

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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
	:	
CURTIS J. CUMMER,	:	Case # LS 09 <u>03053</u> LSR
RESPONDENT.	:	

Division of Enforcement Case # 08 LSR 004

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

Curtis J. Cummer  
Chippewa Valley CTF  
2909 East Park Avenue  
#437044  
Chippewa Falls, Wisconsin 54729

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 Land Surveyor Section (Section) of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors. 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. Curtis J. Cummer, (DOB 10/20/1969) is duly licensed as a registered land surveyor in the state of Wisconsin (license # 2377-8). This license was first granted on November 13, 1997.

2. Respondent's most recent address on file with the Department of Regulation and Licensing (Department) is Chippewa Valley CTF, 2909 East Park Avenue, #437044, Chippewa Falls, Wisconsin 54729.
3. On the morning of August 18, 2006, Respondent and his employee Chad Crook did a surveying job at property on Larson Road just outside of Readstown, Wisconsin.
4. Upon concluding work about noon, Crook and Respondent went to Last Resort Bar in Readstown for dinner.
5. Crook and Respondent only drank beers at the bar; they had nothing to eat.
6. About 2:00 p.m. Crook and Respondent went to Crook's brother's home to borrow money.
7. After obtaining money from Crook's brother, Crook and Respondent returned to Last Resort Bar and continued drinking beer.
8. Respondent left the bar about 6:10 p.m.
9. About 6:30 p.m. Respondent was northbound on County Road S when he went through the stop sign at State Highway 56 in Viroqua and stopped in the middle of the intersection.
10. Respondent then proceeded to drive his truck north on the southbound shoulder of County Road S and turned right, crossing both lanes of traffic onto the northbound shoulder of the road.
11. Once on the northbound shoulder Respondent turned left, again crossed both lanes of traffic and drove into and through the side of the Liberty Store Tavern.
12. By driving through the side of the building, Respondent caused extensive property damage and injured four people.
13. Respondent failed field sobriety tests and told the officer testing him that he had eight beers between 1 and 6 p.m.
14. Respondent was convicted of causing injury by negligent use of a weapon and of operating while under the influence (3<sup>rd</sup>) on December 4, 2006.
15. Respondent was sentenced on March 5, 2007, to one year, six months of confinement and two years of extended supervision.
16. Conditions of supervision require Respondent to have an AODA assessment, to abstain from alcohol and controlled substances unless prescribed, and to make a good faith effort to have full-time employment.
17. Respondent did not report his conviction to the Department until January 24, 2008.

#### 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).

Date	Amount
June 30, 2009	\$150.00
September 30, 2009	\$150.00
December 30, 2009	\$150.00
March 30, 2010	\$150.00
June 30, 2010	\$150.00
September 30, 2010	\$150.00

The full amount of the forfeiture and costs may be paid at any time prior to each due date for payment.

Payment 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  
 Post Office Box 8935  
 Madison, WI 53708-8935  
 Telephone 608-267-3817  
 FAX (608) 266-2264

5. **Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Section in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to submit timely any payment of the costs as ordered, or fails to comply with the conditions of his extended supervision, Respondent's license (#2377-08) SHALL BE SUSPENDED, without further notice or hearing until Respondent has complied with the terms of this Order.**

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

By:  3-5-2009  
 A Member of the Section Date

cbm

**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	:		
	:		
CURTIS J. CUMMER,	:	STIPULATION	
RESPONDENT.	:	Case LS 09 <u>03053</u>	LSR
	:		

Division of Enforcement Case #08 LSR 004

It is hereby stipulated between Curtis J. Cummer, personally, and Claudia Berry Miran, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (case # 08 LSR 004). Respondent consents to resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including:
  - The right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence.
  - The right to confront and cross-examine the witnesses against him.
  - The right to call witnesses on his behalf and to compel their attendance by subpoena.
  - The right to testify himself.
  - The right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision.
  - The right to petition for rehearing.
  - All other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code and any other provisions of state or federal law.
3. Respondent has been provided with an opportunity to obtain the advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Land Surveyor Section (Section) of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors.. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for

further proceedings. In the event that this Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by consideration of this attempted resolution.

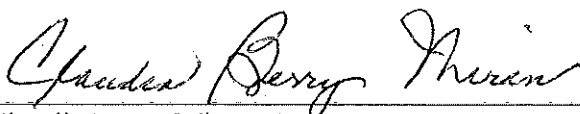
6. The parties to the Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with the Section's deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Section should accept the Stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedures.
8. The Division of Enforcement joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order



Curtis J. Cummer  
Chippewa Valley CTF  
2909 East Park Avenue  
#437044  
Chippewa Falls, Wisconsin 54729  
License # 2377-08

10/31/08

Date



Claudia Berry Miran, Attorney  
State Bar # 1015184  
Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P. O. Box 8935  
Madison, WI 53708-8935

11/5/08

Date