

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE LAND SURVEYORS 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

WAYNE R. REUTER,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: ORDER **0002389**  
:

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 LSR 005

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

Wayne R. Reuter  
W7203 Curt Black Rd.  
Shawano, WI 54166

Land Surveyors Section of the Examining Board of Architects, Landscape Architects,  
Professional Engineers, Designers, and Land Surveyors  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in 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 Land Surveyors Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Wayne R. Reuter (dob 11/09/1966) is licensed in the State of Wisconsin as a Land Surveyor, having license number 8-2263, first issued on 04/06/1995 and current through 01/31/2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W7203 Curt Black Rd., Shawano, WI 54166.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

OCCURANCE 1: SURVEY LOCATED IN  
SECTION 32, T27N, R17E OF SHAWANO COUNTY

2. Respondent filed a Certified Survey Map No. 3854 certified November 17, 2011, which was signed and sealed by the Respondent. The Certified Survey Map contained the following deficiencies:

- a. No north point was properly located on the map which referenced a magnetic, true or other identifiable direction and related to a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located.
- b. The status of the monument at the North  $\frac{1}{4}$  corner of Section 32 was misrepresented, and Respondent did not prepare and file a U.S. Public Land Survey Monument Location Record with the County.

3. Respondent filed U.S. Public Land Survey Monument Location Record certified November 15, 2011, which was signed and sealed by the Respondent. The Monument Location Record contained the following deficiencies:

- a. Respondent failed to provide a description of any record, monument, occupational, testimonial or any other material evidence considered in placing a survey nail marker.
- b. Respondent failed to state that the monument record is correct and complete to the best of his knowledge and belief.
- c. Respondent admitted he did not use any PLS Corners in establishing his boundary location.

OCCURANCE 2: SURVEY LOCATED IN  
SECTION 1, T26N, R18E OF SHAWANO COUNTY

4. Respondent filed a Certified Survey Map No. 3851. The Certified Survey Map contained the following deficiencies:

- a. The map is not signed or dated.
- b. The legend fails to indicate the distance between the point of intersection of such meander lines with lot lines and the ordinary high water mark.
- c. The legend fails to indicate the outside diameter of all of the monuments.
- d. Respondent failed to describe all monuments used for determining the location of the northeasterly corner of the parcel or to show bearing and distance relationships to the surveyed parcel.

OCCURANCE 3: SURVEY LOCATED IN  
SECTION 3, T27N, R17E OF SHAWANO COUNTY

5. Respondent filed Certified Survey Map No. 3878, signed, sealed and dated December 1, 2011. The Certified Survey Map includes the following deficiencies:

- a. The bearing reference fails to identify the north point as referenced to an identifiable direction and related to a boundary line in which the subdivision is located.
- b. Respondent failed to prepare and file a U.S. Public Land Survey Monument Record when he claims the witness tie or monument referenced in the existing U.S. Public Land Survey Monument Record was destroyed or disturbed.

OCCURANCE 4: SURVEY LOCATED IN  
SECTION 5, T27N, R17E OF SHAWANO COUNTY

6. Respondent filed a Plat of Survey certified December 5, 2011. Included with and incorporated therein was narrative to describe the Ingress-Egress Easements on the property. The following deficiencies were observed:

- a. Neither page of the attached narrative are signed, sealed or dated.
- b. The Plat of Survey shows that the nail marker for the Northeast Corner of Section 5 was recovered. However, no U.S. public Land Survey Monument Location Record was provided or filed.

OCCURANCE 5: SURVEY FOR  
SECTIONS 1, 2, 11, & 12, T27N, R16E OF SHAWANO COUNTY

7. Respondent filed Certified Survey Map No. 3367 certified on September 20, 2006, upon which he failed to indicate the outside diameter of all of the monuments in the legend and failed to describe all monuments used for determining the location of the southerly and southeasterly corners of the parcel by showing bearing(s) and distance(s) relationships to the surveyed parcel.

8. Respondent filed a Plat of Survey and attached a narrative describing the boundaries, place of beginning and an easement, but failed to sign, date or seal the narrative page.

9. Respondent filed a U.S. Public Land Survey Monument Location Record certified June 29, 2011. The following deficiencies were observed:

- a. Respondent failed to provide a description of a record, monument, occupational, testimonial or any other material evidence considered when recovering the monument.

- b. The certification does not provide a statement certifying that the U.S. Public Land Survey Monument Record is correct and complete to the best of his knowledge.

10. Respondent filed another Plat of Survey certified August 5, 2011, and attached a narrative describing the boundaries and place of beginning but failed to sign, date or seal the narrative page or describe the monumentation for the southwest corner of section 1.

OCCURANCE 6: SURVEY IN TOWN OF FAIRBANKS  
SECTION 14, T26N R12E IN SHAWANO COUNTY

11. Respondent filed a Plat of Survey certified May 2, 2011, and the following deficiencies were noted:

- a. Respondent attached a narrative describing the boundaries and place of beginning but failed to sign, date or seal the narrative page.
- b. Respondent failed to graphically depict or show the dimensions of fencing that he noted was used in the determination of the road right-of way.

12. Respondent filed Certified Survey Map No. 3635, but failed to sign and date the certification.

13. Respondent filed a Plat of Survey certified January 14, 2011, and the following deficiencies were noted:

- a. Respondent attached a narrative describing the boundaries and place of beginning but failed to sign, date or seal the narrative page.
- b. Respondent failed to graphically depict or show the dimensions of fencing that he noted was used in the determination of the road right-of way.

14. In resolution of this matter, Respondent 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. § 443.12, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Wayne R. Reuter has demonstrated gross negligence, incompetency and misconduct as defined in Wis. Admin. Code § A-E 8.03(1), (2), (3) and has violated § A-E 8.06(1) by failing to use reasonable care and competence in providing professional services.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code A-E 8.09(1) by failing to comply with the requirements in ch. 443, Stats., the ch.

A-E rules, and all other federal, state and local codes which relate to the practice of land surveying, namely:

- a. Wis. Stat. § 236.20(2)(b) by failing to correctly show on the final plat all monuments erected, corners, and other points established in the field in their proper places, the material of which they are made in the legend, or the outside diameter of metal monuments.
- b. Wis. Stat. § 236.20(2)(g) by failing to show correctly on the final plat the distance between the point of intersection of such meander lines with lot lines and the ordinary high water mark.
- c. Wis. Stat. §§ 236.20(2)(i) and 59.73(1) by identifying north points but failing to reference a magnetic, true or other identifiable direction related to a boundary line of a quarter section.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code §§ A-E 2.02(4) and 7.05(6) by failing to sign, seal and date Certified Survey Maps and attached documents.

5. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.03 by not acquiring data necessary to retrace record title boundaries such as deeds, maps, certificates of title and center line and other boundary line locations, analyzing the data, and making a determination of the position of the boundaries of the parcel being surveyed.

6. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.05(4) by misrepresenting or failing to describe all monuments used for determining the location of the parcel and by failing to show by bearing and distance their relationship to the surveyed parcel and indicating if such monuments were found or placed.

7. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code §§ A-E 7.08(1)(b) and (c) and 7.05(7), which incorporates Wis. Stat. § 59.45(1), by not preparing and filing a U.S. Public Land Survey Monument Record when required, i.e. the restoration or reestablishment of a corner or where witness ties or a U.S. public land survey monument in an existing U.S. public land survey monument record have been destroyed or disturbed.

8. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.08(3)(b) by not including in the U.S. Public Land Survey Monument Record a description of any record, monument, occupational or other material evidence considered by the surveyor and whether the monument was found or placed.

9. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.08(3)(i) by not including in the U.S. Public Land Survey Monument Record a statement certifying that the U.S. public land survey monument record is correct and complete to the best of his knowledge and belief.

10. As a result of the above violations, Respondent Wayne R. Reuter is subject to discipline pursuant to Wis. Stat. § 443.12(1).

## ORDER

1. The attached Stipulation is accepted.
2. The land surveyor license of Respondent Wayne R. Reuter (number 8-2263) is **SUSPENDED** for ninety days (90 days) beginning 15 days after the date of this Order.
3. The land surveyor license issued to Respondent is **LIMITED** as follows:
  - a. Within six months of the date of this Order, Respondent shall successfully complete 4 credit hours of education on Wisconsin statutory and administrative rule requirements for land surveys offered by a 2-year or 4-year educational institutional provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses with a grade of B or higher.
  - b. Respondent shall submit a written request for pre-approval of any course(s) to satisfy paragraph a. above to the Land Surveyor Section Monitoring Liaison within 30 days of the date of this Order.
  - c. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
  - d. This limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.
4. Within 90 days from the date of this Order, Respondent shall pay **COSTS** of this matter in the amount of \$1,750.00.
5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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 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, Respondent's license (no. 8-2263) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and submitted proof of completion of ordered education.

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

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

By Matthew Janiak  
A Member of the Section

4/15/2013  
Date