

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

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

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

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
MARK E. KRAUSE, :
RESPONDENT. :

0005109

Division of Legal Services and Compliance Case Nos. 14 LSR 001 & 14 LSR 007

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

Mark E. Krause
27424 W. Connors Lake Road
Webster, WI 54893

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 Mark E. Krause (DOB 01/19/1959) is licensed by the State of Wisconsin as a professional land surveyor, having license number 1808-8, first issued on July 19, 1984 and current through January 31, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 27424 West Connors Lake Road, Webster, Wisconsin 54893.

2. On or about January 6, 2014 and June 24, 2014, the Department received complaints from the Burnett County Surveyor alleging that Respondent committed multiple violations of Wis. Admin. Code ch. A-E 7. The Division of Legal Services and Compliance subsequently opened DLSC Case Nos. 14 LSR 001 and 14 LSR 007 for investigation.

3. The Division of Legal Services and Compliance reviewed the complaint materials and determined Respondent violated Wis. Admin. Code chs. A-E as follows:

a. Between August 24, 2009 and December 19, 2013, Respondent did not sign, stamp, and/or date all maps filed with the County Surveyor.

b. Between August 24, 2009 and December 19, 2013, Respondent did not draw a map for every property survey conducted.

c. Between August 24, 2009 and December 19, 2013, Respondent did not make all surveys in accordance with the records of the register of deeds as nearly as was practicable.

d. Between December 19, 2013 and April 15, 2014, Respondent did not show the exact length and bearing of the boundaries of the parcels surveyed. Respondent did not include dimensional details for survey markers noted on certified survey maps (CSM).

e. Between August 24, 2009 and December 19, 2013, Respondent did not file true and correct copies of all surveys conducted within 60 days with the County Surveyor after a property survey was performed.

f. Between September 9, 1999 and December 19, 2013, Respondent's measurement for corner position was outside the minimum accuracy of linear measurements of 1 part in 3,000.

g. Between November 17, 2006 and December 19, 2013, Respondent did not prepare and/or file a U.S. Public Land Survey monument record with the County Surveyor's office as part of any land survey in which he perpetuated, restored, reestablished or used a U.S. public land survey corner.

h. Between February 3, 2011 and December 19, 2013, Respondent prepared deficient CSM and failed to correct issues with CSM in a timely manner.

i. Between July 15, 2010 and December 19, 2013, Respondent did not describe the parcel of subject property as provided in s. A-E 7.04, including failing to depict how the boundary information was obtained and all monuments used for determining the location.

j. Between February 9, 2011 and December 19, 2013, Respondent recorded an affidavit on a county plat and was notified of an error and failed to correct the error in a timely manner.

k. Between February 9, 2011 and December 19, 2013, Respondent did not number lots consecutively for a final plat of a subdivided land and did not correct the error in a timely manner.

l. Between August 7, 2007 and December 19, 2013, Respondent did not include bearing and lengths for boundaries surveyed as a part of a condominium.

m. Between January 31, 2005 and December 19, 2013, Respondent did not know how to correct all identified issues with work recorded with the County Surveyor.

4. Since DLSC Case Nos. 14 LSR 001 and 14 LSR 007 have been opened for investigation, Respondent has filed 33 maps with the County Surveyor, with effective dates starting as early as September 2, 2010.

5. In an attempt to address the Section's concerns, Respondent submitted a Certificate of Completion for 18 hours of education provided by the Wisconsin Society of Land Surveyors on January 27-29, 2016 in each of the following topics: boundary and monuments (3 hours), property disputes (3 hours), and Wisconsin Statutes and Regulations governing Professional Land Surveying (6 hours). None of these education courses can be used by Respondent to satisfy any continuing education requirements that have been or may be instituted by the Section or Department.

6. 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 2.02(4)¹ (2013-14) by failing to sign, seal and/or date each sheet of plans, drawings, documents, specifications and reports for the professional land surveying practice.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.03 (2013-14) by failing complete property surveys in accordance with the records of the register of deeds as nearly as practicable.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.04 (2013-14) by failing to have complete descriptions defining land boundaries written for conveyance or other purposes.

¹ Unless otherwise noted, the Wisconsin Statutes and Wisconsin Administrative Code references are from 2015-2016.

5. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.05 (2013-14) by failing to draw a map for every property surveyed.

6. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.05(3) (2011-12) by failing to show the exact length and bearing of the boundaries of the parcels surveyed.

7. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.05(4) (2009-10) by failing to describe all monuments used for determining the location of the parcel and failing to show by bearing and distance their relationship to the surveyed parcel and failing to indicate whether such monuments were found and placed.

8. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.05(5) (2013-14) by failing to describe the parcel of the subject property as provided in s. A-E 7.04.

9. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.05(6) (2013-14) by failing to stamp or seal and sign all surveys under Respondent's direction and control. Respondent failed to make a certifying statement on all surveys that the surveys were correct to the best of Respondent's knowledge and belief.

10. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.05(7) (2013-14) by failing to file all surveys as required by Wis. Stat. § 59.45(1).

11. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.06(2) (2013-14) by failing to meet the minimum accuracy of linear measurements for all property lines of boundary or interior survey.

12. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 7.08(1) (2013-14) by failing to prepare and file a U.S. public land survey monument record with the county surveyor's office.

13. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 8.06(1) (2013-14) by failing to use reasonable care and competence in providing professional services.

14. By the conduct described in the Findings of Fact, Respondent 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).

15. By the conduct described in the Findings of Fact and the violations described above, Respondent 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) and (b).

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

17. By the conduct described in the Findings of Fact and the violations described above, Respondent 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.

18. As a result of the above violations, Mark E. Krause is subject to discipline pursuant to Wis. Stat. § 443.12(1).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Mark E. Krause's professional land surveyor license (no. 1808-8) is hereby **SUSPENDED** for an indefinite period of time beginning ten (10) 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 eight (8) hours of education consisting of the following courses offered by the Wisconsin Society of Land Surveyors, including taking and passing any exam(s) offered for the courses:

- i. Boundary Retracement in Your Community (2 hours),
- ii. Professional Ethics for the Surveyor (2 hours),
- iii. Ethical Decision Making for Surveyors (2 hours) and
- iv. AE-7 Revisions (2 hours).

b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the Wisconsin Society of Land Surveyors 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 the Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

4. Respondent Mark E. Krause's professional land surveyor license (no. 1808-8) is **LIMITED** as follows:

a. Beginning on the date the above suspension is lifted, 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 provide supervision which includes the review and approval, and/or request modifications of, as appropriate, all surveys and assignments along with all supporting documents prepared by Respondent during the period of supervision prior to filing with the County.

e. Respondent shall submit reports prepared by the supervisor 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 and, 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 4.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 4.a. above commences.

g. After four (4) 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. SPS 1, and shall not be subject to any right to further hearing or appeal.

5. Respondent shall pay COSTS of this matter in the amount of \$3,696 pursuant to the following schedule:

Payment Date	Amount
January 12, 2017	\$924
April 12, 2017	\$924
July 12, 2017	\$924
October 12, 2017	\$924

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


7. 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

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 (no. 1808-8), 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 payment of the costs and the other 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

1/5/17
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 :
 : STIPULATION
MARK E. KRAUSE, :
RESPONDENT. : 0005109

Division of Legal Services and Compliance Case Nos. 14 LSR 001 & 14 LSR 007

Respondent Mark E. Krause 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.

Mark E Krause

Mark E. Krause, Respondent
27424 West Connors Lake Road
Webster, WI 54893
License no. 1808-8

DEC. 23, 2016

Date

Renee M. Parton

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

1/3/2017

Date

RECEIVED

DEC 29 2016

DEPT OF SAFETY & PROFESSIONAL SERVICES
DIV OF LEGAL SERVICES & COMPLIANCE