BY	<u>[Signature]</u>
DATE	<u>4/6/95</u>

EXAMINATIONS: If you have taken any examinations in Wisconsin or any other state give details below.

EDUCATION: (Official Transcripts Required)

Colleges Attended	Degree Received and Date	Major	# Semester Hours of Geology
Winona State Univ.	B.S. 8/1987	Geology	66 Quarter Hrs
New Mexico State Un.		Geology	32 Sem. Hrs.

For Receiving Use Only	
TRANSACTION #	<u>329</u>
34 #3013 7000 013 GEOLOGIST	34.00
TAX	.00
TOTAL	<u>34.00</u>
1 03 13:37	22/DEC/94 M1 1-93 24

Exhibit "A"

STATEMENT OF ARREST OR CONVICTION: (Attach additional sheets if necessary)

- | | YES | NO |
|---|--------------------------|-------------------------------------|
| A. Have you ever been convicted of a misdemeanor or a felony? If yes, attach a sheet providing details about the crime, including date of conviction, court and penalty. (Please do not give details on minor traffic convictions, but do include information relating to Driving While Intoxicated (DWT) convictions.) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| B. Are you incarcerated, on probation or on parole for any conviction? If applicable, attach a sheet providing details including the terms of incarceration and, if applicable, list name, address and phone number of your probation or parole officer. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| C. Do you have any felony or misdemeanor charges pending against you? If yes, attach a sheet providing details about the pending charge, including status of the charge and the location of court. (Please do not give details on minor traffic charges, but do include information relating to Driving While Intoxicated (DWT) charges.) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| D. Have you ever surrendered, resigned, cancelled or been denied a professional license or other credential in Wisconsin or any other jurisdiction? If yes, give details on an attached sheet, including the name of the profession and the agency. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| E. Has any licensing or other credentialing agency ever taken any disciplinary action against you, including but not limited to, any warning, reprimand, suspension, probation, limitation or revocation? If yes, attach a sheet providing details about the action, including the name of the credentialing agency and date of action. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| F. Is disciplinary action pending against you in any jurisdiction? If yes, attach a sheet providing details about pending action, including the name of the agency and status of action. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| G. Have any suits or claims ever been filed against you as a result of professional services? If yes, submit a copy of the claim or suit and a copy of the final settlement or disposition. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| H. Have you ever been credentialed under any other name? If yes, provide information on Page 1 (applicant information section). | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Note: An arrest or conviction does not automatically disqualify an applicant. Consideration of the record by the board is subject to sec. 111.321, 111.322, and 111.335, Stats.

AFFIDAVIT OF APPLICANT

I state that I am the person referred to on this application and that all the answers set forth are strictly true in each respect. I understand that false or forged statements made in connection with this application may be grounds for revocation of my credential or other disciplinary action. I also understand that if I am issued a credential, failure to comply with the laws or rules of either the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors or the Department of Regulation and Licensing will be cause for disciplinary action.

Mark R. Munnich-Meyer
Signature of Applicant

December 17, 1994
Date

DEPARTMENT OF REGULATION & LICENSING

EW

Department of Regulation & Licensing

State of Wisconsin
Information requested
is required for processing.

P.O. Box 8935, Madison, WI 53708
(608) 266-1397
TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

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

EXPERIENCE RECORD

Type or print your name: Morseth-Mayer, Mark R.	Type of license you are applying for: Professional Geologist	Date: 12/17/1994
--	---	---------------------

Engagement	Date	Title of Position, Name and Address of Employer, and Extent of Experience and Responsibility Make statement concise. Designate each engagement by a separate number. Include enough detail such that a peer may judge the character of your work. Include magnitude and complexity of work on each engagement including your duties and degree of responsibility. University, college or technical school shall be engagement 1. Your first employment shall be engagement 2, with subsequent experience in chronological order. Your current engagement should be your last entry. Any necessary amplification may be made on a separate sheet.	Name, Title and Address of an individual (not deceased) familiar with each engagement, preferably the person to whom applicant reported.
BS 8/14/87 <input type="checkbox"/> Fulltime <input checked="" type="checkbox"/> Parttime 20 hrs/week	FROM 8/1988 TO 12/1989	Teaching Assistant, Dept. of Earth Sciences, New Mexico State Univ. Las Cruces, NM Responsible for teaching of Geology Labs. Included Environmental Geomorphology, Physical and Intro. to Geology. Also responsible for testing and grading of course tests, rock collection and lab upkeep.	Dr. Tom Giordano, Asst. Professor NMSU, Las Cruces, NM
<input checked="" type="checkbox"/> Fulltime <input type="checkbox"/> Parttime 45 hrs/week	FROM 8/1987 TO 9/1988	Field Geologist, GeosConcepts, Las Cruces, NM Responsible for the supervision of over 150 boreholes/monitoring wells. Duties included: logging of sediments from boreholes, field screening for contamination, sediment classification and sieve analysis, water and vadose zone air sampling, aquifer testing and geophysical log interpretation.	John Chavez, P.E. GeosConcepts, Inc. Box 388 Las Cruces, NM
<input type="checkbox"/> Fulltime <input checked="" type="checkbox"/> Parttime 20 hrs/week	FROM 9/1988 TO 12/1989	GeosConcepts, Inc.- same as #2- above.	
<input checked="" type="checkbox"/> Fulltime <input type="checkbox"/> Parttime 40 hrs/week	FROM 1/1990 TO	Midwest Environmental Control Corporation - WW Engineering, Mpls, MN Project - Senior Hydrogeologist. Installed over 200 soil borings / monitoring wells which included analysis, classification and detailed description of site sediments and soils. Also conducted well slug and pump test procedure and computer analysis for determination of hydraulic conductivity.	Craig Diekvoss Phil Cavendor MECC, 3901 University Mpls., MN

#463 (Rev. 9/94)
Chap. 443, Stats.

(more-see attached)

OVER-

Committed to Equal Opportunity in Employment and Licensing

EXHIBIT "A1"

2

State of Wisconsin Department of Regulation & Licensing

<p>#5</p> <p><input checked="" type="checkbox"/> Fulltime <input type="checkbox"/> Parttime</p> <p>40 hrs/week</p>	<p>FROM 1/1994 TO 4/1994</p>	<p>Senior Hydrogeologist, Short, Elliot & Hendrickson, Inc. St. Paul, MN same duties as described under #4 - Additions (on separate page) Also includes the preparation of specifications for remediation of fuel oil contaminated soils and installation of above ground storage tanks.</p>	<p>Kirby Van Note 200 SEH Dr, Vadnais Heights, MN</p>
<p>#6</p> <p><input type="checkbox"/> Fulltime <input checked="" type="checkbox"/> Parttime</p> <p>30-32 hrs/week</p>	<p>FROM 4/1994 TO 8/1994</p>	<p>Senior Hydrogeologist - Concept Environmental Services, Inc., Stillwater, MN Same as #4 Additions- enclosed. Duties also included Geoprobe surveys to determine extent of soil and groundwater contamination. Included soil and sediment classification and analysis.</p>	<p>Rennie Smith Concept Environmental Stillwater, MN</p>
<p><input checked="" type="checkbox"/> Fulltime <input type="checkbox"/> Parttime</p> <p>40 hrs/week</p>	<p>FROM 8/1994 TO present</p>	<p>Senior Hydrogeologist - Cooper Environmental & Engineering Resources, Inc. West Bend, WI Same as #4 Additions</p>	<p>Robert Hackenberg Cooper Env. West Bend, WI</p>
<p><input type="checkbox"/> Fulltime <input type="checkbox"/> Parttime</p> <p>hrs/week</p>	<p>FROM TO</p>	<p></p>	<p></p>
<p><input type="checkbox"/> Fulltime <input type="checkbox"/> Parttime</p> <p>hrs/week</p>	<p>FROM TO</p>	<p></p>	<p></p>
<p><input type="checkbox"/> Fulltime <input type="checkbox"/> Parttime</p> <p>hrs/week</p>	<p>FROM TO</p>	<p></p>	<p></p>
<p><input type="checkbox"/> Fulltime <input type="checkbox"/> Parttime</p> <p>hrs/week</p>	<p>FROM TO</p>	<p></p>	<p></p>

(2000-0001) Form
3/2000

Experience Record

#4 Additions - I also was responsible for construction and draft review of maps which depicted site geology and hydrogeology. These maps included geologic cross sections, boring logs, hydrogeologic cross sections, contamination plume in soils and groundwater extent, and soil classification tables and charts. I assembled groundwater contour and elevation tables, graphs and maps. I was also responsible for the analysis of hydrogeologic data for determination of contaminant transport fate, groundwater movement and capture. All of this information would be presented in one form of report of which NECC had many which included landfills, hazardous waste sites, property assessments and underground storage tank sites. I also managed over 10 geologists and engineers for over 2 years. Other related duties included performing pilot testing for soil vapor extraction remediation, sparging tests, and free product recovery tests. I also performed feasibility studies for various types of remediation and performed cost analysis for site assessment, investigation and remediation

January 3, 1996

State of Wisconsin
Department of Regulation & Licensing
P.O. Box 8935
Madison, WI 53708

ATTN: Geology Section

RE: Professional Registration #142 Granted April 13, 1995, to Mark Morseth-Mayer

Dear Sir/Madam:

Mr. Mark Morseth-Mayer was an employee of Cooper Environmental & Engineering Resources, Inc. from the dates of August 22, 1994, through August 30, 1995. A number of disconcerting issues concerning Mr. Mayer's character came to light shortly after Mr. Mayer's departure. Items of concern are detailed below.

- Mr. Mayer fraudulently used the corporation's credit card for his personal use. Mr. Mayer charged items such as Home Shopping Club purchases, computer software/hardware, boating supplies, and gasoline. Mr. Mayer actually intercepted credit card bills in an attempt to hide his activities. A complete detail of Mr. Mayer's credit card usage is attached. I filed a criminal complaint against Mr. Mayer on December 21, 1995. The complaint was filed with Detective Luka of the West Bend Police Department. Detective Luka was already investigating Mr. Mayer's past work history and credentials as a result of a complaint filed by the State of Minnesota. Detective Luka would not tell me the particulars of the Minnesota complaint. Detective Luka did agree to disclose information to the Department of Licensing Geology Section. Detective Luka's phone number is (414) 335-5097.
- The police department encouraged me to investigate Mr. Mayer's academic credentials. Mr. Mayer stated on his resume (copy attached) that he was awarded an M.S. degree in civil and geologic engineering from New Mexico State. Mr. Mayer also states on his resume that he was about to receive a Master of Engineering Degree from the University of Minnesota. I wrote letters to each of Mr. Mayer's universities. New Mexico State University responded that Mr. Mayer does not hold an M.S. from them. The University of Minnesota responded that Mr. Mayer had not attended their college since 1974. The University of Minnesota, Winona State did say that Mr. Mayer was awarded a B.S. degree in 1987.

Mr. Mayer was hired by Cooper with the belief that he possessed a master's degree in geology. Mr. Mayer's salary was in part based on his academic credentials. Mr. Mayer allowed and approved of the publication of his false credentials in our Statement of Qualifications (SOQ). Copies of Mr. Mayer's resume, university responses, and SOQ publication are attached to this submittal.

Complete
Copy Mayer
Resume

called
7-13-94
left message

June 27, 1994

Director of Operations
Cooper Environmental Resources, Inc.
1411 North Main Street
West Bend, WI 53095

To Whom It May Concern:

I am sending you my resume per your advertisement in the June 26, 1994 Milwaukee Journal. I am currently seeking full time employment as a Senior Hydrogeologist / Project Manager in the Midwest, preferably central or eastern Wisconsin. Certification as a Hydrogeologist in the State of Wisconsin and experience with Wisconsin NR Codes and DIHLR 10 is a strong point of mine as I have managed multiple hydrogeologic investigations / remediation projects in west central Wisconsin.

WW Engineering & Science trimmed their local work force from over 50 employees in 1992 to less than five at present. At WWES, I used to manage ten hydrogeologists, environmental geologists, biologists and engineers that worked with agri-chemical sites, wellhead protection studies, landfills and hazardous waste and underground storage tank sites. Project management of a quarter of million dollar, State of Iowa Community Cleanup Report with over 34 sites was also my responsibility at this time as well as managing approximately 16 sites that was budgeted at over 1.75 million dollars. These projects kept me backlogged about 225 to 300 hours; even though my utilization averaged at or above 90% for the past three years.

At Short, Elliot and Hendrickson, I served primarily as a Senior Scientist and was involved in the design and specification for several remediation sites. My modeling background was very useful to SEH for a wellhead protection plan project for the City of Hudson, Wisconsin. My utilization at SEH averaged near 80% after only 10 weeks of employment.

I am very familiar with RCRA/CERCLA, EPA and WDNR/DIHLR/PECFA regulations. Given my educational background, experience working with environmental issues and good communication skills, I am confident that I could make a positive contribution to your company. I would appreciate an opportunity to talk with you about my qualifications. Thank you for your consideration.

Sincerely,

Mark R. Morseth-Mayer
Mark R. Morseth-Mayer

EXHIBIT "B1"

November 10, 1995

Registrar/Academic Records
New Mexico State University
Las Cruces, New Mexico 88001


RE: Confirmation of Master of Science Degree award for
Mark Richard Mayer, DOB: 2/17/54, SS # 399-60-3173

Dear Registrar,

Mr. Mark Richard Mayer states that he received a Master of Science degree from your University in 1989. Please confirm that Mr. Mayer was awarded a Master of Science degree.

Please respond in writing to the address listed below. A self addressed stamped envelope is enclosed for your convenience.

Sincerely,
Cooper Environmental & Engineering Resources, Inc.


Kevin J. Cooper
President

KJC/ly

Enclosure

*****STUDENT DID NOT RECEIVE A DEGREE FROM NEW MEXICO STATE UNIVERSITY*****

RECEIVED NOV 15 1995

Please Fax: 414-338-9645

Exhibit "B2"

November 10, 1995

Registrar/Academic Records
University of Minnesota
Room 150
Williamson Hall
231 Pillsbury Drive S.E.
Minneapolis, MN 55455

COPY

RE: Confirmation of Degree awards for:
Mark Richard Mayer, DOB: 2/17/54, SS # 399-60-3173

Dear Registrar,

Mr. Mark Richard Mayer states that he is currently enrolled and working towards a Master of Engineering degree from your university. Please confirm in writing that these facts are valid.

Please respond in writing to the address listed below. A self addressed stamped envelope is enclosed for your convenience.

Sincerely,
Cooper Environmental & Engineering Resources, Inc.

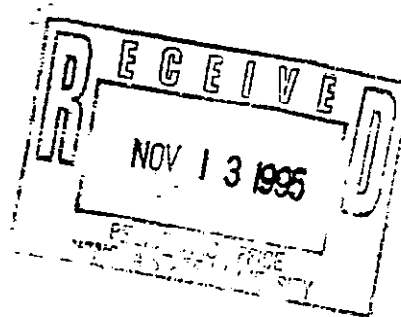

Kevin L. Cooper
President

KJC/ly

Enclosure
MMMUM.let

EXHIBIT "B3"

November 10, 1995



Registrar/Academic Records
Winona State University
Winona, MN 55987

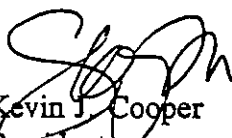
RE: Confirmation of Degree awards for:
Mark Richard Mayer, DOB: 2/17/54, SS # 399-60-3173

Dear Registrar,

Mr. Mark Richard Mayer states that he was awarded a Bachelor of Science Degree from your University on August 14, 1987. Please confirm that he was awarded a Bachelor's degree or any other degree.

Please respond in writing to the address listed below. A self addressed stamped envelope is enclosed for your convenience.

Sincerely,
Cooper Environmental & Engineering Resources, Inc.


Kevin J. Cooper
President

KJC/ly

Enclosure
MMMWSU.let

11-14-95

TO WHOM IT MAY CONCERN:

This will verify that the above former student was awarded a Bachelor of Science Degree from Winona State University on August 14, 1987.

11/14/95 Rita K Mendyk

Mrs. Rita K. Mendyk
Secretary, Registrar's Office
Winona State University
Winona, MN 55987-5838

Exhibit "B4"

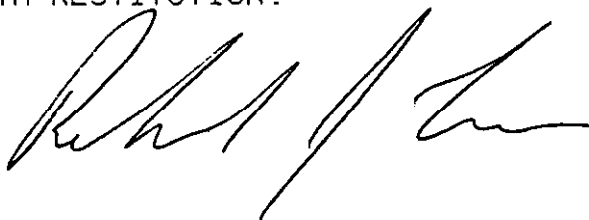
1411 NORTH MAIN STREET ■ WEST BEND, WI 53095 ■ 414-338-9697 ■ 1-800-924-5602 ■ FAX 414-338-9645

SUPPLEMENTAL REPORT WEST BEND POLICE INCIDENT NO. 95-17860
OFFENSE DESCRIPTION: FRAUD/CREDIT CARDS OFFENSE CODE: 1120
DATE THIS REPORT: 12/28/95 ORIGINAL OCC: 10/19/95 CITE NUMBER:
VICTIM, COMPLAINANT, ARRESTEE NAME: KEVIN COOPER
MULTIPLE CLEARANCE:

MARK MORSETH-MAYER ADMITTED TO USING THE COMPANY CREDIT CARD FOR SUCH PURCHASES AS: A FISH FINDER; COMPUTER SOFTWARE; AND MARINE MAPS. MARK STATED THAT HE WAS WILLING TO PAY RESTITUTION FOR THE PERSONAL CHARGES ON THE CREDIT CARD, BUT REQUESTED THAT HE BE ABLE TO REVIEW HIS RECORDS TO DETERMINE IF COOPER'S RECORDS WERE CORRECT. MARK PROVIDED A WRITTEN STATEMENT ADMITTING TO THE USE OF THE COMPANY CREDIT CARD FOR PERSONAL EXPENSES. MARK MORSETH-MAYER WAS ADVISED TO REVIEW PERSONAL RECORDS AND DETERMINE WHAT HE FELT WAS FAIR RESTITUTION TO BE PAID TO COOPER ENVIRONMENTAL.

I CONTACTED KEVIN COOPER BY PHONE AND ADVISED HIM OF THE INTERVIEW WITH MARK MORSETH-MAYER. I INFORMED KEVIN THAT MAYER HAD ADMITTED TO USING THE COMPANY CREDIT CARD FOR PERSONAL USE AND WAS WILLING TO PAY RESTITUTION. I ALSO TOLD KEVIN THAT MAYER WANTED TO REVIEW HIS OWN PERSONAL RECORDS TO DETERMINE IF RESTITUTION REQUESTED BY COOPER ENVIRONMENTAL WAS PROPER. KEVIN COOPER INFORMED THAT HE WAS WILLING TO ACCEPT THE RESTITUTION FROM MARK MORSETH-MAYER AND WOULD THEN DECLINE TO PRESS CHARGES OF THEFT AGAINST HIM. I INFORMED KEVIN COOPER THAT I WOULD CONTACT HIM WHEN MARK MORSETH-MAYER CAME UP WITH RESTITUTION.

DET. R. LUCKA/jm



REPORTING OFFICER/NO.: DET. R. LUCKA 1077 DISPOSITION: 600
COPIED BY:
ASSISTING OFFICER/NO.: COPIES TO: FILE COPY DATE:
SUPERVISOR APPROVING/NO: 1020 REVIEWER: LUCKA

EXHIBIT "C"

October 11, 1996

MARK R MORSETH-MAYER
1912 CAMDEN LN
WEST BEND WI 53095

RE: 96 GEO 001

Dear Mr. Morseth-Mayer:

The Department of Regulation and Licensing has received a complaint from Kevin J. Cooper and Sandra K. Barnick complaining about your practice as a registered professional geologist. The complaint alleges allegations of theft from your former employer, Cooper Environmental & Engineering Resources, Inc., from the dates of 8/22/94 through 8/30/95. Essentially, it is alleged that you fraudulently used the corporation's credit card for your personal use, and that you intercepted the credit card bills so that you could hide the thefts. Finally, based on the information provided by the Complainants concerning your academic credentials and the information that is on your resume, (provided by the Complainants); they are alleging that the information on your application for your license which you submitted this Department to apply for your license as a professional geologist, may have been false and/or inaccurate.

It is the Department's responsibility to investigate all complaints received against its licensees and credential holders in order to determine if a rule or statute violation has occurred. We realize there may be different perspectives and interpretations for every situation. Please provide a detailed written narrative explanation of all the facts concerning the allegations enumerated in paragraph one. Provide the names, phone numbers and addresses of any witnesses who can verify your explanation. Additionally, please provide the following information:

1. Documentation of your educational credentials/degrees and copies of all documents and information relating to the criminal complaint that was filed against you with the West Bend Police Department.
2. Have you ever been convicted of a felony or misdemeanor? If yes, please explain the nature of those convictions and provide copies of the documents relating to same.
3. Do you have any felony or misdemeanor charges pending against you? If yes, provide details about the pending charge(s), including the status of the charge and the location of the court.
4. Have you ever been disciplined in any other jurisdiction and/or is disciplinary action pending against you in any jurisdiction? If yes, provide details about the action, including the name of the agency and the status of the action.
5. Have any suits, claims or criminal actions been filed against by a client or employer as a result of employment or professional services? If yes, provide a copy of the claim, suit or criminal action and a copy of the final settlement or disposition.

EXHIBIT "D"

*A resume h
on it. I
a copy of my r.
in with my old
and it's enclosed
Thank*

October 21, 1996

Mr. Willie E. Garrette, Investigator
Wisconsin Department of Regulation and Licensing
1400 E. Washington Avenue
P. O. Box 8935
Madison, Wisconsin 53708-8935

RE: 96 GEO 001

Dear Sir:

This letter is in response to the complaint that was registered by Mr. Kevin Cooper and Ms. Sandra Barnick as outlined in correspondence sent by you dated October 11, 1996. First, I would like to state that I believe that this complaint is an unfounded, malicious attempt by Mr. Cooper for retribution of actions taken by me (as legally required by the Department of Labor, and Human Relations (DILHR), the Department of Natural Resources (DNR) and OSHA). I have lodged several complaints about the practice conducted by Cooper Environmental & Engineering Resources, Inc. (Cooper) with the aforementioned agencies (as a requirement by being a professional geologist in the State of Wisconsin). Several of Cooper's clients no longer use Cooper for environmental services since these complaints were issued. I need not get into detailed account about all of these allegations; however, for you to realize the revenge motive by Mr. Cooper, I will briefly explain two of the complaints. I lodged a complaint with DILHR regarding Cooper's refusal to pay my earned vacation after I left the company. After several weeks and some paperwork, Cooper was found by DILHR to owe me for one week of vacation pay and had to be referred to the Washington County District Attorney's office to force payment. Cooper then filed a complaint alleging fraud etc. over credit card usage the same day as the DILHR verdict. I also filed a complaint with OSHA regarding exposing employees to hazardous vapors in the work place. I will soon be filing a complaint with your agency alleging Cooper has practiced and advertised professional engineering services without being qualified or authorized to do so as required under Wisconsin Administrative Code (WAC) statute 443.08 (1-5).

Regarding usage of the credit card I want to state that this card was drawn in my name with Cooper being cosigner (invoice enclosed). Many employees of Cooper have these cards and all of them have used it for personal use. Mr. Roy Wilhelm (as he has stated to me in private), employee of Cooper, has used his several times to purchase beer at North Side Liquor in West Bend. Company expenses? Other employees have also used their Credit cards for personal use, though I would say, none would swear to it now. Another fact about this credit card usage is that the Cooper employee manual does not mention that it is for company use only, and it was never requested or stated by anyone at Cooper that there was a restriction on usage. Whenever I was told that I owed for credit card charges, I promptly paid, sometimes even paying M & I personally for these charges. I was not informed of owing credit card charges until after the DILHR incident, three months after I left Cooper. I do not know where the "interception of credit card bills" came from. Do they leave these invoices laying around? I was contacted by Detective Lucka of the West Bend Police Department (414 355-5005) regarding the allegations of fraud and theft in October, 1995. We discussed the account, the money owed and personal vs. Company charges. I explained to him as I have previously explained in this letter the usage and debt owed and eventually agreed to pay in FULL the amount owed. Most of these charges were Company related; however, I agreed to pay all charges with the realization that I may have to go to Small Claims court to recover these costs. Some of these charges were related to certain clients as

EXHIBIT "D1"



STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

LAW ENFORCEMENT SECTION
SUITE 1400
443 MINNESOTA STREET
ST. PAUL, MN 55101-2131
TELEPHONE: (612) 296-7575

HUBERT H. HUMPHREY III
ATTORNEY GENERAL

June 16, 1997

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

Re: State of Minnesota v. Mark Morseth-Mayer
Court File No. K8-97-1885

Dear Mr. Garrett:

Enclosed, as you requested, is a copy of the complaint filed against Mark Morseth-Mayer in Ramsey County District Court in St. Paul, Minnesota, on June 10, 1997.

Please call me if you need anything further.

Very truly yours,

A handwritten signature in cursive script that reads "Alison E. Colton".

ALISON E. COLTON
Assistant Attorney General

Criminal Division
(612) 215-0116

AEC:sl

Enclosure

colt2.ah6

EXHIBIT "E"

JUN 21 1997

Facsimile: (612) 297-4348 • TTY (612) 297-7206 • Toll Free Lines: (800) 657-3787 (Voice), (800) 366-4812 (TTY)

CCT	LIST CHARGE STATUTE ONLY	M.O.C.	GOC
I	609.52 2(4), 3(1)	TA111	N
II	609.52 2(4), 3(1)	TA111	N
III	609.52 2(1), 3(2)	TB111	N
IV	609.17 1, 4(2)	TB111	A
V	289A.63 1(b)	Y1500	N
VI	289A.63 1(b)	Y1500	N

CTY. ATTY. FILE NO. 35F5990040
 CONTROLLING AGENCY MN062015A
 CONTROL NO. F5990040
 COURT CASE NO. K8971885
 DATE FILED 6-10-97
 Amended Tab Charge Previously Filed

XX ✓ if more than 6 counts (see attached) ✓ if domestic assault as defined by MSS18B.01.sub2a.b

State of Minnesota

VS.

PLAINTIFF,

NAME: first, middle, last
MARK RICHARD MORSETH-MAYER
1912 Camden Lane
West Bend, WI 53095-1475

DEFENDANT.

SERIOUS FELONY X SUMMONS
 X FELONY WARRANT
 GROSS MISDM DWI ORDER OF DETENTION
 GROSS MISDM
 Date of Birth 2-17-54 SJIS COMPLAINT NUMBER 62-31-4-047794

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense (s). The complainant states that the following facts establish PROBABLE CAUSE:

I, Thomas Fahey, am a criminal investigator for the Minnesota Attorney General's Office, Criminal Division. I have been employed by the Attorney General's Office as an investigator of environmental crime since December 31, 1995. I was previously employed by the Attorney General's Office from 1988 to 1990 in the same capacity. Prior to that I was employed as a general criminal investigator for the South Dakota Attorney General's Office from 1975 to 1986.

I recently concluded a review of an investigation conducted by John Brolly, formerly employed by the Minnesota Attorney General's Office as a criminal investigator. Mr. Brolly left the employment of the Attorney General's Office on January 24, 1997, and had completed an investigation into the activities of MARK RICHARD MORSETH-MAYER, a/k/a MARK RICHARD MAYER ("MORSETH-MAYER"). Upon my assignment to this case, I conducted a thorough review and examination of Mr. Brolly's investigation. Based on this investigation, I have probable cause to believe MORSETH-MAYER committed theft, theft by swindle and attempted theft by swindle by submitting false billing invoices to W.W. Engineering & Science, Inc. ("WWES"), now "Earth Tech," for services and equipment allegedly rendered and supplied by Remediation Management Corporation, Inc. ("Remediation Management"), a non-existent and fictitious business entity wholly owned and controlled by MORSETH-MAYER.

I have further probable cause to believe MORSETH-MAYER committed theft by retaining a check in the amount of \$6,270 payable to RMC, Inc., a vendor of WWES, located in Waynesboro, Virginia, and depositing the proceeds of that check into a Remediation Management checking account.

Based on my review of an investigation conducted by John Clancy, Special Agent, Criminal Investigation Unit, Minnesota Department of Revenue, I have further probable cause to believe that MORSETH-MAYER willfully attempted to evade or defeat the Minnesota Income Tax by filing fraudulent or false 1993 and 1994 Minnesota Individual Income Tax Returns.

PROBABLE CAUSE FOUND THAT DEFENDANT COMMITTED OFFENSES CHARGED

ORDERED: DEF'S MOTION TO DISMISS DENIED.
 PLEA OF NOT GUILTY TO ALL COUNTS ENTERED.
 TRIAL AND HEARING ON ALL ISSUES SET.

ADMINISTRATIVE
INFORMATIONPAGE 3 of 23
SIIS COMPLAINT NUMBER(S)

62-31-4-047794

In early 1994, Ted Cline, who was employed as Human Resources Director at WWES during MORSETH-MAYER's employment with the company, contacted Mr. Brolly about an internal investigation at WWES which had uncovered several problems concerning MORSETH-MAYER's employment at WWES, including possible embezzlement of funds from the company. Cline told Brolly that MORSETH-MAYER had been employed by WWES as a project manager responsible for environmental clean-up of several leak sites. As a Project Manager, MORSETH-MAYER had the authority to hire sub-contractors for services and equipment provided to the projects for which he was responsible, and to approve sub-contractor invoices for payment. After MORSETH-MAYER approved an invoice for payment, it was electronically forwarded to the WWES headquarters in Grand Rapids, Michigan, for payment. Cline told Brolly that MORSETH-MAYER was laid off along with other engineering employees from WWES in early January 1994 as a result of a lack of work in the Minneapolis office.

Following MORSETH-MAYER's separation from WWES, a branch manager discovered that MORSETH-MAYER had subsequently visited one of WWES's branch offices and attempted to approve sub-contractor invoices for payment. The sub-contractor was Remediation Management, Inc. An internal investigation was initiated. The investigation looked at MORSETH-MAYER's conduct prior to and following his separation from WWES. As a result of that investigation, WWES found that Remediation Management was a fictitious company that MORSETH-MAYER started in order to submit fraudulent invoices to WWES for payment for services and equipment allegedly provided to leak sites managed by MORSETH-MAYER. In a meeting with Cline on January 14, 1994, MORSETH-MAYER admitted that he started Remediation Management in 1992 and collected money from WWES. MORSETH-MAYER admitted to having collected as much as \$60,000 from WWES through Remediation Management. MORSETH-MAYER admitted spending some of the money on several items including a house, furniture, a computer and a boat.

BANK RECORDS

During the course of this investigation, Mr. Brolly also reviewed and obtained business records, documents and reports from the Minnesota Pollution Control Agency ("MPCA") and WWES pertaining to the leak sites for which MORSETH-MAYER was responsible and for which MORSETH-MAYER had submitted Remediation Management invoices to WWES for payment. Mr. Brolly also executed a search warrant at MORSETH-MAYER's residence at 1912 Camden Lane, West Bend, Wisconsin, on October 23, 1995, to locate business records and other documents pertaining to Remediation Management. Mr. Brolly also issued an administrative subpoena to Firststar Bank of Minnesota, North America, 2100 North Snelling Avenue, Roseville, Minnesota, to identify the existence of any savings or checking accounts, or safe deposit boxes, including account numbers, in the name of Remediation Management and/or MORSETH-MAYER. John Clancy, Special Agent, Criminal Investigation Unit,

ADMINISTRATIVE
INFORMATION

PAGE 5 OF 23

SIS COMPLAINT NUMBER(S)

62-83-4-017794

2. WWES received Remediation Management invoice number 5543 dated April 7, 1993, in the amount of \$2,995. The invoice was for services and equipment allegedly provided to the site. The invoice identifies WWES as the "bill to" payer and is labeled "attention Mark Mayor." The invoice is marked "approved M³." On or about May 7, 1993, WWES issued check number 008865 in the amount of \$5,166.25 payable to Remediation Management in payment of this invoice and invoice number 5544 (an invoice for the H.V. Culvert site). MORSETH-MAYER deposited the check in the Remediation Management account at Firstar Bank on May 10, 1993.
3. WWES received Remediation Management invoice number 5901 dated May 25, 1993, in the amount of \$6,533.50. The invoice was for services and equipment allegedly provided to the site. The invoice identifies WWES as the "bill to" party and is labeled "attention Mark Mayor." The invoice is marked "approved M³." On or about July 2, 1993, WWES issued check number 013799 in the amount of \$6,533.50 payable to Remediation Management. On July 7, 1993, MORSETH-MAYER deposited the check in the Remediation Management account in Roseville at Firstar Bank.
4. WWES received invoice number 9678 dated June 22, 1993, in the amount of \$3,530.25. The invoice was for services and equipment allegedly provided to the site. The invoice identifies WWES as the "bill to" party and is labeled "attention Mark Mayor." The invoice is marked approved with the initials "MRM." On or about August 4, 1993, WWES issued check number 016400 in the amount of \$3,530.25 payable to Remediation Management. On August 6, 1993, MORSETH-MAYER deposited the check in the Remediation Management account at Firstar Bank.
5. WWES received invoice number 10023 dated July 6, 1993, in the amount of \$17,250. The invoice identifies WWES as the "bill to" party and is labeled "attention Mark Mayor." It is marked "approved M³." On August 20, 1993, WWES issued check number 018046 in the amount of \$17,250 payable to Remediation Management. MORSETH-MAYER deposited the check in the Remediation Management account on August 23, 1993.
6. WWES received invoice number 12200 dated September 13, 1993, in the amount of \$6,717.50. The invoice was for services and equipment allegedly provided to the site. The invoice identifies WWES as the "bill to" party and is labeled "attention Mark Mayor." The invoice is marked

ADMINISTRATIVE
INFORMATION

PAGE 7 of 23

SIIS COMPLAINT NUMBER(S)

62-31-4-017794

Systems product recovery pumps. Wayne McLaughlin of Ejector Systems, Inc. told Mr. Broolly that Ejector Systems had never sold any pumps, controls or any type of supplies or equipment to MORSETH-MAYER or Remediation Management.

II. H. V. Johnson Culvert -- leak number 1002, located in Minneapolis, Minnesota.

A. Checks Paid.

During the period April 7, 1993, to November 17, 1993, WWES paid Remediation Management a total of \$9,126 for services and equipment allegedly provided to the H.V. Johnson Culvert site. Those checks included:

1. WWES received Remediation Management invoice number 5544 dated April 7, 1993, in the amount of \$2,171.25. The invoice was for services and equipment allegedly provided to the site. The invoice identifies WWES as the "bill to" party and is labeled "attention Mark Mayor." It is marked "approved M³." As discussed above (see Hoffman Corner Oil Site), on or about May 7, 1993, WWES paid the invoice.
2. WWES received Remediation Management invoice number 9679 dated June 22, 1993, in the amount of \$2,739.75. The invoice was for services and equipment allegedly provided to the site. On or about August 6, 1993, WWES issued check number 016794 in the amount of \$4,842 in payment of this invoice and invoice number 9680 relating to the Meadowbrook Elementary site. MORSETH-MAYER deposited the check in the Remediation Management account on August 11, 1993.
3. WWES received Remediation Management invoice number 14432 dated October 11, 1993, in the amount of \$4,215. The invoice was for services and equipment allegedly provided to the site. On or about November 12, 1993, WWES issued check number 025953 in the amount of \$6,764 in payment of this invoice and a subsequent invoice for Meadowbrook Elementary in the amount of \$2,549. On November 17, 1993, MORSETH-MAYER deposited the check in the Remediation Management account.
4. WWES received Remediation Management invoice number 12899 dated December 3, 1993, in the amount of \$14,928.15. The invoice was for services and equipment allegedly provided to the site. On or about January 7, 1994, WWES issued check number 030601 payable to

ADMINISTRATIVE
INFORMATION

PAGE 9 OF 23

SJS COMPLAINT NUMBER(S)

62-31-4-047791

IV. B & F/Union Pump 'n Munch -- leak number 1903, located at Minneapolis, Minnesota.A. Checks Paid.

During the period April 12, 1993, to May 17, 1993, WWES paid Remediation Management a total of \$14,928.15 for services and equipment allegedly provided to the B & F/Union Pump 'n Munch site. The check included:

1. WWES received Remediation Management invoice number 5595 dated April 12, 1993, in the amount of \$14,928.15. The invoice was for services and equipment allegedly provided in clean-up and management of the site by Remediation Management. The invoice identifies WWES as the "bill to" party and is labeled "attention Mark Mayor." It is marked "approved M³." On or about May 14, 1993, WWES issued check number 009368 in the amount of \$14,928.15 in payment of this invoice. MORSETH-MAYER deposited the check in the Remediation Management account on May 17, 1993.

B. Site Visits.

Log sheets inspected by Mr. Brolly for the Pump 'n Munch site show that there was no service provided by MORSETH-MAYER or Remediation Management at that site.

V. RMC Check.

In a review of transactions occurring in the Remediation Management account at Firstar Bank, Mr. Clancy found a check in the amount of \$6,270 payable to RMC, Inc., a Virginia vendor of WWES, which had been deposited in the Remediation Management account at Firstar Bank on January 4, 1994. Mr. Brolly and Mr. Clancy attempted to trace the origin of these funds. Timothy Marcus explained that in April 1993, WWES had issued a check by mistake to RMC, Inc., a vendor of WWES located in Waynesboro, Virginia. WWES records show the check having been canceled upon determination of the error. However, Marcus later learned payment was never stopped on the check. Somehow the check was rerouted to MORSETH-MAYER and Remediation Management. MORSETH-MAYER deposited the check in the Remediation Management account nine months after its issuance. Marcus could not explain how MORSETH-MAYER obtained the check.

ADMINISTRATIVE INFORMATION

Mr. Brolly also obtained and reviewed MORSETH-MAYER's employee personnel records from WWES. Those records showed that MORSETH-MAYER resided at 2083 Albemarle Street, Roseville, Minnesota 55113, from December 1991 until December 1993, and at 820 Aspen Circle, Little Canada, Minnesota 55109, as of January, 1994. In September, 1994, MORSETH-MAYER and his wife sold their residence at 820 Aspen Circle. Mr. Brolly learned from Leslie Mayer (Mark MORSETH-MAYER's mother-in-law) that MORSETH-MAYER and his wife moved from Minnesota to West Bend, Wisconsin in October 1994.

During this investigation, Mr. Brolly contacted both the Minnesota and Wisconsin Secretary of State offices to determine if there were any filings made regarding the corporate activities of Remediation Management. He was advised by both state agencies that there were no records on file reflecting a corporation named Remediation Management Corporation, Inc., operated by MORSETH-MAYER.

During the course of this investigation, Mr. Brolly attempted to find a business address other than a post office box for Remediation Management, and/or a physical location for Remediation Management's purported business activities. Mr. Brolly checked for telephone numbers and addresses through the telephone directories, contacted telephone information operators for search efforts, contacted the Minnesota and Wisconsin Secretary of State offices for a records review, and talked with several witnesses in an effort to locate Remediation Management. Further efforts to identify and locate a street address or physical location where Remediation Management offices were located determined that there are no records available to identify a location other than the post office box application. This investigation could not establish any street address or the physical location where MORSETH-MAYER conducted his business activities with respect to Remediation Management or where MORSETH-MAYER would have maintained any business records with regards to Remediation Management, other than his personal residence.

MORSETH-MAYER INTERVIEW

On December 4, 1995, Mr. Brolly interviewed MORSETH-MAYER in the presence of his attorney. During the course of the interview, Mr. Brolly discussed all aspects and evidence in this investigation, including the individual Remediation Management invoices submitted to WWES for payment; the obtaining of the post office box using his family's address in Durand, Wisconsin; the setting up of the Remediation Management checking account; the transfer of funds from that account to his personal account at Firststar Bank of Minnesota; the information leading to the initiation of the Department of Revenue investigation pertaining to non-payment of taxes on the stolen money, as well as falsified tax reports; and his knowledge and willingness to conduct these activities knowing that these activities are illegal.

**ADMINISTRATIVE
INFORMATION**

PAGE 13 of 23

SJS COMPLAINT NUMBER(S)

62-31-4-04794

relating to invoices he had submitted for the H. V. Johnson Culvert site and depositing the money in the Remediation Management account at Firstar Bank.

MORSETH-MAYER further admitted creating the two invoices relating to the Meadowbrook Elementary leak site. He claimed that he performed services for the site, i.e., that he rented equipment, but had no receipts indicating such rentals. He also claimed having removed hazardous wastes from the site but produced no documents concerning their removal or transport. MORSETH-MAYER admitted to receiving money from WWES pertaining to the Meadowbrook site and depositing money in the Remediation Management checking account at Firstar Bank.

Finally, MORSETH-MAYER admitted to creating an invoice pertaining to the B & F Pump 'n Munch site in Minneapolis, but conceded he did not order any equipment pertaining to the site. He admitted receiving a check from WWES in the amount of \$14,928.15 and depositing the money in the Remediation Management checking account.

In response to the question why he would invoice WWES and then never order equipment, MORSETH-MAYER responded, "Just to collect the money I guess." MORSETH-MAYER admitted that when he deposited checks he received from WWES in the Remediation Management account at Firstar Bank, he transferred funds all the time from the business account to his personal account. He admitted buying things with the money he received from WWES including a computer, a T.V., a boat, and a trailer worth approximately \$10,000. He also admitted using WWES funds to make a down payment on a home in the amount of \$12,000 to \$13,000. He admitted that he knew that when he submitted invoices to WWES relating to the Hoffman Corner Oil and B & F site, that they were in fact false, phony invoices. He admitted that he knew that by receiving funds from WWES he was stealing money. MORSETH-MAYER admitted Remediation Management had no employees or payroll and that he knew his activities in creating invoices, submitting them to WWES for payment, and depositing the money in a bank account were illegal. With respect to the two sites for which he claimed having provided services, Meadowbrook Elementary and H. V. Johnson Culvert, he could not explain why company records and maintenance logs did not reflect any of the work claimed on the invoices for those sites.

TAX INVESTIGATION

In early January 1996, an investigation into allegations that MORSETH-MAYER had filed fraudulent or false 1993 and 1994 Minnesota Individual Income Tax Returns was initiated by the Minnesota Department of Revenue.

ADMINISTRATIVE
INFORMATION

BASED ON THE FOREGOING, I have probable cause to believe that the defendant committed the following offenses:

COUNT I

CHARGE:	THEFT BY SWINDLE (\$35,000 or more)
IN VIOLATION OF:	Minn. Stat. § 609.52, subds. 2(4), 3(1) (1994)
MAXIMUM PENALTY:	20 years/\$100,000, or both

Between about March 5, 1993, and August 6, 1993, in Ramsey County, Minnesota, MARK RICHARD MORSETH-MAYER, a/k/a MARK RICHARD MAYER, did unlawfully, wrongfully, by swindling through trick, device, or other means, obtain property belonging to W. W. Engineering & Science, Inc., in excess of \$35,000, to-wit: approximately \$37,935.55 in company funds.

ADMINISTRATIVE INFORMATION

COUNT III

CHARGE: THEFT (\$2,500 or more)

IN VIOLATION OF: Minn. Stat. § 609.52, subds. 2(1), 3(2) (1994)

MAXIMUM PENALTY: 10 years/\$20,000, or both

On or about January 4, 1994, in Ramsey County, Minnesota, MARK RICHARD MORSETH-MAYER, a/k/a MARK RICHARD MAYER, did unlawfully, wrongfully and intentionally, and without claim of right, take, conceal, and retain property belonging to W.W. Engineering & Science, Inc., in excess of \$2,500, to-wit: approximately \$6,720 in company funds.

ADMINISTRATIVE INFORMATION

COUNT V

CHARGE: WILLFUL ATTEMPT TO EVADE OR DEFEAT TAX

IN VIOLATION OF: Minn. Stat. §§ 289A.63, subd. 1(b) (1994); 609.03 (1)

MAXIMUM PENALTY: 5 years/\$10,000, or both

On or about April 15, 1994, in Ramsey County, Minnesota, MARK RICHARD MORSETH-MAYER, a/k/a MARK RICHARD MAYER, did unlawfully and willfully attempt to evade or defeat the Minnesota income tax when he filed his 1993 Minnesota income tax return by failing to pay the correct 1993 Minnesota income tax when required.

ADMINISTRATIVE
INFORMATION

COUNT VII

CHARGE: WILLFUL ATTEMPT TO EVADE OR DEFEAT TAX

IN VIOLATION OF: Minn. Stat. §§ 289A.63, subd. 1(b) (1994); 609.03 (1)

MAXIMUM PENALTY: 5 years/\$10,000, or both

On or about May 30, 1995, in Ramsey County, Minnesota, MARK RICHARD MORSETH-MAYER, a/k/a MARK RICHARD MAYER, did unlawfully and willfully attempt to evade or defeat the Minnesota income tax when he filed his 1994 Minnesota income tax return for the year ending December 31, 1994, by failing to pay the correct 1994 Minnesota income tax when required.

67 E 100

This COMPLAINT was subscribed and sworn to before the undersigned this 9th day of June 1997

NAME Carolyn Gillispie SIGNATURE Carolyn Gillispie
TITLE: Clerk

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant (x) arrest or other lawful steps be taken to obtain Defendant (s) appearance in Court or his detention, if already in custody, pending further proceedings. The Defendant (s) is/are thereof charged with the above stated offense.

SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the 27th day of June, 1997 at AM/PM before the above-named court at to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

EXECUTE IN MINNESOTA ONLY

To the sheriff of the above-named county, or other person authorized to execute this WARRANT, I hereby order in the name of the State of Minnesota, that the above-named Defendant (s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant (s) is/are already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant (s) continue to be detained pending the proceedings.

Bail:
Conditions of Release:

This COMPLAINT, SUMMONS, WARRANT, ORDER OF DETENTION, if any, subscribed and sworn to, is issued by the undersigned Judicial Officer this 5th day of June 1997 at Thomas Mott

NAME: Judge of District Court SIGNATURE: [Signature]
TITLE: Ramsey County Courthouse
St. Paul, MN 55102

Sworn testimony has been given before the Judicial Officer by the following witness:

STATE OF MINNESOTA COUNTY of RAMSEY
State of Minnesota
Plaintiff,
vs.
MARK RICHARD MORSETH-MAYER
1912 Camden Lane
West Bend, WI 53095-1475
DOB: 2-17-54
Defendant (x)

Clerk Signature of File Exam
PL
JUN 10 11 11
FILE
RETURN OF SERVICE
of the COMPLAINT, SUMMONS, WARRANT, ORDER OF DETENTION on the Defendant (s)
Signature of Authorized Service Agent

NOV - 3

MANC 6201 H
79004C
PAGE 1 OF 2

PROBATION REFERRAL JUDGMENT UPON CONVICTION/WARRANT OF COMMITMENT

DEFENDANT INFORMATION

NAME: Miss. M. Morse, Mark Richard Morseth-Maye **MARK RICHARD MORSETH-MAYE**

ADDRESS: 1912 Camden Lane, Eden Prairie, MN

DOB: 3/17/41 SEX: M F RACE: White Hispanic African-American Asian American Indian Other

CUSTODY STATUS: (Circle One) CUS OR CF BAIL BOND

CONVICTION INFORMATION

Level of Conviction: GM M On 9/16/97 the defendant:

Entered a Plea of Guilty Was Found Guilty by Court

Was Found Guilty by Jury Was Before the Crt on PV (date)

to the offense(s) of Theft by Servile Assistance to Escape Jail DOO: 3/5/93 - 5/20/95

Guilty Ct(s) Ct 1, 2, 5 MS 609.01, 2431, 299.01, 63.10 UOC _____ GOC _____

Ct's Dism Ct 3, 4, 6 MS 609.01 UOC _____ GOC _____

Referral Type: PSI Update PSI C/P Eval Memo/MSG Worksheet Psychological Eval Psychiatric Eval Other _____

Sentencing Date: 10-29-97 1997 Judge: Klas Time: 1:30 Room: 110

Add'l Info: Thru court as to be served in Pros: Cotton

NOTE separate habeas corpus proceedings Def. Atty: C. K.

"FOR PROBATION USE ONLY"

Supervising P.O.: _____

Investigation Assigned to: _____

If prob. P.O. assigned: _____

FELONY LEVEL SENTENCE / MISDEMEANOR / GROSS MISDEMEANOR LEVEL SENTENCE

Count 1

Date of Sentence 10-29-97 Judge Klas

Committed to Commissioner of Corrections for: _____ Years, 21 Months, _____ Days and \$ _____ Fine

Minimum Incarceration 14 Maximum Supervised Release 7

Sex Offender Conditional Release Purs. to MS 609.346(5) _____ 5 yrs (1st offense) _____ 10 yrs (2nd/subsequent)

Stay of Execution: 20 Years to: Court Probation

Stay of Imposition: _____ Years to: Court Probation

Stay of Adjudication M.S. 152.1B _____ Years to Probation

Sentence is: Concurrent Consecutive with Case: Cts 2 + 5

Stillwater St. Cloud Line Lakes Shakopee Comm. from Court

Count _____

Date of Sentence _____ Judge _____

Sentence of _____ Days/Mos/Year and/or \$ _____ Fine

Stay of Execution: _____ Years _____ Months to: Court Probation

Stay of Imposition: _____ Years _____ Months to: Court Probation

Sentence is: Concurrent Consecutive

with Case #: _____

Committed from Court

CONDITIONS

To serve 60 Days / 1 Mos / 1 Year RCCF VOA ADC

Credit for 1 Days or Wisc Facility

Turn Set in on 12/1/97 at 8 A.M. P.M.

Sentencing to Service if eligible TP not at Escorted City

Usual conditions of probation Home Confinement if eligible

Remain Law Abiding Cont. prob. same terms cond's

Remain chemically free No same or similar vio's

Chem eval and recs No Non-presc drugs

Abstain from _____ No alcohol related offenses

Random UA's per PO Rule 25 and follow rec's

No direct/indirect contact with _____

Domestic abuse cnsg & recs Psych eval and rec's

Pay \$ _____ Fine Pay fine/restitution from prison wages

Fees W or I Chem Fee W or I \$ _____

Complete _____ hours Community Service by _____

Pay Restitution of \$ 16,240 to _____ or amt to be determined by probation and to be paid through probation by WIVES + \$63,509.05 to Etra Ins.

Attend Sex Offender Treatment Treatment and aftercare Etra Ins.

Two day Anoka Program CA NA or AA meetings

You must contact probation at 266-2300 after 3 (three) days. \$7149 to Dept. of Rev.

Go immediately to Courthouse Room 86 for interview by Probation

You must go immediately to Room 410, Maplewood Courthouse

Other Gambling Assessment/Recs.

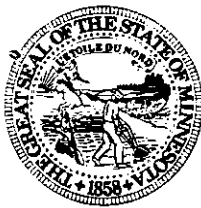
\$10,000 pd to Rest by 6-1-98

(For commitment only)

WITNESS, The Honorable Gordon Shumaker Chief Judge, and the Seal of this Court at the City of St. Paul, in said County and State, this 29th day of October 1997. Clerk P. Waeber

REV. 12/95

EXHIBIT "E" COMMITMENT NOTICED w/m 5-10 275



STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY III
ATTORNEY GENERAL

February 6, 1998

LAW ENFORCEMENT SECTION
SUITE 1400
445 MINNESOTA STREET
ST. PAUL, MN 55101-2131
TELEPHONE: (612) 296-7575

Mr. Willie Garrette
Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

Re: State of Minnesota v. Mark Morseth-Mayer
District Court File No. K8-97-1885

Dear Mr. Garrette:

As we discussed in our telephone conversation of February 5, on October 29, 1997, Mark Morseth-Mayer was sentenced by Judge Mary Louise Klas in Ramsey County District Court following a plea of guilty to two counts of theft by swindle in an amount in excess of \$35,000 and one count of willful evasion of 1993 Minnesota state income taxes. On the first theft by swindle count, Morseth-Mayer was sentenced to 21 months in prison, but execution of that sentence was stayed on condition that he serve six months in jail and make full restitution to WWES and Aetna in the amount of \$79,749.05. On the second count, Morseth-Mayer was sentenced to 26 months in prison, but execution of that sentence was stayed on the same conditions as on the first count. At sentencing, Morseth-Mayer asserted he could make monthly payments of \$200 to \$300 toward satisfaction of the restitution ordered. However, due to the large amount of the award, the court ordered Morseth-Mayer to meet with the Ramsey County Community Corrections Department to work out a payment plan. The court also ordered Morseth-Mayer to make a downpayment in the amount of \$10,000 on or before June 1, 1998, unless the Corrections Department determines that amount is unrealistic in light of his current financial circumstances.

Morseth-Mayer was also sentenced to 17 months in prison for willful evasion of 1993 Minnesota state income taxes, but execution of that sentence was similarly stayed on condition that he make full restitution to the Minnesota Department of Revenue in the amount of \$7,149.

Morseth-Mayer was placed on probation for a period not exceeding 20 years and ordered to remain law abiding during that period. Morseth-Mayer sought to serve his jail time in Wisconsin and began doing so on or about January 9, 1998, when he turned himself in to the Oconto County Jail. Morseth-Mayer was also ordered to annually report his financial condition to the Ramsey County Community Corrections Department in the event his financial condition improves and he is able to make higher restitution payments. Finally, he was ordered to undergo a gambling assessment based on statements he made to the probation officer that he swindled money from WWES to pay gambling debts.

Facsimile: (612) 297-4348 • TTY: (612)

EXHIBIT "E2"

(612) 657-3787 (Voice), (800) 366-4812 (TTY)

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

In the Matter of the Disciplinary Proceedings Against

Mark Morseth-Mayer,

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 12, 1998, I served the Final Decision and Order dated November 11, 1998, LS9811112GEO, upon the Respondent Mark Morseth-Mayer by enclosing a true and accurate copy of the above-described document in envelopes properly stamped and addressed to the above-named Respondent and placing the envelopes in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt numbers on the envelopes are Z 233 819 961 (Green Bay) and Z 233 819 962 (Marshfield).

3. The addresses used for mailing the Decision are the addresses that appear in the records of the Department as the Respondent's last-known addresses and are:


Mark Morseth-Mayer
537 N. Danz Avenue
Green Bay WI 54302

1423 Lincoln Avenue
Marshfield WI 54449



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me
this 15th day of November 1998.



Notary Public, State of Wisconsin

My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: MARK MORSETH-MAYER

You have been issued an Order. For purposes of service the date of mailing of this Order is 11/12/98. 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 Order 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 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 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 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 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 PROFESSIONAL GEOLOGISTS SECTION OF THE EXAMINING BOARD OF ARCHITECTS,
LANDSCAPE ARCHITECTS, PROFESSIONAL GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND
LAND SURVEYORS

1400 East Washington Avenue
P.O. Box 8935
Madison WI 53708-8935

FILE COPY

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

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

ROLAND SARKO, R.L.S.

Respondent

ORDER OVERRULING OBJECTION

TO: Robert J. Kasieta
Attorney at Law
44 East Mifflin Street
P.O. Box 1807
Madison, WI 53701

Roger R. Hall
Attorney at Law
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

On July 28, 1992, the Land Surveyors Section of the board issued its Final Decision and Order in the above-captioned matter. By the terms of the board's Order, respondent was found to have committed a number of violations of the surveying laws. His license was ordered suspended and he was ordered to pay one-half of the costs of the proceeding.

In August, 1992, Robert Kasieta, attorney for respondent, filed his Objection to Affidavit of Costs, by which respondent objected to the charges of the state's expert witness, Richard Talarczyk, on the basis that his statement was not itemized and appeared excessive. Respondent's objection and subsequent correspondence in the matter became mislaid, and the matter was not presented to the Land Surveyors Section until its meeting of April 6, 1995.

Based upon respondent's objections, and all other information of record herein, the board orders as follows:

NOW, THEREFORE, IT IS ORDERED that the objections of Roland Sarko, R.L.S., to the Affidavit of Costs of the Division of Enforcement in this matter is overruled, and the assessment of one-half of the total costs of the proceeding against Mr. Sarko is affirmed.

IT IS FURTHER ORDERED that pursuant to sec. 440.22(3), Stats., the board shall not renew the license of Roland Sarko to practice as a land surveyor in Wisconsin until he has made payment to the department in the full amount assessed.

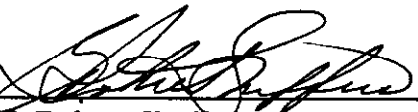
DISCUSSION

Appended hereto is a copy of the itemized statement of charges for the services of Richard D. Talarczyk as an expert witness in this matter. Review of that statement leads the board to the conclusion that Mr. Talarczyk's charges are not excessive, and they were in fact paid in full without protest by the department.

Also appended hereto are copies of the Affidavits of Costs for the Office of Board Legal Services and the Division of Enforcement. These total \$6527.59, which results in an assessment of \$3263.80. Should Mr. Sarko fail to pay that assessment by the time for renewal in February, 1996, the board is prohibited from renewing the license at that time by sec. 440.22(3), Stats.

Dated this 19th day of May, 1995.

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

by 
G. Robert Sheffers, R.L.S.
Chairman, Land Surveyors Section

ENGINEERING
SURVEYING
PLANNING
SOIL TESTING

TALARCZYK & ASSOC., INC.

W5105 Kubly Road
NEW GLARUS, WI 53574

payable to:
Richard D. Talarczyk
P. E.
R. L. S.
C. S. T.
Home Phone 608/527-2758

Nov. 14, 1991

Wisconsin Dept. of Regulation & Licensing
ATTN: Diane Rappe
P.O. Box 8935
Madison, WI. 53708-8935

STATEMENT OF CHARGES
for
PROFESSIONAL SERVICES

Expert Witness
RE: Roland F. Sarko, R.L.S.

5/9/91	Review numerous Sarko surveys.	10	
6/13/91	Consult with Department Attorney	2	
11/11/91	Review complaint & Sarko surveys	4 1/2	
11/12/91	Hearing	7 3/4	
11/12/91	Travel	1 3/4	
11/13/91	Confer with Department Attorney	1/4	
		<u>26 1/4 hrs.</u>	@ \$75.00 \$1968.75
11/12/91	Mileage	60 mi.	@ \$0.24 14.40
		TOTAL DUE	<u>\$1983.15</u>

RRH/JGJ
Sarko

86 LSR 039
86 LSR 045
87 LSR 016
87 LSR 034

*Sub.
2-7-92
dp*

2-6-92
O.K. to pay, Dannie
Expert Witness
PO # RLB 20672
S 391-40-4069

12/30/91

SEND INVO IN TRIPPLICATE TO:
 DEPT OF REGULATION & LICENSING PURCHASE ORDER
 DIANE RAPPE
 PO BOX 8935
 MADISON WI 53708-8935

ENTER TYPE CODE
 1 - Regular
 2 - Change Previous
 3 - Cancel Previous
 5 - Blanket-Non Contract
 8 - Blanket-Contract
 1

PURCHASE ORDER NUMBER
 RLB20672
 PAGE 1
 SHOW THIS NUMBER ON ALL SHIPMENTS
 CORRESPONDENCE AND INVOICES
 2/ 6/92
 DATE:

Dept.	App	L1	L2	L3	Proj.	Class	F	Gen Acctg.	For Agency Use	Requisition No.
02	165	121	00	00	00	031	2746	2		

Vendor: RICHARD D TALARCZYK
 TALARCZYK & ASSOC., INC
 W5105 KUBLY ROAD
 NEW GLARUS WI 53574-0000

Federal Employer Identification No / Social Security No. 391-90-4007

SHIP TO: DEPT OF REGULATION & LICENSING
 DIVISION OF ENFORCEMENT
 DENNIE PETERSEN
 1400 E WASHINGTON AVE
 PO BOX 8935
 MADISON WI 53708-8935

FOB	Terms Net 30	Delivery	Reference	Bid No.	Bulletin No.
-----	-----------------	----------	-----------	---------	--------------

Item	Quantity	Unit	Item Description	Commodity Code	Unit Price	Total
1	1	EACH	RE: #86 LSR 039, #86 LSR 045, #87 LSR 016, #87 LSR 034 - EXPERT WITNESS FEES - 26 HRS 15 MIN @ \$75.00/HR & MILEAGE	93 620	1,983.15	1,983.15
GRAND TOTAL:						1,983.15

DENNIE PETERSEN	REGISTER NUMBER	INVOICE OR VOUCHER NO.	INV. OR DATE	NET AMOUNT	CASH DISCOUNT	DATE INV. FORWARDED	BALANCE

Ack: _____
 Their number: _____
 Shipping: _____
 Traced: _____

Dennie C. Petersen

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

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	AFFIDAVIT OF COSTS OF
	:	OFFICE OF BOARD LEGAL SERVICES
ROLAND F. SARCO,	:	Case No. LS-9108161-LSR
RESPONDENT.	:	

John N. Schweitzer affirms the following before a notary public for use in this action, subject to the penalties for perjury in sec. 946.31, Wis. Stats.:

1. He is an attorney licensed to practice law in the State of Wisconsin, and is employed by the Wisconsin Department of Regulation and Licensing, Office of Board Legal Services.
2. In the course of his employment, he was assigned as the administrative law judge in the above-captioned matter.
3. Set out below are the actual costs of the proceeding for the Office of Board Legal Services in this matter:

a. Administrative Law Judge Expense - John N. Schweitzer

10-2-91 and 10-22-91 Prepare for hearing	3/4 hour
11-12-91 Conduct hearing	7 1/2 hours
11-13-91 through 5-5-91 Prepare decision	73 hours
	81 1/4 hours

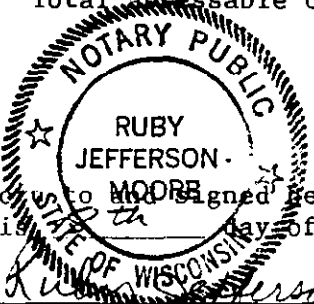
Total administrative law judge expense:
81 1/4 hours @ \$23.79/hour = \$1,932.94

b. Reporter Expense - Magne-Script, 112 Lathrop Street, Madison, WI 53705

Recording 11-12-91 hearing	\$ 90.00
Transcribing hearing (207 pages)	\$683.10

Total reporter expense = \$773.10

Total assessable costs for Office of Board Legal Services = \$2,706.04





John N. Schweitzer
Administrative Law Judge

Sworn to and signed before me
this 12th day of May, 1992.
Ruby Jefferson-Moore

Notary Public, State of Wisconsin
My commission is permanent.

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

IN THE MATTER OF DISCIPLINARY :
 PROCEEDINGS AGAINST : AFFIDAVIT IN SUPPORT OF
 : MOTION FOR COSTS
 ROHLAND F. SARKO, :
 RESPONDENT. :

STATE OF WISCONSIN)
 COUNTY OF DANE)

ROGER R. HALL, being duly sworn on oath, deposes and states as follows:

1. Your affiant is an attorney licensed to practice law in the State of Wisconsin and is employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement.
2. In the regular course of those duties, your affiant was assigned as the attorney-prosecutor of the above-entitled matter.
3. Set out below are the costs of the proceeding for the Division of Enforcement in this matter.

PROSECUTING ATTORNEY EXPENSE

<u>DATE</u>	<u>ACTIVITY</u>	<u>TIME SPENT (HOURS)</u>
4/1/91	File review	0.2
6/18/91	Conference with State's Expert, R. Dalarczyk	1.5
8/15/91	Draft Complaint	2.0
8/6/91	Draft Complaint and Notice of Hearing	2.0
8/12/91	Draft Complaint	1.5
8/19/91	Preparation for hearing	1.0
8/20/91	Preparation for hearing	0.5
8/21/91	Preparation for hearing	0.5
8/30/91	Draft Interrogatories	0.5
10/14/91	Draft Motion and Affidavit of Default	1.0

11/4/91	Telephone conference with Respondent appearance at telephone scheduling conference by Administrative Law Judge.	
11/7/91	Draft Subpoenas and review Interrogatories	1.0
11/8/91	Preparation for hearing	6.0
11/11/91	Preparation for hearing	8.0
11/12/91	Preparation for hearing and attend hearing before the Administrative Law Judge	8.0
5/7/92	Review decision	2.5
TOTAL HOURS		36.2 hrs.
Total prosecuting attorney expense at \$30.00 per hour, including salary and benefits:		\$1,086.00

INVESTIGATOR EXPENSE

<u>DATE</u>	<u>ACTIVITY</u>	<u>TIME SPENT (HOURS)</u>
4/18/88	Telephone conference with State Crime Lab; draft correspondence	1.0 hrs.
4/20/88	Draft correspondence	4/10 hrs.
4/26/88	Transport documents to the State Crime Lab	1.3 hrs.
5/18/88	Conference with State Crime Lab expert	1.6 hrs.
7/22/88	Pre-review file	1.2 hrs.
7/25/88	Draft memorandum	5/10 hrs.
7/26/88	Draft correspondence to Donald Barnes	5/10 hrs.
7/27/88	Conference with State Crime Lab expert; Draft memorandum	1.5 hrs.
7/28/88	Pre-draft memorandum	1.6 hrs.
7/29/88	Certified mailing	1/10 hrs.
8/1/88	Check memorandum	6/10 hrs.

8/3/88	Preparation of mailing of documents to Board Advisor	1.2 hrs.
8/10/88	Review correspondence and attachments from State Crime Lab; Draft correspondence to Board Advisor	7/10 hrs.
8/12/88	Telephone conference with Donald Barnes; Draft memorandums of Board Advisor telephone conferences	1.7 hrs.
8/24/88	Telephone conference with Donald Barnes	2/10 hrs.
8/25/88	Preparation of documents for mailing to Board Advisor	2/10 hrs.
10/11/88	Conference with Board Advisor	6/10 hrs.
10/18/88	Draft correpondence	7/10 hrs.
11/4/88	Review of materials on surveys	5/10 hrs.
11/11/88	Draft file summary	1.1 hrs.
11/17/88	Complete file materials	6/10 hrs.
1/12/89	Review case with Board Advisor	
1/17/89	Compile documents; Prepare memorandum	6/10 hrs.
1/18/89	File preparation	1.6 hrs.
4/24/89	Conference with prosecuting attorney	1/10 hrs.
4/25/89	Review files at Dane County Surveyors office	2.2 hrs.
4/26/89	Preparation for mailing of materials to Board Advisor	5/10 hrs.
4/27/89	Conference with Donald Barnes, Rock County Surveyor; Conference with prosecuting attorney; photocopy and preparation for mailing to Board Advisor	2.7 hrs.
6/14/90	Conference with prosecuting attorney; Draft correspondence	5/10 hrs.
6/25/90	Filing	1/10 hrs.
8/10/90	Conference with prosecuting attorney	1.2 hrs.

8/15/90	Conference with surveyor's assistant, Walter	1.0 hrs.
9/10/90	Research location of Pierce	
9/11/90	Research location of last address of Pierce	2.0 hrs.
9/17/90	Draft correspondence	1.0 hrs.
9/18/90	Deliver correspondence	5/10 hrs.
11/1/90	Field investigation relating to Pierce	1.6 hrs.
11/2/90	Telephone conference with Pierce	2/10 hrs.
11/8/90	Telephone conference with Pierce	1/10 hrs.
11/9/90	Conference with Pierce	2.0 hrs.
11/23/90	Draft correspondence	5/10 hrs.
11/28/90	Re-draft correspondence	3/10 hrs.
11/29/90	Photocopying 1; Mailing to respondent	3/10 hrs.
12/90	Telephone conference with respondent	1/10 hrs.
1/18/91	Telephone conference to respondent's office	1/10 hrs.
1/22/91	Telephone call from respondent	1/10 hrs.
1/28/91	Review respondent's response; draft correspondence to Barnes	1.0 hrs.
2/1/91	Review correspondence	2/10 hrs.
2/4/91	Prepare mailing to Barnes	1/10 hrs.
2/11/91	Review response from Barnes	3/10 hrs.
2/13/91	Draft memorandum of contact with Board Advisor	6/10 hrs.
3/25/91	Review correspondence from Board Advisor	2.3 hrs.
3/26/91	File maintenance	2/10 hrs.
TOTAL HOURS		41.8 hrs.
Total investigation expense at \$18.00 per hour, salary and benefits included:		\$752.40

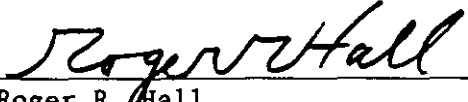
EXPERT WITNESS FEES

1. Richard D. Talarczyk

\$1,983.15

TOTAL ASSESSABLE COSTS FOR DIVISION OF ENFORCEMENT:

\$3,821.55



Roger R. Hall
Attorney
Division of Enforcement

Subscribed and sworn to before
me this 21st day of May, 1992.



Notary Public, State of Wisconsin

My Commission is permanent

RRH:daw
ATY-2066