

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

1. Terrence J. McNulty (Date of Birth: July 20, 1969) possesses a certificate of registration to practice as a land surveyor in the State of Wisconsin (number 8-2339). This

registration was first granted on February 6, 1997 and is current through January 31, 2012. Mr. McNulty's registration was in expired status from February 1, 2008 through April 15, 2008.

2. Mr. McNulty's most recent address on file with the Department of Regulation and Licensing (Department) is 300 East Park Avenue, Forestville, Wisconsin 54213.

3. Mr. McNulty is also licensed to practice as a real estate salesperson in the State of Wisconsin (license number 94-72139). That license was first granted on May 28, 2008 and is current through December 15, 2010.

4. In 2005, Mr. McNulty was hired by Mr. V. to survey and mark the corners of his property in Kewaunee County, Wisconsin.

5. On April 21, 2005, Mr. McNulty performed the survey of Mr. V.'s Kewaunee County property.

6. Documents in Mr. McNulty's work file show a 1991 U.S. Public Land Survey Monument Record indicating that a Kewaunee County Aluminum Monument was placed on the NW Corner, Sec. 8-25-24 of Mr. V.'s Kewaunee County property. During the April 21, 2005 survey, Mr. McNulty found an existing iron pipe in that position.

7. Mr. McNulty did not file a U.S. Public Land Survey Monument Record denoting the destruction of the previous Kewaunee County Aluminum Monument.

8. During the April 21, 2005 survey, Mr. McNulty set the corners of Mr. V.'s Kewaunee County property.

9. Mr. V. did not cancel the survey of his property before it was completed.

10. Mr. V. did not receive a survey map of his property following the April 21, 2005 survey performed by Mr. McNulty.

11. Mr. McNulty did not prepare a survey map of Mr. V.'s Kewaunee County property until he was contacted by another land surveyor in 2007.

12. Mr. McNulty drafted a survey map of Mr. V.'s Kewaunee County property in July 2007 and sent it to the land surveyor who contacted him along with an invoice for his services.

13. Mr. McNulty did not file the survey map with the Kewaunee County Surveyor within 60 days after completion of the survey of Mr. V's property on April 21, 2005.

14. Kewaunee County, Wisconsin Code of Ordinance Number 149-12-02 requires that when an existing parcel of a nominal ten (10) acres or less is surveyed by a licensed surveyor, such survey shall be by certified survey map and shall be recorded in the Register of Deeds Office.

15. Mr. McNulty did not record the survey map in the Kewaunee County Register of Deeds Office.

16. Mr. McNulty practiced land surveying while his registration was in expired status from February 1, 2008 through April 15, 2008.

17. In resolution of this matter, Terrence J. McNulty consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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. sec. 443.12 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. sec. 227.44(5).

2. By the conduct described in Findings of Fact 5-8, Mr. McNulty has violated Wis. Admin. Code sec. A-E 7.08(1)(c) that provides: A U.S. public land survey monument record shall be prepared and filed with the county surveyor's office as part of any land survey which includes or requires the perpetuation, restoration, reestablishment or use of a U.S public land survey corner, and, ... (c) The witness ties or U.S. public land survey monument referenced in an existing U.S. public land survey monument record have been destroyed or disturbed.

3. By the conduct described in Findings of Fact 5 and 13, Mr. McNulty has violated Wis. Stat. sec. 59.45(1)(b) that provides in relevant part: Surveys for individuals or corporations may be performed by any land surveyor who is employed by the parties requiring the services, providing that within 60 days after completing any survey the land surveyor files a true and correct copy of the survey in the office of the county surveyor.

4. By the conduct described in Findings of Fact 5, 11-13, Mr. McNulty has violated Wis. Admin. Code sec. A-E 7.05(7) that provides: A map shall be drawn for every property survey showing information developed by the survey. The map shall: ... (7) be filed as required by s. 59.45(1), Stats.

5. By the conduct described in Finding of Fact 16, Mr. McNulty has violated Wis. Stat. sec. 443.02(4) that provides: 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 or granted a permit to practice under this chapter.

6. By the conduct described in Findings of Fact 7, 11, 13 and 15-16, Mr. McNulty has violated Wis. Admin. Code sec. A-E 8.06(1) that provides: An architect, landscape architect, professional engineer, designer or land surveyor: (1) Shall use reasonable care and competence in providing professional services.

7. By the conduct described above in Findings of Fact 7, 11, 13 and 15-16, Mr. McNulty has violated Wis. Admin. Code sec. A-E 8.09(1) that provides: An architect, landscape architect, professional engineer, designer or land surveyor: (1) Shall comply with the requirements in ch. 443, Stats., rules in this chapter and all other federal, state and local codes which relate to the practice of architecture, landscape architecture, professional engineering, designing and land surveying.

8. By the conduct described in Findings of Fact 7, 11, 13 and 15-16, Mr. McNulty is guilty of misconduct in the practice of land surveying as that term is defined by Wis. Admin. Code sec. A-E 8.03(3)(a) ("Misconduct in the practice of ... land surveying" means an act performed by [a] ... land surveyor in the course of the profession which jeopardizes the interest of the public, including any of the follows: (a) Violation of federal or state laws, local ordinances or administrative rules relating to the practice of land surveying.)

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the attached Stipulation is accepted.

2. That the Land Surveyor certificate of registration of Terrence J. McNulty, number 8-2339, is hereby **SUSPENDED** for a period of thirty (30) days beginning fifteen (15) days after the effective date of this Order.

3. That Mr. McNulty shall successfully take and complete, within 12 months of the effective date of this Order, ten (10) credits of **CONTINUING EDUCATION** at an accredited academic institution on the subject of "Legal Principles" of Land Surveying.

Successful completion is defined as receiving a grade point of 3.0 or better in each course. Mr. McNulty shall submit proof of successful completion of the courses to the Department Monitor.

4. That Mr. McNulty shall pay full **COSTS** in this matter in the amount of ONE THOUSAND DOLLARS (\$1,000.00) within 180 days of the effective date of this Order. Payment shall be made by payable to the Wisconsin Department of Regulation and Licensing and submitted to the Department Monitor at the following address:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935
608-267-3817

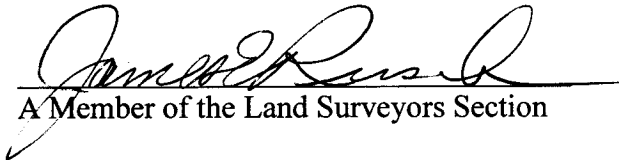
5. That Mr. McNulty shall file, within 30 days of the effective date of the Order, with the Kewaunee County, Wisconsin Register of Deeds, the **SURVEY MAP** that he prepared of Mr.

V.'s Kewaunee County property. Mr. McNulty shall offer proof to the Department Monitor that the survey map was filed with the Kewaunee County Register of Deeds.

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in reinstatement of the suspension of Mr. McNulty's certificate of registration to practice as a land surveyor in the State of Wisconsin (number 8-2339). The Section, in its discretion may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of this Order. In the event Mr. McNulty fails to successfully take and complete the courses as set forth above, or fails to timely submit payment of the costs as set forth above, Mr. McNulty's certificate of registration to practice as a land surveyor in the State of Wisconsin (number 8-2339) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Mr. McNulty has complied with successfully taking and completing the courses and payment of the costs.

7. This Order shall become effective upon the date of its signing.

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

By  3/2/11
A Member of the Land Surveyors Section Date