

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
ANTHONY J. GROMACKI,	:	
RESPONDENT.	:	

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0004457

Division of Legal Services and Compliance Case No. 14 LSR 009

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

Anthony J. Gromacki  
W62N215 Washington Ave.  
Cedarburg, WI 53012

Professional Land Surveyor Section of the Examining Board of Architects, Landscape  
Architects, Professional Engineers, Designers, and Professional Land Surveyors  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

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 Professional Land Surveyor Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional 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 Anthony J. Gromacki (DOB May 25, 1956) is licensed by the State of Wisconsin as a Professional Land Surveyor, having license number 2090-8, first issued on October 17, 1991 and current through January 31, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services is W62N215 Washington Avenue, Cedarburg, Wisconsin 53012.

2. In June 2014, Respondent met with homeowners to discuss performing a survey of their property located in the Village of Germantown, Wisconsin.

3. Respondent recovered a three-quarters inch rebar on the Easterly property boundary and placed preliminary lath to identify the approximate boundary. He provided the homeowners with a copy of the recorded Certified Survey Map from the Washington County Courthouse and consulted the Section Line to verify the points.

4. The homeowners then informed Respondent they were satisfied with the information they had received and would not pay for additional work.

5. On June 13, 2014, Respondent signed a Plat of Survey for the property based on the information described in paragraph 3 above and research he had performed on the same property for a survey he performed in 2008.

6. The June 13, 2014 Plat of Survey was reviewed by the Department of Safety and Professional Services and was found to be deficient in the following ways:

- a. The Plat of Survey did not describe how the South line of the Northwest one-quarter of the parcel was determined, and did not describe the monuments used for determining the parcel's location.
- b. Road right of way information and location was not depicted.
- c. Respondent did not describe the parcel by metes and bounds.
- d. The Plat of Survey did not include a note which stated that Respondent and the homeowners had reached an agreement to exclude any work from the requirements outlined in Wis. Admin. Code Ch. A-E 7.

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

#### CONCLUSIONS OF LAW

1. The Professional Land Surveyor Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional 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 violated Wis. Admin. Code § A-E 7.03 by failing to acquire and analyze data necessary to retrace record title boundaries and make a careful determination of the position of the boundaries of the parcel being surveyed.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.05(4) by failing to describe all monuments used for determining the

location of the parcel and show by bearing and distance their relationship to the surveyed parcel and indicate whether such monuments were found or placed.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.01(2) by failing to agree in a signed statement to exclude any land surveying work from the requirements of Wis. Admin. Code Ch. A-E 7.

5. As a result of the above violations and conduct, Anthony J. Gromacki has engaged in misconduct in the practice of land surveying as defined in Wis. Admin. Code § A-E 8.03(3)(b) and is subject to discipline pursuant to Wis. Stat. § 443.12(1).

#### ORDER

1. The attached Stipulation is accepted.
2. Respondent Anthony J. Gromacki is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$763.
4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

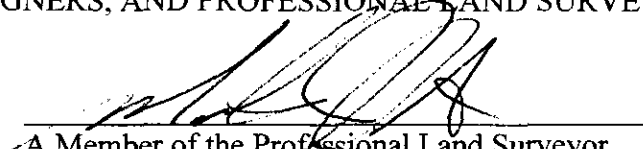
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

5. In the event Respondent fails to timely submit payment of the costs as ordered, Respondent's license (2090-8), or Respondent's right to renew his license, may, in the discretion of the Professional Land Surveyor Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

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

by:



A Member of the Professional Land Surveyor  
Section of the Wisconsin Examining Board of  
Architects, Landscape Architects, Professional  
Engineers, Designers and Professional Land Surveyors

1-7-20  
Date

STATE OF WISCONSIN  
BEFORE THE PROFESSIONAL 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

ANTHONY J. GROMACKI,  
RESPONDENT.

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:  
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:

STIPULATION

0004457

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Division of Legal Services and Compliance Case No. 14 LSR 009

Respondent Anthony J. Gromacki and the Division of Legal Services and Compliance,  
Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the  
Division of Legal Services and Compliance. Respondent consents to the resolution of this  
investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily  
and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has  
the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by  
subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral  
arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution,  
the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code,  
and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has  
been provided an opportunity to obtain legal counsel before signing this Stipulation.

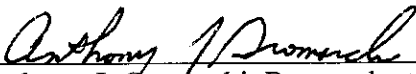
4. Respondent agrees to the adoption of the attached Final Decision and Order by  
the Professional Land Surveyor Section of the Examining Board of Architects, Landscape  
Architects, Professional Engineers, Designers, and Land Surveyors (Section). The parties to the  
Stipulation consent to the entry of the attached Final Decision and Order without further notice,  
pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the  
Section's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.

  
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Anthony J. Gromacki, Respondent  
W62N215 Washington Ave.  
Cedarburg, WI 53012  
License no. 2090-8

12/19/15  
Date

  
\_\_\_\_\_  
Andrea E. Brauer, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

12/23/15  
Date