

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

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

|                          |   |                          |
|--------------------------|---|--------------------------|
| IN THE MATTER OF THE     | : |                          |
| DISCIPLINARY PROCEEDINGS | : |                          |
| AGAINST                  | : | FINAL DECISION AND ORDER |
|                          | : |                          |
| ROBERT M. BAERENWALD,    | : | Case # LS0903051LSR      |
| RESPONDENT.              | : |                          |

Division of Enforcement Case ## 07 LSR 005 and 07 LSR 018

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

Robert M. Baerenwald  
727 Henry Street  
Lake Geneva, Wisconsin 53147

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Land Surveyor Section  
Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

**PROCEDURAL HISTORY**

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Land Surveyor Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors (Section). The Section has reviewed the attached Stipulation and considers it acceptable.

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

**FINDINGS OF FACT**

1. Robert M. Baerenwald (DOB 01/21/1949) is duly licensed as a registered land surveyor in the state of Wisconsin (license # 1508-08). This license was first granted on March 13, 1979, expired on January 31, 2002, and has been denied renewal because of tax delinquency.
2. Respondent's most recent address on file with the Department of Regulation and Licensing (Department) is 727 Henry Street, Lake Geneva, Wisconsin 53147.
3. On or about April 11, 2002, Respondent filed a Plat of Survey for Lot 7, Willow Estates, Walworth County, Wisconsin, with the Walworth County Land Use and Resource Management Department.
4. On or about July 9, 2003, Respondent filed a Plat of Survey for Lots 1 – 4, Block 7, Honey Lake Subdivision, First Addition, Walworth County, Wisconsin, with the Walworth County Land Use and Resource Management Department.
5. On or about July 22, 2004, Respondent filed a Certified Survey Map for Lots A, 1 and 2 of Sunset Bluff Subdivision, Lot 1 of Lackey's Spring Subdivision, and part of Lot 1 of the Addition to Lackey's Spring Subdivision, Walworth County, Wisconsin, with the Walworth County Land Use and Resource Management Department.
6. On or about August 23, 2006, Respondent filed a Topographic Survey of Lot 1 of Certified Survey Map # 1803, located in the Northeast ¼ of Section 18, Town 1 North, Range 17 East, Walworth County, Wisconsin, with the

Walworth County Land Use and Resource Management Department.

7. On or about October 19, 2006, Respondent filed a Plat of Survey for Lot 80 of Consumers Company's Subdivision, Walworth County, Wisconsin, with the Walworth County Land Use and Resource Management Department.
8. On or about January 4, 2007, Respondent filed a Plat of Survey for a parcel of land located in the Southeast ¼ of Section 32, Town 2 North, Range 17 East, Walworth County, Wisconsin, with the Walworth County Land Use and Resource Management Department.
9. Respondent's registration as a land surveyor was not current when he filed the documents listed in paragraphs 3 through 8.
10. Respondent desires to surrender his registration as a land surveyor in a resolution of this matter.

### **CONCLUSIONS OF LAW**

1. The Section has jurisdiction to act in this matter pursuant to Wis. Stat. § 443.12, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stats. § 227.44 (5).
2. Wis. Stat. § 443.02 (4) provides that no person may practice land surveying in this state or use or advertise any title or description tending to convey the impression that the person is a land surveyor unless the person has been issued a certificate of registration under the chapter.
3. Wis. Administrative Code § A-E 8.09 (1) requires a land surveyor to comply with the requirements in chapter 443, Stats., rules in chapter A-E 8, and all other federal, state and local code which relate to the practice of land surveying.
4. Wis. Administrative Code § A-E 8.03 (3) (a) states that violation of federal or state laws, local ordinances or administrative rules relating to the practice of land surveying is misconduct in the practice of land surveying.
5. By the conduct described in paragraphs 3 through 9 of the Findings of Fact, Respondent has violated Wis. Stat. § 443.02 (4) and Wis. Administrative Code A-E 8.09 (1), and has therefore engaged in misconduct in the practice of land surveying.
6. Wis. Stat. § 443.12 (1) provides that the Section may reprimand or limit, suspend or revoke the certificate of registration of any land surveyor for misconduct in the practice of land surveying.

### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The voluntary surrender of the registration of Respondent to practice land surveying in the state of Wisconsin is hereby accepted.
2. Respondent shall, within sixty (60) days from the date of this order, surrender all indicia of registration by mailing them to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P. O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
FAX (608) 266-2264

3. This Order is effective on the date of its signing

By: Ricky Van Goethem  
A Member of the Section

3/5/09  
Date