

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 :
 : FINAL DECISION AND ORDER
JOHN L. STONE, :
RESPONDENT. :

0004684

Division of Legal Services and Compliance Case Nos. 13 LSR 004, 15 LSR 006 & 16 LSR 001

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

John L. Stone
2813 Joseph Ave.
Schofield, WI 54476

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 John L. Stone (DOB 02/06/1960) is licensed by the State of Wisconsin as a professional land surveyor, having license number 2570-8, first issued on 02/08/2001 and current through 01/31/2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2813 Joseph Avenue, Schofield, Wisconsin 54476.

2. On 09/16/2013, Respondent filed a property survey for D.S.'s property (D.S. survey) with Marathon County.

3. The Marathon County Surveyor reviewed the D.S. survey.

4. The Marathon County Surveyor found many discrepancies in the D.S. survey.

5. The Marathon County Surveyor submitted the D.S. survey for examination by the Survey Map Review Committee of the Wisconsin Society of Land Surveyors (WSLS).

6. On 09/29/2013, WSLS concluded the D.S. survey did not meet the requirements of Wis. Admin. Code Ch. A-E 7. WSLS delineated the following deficiencies:

a. Respondent did not measure the boundary locations in accordance with the records of the Marathon County Register of Deeds.

b. Respondent did not tie his descriptions defining land boundaries by metes and bounds to any section corner or a subdivision or CSM that is tied to the PLSS.

c. Respondent's map did not show all monuments used for determination of boundary location.

d. The D.S. survey shows the previously recorded bearings and distances between the corners without any differences between the measured and recorded, which raises the question of whether the Respondent actually measured between the corners.

e. The measurements shown do not accurately reflect the precision of the instruments and are not consistent throughout the D.S. survey.

7. On 10/07/2013, the Marathon County Surveyor requested Respondent revise the D.S. survey to meet minimum standards.

8. On 11/27/2013, Respondent submitted a revised D.S. survey to Marathon County. However, the revised D.S. survey did not contain the requested revisions nor did it correct the above noted deficiencies.

9. On 01/10/2014, the Marathon County Surveyor filed a complaint with the Department regarding the incident described above. In response to this complaint, the Department opened Division of Legal Services and Compliance (Division) Case Number 13 LSR 004 for investigation.

10. Throughout its investigation, the Department received additional complaints against Respondent on 12/21/2015 and 01/04/2016 from Wisconsin County Surveyors. In response to these complaints, the Department subsequently opened DLSC Case Numbers 15 LSR 006 and 16 LSR 001 for investigation. The allegations of these complaints are substantially similar to the allegations of DLSC Case Number 13 LSR 004.

11. 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 John L. Stone violated Wis. Admin. Code § A-E 7.03 by failing to make a property survey in accordance with the records of the register of deeds as nearly as practicable.

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

4. By the conduct described in the Findings of Fact, Respondent John L. Stone 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.

5. By the conduct described in the Findings of Fact, Respondent John L. Stone 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).

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

7. By the conduct described in the Findings of Fact and the violations described above, Respondent John L. Stone violated Wis. Admin. Code § A-E 8.09(1) by failing to comply with state and local codes which relate to the practice of professional land surveying.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent John L. Stone's professional land surveyor license (no. 2570-8) is hereby **SUSPENDED** for an indefinite period of time beginning 15 days from the date of this Order. The suspension shall be removed from Respondent's license when the Section or its designee is satisfied the following conditions are met:

a. Respondent shall successfully complete fourteen (14) hours of education on the topics of boundaries and monuments, land descriptions, and/or the Public Land Survey System. The course(s) shall be offered by a provider pre-approved by the Section or its designee, and Respondent shall take and pass any exam(s) offered for the course(s).

b. Respondent shall submit a written request for pre-approval of any course(s) to satisfy paragraph 2.a. above to the Department Monitor at the address stated below. Courses for which Respondent does not receive pre-approval will not be accepted.

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 Section or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

3. Respondent John L. Stone's professional land surveyor license (no. 2570-8) is LIMITED as follows:

a. Beginning on the date the suspension described in paragraph 2 is removed from Respondent's license, Respondent shall practice as a professional land surveyor only under the direct supervision of a licensed professional land surveyor, as set forth below. The supervisor must be pre-approved by the Section or its designee.

b. Respondent shall submit a written request for pre-approval of a supervisor to the Department Monitor at the address below. Respondent shall not commence practice as a professional land surveyor until the supervisor has been approved by the Section or its designee.

c. Prior to commencing practice as a professional land surveyor under supervision, Respondent shall notify his supervisor of his disciplinary history with the Section and shall provide a copy of this Order to his supervisor prior to commencement of the supervision.

d. The supervisor shall review and approve, or request modifications of as appropriate, all surveys along with all supporting documents prepared by Respondent during the period of supervision prior to the filing of the surveys.

e. The supervisor shall file reports with the Section detailing the results of his/her review; including but not limited to, assessing the quality of Respondent's work, detailing any errors in the reports, if revisions were necessary describing whether those revisions were completed successfully. The reports shall be filed with the Department Monitor, at the address below, every ninety (90) days, following the date the supervision detailed in paragraph 3. a. above commences.

f. Respondent shall submit a signed statement certifying that he is in compliance with all terms and conditions of this Order. The signed statement shall be submitted to the Department Monitor, at the address below, every ninety (90) days, following the date the supervision detailed in paragraph 3. a. above commences.

g. After two (2) supervisor reports have been deemed satisfactory by the Section or its designee, Respondent shall be eligible to petition the Section for removal of this limitation. The Section may grant or deny the petition(s), in its discretion, or may modify this Order as it sees fit. A denial of such petition(s) for modification or termination shall not be deemed a denial of a license under Wis. Stat. § 227.42, or Wis. Admin. Code Ch. 1, and shall not be subject to any right to further hearing or appeal.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,730.

5. Respondent is responsible for the timely filing of all reports and any associated costs with this Order.

6. All requests for pre-approval, certificate(s) of course completion, reports, certifications, petitions 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

7. 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 (no. 2570-8), 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.

8. 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 :
 :
JOHN L. STONE, : STIPULATION
RESPONDENT. :
 : **0004684**

Division of Legal Services and Compliance Case Nos. 13 LSR 004, 15 LSR 006 & 16 LSR 001

Respondent John L. Stone 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.

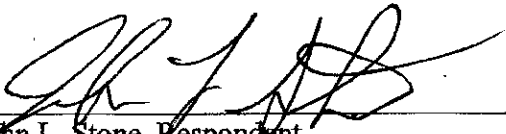
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Professional Land Surveyor Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors (Section). The parties to the Stipulation consent 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.



John L. Stone, Respondent
2813 Joseph Avenue
Schofield, WI 54476
License no. 2570-8

4/2/16

Date



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

4/14/2016

Date