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STATE OF WISCONSIN

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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
:
JOHN R. KARNS, :
RESPONDENT. : **LS0311133LSR**

Division of Enforcement Case No. 01 LSR 004

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

John R. Karns
N7994 Kelly Rd.
Brooklyn, WI 53521

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

Department of Regulation and Licensing

Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

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

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

FINDINGS OF FACT

1. **John R. Karns** ("Karns"), date of birth 03/30/42, is licensed in the State of Wisconsin as a Land Surveyor having license # 8-1295. This license was first granted to him on 02/10/76. Karn's most recent address on file with the Department of Regulation and Licensing is N7994 Kelly Rd., Brooklyn, WI 53521.

2. Green County Certified Survey Map # 2993 signed and stamped by Karns, dated June 28, 2000, contained the following deficiencies:

a. No block distance shown on the west side of the lot.

- b. No arc lengths and no tangent bearings for the two curves shown.
- c. Failure to identify the line in question (which line is labeled as bearing S 00°01'47" W) as being the ¼ ¼ line. A copy of the Green County Certified Survey Map # 2993 is attached as **Exhibit 1** and is incorporated herein by reference.

3. Green County Certified Survey Map # 3137 signed and stamped by Karns, dated February 15, 2001, contained the following deficiencies:

- a. Survey is not tied to a line of the public land system.
- b. Square footage of Outlot 1 is not shown. A copy of the Green County Certified Survey Map # 3137 is attached as **Exhibit 2** and is incorporated herein by reference.

4. Green County Certified Survey Map # 2382 stamped by Karns, dated November 3, 1997, contained the following deficiencies:

- a. Karns did not monument the record title line (the East-West ¼ line of Section 14) bounding the South line of Lot 1.
- b. Karns failed to give his measured bearing and distance to the E ¼ Corner of the section.

A copy of the Green County Certified Survey Map # 2382 is attached as **Exhibit 3** and is incorporated herein by reference.

5. Green County Certified Survey Map # 3028 stamped by Karns, dated September 13, 2000, contained the following deficiencies:

- a. Karns did not monument the record title line (the East-West ¼ line of Section 14) bounding the South line of Lot 1.
- b. The parent parcel of this lot is bounded by State Trunk Highway 81. There are no requisite Wisconsin Department of Transportation approval numbers on this survey.

A copy of the Green County Certified Survey Map # 3028 is attached as **Exhibit 4** and is incorporated herein by reference.

6. Green County Certified Survey Maps # 2812, 3027, and 3094 stamped by Karns, dated November 2, 1999, September 12, 2000, and November 29, 2000, respectively, contained the following deficiency:

- a. The parent parcel of this lot is bounded by State Trunk Highways. There are no requisite Wisconsin Department of Transportation approval numbers on these surveys.

Copies of the Green County Certified Survey Maps # 2812, 3027, and 3094 are attached as **Exhibit 5** and is incorporated herein by reference.

7. Green County Certified Survey Map # 2161 stamped by Karns, dated September 16, 1996, contained the following deficiencies:

- a. No total bearing and distance shown between two section corners.
- b. Karns did not properly subdivide section 28 to obtain the Southwest corner of the Lot (the Center Quarter Corner of Section 28).

A copy of the Green County Certified Survey Map # 2161 is attached as **Exhibit 6** and is incorporated herein by reference.

8. Green County Certified Survey Map # 3258 (a revision of map #3094) stamped by Karns, dated May 17, 2001, contained the following deficiencies:

- a. In the legend there is no symbol shown for iron pipe set.
- b. Numerous typographical errors in the Highway Setback Note.
- c. The north reference note on the left at mid-page states no bearing on the line which is given as the basis for all bearings on the map. The note should properly read: ...assumed to bear S 00°09'08" E.
- d. A note should have been made on the face of the document that this C.S.M. is intended to revise and replace the former, incorrect C.S.M., namely number 3094.
- e. This survey was not recorded with the county surveyor within 60 days after its completion.
- f. Karns should have requested that the Register of Deeds properly reference and mark the incorrect C.S.M. as to the recording data of the corrective instrument.

A copy of the Green County Certified Survey Map # 3258 is attached as **Exhibit 7** and is incorporated herein by reference.

CONCLUSIONS OF LAW

1. The State of Wisconsin Land Surveyors section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction to act in this matter and is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 443.12.

2. Respondent John R. Karns has violated:

- a. Wisconsin Administrative Code sections A-E 7.03 and A-E 7.04 and sections 236.20(2)(c) and 236.20(2)(k) of the Wisconsin Statutes by having failed to include the items identified in Findings of Fact, Paragraph 2, Map # 2993.
- b. Wisconsin Statutes sections 236.20(3)(b) and 236.20(2)(j) by having failed to include the items identified in Findings of Fact, Paragraph 3, Map # 3137.
- c. Wisconsin Administrative Code sections A-E 7.03, A-E 7.05(4), A-E 7.06(2), and A-E 7.06(5) by having failed to include the items identified in Findings of Fact, Paragraph 4, Map # 2382.
- d. Wisconsin Administrative Code section A-E 7.03 by having failed to include the items identified in Findings of Fact, Paragraph 5, Map # 3028.
- e. Wisconsin Administrative Code section A-E 8.09(1) by having failed to include the items identified in Findings of Fact, Paragraph 6, Maps # 2812, 3027, and 3094.
- f. Wisconsin Statutes section 236.20(3)(b), and Wisconsin Administrative Code section A-E 7.03 by having failed to include the items identified in Findings of Fact, Paragraph 7, Map #2161.
- g. Wisconsin Statutes sections 236.295(1), 236.295(2) and 59.45(1)(b) by having failed to include the items identified in Findings of Fact, Paragraph 8, Map # 3258.

3. In light of the forgoing violations, Karns has demonstrated incompetency in the practice of land surveying, as provided in Wisconsin Administration Code A-E 8.03(2)(a)-(c).

4. In light of the foregoing violations, Karns has misconducted himself in the practice of land surveying, as provided in Wisconsin Administration Code A-E 8.03(3)(a) and (b).

ORDER

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

IT IS FURTHER ORDERED, that the Respondent **John R. Karns**, license #8-1295, is hereby **SUSPENDED** for a period of one month commencing ten (10) days from the date of this Order.

IT IS FURTHER ORDERED, that the Respondent **John R. Karns**, shall not engage the services of any land surveyor licensee as an employee, as that term is defined and used in Chapter 452 of the Wisconsin Statutes.

IT IS FURTHER ORDERED, that Respondent **John R. Karns**, within 6 months of the date of this Order, shall

successfully complete 3 classes or sessions receiving the grade of C or above. Karns may complete the class requirements at MATC or continuing education sessions or seminars on the topics of the US Public Land Survey system, field techniques and instrument error and professional ethics. Attendance at the Wisconsin Society of Land Surveyors annual Institute may be used as part of this requirement, or continuing education offered by Wisconsin Society of Land Surveyors would also be accepted. Karns must submit proof of the same in the form of verification from the institution providing the education to the State of Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors. Verification should be sent to **Department Monitor, Division of Enforcement, Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935.**

IT IS FURTHER ORDERED, that if Respondent **John R. Karns** fails to successfully complete the educational requirements within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent his Land Surveyor license shall remain suspended without further hearing and without further Order of the Board, and said suspension shall continue until further order of the Board.

IT IS FURTHER ORDERED, that the Wisconsin Land Surveyor Registration of Respondent John R. Karns is hereby LIMITED for a period of two (2) years in the following respects:

1. Commencing on the date of the completion of the suspension as set forth below, Karns shall practice land surveying, as the term is defined in section 443.01(4) of the Wisconsin Statutes, only under the direct supervision of another land surveyor licensed to practice in Wisconsin. This supervision shall be as defined in section A-E 8.03(5) of the Wisconsin Administrative Code.

2. This supervision may be accomplished through Karns employing in his business a licensed Wisconsin surveyor or, alternatively, by Karns being employed by a licensed Wisconsin surveyor. Suggested licensed surveyors to contact as possible supervisors are as follows:

- a. Gregory Hofmeister license number 8-1113
- b. Daniel Birrenkott license number 8-1531
- c. Gerald Mahun license number 8-1919

Any land surveyor selected for supervision is subject to the approval of the Board.

3. At all times in the future during which Karns engages in the practice of land surveying, or holds himself out to the public as available for the profession of land surveying services, Karns shall be actively and daily supervised by a licensed land surveyor. At anytime he either fails to employ a licensed surveyor or fails to be employed by a licensed surveyor, Karns shall immediately cease providing land surveyor services and shall immediately cease to hold himself out to the public as available to provide those services.

4. At all times in the future, Karns is prohibited from providing any plans, drawings, documents, specifications and reports for land surveying to anyone without first having had his supervising land surveyor approve each page of any such document and having his supervising land surveyor sign and date each page. The signature of Karns' supervisor on a plan, drawing, document, specification or report shall be placed thereon only after the supervisor has determined that the plan, drawing, document, specification or report fully complies with all federal and state laws, local ordinances and administrative rules relating to the practice of land surveying.

5. All final Plats, Preliminary Plats, Assessor's Plats and all Certified Survey Maps produced by Karns and/or any firm owned or operated by him, shall be reviewed by the Wisconsin Department of Administration, Plat Review at the expense of Karns. Each of these reviews shall be completed prior to release of any such survey map to any client or other member of the public. Karns and/or his firm must correctly make all corrections to the map or plat as noted by Plat Review prior to placement of the Registered Land Surveyor stamp and signature of a

6. Karns shall inform the Land Surveyor Section, in writing, of the name, address and license number of the licensed land surveyor who is providing the above described supervision. This notification shall be delivered to the Department Monitor immediately upon the engagement of the licensed surveyor, either as an employee or as an employer. In the event the supervising licensed surveyor terminated his/her supervision of Karns, Karns shall notify the Department Monitor, in writing within five business days of the date of termination. These written notifications shall be addressed to the Department Monitor in the following manner:

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

7. The terms and conditions of this license limitation may only be modified by further written Order of the Land Surveyor Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors.

Respondent John R. Karns may petition the Land Surveyors Section in writing for modification or termination of this Order at any time after two years from the date of this Order. Any petition filed with the Section shall be signed by Karns under oath and shall state whether or not Karns has complied with all the terms and conditions of this Order. Any petition filed with the Board by Karns shall be accompanied by a minimum of ten land survey maps prepared by Karns subsequent to the date of this Order. All of these surveys must show the signatures of Karns and his supervisor. The Section shall review the petition and the accompanying land surveys for compliance with this Order. The Section may require Karns to make a personal appearance before it for the purpose of requesting further information from him. The Section's final decision on any petition for modification or termination of this Order shall be at its reasonable discretion.

8. Failure by John R. Karns to comply with any term of his Limited Land Surveyors License as set forth herein shall be considered a violation of this Order and subject Karns to further discipline to the provisions of Chapter 443 of the Wisconsin Statutes.

IT IS FURTHER ORDERED, that file 01 LRS 004 be, and hereby is, closed.

Dated this 13th day of November, 2003.

LAND SURVEYOR SECTION

Ricky Van Goethem

A member of the Section