

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

MATTHEW T. MOKANYK,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0006732

Division of Legal Services and Compliance Case No. 18 LSR 003

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

Matthew T. Mokanyk
Grawn, MI 49637

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 Matthew T. Mokanyk (Birth Year: 1970) is licensed by the State of Wisconsin as a professional land surveyor, having license number 3078-8, first issued on March 3, 2015 and current through January 31, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Grawn, Michigan.

2. Respondent Mokanyk is also licensed by the state of Wisconsin as a professional engineer, having registration number 37820-6, first issued on October 2, 2005 and current through July 31, 2020. This license was expired from August 1, 2014 through March 2, 2018.

3. On May 16, 2018, Respondent self-reported to the Department that his professional land surveyor credential had been disciplined by the Illinois Department of Financial and Professional Regulation (Illinois Department) in July 2012. Division of Legal Services and Compliance (Division) Case Number 18 LSR 003 was subsequently opened for investigation.

4. During the investigation of Division Case No. 18 LSR 003, the Department learned Respondent had been disciplined five (5) times by other jurisdictions. Respondent had been disciplined by Illinois, Mississippi and Kentucky, and had been disciplined twice by North Carolina. Mississippi, Kentucky, and North Carolina disciplined Respondent's professional engineering license in those states as he does not hold a professional land surveyor license in those states.

5. On June 18, 2012, the Illinois Department reprimanded Respondent's professional surveyor's license because he surveyed a property in Illinois before receiving a professional surveyor license. The Illinois Department considered that Respondent thought that he did not need a license because he was completing the survey for a federal client. However, the Illinois Department stated that the survey was not performed on federal property so was subject to Illinois statutes and regulations. At this time, Respondent was not licensed as a professional land surveyor in Wisconsin; however, Respondent did hold an active professional engineering registration in Wisconsin.

6. On April 5, 2017, the North Carolina Board of Examiners for Engineers and Surveyors (North Carolina Board) reprimanded Respondent's professional engineering license for failing to report disciplinary action taken by another jurisdiction within thirty (30) days.¹ At this time, Respondent's Wisconsin professional land surveyor license was active, but Respondent's Wisconsin professional engineering registration was expired.

7. On October 12, 2017, the Mississippi Board of Licensure for Professional Engineers and Surveyors (Mississippi Board) fined Respondent's professional engineering license for failing to report the disciplinary action taken by the North Carolina Board on his Mississippi professional engineering license renewal. At this time, Respondent's Wisconsin professional land surveyor license was active, but Respondent's Wisconsin professional engineering registration was expired.

8. On June 21, 2018, the North Carolina Board took reprimanded Respondent's professional engineering license again and fined him for failing to report the disciplinary action taken by the Mississippi Board. At this time, both Respondent's Wisconsin professional land surveyor license and Wisconsin professional engineering registration were active.

¹ The April 5, 2017 Decision and Final Order was a reissued order to correct a typo. The date of the original Decision and Final Order was not available on the North Carolina Board's website and was not provided by Respondent.

9. On July 27, 2018, the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors reprimanded Respondent's professional engineering license for failing to disclose disciplinary action taken by another state on his license renewal, providing professional engineering services in Kentucky without a business entity license, and offering to practice land surveying in Kentucky without the proper personal and business licenses. At this time, both Respondent's Wisconsin professional land surveyor license and Wisconsin professional engineering registration were active.

10. On August 14, 2018, as part of the investigation of Division Case No. 18 LSR 003, Respondent provided his continuing education (CE) certificates for the 2016-2018 biennium. A review of the certificates showed that Respondent completed thirty-six (36) professional development hours (PDHs), but Respondent did not appear to have completed a course on the Wisconsin Rules and Statutes for Land Surveyors (Wisconsin course).

11. On August 22, 2019, the Administrative Director for Respondent's employer admitted that Respondent had not completed the Wisconsin course.

12. On August 26, 2019, the Administrative Director emailed the Department Respondent's CE certificate for the course "Wisconsin Board Rules and Professional Conduct" completed on August 26, 2019, through PDHonline.org, for four (4) PDHs.

13. 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 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 8.08(4) by failing to notify the department in writing of out of state discipline within 48 hours of the disciplinary finding.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § A-E 10.03(1)(b)1. by failing to complete at least two professional development hours in the area of Wisconsin states and rules that regulate professional land surveyors and surveys during the biennium.

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 ch. 443, the rules of A-E ch. 8 and all other federal, state and local codes which relate to the practice of architecture, landscape architecture, professional engineering, designing and professional land surveying.

5. 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 the term is defined in Wis. Admin. Code § A-E 8.03(3)(a).

6. As a result of the above violations, Respondent Matthew T. Mokanyk is subject to discipline pursuant to Wis. Stat. § 443.12 and Wis. Admin. Code § A-E 8.03(3)(a).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Matthew T. Mokanyk is REPRIMANDED.
3. The CE listed above in Finding of Fact paragraph 12 is retroactively applied to Respondent's CE requirements for the 2015-2016 biennium and may not be used to satisfy any other professional land surveyor CE requirements for the Section.
3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$961.
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

You may also submit this information online via the Department's Monitoring Case Management System at: <https://app.wi.gov/DSPSMonitoring>.

5. In the event Respondent violates any term of this Order, Respondent's license (number 3078-8), 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 terms of the Order. The Section may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

6. 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: Bruce Bowden
A Member of the Section

4/2/2020
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

MATTHEW T. MOKANYK,
RESPONDENT.

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STIPULATION

ORDER 0006732

Division of Legal Services and Compliance Case No. 18 LSR 003

Respondent Matthew T. Mokanyk 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 waive 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 her 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 (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.



Matthew T. Mokanyk, Respondent
Grawn, MI 49637
Credential no. 3078-8

02/06/2020

Date



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

2/7/2020

Date