

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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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**
MARTIN R. ROOD. :
 : **LS0608033LSR**
RESPONDENT. :

Division of Enforcement Case File #: **04 LSR 005**

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Martin R. Rood
716 E. Fillmore Avenue
Eau Claire, WI 54701

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

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

PROCEDURAL HISTORY

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 Wisconsin Land Surveyors Section (“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. Martin R. Rood, date of birth 06/30/54, is registered in the State of Wisconsin as a land surveyor having registr #08-001924. This registration was first granted on 05/11/87.

2. Mr. Rood’s last reported home address on file with the Department of Regulation and Licensing (“Department” 716 E. Fillmore Avenue, Eau Claire, Wisconsin 54701. The Respondent is currently employed at TEC Design, Incorporated (TEC Design, Inc. is located at 5828 Ardnt Lane, Eau Claire, Wisconsin 54701.

3. On or about August 20, 2004, the Department received a consumer complaint alleging that the Mr. Rood had

material error on a Certified Survey Map (“CSM”) prepared by him in 1991. The consumer complaint alleged that in 1991, M Rood incorrectly marked monuments that were to be set at the existing fence around the house. The consumer complaint further alleged that Mr. Rood surveyed the parcel two more times in 2000 and 2004 respectively, and each time, the monuments were in a different spot further from the existing fence line. At the time of the consumer complaint, Mr. Rood was employed at Real Surveying, Incorporated (“Inc.”). Real Land Surveying, Inc. is located at 635 Fairfax Street, Altoona, Wisconsin 54720.

4. On or about November 10, 2004, Mr. Rood responded to the Department’s Land Surveyors’ screening panel inquiries on the alleged matter. Mr. Rood denied that an error existed in the 1991 CSM, however, admitted that an error regarding the monuments was found to exist in the 2000 CSM. Mr. Rood admitted that three of the monuments located and three of the monuments set had been shot from improper traverse legs. Mr. Rood further admitted that the monument in the southeast corner was not found and the south monuments were not where the 2000 CSM showed them to be.

5. In the same statement received by the Department, Mr. Rood stated that in 2004, he resurveyed the parcel and revised the 2000 CSM survey to show the new information. A copy of the revised 2004 CSM was filed with the Eau Claire County Surveyor office.

6. In resolution of this matter, Martin R. Rood consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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 pursuant to Wis. Stat. § 443.11.

2. The Wisconsin Land Surveyors Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors are authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

3. Respondent Martin R. Rood has violated:

Wis. Stat. § 443.12(1) and Wis. Admin. Code §§ A-E 8.06 (1) by failing to use reasonable care and competence in providing professional land surveying services.

ORDER

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

IT IS FURTHER ORDERED, that Respondent Martin R. Rood’s Land Surveyor’s registration #08-001924, is **REPRIMANDED**.

IT IS FURTHER ORDERED that the Respondent, within six months of the dating and signing of this Order, successfully complete the following course: an advanced land surveying course or an equivalent course on advanced land surveying of at least three (3) hours. Proof of successful completion of the advanced land surveying course must be submitted in the form of verification from the institution providing the education to the Department address stated below.

IT IS FURTHER ORDERED that Respondents pay to the Department of Regulation and Licensing **COSTS** of **FOUR HUNDRED DOLLARS (\$400.00)** within sixty (60) days from the date of this Order.

Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to:

**Department Monitor
Division of Enforcement**

**Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 261-7904
Fax (608) 266-2264**

IT IS FURTHER ORDERED that in the event Respondent fails to pay **FOUR HUNDRED DOLLARS (\$400.00)** costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent, his license #008-001924 shall be **SUSPENDED** without further hearing and without further Order of the Section, and said suspension shall continue until the full amount of said costs has been paid to the Department of Regulation and Licensing. Failure to pay the costs shall be considered a violation of this Order by the Section.

IT IS FURTHER ORDERED, that failure to adhere to the terms of this Order will be considered a violation of this Order by the Section.

IT IS FURTHER ORDERED, that file, **04 LSR 005** be, and hereby is, closed as to the Respondent.

Dated this 3rd day of August, 2006.

LAND SURVEYORS SECTION

By: Rick Van Goethem
A member of the Section