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

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	
PHILLIP G. EPPING,	:	LS0312191LSR
RESPONDENT.	:	

FINAL DECISION AND ORDER

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

Phillip G. Epping
1102 N. Hewett St.
Neillsville, WI 54456

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

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

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

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Phillip G. Epping, Respondent, date of birth February 15, 1938, was granted a Land Surveyor Certificate of Registration (#1124-8) by the Land Surveyor Section on October 19, 1973.
2. On June 24, 2001, Gary and Jennifer Dutton submitted a Vacant Land Offer to Purchase for the north 30 acres of a 123 acre plat of land contingent upon the “seller to survey acreage being conveyed to buyer at seller’s expense.”
3. Dennis Gunther, the Dutton’s realtor, retained Respondent to perform the subject 30-acre survey.
4. On July 10, 2001, Melissa Tollefson, under the supervision of Respondent, performed the subject survey.
5. Instead of surveying and marking off 30 acres, the survey marked off 40 acres.
6. The Duttons relied on those markers and were led to believe that the “extra” 10 acres was part of the property they were purchasing.

CONCLUSIONS OF LAW

1. The Land Surveyors Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, and Designers has jurisdiction over this matter pursuant to §443.12(1), Wis. Stats.
2. The Land Surveyors Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, and Designers has authority to enter into this stipulated resolution of this matter pursuant to §227.44(5), Wis. Stats.
3. Respondent, by failing to carefully determine the position of the boundaries of the parcel being surveyed, violated §A-E 7.03, Wis. Adm. Code, and is subject to discipline pursuant to §443.12(1), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Phillip G. Epping, is hereby REPRIMANDED for the conduct set out above.
2. All other allegations contained in the disciplinary complaint dated December 18, 2003 are hereby dismissed with prejudice.
3. No costs are awarded to either party.
4. Division of Enforcement Case Nos. 00 LSR 015 and 03 LSR 001 are hereby closed.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached “Notice of Appeal Information.”

Dated at Madison, Wisconsin this 18th day of February, 2004.

Ricky Van Goethem
Land Surveyors Section, Section Member