

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

WILLIAM W. ROWLAND,
RESPONDENT.

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FINAL DECISION AND ORDER

0004683

Division of Legal Services and Compliance Case No. 14 LSR 003

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

William W. Rowland
W3559 Morningside Road
Sarona, WI 54870

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 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 William W. Rowland (DOB 08/31/1951) is licensed by the State of Wisconsin as a professional land surveyor, having license number 2652-8, first issued on April 18, 2003 and current through January 31, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W3559 Morningside Road, Sarona, Wisconsin 54870.

2. In July 2011, Respondent filed two property surveys for M.J.'s property with Burnett County.

3. The Burnett County Surveyor sent a letter to Respondent on July 27, 2011, indicating that he had reviewed the surveys and found them to be deficient. He enclosed the surveys with his handwritten comments and the Survey Map checklist from the Wisconsin Society of Land Surveyors website. The County Surveyor asked that Respondent send him revised surveys within 30 days.

4. The County Surveyor sent follow up letters to Respondent on September 28, 2011, December 21, 2011 and January 10, 2013, asking when he could expect to receive the revised surveys from Respondent. The County Surveyor also had several telephone discussions with Respondent regarding the need for revised surveys and was assured by Respondent that he would revise the surveys.

5. On or about January 22, 2014, the County Surveyor filed a complaint with the Department, stating that he had still not received the revised surveys from Respondent. Division of Legal Services and Compliance (Division) Case Number 14 LSR 003 was subsequently opened for investigation.

6. On April 28, 2015, after reviewing the surveys submitted by Respondent as part of the investigation, the Division determined the surveys failed to meet the requirements of Wis. Admin. Code Chs. A-E 7 and 8 as follows:

Section 15 Map of Survey

- a. Respondent failed to set meander corners on the South and East line of the SW 1/4 of the SW 1/4.
- b. There are only computed points at the NW and SE corners of the SW 1/4-SE 1/4.
- c. Respondent did not monument Cranberry Marsh Road.
- d. The legal description was not complete or accurate as the description heading was incorrect and the metes and bounds description was not included.
- e. Respondent failed to show the exact length and bearing of the boundary lines.
- f. Respondent did not monument the NW corner and center of the section, and the N 1/4 and E 1/4 corners of the section.

Section 16 Map of Survey

- g. Respondent failed to set a monument for the SW corner of the North parcel.

- h. Respondent failed to label the adjoining Clam River.
- i. Respondent failed to show the exact length and bearing of the boundaries by not showing the meander line of the Clam River.
- j. Respondent failed to show how the boundary line for the North line of the N 1/2 of the SE 1/4, which has three separate bearings, compared to the deeded bearings.
- k. Respondent did not show the monuments used for determining the location of the parcel at the NE section corner and the N and S 1/4 corners.
- l. Respondent did not show section corners and, if there were no monuments present, he failed to follow the procedure outlined in Wis. Admin. Code § A-E 7.08.

7. In May 2015, Respondent submitted revised surveys to the Department and the County Surveyor. However, the surveys did not correct all of the above noted deficiencies.

8. On May 15, 2015, in response to a request for information from an investigator with the Department, Respondent reported that he was unable to find proof of his continuing education requirements for the 2/1/2012-1/31/2014 biennium.

9. 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 Surveyors Section of the 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 set monuments marking the corners of the parcel unless monuments already exist at the corners.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.04 by failing to provide complete descriptions defining land boundaries and unequivocal identification of lines or boundaries.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.05(3) by failing to show, in a map, the exact length and bearing of the boundaries of the parcels surveyed. Where the boundary lines show bearings, lengths or locations which vary from those recorded in deeds, abutting plats, or other instruments there shall be the following note placed along such lines, "recorded as (show recorded bearing, length or location)".

5. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.05(4) by failing to describe, in a map, 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.

6. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.08(1) by failing to prepare and file with the county surveyor's office a U.S. public land survey monument record as part of any land survey which includes or requires the perpetuation, restoration, reestablishment or use of a U.S. public land survey corner.

7. By the conduct described in the Findings of Fact and the violations described above, Respondent has engaged in conduct which constitutes gross negligence in the practice of professional land surveying as that term is defined in Wis. Admin. Code § A-E 8.03(1).

8. By the conduct described in the Findings of Fact and the violations described above, Respondent has engaged in conduct which constitutes incompetency in the practice of professional land surveying as that term is defined in Wis. Admin. Code § A-E 8.03(2)(b) and (c).

9. By the conduct described in the Findings of Fact and the violations described above, Respondent has engaged in conduct which constitutes misconduct in the practice of professional land surveying as that term is defined in Wis. Admin. Code § A-E 8.03(3)(a), (b), and (c).

10. By the conduct described in the Findings of Fact and the violations described above, Respondent has violated Wis. Admin. Code § A-E 8.06(1) by failing to use reasonable care and competence in providing professional land surveyor services.

11. By the conduct described in the Findings of Fact and the violations described above, Respondent has violated Wis. Admin. Code § A-E 8.09(1) by failing to 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 professional land surveying.

12. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 10.06 by failing to maintain records of continuing education or professional development hours for at least 2 bienniums from the date the certificate or statement of attendance is signed.

13. As a result of the above conduct and violations, Respondent is subject to discipline pursuant to Wis. Stat. § 443.12(1).

ORDER

1. The attached Stipulation is accepted.
2. Respondent William W. Rowland's professional land surveyor license (number 2652-8) is hereby SUSPENDED for ten (10) days beginning fifteen (15) days from the date of this Order.

3. Respondent William W. Rowland's professional land surveyor license (number 2652-8) is LIMITED as follows:

a. Within one hundred and twenty (120) days of the date of this Order, Respondent shall obtain twenty (20) credits of continuing education as required by Wis. Admin. Code § A-E 10.03 to be applied retroactively to the 2012-2014 registration period.

b. Within one hundred and twenty (120) days of the date of this Order, Respondent shall obtain an additional ten (10) hours of preapproved education on the topics of boundaries and monuments and/or the Public Land Survey System. The course(s) shall be offered by a provider preapproved by the Section or its designee, and Respondent shall take and pass any examination(s) offered for the course(s).

c. Respondent shall submit proof of successful completion of the ordered 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 paragraph 3 may be used to satisfy any continuing education requirements that have been or may be instituted by the Section 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 after satisfying the Section or its designee that Respondent has successfully completed all of the ordered education.

4. Respondent William W. Rowland's professional land surveyor license (number 2652-8) is further LIMITED as follows:

a. Respondent shall make all the remaining revisions requested by the Burnett County Surveyor on July 27, 2011, to the two (2) maps of survey which are the subject of this Final Decision and Order. A copy of the revised maps of survey shall be provided to the Department and filed with the Burnett County Surveyor within forty-five (45) days of the date of the Order.

b. Respondent shall submit the first survey he prepares after completion of all ordered education to the Standards Review Group of the Wisconsin Society of Land Surveyors for review. The results of that review are to be provided by Respondent to the Section or its designee within ten (10) days of receipt of the results. If the map of survey is unacceptable to the Standards Review Group, Respondent shall make all required revisions to the satisfaction of the Section or its designee within thirty (30) days of receipt of the results of the review. The maps referenced in paragraph 4(a) may not be used in satisfaction of this requirement.

c. Failure to complete the revisions and provide the maps to the Department as set forth in paragraph 4 will result in the immediate suspension of

Respondent's professional land surveyor's license until such time as Respondent has submitted the revised maps to the Department.

d. This limitation shall be removed from Respondent's license after the Section or its designee has determined that the submitted maps include all required revisions and meet the minimum standards for property surveys set forth in Wis. Admin. Code Ch. A-E 7.

5. All costs of complying with the terms of this Order are the responsibility of Respondent.

6. Within one hundred eighty (180) days of this Order, Respondent shall pay COSTS of this matter in the amount of \$800.00.

7. All requests for preapproval, certificate(s) of course completion, submissions of maps, and payment of costs, made payable to the Wisconsin Department of Safety and Professional Services, shall be sent to the Department Monitor at the address below:

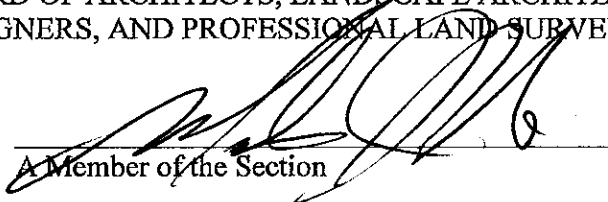
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

8. In the event Respondent fails to timely submit payment of the costs as ordered, or fails to abide by any other provision of this Order, Respondent's license (number 2652-8), or Respondent's right to renew his license, may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the provisions of this Order.

9. 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

4-27-16
Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

WILLIAM W. ROWLAND,
RESPONDENT.

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STIPULATION

0004683

Division of Legal Services and Compliance Case No. 14 LSR 003

Respondent William W. Rowland 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.

William W Rowland
William W. Rowland, Respondent
W3559 Morningside Road
Saronia, WI 54870
License no. 2652-8

3-24-2016
Date

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

3-24-2016
Date