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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**
PETE L. BAILEY. :
 : **LS0903052LSR**
RESPONDENT. :

Division of Enforcement Case File #: **05 LSR 004**

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

Pete L. Bailey
12207 CTY RD K
Franksville, WI 53126

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. Pete L. Bailey, date of birth 10/12/44, is registered in the State of Wisconsin as a land surveyor having registrat #08-001398. This registration was first granted on 03/22/77.

2. Mr. Bailey’s last reported home address on file with the Department of Regulation and Licensing (“Department” 12207 CTY RD K, Franksville, Wisconsin 53126. The Respondent currently owns American Surveying Company. America Surveying Company is located at 12207 CTY RD K, Franksville, Wisconsin 53126.

3. On or about May 3, 2005, the Department received a consumer complaint alleging that Mr. Bailey had filed an Affidavit of Correction for legal descriptions affecting the Complainants s property without the consent of the Complainants s. ’

matter was subsequently opened for investigation.

4. The land in question is the South $\frac{1}{2}$ and NW $\frac{1}{4}$ of Section 18, Town 3 North, Range 21, East, of Racine County. The land also includes a portion of the Fractional Northwest $\frac{1}{4}$ and Fractional Southwest $\frac{1}{4}$ of Section 18. The right of way for C.T.H. "A" was established from the right of way plat obtained from the Racine County Department of Public Works. This land was later conveyed to the Complainants.

5. On dates unknown in 1997 the Complainants verbally communicated to Mr. Bailey to prepare legal descriptions for dividing the West $\frac{1}{4}$ of the Fractional Northwest $\frac{1}{4}$ of Section 18. Mr. Bailey states that he provided legal descriptions as directed to the Complainants. The service was completed but a map of the work does not currently exist. Also, there was no placement of property corners or monuments when the work was provided. Additionally, Mr. Bailey did not agree with the Complainants in that property corners or monuments would not be placed.

6. In May 2004, American Surveying Company prepared a Certified Survey Map (CSM) for the frontage road at C.T.H. "A." The legal description from the 2004 CSM reflected a taking of land by Racine County that was not in harmony with previous surveys done on the property. Due to the inaccuracy of the 2004 CSM, Mr. Bailey submitted an Affidavit of Correction to the legal description adversely affecting the Complainants property. When Mr. Bailey submitted the Affidavit of Correction, he contacted the Complainants to receive their consent.

7. In resolution of this matter, Pete L. Bailey 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 Pete L. Bailey has violated:

- a. Wis. Stat. § 443.12(1) and Wis. Admin. Code § A-E 7.01(2)(a) for failing to conduct a property survey by preparing a map showing work performed;
- b. Wis. Stat. § 443.12(1) and Wis. Admin. Code §§ A-E 7.01(2)(a); 7.03 and 7.07 for failing to set monuments marking the corners of the parcel. If the parties agree to not have monuments set, the terms should have been reduced to writing and consent of the parties obtained; and
- c. Wis. Admin. Code §§ A-E 8.06 (1) by filing an Affidavit of Correction without first notifying and obtaining the consent of the affected parties.

ORDER

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

IT IS FURTHER ORDERED, that Respondent Pete L. Bailey's Land Surveyor's registration #08-001398, is **REPRIMANDED**.

IT IS FURTHER ORDERED that the Respondent, within one year of the dating and signing of this Order, successfully complete the following course, via on-line/independent study: Land Surveying 1 (course # 10607168) at Madison Area Technical College. Successful completion is defined as receiving the grade of "C" or above in each course.

attempted.

IT IS FURTHER ORDERED that the Respondent shall submit proof of successful completion of the Land Survey 1 course to the Department Monitor one year from the dating and signing of this Order. Proof of such completion will be in the form of an official transcript from MATC.

IT IS FURTHER ORDERED that Respondent pay to the Department of Regulation and Licensing **COSTS of FIVE HUNDRED DOLLARS (\$500.00)** 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 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 **FIVE HUNDRED DOLLARS (\$500.00)** 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 #008-001398 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, **05 LSR 004** be, and hereby is, closed as to the Respondent.

Dated this **5th** day of March, 2009.

LAND SURVEYORS SECTION

By Ricky Van Goethem
A member of the Section