

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

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

---

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
CHRISTOPHER J. KUNKEL,	:	<b>ORDER 0000316</b>
RESPONDENT	:	

---

Division of Enforcement Case # 09 LSR 004

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

Christopher J. Kunkel  
14195 W. Beechwood Trail  
New Berlin, WI 53151

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

Land Surveyors 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 Surveyors Section (Section) of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors (Board). 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. Christopher Kunkel possesses a certificate of registration to practice as a land surveyor in the state of Wisconsin (certificate number 8-1755). This registration was first granted on May 4, 1983, and is current through January 31, 2012.
2. Mr. Kunkel's most recent address on file with the Department of Regulation and Licensing is 14195 W. Beechwood Terrace located in New Berlin, Wisconsin.
3. On or about December 26, 2008, Mr. Kunkel filed a Plat of Survey with the Jefferson County Surveyor in Jefferson, Wisconsin. Mr. Kunkel did not file any signed agreement with the survey indicating that he and his client intended to exclude any of the required items found in Wis. Admin. Code Chapter A-E 7, as is indicated in Wis. Admin. Code sec. A-E 7.01(2).
4. The Plat of Survey filed on December 26, 2008, and signed by Christopher J. Kunkel for property located at 7499 Blackhawk Island Road in the Town of Sumner contains the following deficiencies:
  - a) No property corners were set as required under Wis. Admin. Code sec. A-E 7.03.
  - b) The legal description fails to include the quarter-quarter section as required under Wis. Admin. Code sec. A-E 7.04.
  - c) There are no references to bearings as required under Wis. Admin. Code sec. A-E 7.05(2).
  - d) There are no dimensions for the inlet which appears to be a boat slip, contrary to Wis. Admin. Code sec. A-E 7.05(3).
  - e) There is no monumentation for determining the location of the parcel as required by Wis. Admin. Code sec. A-E 7.05(4).
  - f) The survey does not identify for whom it was made as required by Wis. Admin. Code sec. A-E 7.05(5).
  - g) The survey does not contain a surveyor's seal as required under Wis. Admin. Code sec. A-E 7.05(6).
5. Mr. Kunkel was previously disciplined in July of 2005, by the Land Surveyors Section for failing to note a measured boundary and for failing to describe all of the monuments in a certified survey map. A copy of that Final Decision and Order is attached to this document as Exhibit A.

### **CONCLUSIONS OF LAW**

1. The Land Surveyor Section has jurisdiction to act in this matter pursuant to Wis. Stat. sec. 440.20, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. sec. 227.44(5).

2. By the conduct set forth in Paragraphs 3 and 4 of the Findings of Fact, Mr. Kunkel has violated Wis. Admin. Code secs. A-E 7.01(2), 7.03, 7.04 7.05(2), (3), (4), (5), and (6).
3. Section 443.12 of the Wisconsin Statutes provides that the Section may reprimand or limit, suspend or revoke the certificate of registration of any land surveyor for the practice of any fraud or deceit in obtaining the certificate, or any gross negligence, incompetence or misconduct in the practice of land surveying.
4. Because Mr. Kunkel violated Wis. Admin. Code secs. A-E 7.01(2), 7.03, 7.04 7.05(2), (3), (4), (5), and (6), he is subject to discipline.

### **ORDER**

#### **NOW, THEREFORE, IT IS HEREBY ORDERED:**

1. The attached Stipulation is hereby accepted.
2. Christopher J. Kunkel (certificate number 8-1755) is hereby **SUSPENDED** for THIRTY (30) DAYS.
3. Christopher J. Kunkel shall take and successfully complete three (3) semester credits of **EDUCATION** in land surveying at an accredited institution of higher learning on or before June 30, 2011. Successful completion is defined as receiving a grade of B or higher. Mr. Kunkel shall submit proof of successful completion to the Department Monitor no later than August 31, 2011. Proof of successful completion shall be from the institution that provided the course. Mr. Kunkel shall request, in writing, and obtain pre-approval, from the Land Surveyors Section, of any course he wishes to take in order to fulfill this requirement.
4. Christopher J. Kunkel's license to practice as a land surveyor is hereby **LIMITED** for a six-month period from the date of this Order as follows: Mr. Kunkel shall practice land surveying as defined in s. 443.01(4), Wis. Stats., only under the direct supervision of another land surveyor licensed to practice in Wisconsin. Any land surveyor selected for direct supervision is subject to the approval of the Section prior to beginning direct supervision of Mr. Kunkel. Mr. Kunkel shall inform the Land Surveyor Section, in writing, of the name, address, and certificate number of the licensed land surveyor who is providing the above described direct supervision.
5. Mark A. Powers (certificate number 8-1701), W398N5967 Autumn Woods Drive, Oconomowoc, Wisconsin 53066 shall be the initial land surveyor selected for direct supervision of Mr. Kunkel. In the event that Mr. Powers is unable to continue his supervision, Mr. Kunkel shall

notify the Department Monitor, in writing, within five business days of the date of termination. These written notifications shall be addressed to the Department Monitor as follows:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

6. In the event that Mark A. Powers shall be unable to provide direct supervision to Mr. Kunkel, then another licensed land surveyor shall be appointed. Notification shall be delivered to the Department Monitor immediately upon the engagement of a licensed surveyor, following the procedure identified in paragraph 4 above, either as an employee or as an employer.

7. At all times while this Order is in effect, during which time Mr. Kunkel engages in the practice of land surveying, or holds himself out to the public as available for the profession of land surveying services, Mr. Kunkel shall be actively supervised by a licensed land surveyor. Anytime he fails to be actively supervised by a licensed surveyor, Mr. Kunkel shall immediately cease providing land surveyor services and shall immediately cease to hold himself out to the public as available to provide those services.

8. At all times while this Order is in effect, Mr. Kunkel is prohibited from providing any plans, drawings, documents, specifications and reports for land surveying to anyone without first having had his supervising land surveyor approve each such document. The signature of Mr. Kunkel's supervisor on a plan, drawing, document, specification or report shall be placed thereon only after the supervisor has determined that the plan, drawing, document, specification or report fully complies with all federal and state laws, local ordinances and administrative rules relating to the practice of land surveying.

9. Mr. Kunkel's supervising land surveyor shall prepare and submit reports on a quarterly basis summarizing Mr. Kunkel's land surveying performance for the preceding ninety (90) days. The report shall be received by the Department monitor within thirty (30) days of the end of each quarter and shall include the supervising land surveyor's report regarding the percentage of land surveys on which the supervising land surveyor found errors, the types of errors and the supervising land surveyor's recommendations for further education and/or supervision. The first report shall be submitted to the Department within ninety (90) days of the date of this Order and every ninety (90) days thereafter.

10. Christopher J. Kunkel shall be responsible for all costs and expenses incurred for complying with the all terms of this Order.

11. In the event, the Land Surveyor's Section receives reports from Mr. Kunkel's supervising land surveyor indicating that the percentage of surveys on which Mr. Kunkel has made errors exceeds ten percent (10%), then the Section may require Mr. Kunkel and his supervising licensed surveyor to appear personally before the Section to discuss Mr. Kunkel's performance. At

the conclusion of any such meeting, the Section may modify the terms of this Order if the Section concludes that the protection of the public requires additional limitations.

12. The Land Surveyors Section may also require Mr. Kunkel to appear before it personally at any time, provided that written notice by the Department Monitor is given to Mr. Kunkel at least 30 days before any scheduled meeting.

13. Christopher J. Kunkel shall pay COSTS in the amount of ONE THOUSAND ONE HUNDRED dollars (\$1,100.00) within 120 days of the date of this Order.


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

15. The terms and conditions of this Order may only be modified by written Order of the Land Surveyors Section. Mr. Kunkel shall submit any written petition seeking modifications to the Department Monitor. It shall be at the sole discretion of the Land Surveyors Section to decide to lift any limitations on Mr. Kunkel's certificate of registration to practice as a land surveyor in the state of Wisconsin. Denial in whole or in part of any petition under this paragraph shall not constitute denial of a registration or license and shall not give rise to a contested case within the meaning of Wis. Stat. secs. 227.01(3) and 227.42.

16. 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 certificate of registration to practice as a land surveyor in the state of Wisconsin. 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 Kunkel fails to timely submit payment of the costs or successfully complete three (3) semester credits of education as set forth above, then Mr. Kunkel's certificate number 8-1755 may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent Kunkel has complied with payment of costs or completes his education.

IT IS FURTHER ORDERED, that file 09 LSR 004 be, and hereby is, closed as to Respondent Christopher J. Kunkel.

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

By:   
A Member of the Section

Date 7/21/10