

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PROFESSIONAL ENGINEER SECTION OF THE WISCONSIN 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 W. THOMPSON AND :
MARATHON TECHNICAL SERVICES, LLC, :
RESPONDENTS. :

0005284

Division of Legal Services and Compliance Case No. 15 ENG 065

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

Mark W. Thompson
404 Franklin Street
Wausau, WI 54403

Marathon Technical Services, LLC
404 Franklin Street
Wausau, WI 54403

The Professional Engineer 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 Engineer 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 Mark W. Thompson (DOB July 3, 1952) is registered by the State of Wisconsin as a Professional Engineer, having certificate of registration number 17891-6, first issued on July 11, 1978, and current through July 31, 2018. Respondent Thompson's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 404 Franklin Street, Wausau, Wisconsin 54403.

2. Respondent Marathon Technical Services, LLC is authorized by the State of Wisconsin as an Engineering firm, having certificate of authorization number 3275-11, first issued on November 10, 2008, and current through January 31, 2018. Respondent's certificate of authorization was expired from February 1, 2014 through October 11, 2016. Respondent Marathon Technical Services, LLC's most recent address on file with the Department is 404 Franklin Street, Wausau, Wisconsin 54403.

3. Respondent Thompson is identified in Department records as the responsible licensee for Respondent Marathon Technical Services, LLC.

4. On or about October 8, 2015, the Department received a complaint alleging that Respondent Marathon Technical Services, LLC's license was expired, and that it was using the term "architectural and structural design" on its website when it does not employ a registered architect at the firm. Division of Legal Services and Compliance Case No. 15 ENG 065 was subsequently opened for investigation.

5. Respondents' website stated "MTS provided services for the site plan layout, architectural and structural design, 3D renderings, specifications, public bid process, submittal to the City [omitted] Plan review, and contract administration."

6. In a letter sent to the Department on December 1, 2015, Respondents admitted that their website does state "we provide architectural and structural design services." However, Respondents maintain this phrase "is used to identify to a lay person that we complete not only the 'structural' design of the building/components, but that we also complete the building floor plans and elevations – the 'architectural' plans ... for submittal for the State Plan Review."

7. On October 6, 2016, Respondents notified the Department that they had removed the language from their website.

8. Respondents performed approximately 148 projects during the period that Marathon Technical Services, LLC's certificate of authorization was expired.

9. In resolution of this matter, Respondents consent to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Professional Engineer 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. § 443.11, 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 Mark W. Thompson violated Wis. Stat. § 443.02(3) by advertising to furnish architectural services without having a registered architect on staff.

3. By the conduct described in the Findings of Fact, Respondent Mark W. Thompson violated Wis. Stat. § 443.08(2)(b)2. by practicing professional engineering while the firm's certificate of authorization was expired.

4. As a result of the above violations, Respondent Mark W. Thompson engaged in misconduct pursuant to Wis. Admin. Code § A-E 8.03(3) by violating any federal law, state law, administrative rule, or local ordinance relating to the practice of architecture, landscape architecture, professional engineering, designing, or professional land surveying.

5. As a result of the above violations, Mark W. Thompson is subject to discipline pursuant to Wis. Stat. § 443.11(1)(d).

6. As a result of the above violations, Marathon Technical Services, LLC, is subject to discipline pursuant to Wis. Stat. § 443.11(2).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Mark W. Thompson is REPRIMANDED.

3. Respondent Marathon Technical Services, LLC is REPRIMANDED.

4. Within 90 days from the date of this Order, Respondent Mark W. Thompson shall pay one-half the COSTS of this matter in the amount of \$238.

5. Within 90 days from the date of this Order, Respondent Marathon Technical Services, LLC shall pay one-half the COSTS of this matter in the amount of \$238.

6. 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

7. In the event Respondents fail to timely submit payment of the costs as ordered, Respondents' certificates of registration and authorization (numbers 17891-6 and 3275-11), or

Respondents' right to renew their certificates, may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with payment of the costs.

8. This Order is effective on the date of its signing.

THE PROFESSIONAL ENGINEER SECTION OF THE WISCONSIN EXAMINING BOARD
OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS AND PROFESSIONAL LAND SURVEYORS

by: 
A Member of the Section

4-26-17
Date

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

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
MARK W. THOMPSON AND :
MARATHON TECHNICAL SERVICES, LLC, :
RESPONDENTS. :

STIPULATION

0005284

Division of Legal Services and Compliance Case No. 15 ENG 065

Respondents Mark W. Thompson and Marathon Technical Services, LLC 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. Respondents consent to the resolution of this investigation by Stipulation.

2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:

- the right to a hearing on the allegations against Respondents, 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 Respondents;
- the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
- the right to testify on Respondents' 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 Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondents agree to the adoption of the attached Final Decision and Order by the Professional Engineer 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

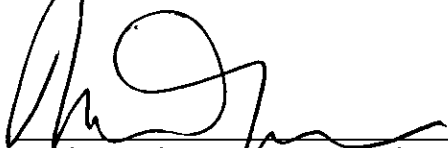
further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the Section's order, if adopted in the form as attached.

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 Respondents, 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.

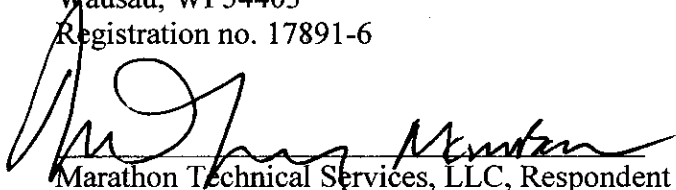
7. Respondents are informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondents in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.



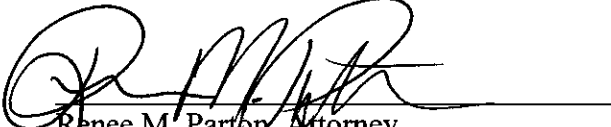
Mark W. Thompson, Respondent
404 Franklin St.
Wausau, WI 54403
Registration no. 17891-6

4-7-2017
Date



Marathon Technical Services, LLC, Respondent
By: Mark W. Thompson
404 Franklin St.
Wausau, WI 54403
Certificate of authorization no. 3275-11

4-7-2017
Date



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

4/10/2017
Date