

## 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

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IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

JAMES D. RITCHIE,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
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**ORDER 0001055**

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Division of Enforcement Case File Number 09 LSR 008

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

James D. Ritchie  
2158 11th Street  
Cumberland, WI 54829

Wisconsin Land Surveyor Section  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties to 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 Surveyor 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. Respondent James D. Ritchie is licensed in the state of Wisconsin as a Land Surveyor, license number 8-1605. This license was first granted to Mr. Ritchie on 10/08/1980 and is current through 01/31/2012.

2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for Respondent James D. Ritchie is 2158 11th Street, Cumberland, WI 54829.

3. On or about June 3, 2009, the Department received a complaint that James D. Ritchie recorded a Certified Survey Map (CSM) without the property owner's permission. A case was subsequently opened for investigation.

4. In 2002, Mr. Ritchie surveyed a property known as Hemlock Lake Resort (resort property). At the request of the property owner, Mr. Ritchie did not record the CSM at that time.

5. In 2006, Ralph Bauch hired Mr. Ritchie to perform a survey for his property which is located to the immediate east of the resort property. As a new access point for Mr. Bauch's property, Mr. Ritchie used an easement that was proposed on the unrecorded CSM for the resort property.

6. On January 24, 2007, Mr. Ritchie recorded the CSM for the resort property without contacting the resort owners prior to recording; on February 8, 2007, Mr. Ritchie recorded the CSM for Mr. Bauch's property.

7. In resolution of this matter, Respondent James D. Ritchie consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Land Surveyor Section has jurisdiction to act in this matter pursuant to Wis. Stat. § 443.12(1), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described above in paragraphs 4-6 of the Findings of Fact, Respondent James D. Ritchie has violated Wis. Admin. Code §§ A-E 8.03(3)(c) and A-E 8.05(1)(a).

3. As a result of the violations noted in the Conclusions of Law, James D. Ritchie is subjected to discipline by the Wisconsin Land Surveyor Section pursuant to Wis. Stat. § 443.12(1).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent James D. Ritchie's license (number 8-1605) to practice as a land surveyor in Wisconsin is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent James D. Ritchie shall complete three (3) college level credits of education in the area of business ethics, which shall be pre-approved by the Department Monitor, within one (1) year of the date of this Order. Proof of completion of education must be submitted in

the form of verification from the institution providing the education to the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

3. Respondent James D. Ritchie shall pay COSTS in the amount of TWO HUNDRED SEVENTY-FIVE DOLLARS (\$275.00) within ninety (90) days of the date of this Order.

4. Proof of completion of ordered education and payment of costs (which shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing) shall be 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

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 timely submit payment of the costs as ordered or fails to comply with the ordered education as set forth above, the Respondent's license (number 8-1605) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and completion of the education.

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

IT IS FURTHER ORDERED that file 09 LSR 008 is hereby closed.

Dated this 24<sup>th</sup> day of August, 2011.

WISCONSIN LAND SURVEYOR SECTION

By: 