

# 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
	:	
KEITH DOUGLAS KOPPEN, RLS,	:	Case # LS0903054LSR
RESPONDENT.	:	

Division of Enforcement Case # 07 LSR 011

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

Keith Douglas Koppen, RLS  
d/b/a Koppen Surveying Inc.  
1135 Lisbon Avenue  
Hartland, Wisconsin 53029

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 (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. Keith Douglas Koppen, RLS, (DOB 09/14/1943) is duly licensed as a registered land surveyor in the state of Wisconsin (license # 1813-08). This license was first granted on September 13, 1984.
2. Respondent's most recent address on file with the Department of Regulation and Licensing is 1135 Lisbon Avenue, Hartland, Wisconsin 53029.
3. At all times relevant to this action, Respondent was working as a registered land surveyor doing business as Koppen Surveying, Inc.
4. On or about May 1, 2002, Diane Higgins gave Respondent a copy of a survey prepared by Wayne Mickelson on December 7, 1983, for property located at N53 W34202 Road Q, Town of Oconomowoc.
5. Higgins asked Respondent to prepare a sketch showing whether a house she built on another lot would fit on the Road Q property.
6. Respondent prepared the sketch after visiting the property and reviewing surveys he had done in the immediate area.
7. Because Respondent did not measure the property, he did not know that Tierney Channel, which runs along the south edge of the property, had been widened sometime after the 1983 survey but before he prepared the sketch.

8. Respondent placed the sketch on a pre-printed form that contained the title "Plat of Survey."
9. The pre-printed form that the Respondent used for the sketch also contained a statement that he had surveyed the above-described property and the map on the sketch was a true representation thereof and showed "the site and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, fences, apparent easements, and roadways, and visible encroachments, if any."
10. Respondent signed and sealed the statement on the sketch and dated his signature May 1, 2002.
11. On November 24, 2003, Respondent revised the sketch to include the placement and dimensions of the existing house on the property and the dimensions of the proposed house.
12. Respondent revised the sketch after completing a survey of the property immediately to the north. He did not survey the Road Q property.
13. Respondent placed his land surveyor seal on the revised sketch and noted on the sketch that it was revised on November 24, 2003.
14. Respondent did not remove the statement that he had surveyed the property from the sketch and did not sign the sketch again.
15. Respondent gave the revised sketch to Higgins with the understanding that he had not actually surveyed the property.
16. Higgins gave a copy of the November 24 sketch to Dr. Charles Reuben, a prospective buyer of the property, and disclosed that no survey had actually been done.
17. Reuben contacted Respondent and requested Respondent to prepare a topographic map of the property.
18. After visiting the site again, Respondent prepared a topographic map dated May 21, 2004.
19. Respondent placed the topographic map on a pre-printed form entitled "Plat of Survey."
20. Respondent placed his seal on the May 21, 2004, map, and signed below the statement saying he had surveyed the property, the map was a true representation of the property, and that the map showed the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, fences, apparent easements, and roadways, and visible encroachments, if any.
21. Respondent told Reuben's attorney that the topographic map was a "drawing only."
22. On June 14, 2004, Reuben's attorney directed Respondent to create a new survey drawing and revised legal description to include certain additional property in the described parcel.
23. Respondent told the attorney that he did not have time to survey the property prior to closing but would produce a drawing that could be used at closing.
24. Without surveying the property, Respondent revised the May 21 map as requested, and noted on the new map that it was revised on June 14, 2004.
25. In a letter dated December 20, 2007, to Investigator Candace Bloedow, Respondent stated that he did not do a survey on the property.

#### **CONCLUSIONS OF LAW**

1. The Land Surveyor 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. § 443.12, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stats. § 227.44 (5).
2. Wis. Administrative Code § A-E 7.03 requires a surveyor to acquire data necessary to retrace record title boundaries, to

make an analysis of the data, and to make a field survey traversing and connecting monuments necessary for the location of the parcel.

3. By the conduct described in paragraphs 6, 12, and 24, Respondent violated Wis. Administrative Code § A-E 7.03.
4. Wis. Administrative Code § A-E 8.06 (1) requires a land surveyor to use reasonable care and competence in providing professional services.
5. By the conduct described in paragraphs 6 through 24 in the Findings of Fact, Respondent failed to use reasonable care and competence in providing professional services, and therefore violated Wis. Administrative Code § A-E 8.06 (1).
6. Wis. Administrative Code § A-E 8.09 (1) requires land surveyors to comply with the requirements of Wis. Stats. chapter 443, the rules adopted under chapter 443, and all other federal, state and local codes relating to the practice of land surveying.
7. By the conduct described in paragraphs 6 through 24 in the findings of Fact, Respondent violated the rules adopted under Wis. Stats. chapter 443 and therefore violated Wis. Administrative Code A-E 8.09 (1).
8. Wis. Administrative Code § A-E 8.03 (3) (a) provides that violation of federal or state laws, local ordinance or administrative rules relating to the practice of land surveying is misconduct in the practice of land surveying.
9. By the conduct described in paragraphs 6 through 24 of the Findings of Fact, Respondent violated state law and administrative rules and therefore engaged in misconduct in the practice of land surveying.
10. Wis. Administrative Code § A-E 8.03 (3) (b) provides that preparation of deficient plans, drawings, maps, specifications or reports constitutes misconduct in the practice of land surveying.
11. By the conduct described in paragraphs 6 through 24 of the Findings of Fact, Respondent prepared deficient drawings and maps and engaged in misconduct in the practice of land surveying.
12. Wis. Stats. § 443.12 (1) provides that the section may reprimand or limit, suspend or revoke the certificate of registration of any land surveyor for any gross negligence, incompetence or misconduct in the practice of land surveying.

### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The registration of Keith Douglas Koppen to practice land surveying in the state of Wisconsin is hereby **SUSPENDED** for fifteen (15) days starting 15 days after the effective date of this order.
2. Respondent shall pay the costs of this proceeding in the amount of **SIX HUNDRED (\$600.00)** dollars. Payment shall be submitted on the following payment schedule:

<b>Date</b>	<b>Amount</b>
July 15, 2009	\$125.00
October 15, 2009	\$125.00
January 15, 2010	\$125.00
April 15, 2010	\$125.00

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

3. 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  
Department of Regulation and Licensing  
P. O. Box 8935

Madison, WI 53708-8935  
Telephone (608) 267-3817  
FAX (608) 266-2264

4. **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 pay costs as ordered, Respondent's license (#1813-08) SHALL BE SUSPENDED, without further notice or hearing until Respondent has complied with the terms of this Order.**
  
5. This Order is effective on the date of its signing.

By: Ricky Van Goethem  
A Member of the Section

3/5/09  
Date