

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS C. MCCLONE,
RESPONDENT.

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FINAL DECISION AND ORDER

0004682

Division of Legal Services and Compliance Case No. 15 LSR 003

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

Thomas C. McClone
P.O. Box 358
Hortonville, WI 54944

Professional Land Surveyor Section of the Wisconsin 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 Thomas C. McClone (DOB 05/06/1943) is licensed by the State of Wisconsin as a Professional Land Surveyor, having license number 1374-8, first issued on December 17, 1976 and expired on February 1, 2012. Respondent's most recent address on file

with the Wisconsin Department of Safety and Professional Services (Department) is P.O. Box 358, Hortonville, Wisconsin 54944.

2. Between May 8, 2012 and February 2, 2015, Respondent submitted eleven Certified Survey Maps to Outagamie County.
3. In July 2015, the Outagamie County Surveyor discovered Respondent's license was expired, when Respondent attempted to submit another Certified Survey Map.
4. 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. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to automatically renew license number 1374-8 through January 31, 2017.
3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 443.02(4) by practicing professional land surveying in Wisconsin without holding a valid license to engage in the practice of professional land surveying.
4. 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 Wis. Stat. ch. 443, rules in Wis. Admin. Code ch. A-E 8 and all other federal, state and local codes relating to land surveying.
5. As a result of the above violations, Thomas C. McClone is subject to discipline pursuant to Wis. Stat. § 443.11(1)(d).

ORDER

1. The attached Stipulation is accepted.
2. The VOLUNTARY SURRENDER of Respondent Thomas C. McClone's right to renew his Professional Land Surveyor license (No. 1374-8) is hereby ACCEPTED.
3. This surrender constitutes Respondent's permanent relinquishment of his Professional Land Surveyor license and his right to practice professional land surveying in the state of Wisconsin. The Section will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice professional land surveying in the state of Wisconsin.
4. This Order is effective on the date of its signing.

THE 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 Section

4-27-2016
Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS C. MCCLONE,
RESPONDENT.

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STIPULATION

0004682

Division of Legal Services and Compliance Case No. 15 LSR 003

Respondent Thomas C. McClone 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 Wisconsin Examining Board of Architects,
Landscape Architects, Professional Engineers, Designers, and Professional 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.

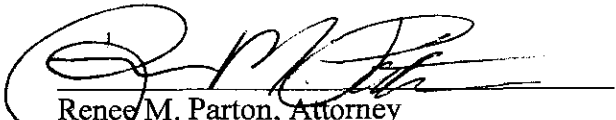
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent, for 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.


Thomas C. McClone, Respondent
P.O. Box 358
Hortonville, WI 54944
License no. 1374-8


3/6/16
Date


Renee M. Parton, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

3/14/2016
Date