



**STATE OF WISCONSIN**  
Department of Safety and Professional Services  
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**Governor Scott Walker      Secretary Dave Ross**

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**LAND SURVEYORS SECTION MEETING**  
**Room 121A, 1400 E. Washington Avenue, Madison**  
**Contact: Tom Wightman (608) 267-9378**  
**March 19, 2013**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Board.*

**AGENDA**

**9:30 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A. Adoption of Agenda (1-3)**

**B. Approval of Minutes-August 15, 2012 (5-7)**

**C. Secretary Matters**

**D. Executive Director Matters**

- 1) Staff Updates
- 2) Election of Officers and Appointment of Liaisons
- 3) Discussion and Action Related to Delegating Authority to Board/Department Liaison
- 4) Presentation of EO-50
- 5) Presentation of EO-61
- 6) Paperless Initiative (**9-12**)

**E. Credentialing Matters**

- 1) **10:00 A.M. APPEARANCE** – Renee Vance: Consideration and Review of Credentialing Process and Defining the Role of the Credentialing Liaison(s) (**13**)

**F. DLSC Matters**

- 1) **10:15 A.M. APPEARANCE** – Michelle Krisher: Discussion of Delegated Authority to Department Monitor. (**15-16**)

**G. Legislative/Administrative Rule Matters:**

- 1) Consideration of A-E 7,8 and 10 Proposed Rule Draft and Possible Vote to Approve (**17-26**)

**H. Practice Matters**

**I. Informational Items**

1) Discuss Upcoming NCEES Meeting and Consider Appointing a Delegate

J. Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Presentations of Petition(s) for Summary Suspension
- 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 4) Presentation of Final Decisions
- 5) Disciplinary Matters
- 6) Executive Director Matters
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Class 1 Hearing(s)
- 10) Practice Matters
- 11) Legislation/Administrative Rule Matters
- 12) Liaison Report(s)
- 13) Informational Item(s)
- 14) Speaking Engagement(s), Travel, or Public Relation Request(s)

K. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)**

**L. Deliberation of Proposed Final Decisions and Orders**

- 1) **Travis J. Kramer – 11 LSR 003, DHA Case Number SPS12-0050 (27-37)**

**M. Deliberation of Proposed Stipulations and Final Decisions and Orders:**

- 1) **Wayne Reuter – 12 LSR 005 (39-48)**
  - o Case Advisor: **Matthew Janiak**

**N. DLSC Matters:**

- 1) Case Status Report
- 2) **Monitoring Matters**
  - a. James Ritchie-Petition to Remove Limitations and Grant Full Licensure **(49-55)**
  - b. Monitoring Status Reports **(57-64)**
- 3) **Case Closing(s)**
  - a. 11 LSR 004 **(65-69)**

**O. Deliberation of Items Received After Printing of the Agenda**

- 1) Disciplinary Matters
- 2) Education and Examination Matters
- 3) Credentialing Matters
- 4) Class 1 Hearings
- 5) Monitoring Matters
- 6) Professional Assistance Procedure (PAP) Matters
- 7) Petition(s) for Summary Suspensions
- 8) Petition(s) for Extension of Time
- 9) Proposed Stipulations, Final Decisions and Orders
- 10) Administrative Warnings
- 11) Proposed Decisions
- 12) Matters Relating to Costs

- 13) Motions
- 14) Petitions for Rehearing
- 15) Formal Complaints
- 16) Case Closings
- 17) Appearances from Requests Received or Renewed

P. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

Q. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

**ADJOURNMENT**

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**LAND SURVEYOR SECTION  
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS  
MEETING MINUTES  
AUGUST 15, 2012**

Present: Dan Fedderly, Jim Rusch, Ruth G. Johnson and Matt Janiak

Staff: Berni Mattsson, Executive Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant; and other Department staff

Guest: Frances Thousand and Devon VandenHeuvel

Matt Janiak, Board Chair, called the meeting to order at 9:37 a.m. A quorum of 4 members was confirmed.

**ADOPTION OF AGENDA**

**Amendments**

- Move Item G(1)(b) to L(9)(a)
- Add Item G(5)(7) – Nominate a delegate and alternate from the Land Surveyor Section to attend NCEES should the Engineer Section not be able to attend.

**MOTION:** Jim Rusch moved, seconded by Ruth G. Johnson, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Dan Fedderly moved, seconded by Jim Rusch, to approve the minutes of March 27, 2012 as published. Motion carried unanimously.

**DISCUSSION ITEMS**

**Discussion and Action Related to Land Surveyor Course Proposal**

**MOTION:** Dan Fedderly moved, seconded by Jim Rusch, to acknowledge that the Section has reviewed and considered the proposal submitted by NATC as reflected in the record and is generally in favor of such collaborative efforts and further finds that a program such as this would likely meet the requirements of rule. However, an actual determination will have to be made on a case by case basis. Motion carried unanimously.

**Discussion and Action Related to Land Surveyor CE Waiver Information and Affidavit**

**MOTION:** Jim Rusch moved, seconded by Dan Fedderly, to approve use of the Affidavit and information sheet relating to the requests for CE Waivers pursuant to AE 10.07 for those applicants whose request for waiver is based upon their non-practice, or expressed intent to cease practicing during the pertinent biennial registration period. Motion carried unanimously.

**Review and Action Related to Draft Scope Statement for A-E 7, 8 and 10**

**MOTION:** Dan Fedderly moved, seconded by Jim Rusch, to revise the scope statement as presented in the packet of materials for today's meeting to include potential revisions to the continuing education requirements outlined in AE- 10. Motion carried unanimously.

**MOTION:** Dan Fedderly moved, seconded by Jim Rusch, to authorize publication of the Statement of Scope related to modification of AE 7, 8 and 10 as included in the materials and record of today's meeting. Motion carried unanimously.

**Nominate a delegate and alternate from the Land Surveyor Section to attend NCEES should the Engineer Section not be able to attend**

**MOTION:** Dan Fedderly moved, seconded by Matt Janiak, to designate Jim Rusch as the delegate and any other Section member designated by the chair of this Section as the alternate to attend the NCEES annual and zone meetings in 2013 provided the Engineer Section waives their attendance. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Jim Rusch moved, seconded by Ruth G. Johnson, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Matt Janiak - yes; Ruth G. Johnson - yes; James Rusch - yes; and Dan Fedderly -yes. Motion carried unanimously. Open session recessed at 12:11 p.m.

*Dan Fedderly left the meeting at 1:00.*

**RECONVENE TO OPEN SESSION**

**MOTION:** Ruth G. Johnson moved, seconded by Jim Rusch, to reconvene in open session at 2:07 p.m. Motion carried unanimously.

**VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION****CASE CLOSINGS**

**MOTION:** Ruth G. Johnson moved, seconded by Jim Rusch, to close the following cases according to the recommendations by the Division of Enforcement:

- a. 11 LSR 001 (P1)
- b. 11 LSR 006 (P7)

Motion carried unanimously.

**CE WAIVER REQUESTS**

**MOTION:** Jim Rusch moved, seconded by Ruth G. Johnson, to deny the request to waive the CE requirements received from B.S. Motion carried unanimously.

**CLASS I HEARING**

**MOTION:** Jim Rusch moved, seconded by Ruth G. Johnson, to affirm the Section's previous decision to deny licensure to Jeanette Harley. Motion carried unanimously.

**APPLICATION REVIEW**

**MOTION:** Ruth G. Johnson moved, seconded by Jim Rusch, to act upon the applications reviewed for today's meeting as noted in the application files. Motion carried unanimously.

**CREDENTIALING MATTERS**

**MOTION:** Jim Rusch moved, seconded by Ruth G. Johnson, to authorize the Section credentialing liaison, in consultation with legal counsel, to act on applications files that include a record of arrests and/or convictions as well as applications with a record of discipline in other jurisdictions. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Jim Rusch moved, seconded by Ruth G. Johnson, to adjourn the meeting at 2:15 p.m. Motion carried unanimously.

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**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Dave Carlson</b>		2) Date When Request Submitted:  <b>3/8/2013</b>	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  <b>Land Surveyors Section</b>			
4) Meeting Date:  <b>3/19/2013</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>Paperless Initiative</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  <b>Brief presentation of how Section Members can sign up for SharePoint access as a part of the paperless initiative, as well as instructions for using DSPS laptops.</b>			
11) Authorization			
<b>Dave Carlson</b>			
Signature of person making this request			Date
Supervisor (if required)			Date
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			Date
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

## How to register for a username/password on <http://register.wisconsin.gov> .

In order to access the Board SharePoint site, Board Members must obtain a State of WI/DOA username/password from this site <http://register.wisconsin.gov> . Once registered, Board Members will be provided a DOA credential under the Wisconsin External (wiext) domain. This account is intended to provide users with access to multiple State of Wisconsin web applications, including the DSPS SharePoint site.

To Begin, use the 'Self Registration' link

DOA/Wisconsin Logon Management System - Windows Internet Explorer provided by State of Wisconsin

http://register.wisconsin.gov/AccountManagement/

wisconsin.gov home state agencies subject directory

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### DOA/Wisconsin Logon Management System

The DOA/Wisconsin Logon Management System allows authorized individuals to access many DOA Internet applications using a single ID and password. When access to information or services is restricted to protect your privacy or the privacy of others, you will be asked to provide your DOA/Wisconsin Logon and password. Your DOA/Wisconsin Logon and password verifies your identity so that we can provide you with access to your information and services and prevent access by unauthorized individuals.

#### User Acceptance Agreement

Please note that only certain types of information will be stored in your user profile, as described in the [User Acceptance Agreement](#). Your user profile will never contain records such as driving history, tax information, unemployment compensation, vehicle registrations or prison records.

#### Sign Up for your DOA/Wisconsin Logon

[Self Registration](#) (Request a DOA/Wisconsin Logon and Password.)

Self Registration allows you to create **your personal** DOA/Wisconsin Logon. This is your key to doing secure business with DOA over the Internet.

#### Change / Update Your Information

[Profile Management](#) allows you to change your account information, e-mail address and other information.

#### Change Your Password

[Password Management](#) allows you to change your password.

#### Forgot Your Logon ID or Password?

[Logon ID/Password Recovery](#) allows you to recover a forgotten DOA/Wisconsin Logon and/or Password.

Updated February 6, 2009  
DET - Bureau of Business Applications Services  
Content Contact: [BRAS/BA](#)

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**Customer ID Menu**

- Self Registration
- Profile Management
- Password Management
- Forgot your account information?
- User Acceptance Agreement

**Not sure if you already have DOA/State of WI account?**

Use the 'Forgot Your Logon ID or Password' link to check

After accepting the user agreement, complete the 'Account Creation' form.

Indicate 'SharePoint' under the section entitled, 'Systems You Will Access'

**Account Creation**

\* Indicates Required Field

**Profile Information**

First Name  \*

Middle Initial

Last Name  \*

Suffix

E-Mail  \*

Phone  ext.

Mailing Address

Street Address

City

State/Province

Zip Code  -

**Systems You Will Access**

Use your mouse to highlight the system that you want to access.

Systems  \*

**Account Information**

Your Logon ID must be between 5-20 characters and **CAN** be a combination of letters and numbers. Your Logon ID must not contain spaces or special characters.

Logon ID  \*

Your Password must be 7-20 characters long and **MUST** contain a combination of letters and either numbers or special characters (except the @ ? / signs). Passwords are case sensitive. Your Password cannot contain the Logon ID.

Password  \*

Re-enter Password  \*

**Logon ID/Password Recovery**

Enter a question and answer for use if you forget your DOA/Wisconsin Logon ID or Password. Your Secret Question and Secret Answer cannot contain your password. [Secret Question and Answer Tip](#)

Secret Question  \*

Secret Answer  \*

**Verification**

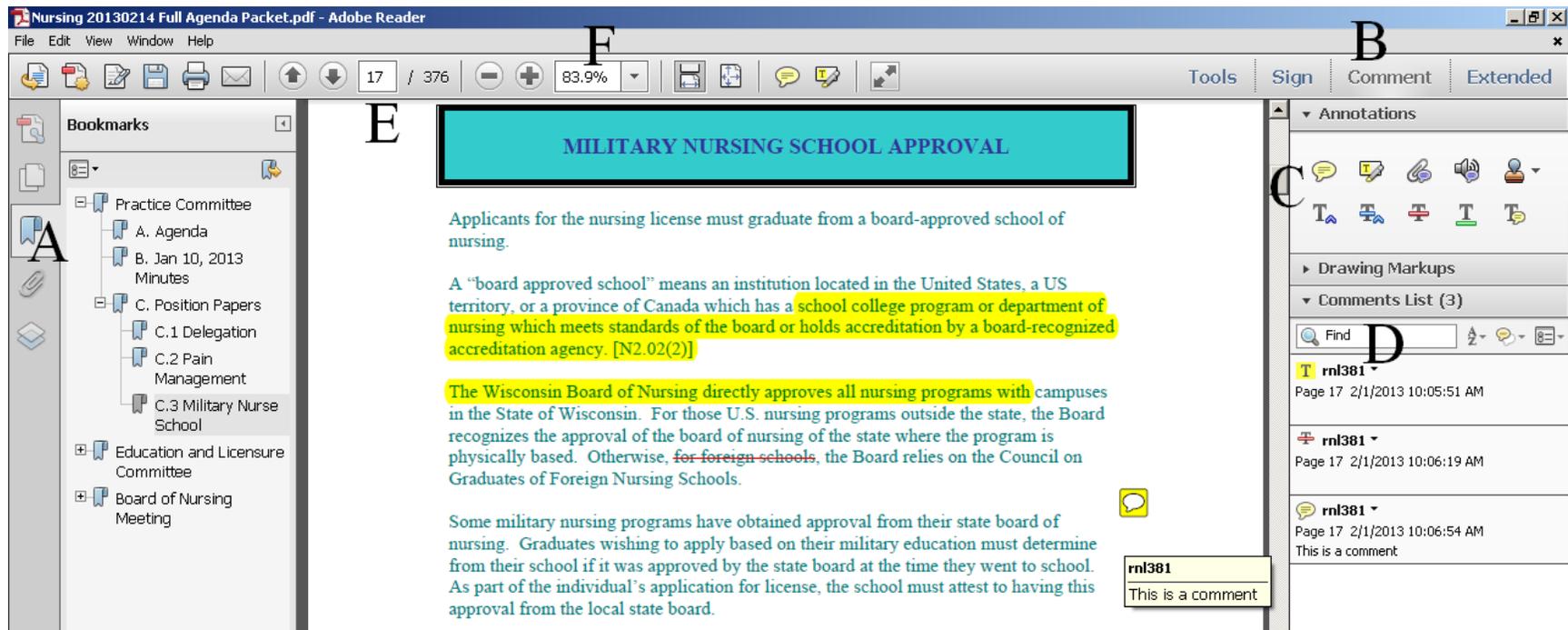
This step helps prevent automated registrations. If you cannot see the number below [click here](#).

**80542** Please enter the number as it is shown in the box to the left.  \*

**Please use a login ID of your first initial followed by your middle initial followed by your last name, as in the example to the left.**

**Remember your logon ID, as you will need to provide that to DSPS staff in order for you to receive proper access rights.**

**Once you have been granted permission to access the Board's website, you should receive an automated 'Welcome to SharePoint' email with a link to the site.**



Above is an example of an agenda packet page, with some features you can access through Adobe Reader.

**A: Bookmarks** – When the Bureau Assistant creates the Agenda Packet, it is possible to place in bookmarks for quick reference during meetings. You can expand and minimize categories to better enable you to jump from section to section of your agenda here.

**B: Comment** – On specially designated .pdf files, it is possible for Adobe Reader to be given comment privileges. This allows a Board member to make comments on documents, as well as edit, highlight, or insert text in suitable files. Please note, if the file is a scanned copy, it is likely that the highlight and text editing features will not be usable. The comment feature will still work in such an issue.

**C: Annotations & Drawing Markups** – These are the different options you can use to mark up your document for your reference. If you mouse over an option, it will give a brief description of what it can do for you. Feel free to experiment and find out what works best for you!

**D: Comments List** – Quickly jump between your comments by selecting them in this list. Never again will you miss out on a note during a discussion with this handy tool.

**E: Page List** – No more rifling through papers in order to track down that page someone mentioned! With this handy bar, you can simply type in the page you are looking for, hit enter, and Adobe Reader will take you directly to the page.

**F: Zoom** – Having trouble reading something? You can zoom in and out on a document with this bar. The plus and minus signs to the left can be used to make quick adjustments as well.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Tom Wightman</b>		2) Date When Request Submitted:  <b>3/1/2013</b>	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  <b>Land Surveyors Section</b>			
4) Meeting Date:  <b>3/19/2013</b>	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>Consideration and Review of Credentialing Process and Defining the Role of the Credentialing Liaison(s)</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input checked="" type="checkbox"/> Yes Renee Vance <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: <b>N/A</b>	
10) Describe the issue and action that should be addressed:  <b>The assigned member(s) of credentialing staff will appear and provide the Section with an overview of the credentialing process for the credentials under its purview. Additionally, the Section should work to define the role(s) of its credentialing liaison(s) in an effort to clarify its expectations in terms of credentialing liaison work.</b>			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  <b>Michelle Krisher</b> <b>Investigator/Department Monitor</b>		<b>2) Date When Request Submitted:</b>  <b>02/25/2013</b> <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
<b>3) Name of Board, Committee, Council, Sections:</b> <b>Land Surveyor Section</b>			
<b>4) Meeting Date:</b> <b>03/19/2013</b>	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> <b>Discussion of delegated authority to Department Monitor</b>	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled? If yes, who is appearing?</b> <input checked="" type="checkbox"/> Yes Michelle Krisher <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> <b>NA</b>	
<b>10) Describe the issue and action that should be addressed:</b>  Discuss model language and related delegated authorities.			
<b>11) Authorization</b>			
<i>Michelle J. Krisher</i>		<b>02/25/2013</b>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (Indicates approval to add post agenda deadline item to agenda)    Date			
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### New Model Language

Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board, in its discretion, may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. *(If the order includes costs, forfeitures or continuing education add the next clause)* In the event Respondent fails to timely submit (payment of the costs or payment of the forfeiture as ordered or fails to comply with the ordered continuing education) as set forth above, the Respondent's license (# ) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with (payment of the costs or forfeiture or completion of the continuing education).

### Delegated Authority Request

1. Requesting delegated authority to suspend per the above language (based on the board liaison's recommendation) and to draft/issue the Order.
2. Requesting delegated authority to remove suspension once the continuing education/forfeitures/costs requirement (which the suspension was issued) is completed and to draft/issue the Order.
3. Requesting delegated authority to issue order removing limitation for the licensees whose orders state the limitation shall be removed upon completion of the continuing education and to draft/issue the Order.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Shawn Leatherwood		<b>2) Date When Request Submitted:</b>  02-13-2013 <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
<b>3) Name of Board, Committee, Council, Sections:</b>  Examining Board of of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors Land Surveyors Section			
<b>4) Meeting Date:</b>  March 19, 2013	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> A-E 7 Proposed Rule Draft	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b>  The Board will review and discuss the proposed rule draft, provide feedback for revisions, if applicable, and approve of language in preparation for filing with the Clearinghouse.			
<b>11) Authorization</b>			
Shancethea Leatherwood		02-13-13	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS  
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF  
EXAMINING BOARD OF ARCHITECTS, : ARCHITECTS, LANDSCAPE  
LANDSCAPE ARCHITECTS, : ARCHITECTS PROFESSIONAL  
PROFESSIONAL ENGINEERS, : ENGINEERS, DESIGNERS, AND  
DESIGNERS, AND LAND SURVEYORS : LAND SURVEYORS ADOPTING  
: RULES  
: (CLEARINGHOUSE RULE )

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PROPOSED ORDER

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors proposes an order to repeal A-E 7.01 (2) (c) and A-E 7.06 (4); to amend A-E 7.01 (1), (2), and (2) (a), A-E 7.01 (2) (d), A-E 7.03 and 7.04, A-E (Intro.) (1), (2), and (3); A-E 7.05 (5), (6) and (7), A-E 7.06 (1), A-E 7.06 (2), A-E 7.06 (5), A-E 7.07 and 7.08 (1), A-E 10.07 (2) (d); to repeal and recreate A-E 7.02, A-E 7.05 (4); to create A-E 7.01 (3), A-E 7.05 (8), (9), (10), A-E 7.06 (2) (Note), A-E 7.08 (4).

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

s. 443.015 (2), Stats.

**Statutory authority:**

ss. 15.08 (5) (b), 227.11 (2) (a), and 443.015 (2), Stats.

**Explanation of agency authority:**

Examining Boards are authorized by ss. 15.08 (5) (b), Stats., to promulgate rules that govern their profession. Section 227.11 (2) (a), Stats., allows examining boards to promulgate rules that interpret the provisions of any statute enforced by it. Section 443.015 (2) allows each section to draft rules that govern the professional conduct of licensees under its authority. Therefore, the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors is authorized both generally and specifically to promulgate these proposed rules.

**Related statute or rule:**

Wis. Admin. Code A-E 7

**Plain language analysis:**

This proposed rule seeks to clarify various provisions of ch. A-E 7, Wis. Admin. Code, which sets forth the minimum standards of land surveyor's practice and to resolve inconsistencies between the between the current rules in ch. A-E 7 and current practices in the profession. The rule will identify the information that should be included in maps and reports regarding the legal description of property surveyed.

**Summary of, and comparison with, existing or proposed federal regulation:**

None.

**Comparison with rules in adjacent states:**

**Illinois:**

The Minimum Standards of Practice for land surveyors is found in 68 Ill. Adm. Code 1270.56 (2012). It identifies the types of surveys land surveyors may conduct such as a boundary survey, condominium survey, or subdivision survey. It also lists the required information that should be found on the plat (map), such as client's name, North arrow, scale-written or graphic four boundary surveys. The minimum standards are binding on every land surveyor in the state except in the case of federal, state or local laws that may be more stringent. When special conditions exist, it must be noted on the plat.

**Iowa:**

The Minimum Standards for Property Surveys for land surveyors is found in 193C IAC 11.1 (2013). The standards found in the Iowa Code are very similar to the current Wisconsin rules. It covers the same topics as the Wisconsin rules such as scope, definition, boundary location, descriptions, maps, measurements and monuments and nearly mirrors the language. The scope of the rules encompasses each professional land surveyor and all of the property surveys performed in the state, except those done for acquisition plats.

**Michigan:**

Michigan does not set forth minimum standards for property surveys. Instead, MICH. ADMIN. CODE R 339.17403 (2013) requires land surveyors to draft complete and accurate plats, plans, drawings and specifications. The information contained on a survey must include the following: "a drawing that includes the graphical and numerical scale used, a north arrow, identification of all government corners and related witnesses, a

description in compliance with state statute, [and a] statement of the manner of bearing determination” MICH. ADMIN. CODE R 339.17403 (2013)

**Minnesota:**

Minnesota does not set forth a minimum standard for property surveys in a manner similar to Illinois and Iowa. Instead, Minnesota identifies the requirements for plats (maps), and covers such topics as boundaries, mathematical data, easements and water boundaries. The statute further requires land surveyors to certify that they have surveyed a property or directly supervised a person who surveyed the property. Minn. Stat. §505.021 (2012)

**Summary of factual data and analytical methodologies:**

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis are attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at [Greg.Gasper@wisconsin.gov](mailto:Greg.Gasper@wisconsin.gov), or by calling (608) 266-8608.

**Agency contact person:**

Shawn Leatherwood, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at [Shancethea.L Leatherwood\\*@wisconsin.gov](mailto:Shancethea.L Leatherwood*@wisconsin.gov).

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Shawn Leatherwood, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to [Shancethea.L Leatherwood@wisconsin.gov](mailto:Shancethea.L Leatherwood@wisconsin.gov). Comments must be received on or before \* to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. A-E 7.01 (1), (2), and (2) (a) are amended to read:

**A-E 7.01 Scope.** The minimum standards of this chapter apply to every property survey performed in this state except:

(1) If other standards for property surveys are prescribed by statute, administrative rule, or ordinance, or private agreement, and the standards are more restrictive than those in this chapter, the more restrictive standards govern; and,

(2) The land surveyor and his or her client, or a client's agent or employer may agree in a signed statement to exclude ~~any~~ land surveying work from the requirements of this chapter ~~except the preparation of a U.S. public land survey monument record and a map of work performed~~ either a map of work performed or a surveyor's report and the resultant document must include indication of the work performed and of all evidence found. The map prepared by the land surveyor for the client or employer shall include:

(a) A note statement placed on the face of the map or in the introduction of a surveyor's report which states that an agreement has been made to exclude the specifically stated work from the requirements of this chapter, has been made and The statement shall include the names and signatures of the parties making the agreement, which shall acknowledge and execute the statement.

SECTION 2. A-E 7.01 (2) (c) is repealed.

SECTION 3. A-E 7.01 (2) (d) is amended to read:

(d) ~~The latitude and departure closure ratio of any closed traverse, if the minimum accuracy established by s. A-E 7.06 (4) has been waived. For a closed traverse, a statement of the actual latitude and departure closure ratio, or the closure ratio of the map, report, or description.~~

SECTION 4. A-E 7.01 (3) is created to read:

A-E 7.01 (3) When special conditions exist that effectively prevent the survey from meeting these minimum standards, the special conditions and any necessary deviation from the standards shall be noted on the map or survey report. The surveyor shall exercise professional judgment in the application of these provisions, and these provisions shall not be used to circumvent the intent of these standards. For every property survey performed in this state a map or surveyor report shall be prepared and filed with the office of county surveyor as prescribed in s. 59.45 (1) (b), Stats.

SECTION 5. A-E 7.02 is repealed and recreated to read:

**A-E 7.02 Property survey, definition.** In this chapter, "property survey" means any land surveying which includes as one of its purposes preparing a map describing,

monumenting, locating the boundary line or lines of, or mapping one or more parcels of land. The term includes the restoration, perpetuation or reestablishment of a U.S. public survey corner.

A-E 7.02 (1) in lieu of preparing a map for the client, a surveyor report may be prepared when there is an existing map of record and no new monuments are established in the survey.

A-E 7.02 (2) The survey report shall include all of the following:

- (a) A general description and purpose of the survey.
- (b) Identification of the person that performed the survey with a certification to the standards of practice used and the standards of practice excluded by mutual agreement.
- (c) Identification of the person that ordered the survey.
- (d) Identification and enumeration of all of the documents that were examined for the survey.
- (e) A statement as to the measurements that were made to verify the monuments that were found.

SECTION 6. A-E 7.03 and 7.04 are amended to read:

A-E 7.03 **Boundary location.** Every property survey shall be made in accordance with the records of the register of deeds as nearly as is practicable. The surveyor shall acquire data necessary to retrace record title boundaries such as U.S. public land survey monument records, deeds, maps, certificates of title, and highway or road center line or right-of-way lines, and other boundary line locations. The surveyor shall analyze the data and make a careful determination of the position of the boundaries of the parcel being surveyed. The surveyor shall make a field survey, traversing and connecting monuments necessary for location of the parcel and coordinate the facts of the survey with the analysis, unless waived due to special circumstances. The surveyor shall set monuments marking the corners of the parcel unless monuments already exist at the corners. When a boundary corner monument exists that is near to the described location, due consideration and evaluation should be given to that monument. The relative location of the existing monument to the described boundary corner, or theoretical corner position, shall be shown on the map instead of setting a new monument in the same vicinity.

A-E 7.04 **Descriptions.** A written property description created by a land surveyor of a surveyed parcel of land must provide information to properly and distinctly set it apart from all other property. When the surveyed property's dimensions, boundaries, and area are in substantial agreement with an existing recorded written description, then that existing recorded description shall be used and cited on the map by a deed record.

Descriptions defining land boundaries written for conveyance or other purposes shall be complete, providing unequivocal identification of lines or boundaries. The description shall contain necessary ties calls to adjoining together with data and dimensions sufficient to enable the description to be mapped and retraced, and Such description shall describe the land surveyed by government lot, recorded private claim, quarter-quarter section, section, township, range and county and by metes and bounds commencing with a monument at a section or quarter section corner of the quarter sections that is in and not the center of the section or commencing with a monument at the end of a boundary line of a recorded private claim or federal reservation in which the subdivision is located. ~~some corner marked and established by the U.S. public land survey; or, if~~ If the land is located in a recorded subdivision, a recorded addition thereto, or a recorded certified survey map the land shall be described by the number or other description of the lot or block or subdivision thereof or certified survey map by lot number and recording information to the subdivision, or recorded certified survey map, then by the number or other description of the lot, block or sub-division of the land which has been previously tied to a corner marked and established by the U.S. public land survey as specified in s. 236.21 (1) (b). Description of boundaries described by metes and bounds, and any mapped boundaries or areas that are depicted on the map by course and distance and form a closed figure, shall mathematically close to within 0.02 feet.

SECTION 7. A-E 7.05 (Intro.)(1), (2), and (3) are amended to read:

**A-E 7.05 Maps.** Unless a surveyor's report per A-E 7.01 (2) is prepared, A map shall be drawn for every property survey showing information developed by the survey. The map shall:

(1) Be drawn to a convenient scale. Be drawn on durable media with a minimum size of 8 ½ inches by 14 inches to a convenient scale which shall be clearly stated and graphically illustrated by a bar scale on every sheet of the map containing a graphical depiction of the survey..

(2) Be referenced as provided in s. 59.73 (1), Stats., along with a north arrow and such reference shall be to a monumented line or the referenced monumented line must be tied to two acceptable reference monuments.

(3) Show 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)". Curve data shall be stated in terms of radius, central angle, and either length of curve or chord bearing distance and shall be retracable.

SECTION 8. A-E 7.05 (4) is repealed and recreated to read:

(4) Describe all monuments or witness corners intended to represent or reference corners of the survey. The monuments, witness corners or reference corners shall be shown and

described as to size, shape and material and their positions noted in relation to the survey corners and 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, with a legend for all symbols and abbreviations used on the plat.

(a) Show and dimension visible physical evidence of possession (encroachments) or occupation either way from the exterior lines of the survey shall be shown and dimensioned and show visible evidence of structures, improvements, rights of way and easements.

(b) If a surveyed parcel is bounded by water or inaccessible area that area shall be enclosed by meander lines showing complete data along all lines extending beyond the enclosure. The true boundary shall be clearly indicated on the map.

SECTION 9. A-E 7.05 (5), (6), and (7) are amended to read:

**(5)** Identify the firm's name and address, and the person for whom the survey was made, the date of the survey completion date of the field work, and describe the parcel as provided in s. A-E 7.04. Identify the land surveyed by recorded private claim, government lot, quarter-quarter section, section, township, range and county on the face of the map in the form of a caption.

**(6)** Bear the stamp or seal name and business address and signature of the land surveyor under whose direction and control the survey was made with a statement certifying that the survey complies with this chapter and is correct to the best of the surveyor's knowledge and belief.

**(7)** Be filed as required by s. 59.45 (1), Stats., on suitable media, at a minimum of 20 pound bond paper, or electronically, if acceptable by that county.

SECTION 10. A-E 7.05 (8), (9) and (10) are created to read:

(8) Clearly differentiate all boundary lines surveyed from other lines on the map.

(9) If the lands described in A-E 7.04 are part of a previously recorded subdivision, a recorded addition to the subdivision, or recorded certified survey map that does not contain ties to two corners established by the U.S. public land survey system, or some other federal survey system, which are currently monumented and have a U.S. public land survey monument record on file at the county, or if the current position of such corner monuments are different than what is depicted on the previous map of record, then the map shall include the ties to two corners of the federal survey.

(10) Coordinate values are to be shown on the face of the map. They shall comply with and be subject to the provision of s. 236.18, Stats.

SECTION 11. A-E 7.06 (1) is amended to read:

**A-E 7.06 Measurements. (1)** Measurements shall be made with instruments and methods capable of attaining the required accuracy for the particular ~~problem~~ circumstances involved.

SECTION 12. A-E 7.06 (2) is amended to read:

(2) The minimum accuracy of linear measurements between points shall be greater than plus or minus 1 part in 3,000 on all property lines of boundary or interior survey.

SECTION 12. A-E 7.06 (2) (Note) is created to read

Note: For example mathematically expressed the minimum precision required in one mile would result in:  $\pm (0.03' + 0.0003 \times 5280') = 1.79'$ . This formula applies for all distances.

SECTION 13. A-E 7.06 (4) is repealed.

SECTION 14. A-E 7.06 (5) is amended to read:

(5) Bearings or angles on any property survey map shall be shown to the nearest 30 seconds or better. Distances shall be shown to the nearest 1/100th foot.

SECTION 15. A-E 7.07 and 7.08 (1) are amended to read:

**A-E 7.07 Monuments.** The type and position of monuments to be set on any survey shall be in accordance with s. 236.15 (1) (b), (f) and (g) unless otherwise agreed upon per A-E 7.01 (2) and as determined by the nature of the survey, the permanency required, the nature of the terrain, the cadastral features involved, and the availability of material. Coordinates are not to be accepted in lieu of monuments.

**A-E 7.08 U.S. public land survey monument record.**

A-E 7.08(1) WHEN MONUMENT RECORD REQUIRED. A U.S. public land survey monument record shall be prepared in accordance with s. 59.73, Stats. and filed with the county surveyor's office as part of any land survey which includes or requires the perpetuation, restoration, reestablishment or use of a U.S. public land survey corner, and,

SECTION 16. A-E 7.08 (4) is created to read:

(4) RECOVERY RECORD. By showing a U.S. public land survey monument on a field survey, it is specifically implied that the corner was visited and the monument and all corner accessories are in place at their record location as of the date of the survey, or that a new monument record will be prepared and filed per Wisconsin statutes s. 59.45 (1) (b), Stats.

SECTION 17. A-E 10.07 (2) (d) is amended to read:

**A-E 10.07** (d) A retirement from the occupation of land surveying whereby no land surveying services of any kind are provided ~~the renewal applicant no longer receives remuneration from providing land surveying services.~~

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(END OF TEXT OF RULE)  
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The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

(Member of the Board or Secretary)  
(board or department name)