BEFORE THE OREGON STATE BOARD OF EXAMINERS
FOR ENGINEERING AND LAND SURVEYING

In the Matter of: WIS MACOMSON

Case No. 3095

FINAL ORDER INCORPORATING SETTLEMENT AGREEMENT

Based on the attached Settlement Agreement, incorporated herein, the Oregon State Board of Examiners for Engineering and Land Surveying (Board) finds that Wis Macomson (Macomson) violated OAR 820-010-0635(1) and OAR 820-020-0015.

IT IS HEREBY ORDERED that pursuant to ORS 183.417(3), ORS 672.200(6), ORS 672.255, and OAR 820-015-0026, the Board to refuses to renew the registration of Wis Macomson (Macomson), unless and until Macomson complies with requirements described in the incorporated settlement agreement, at which time Macomson’s registration is renewed.

DATED this 12 day of March, 2019.

Shelly Duquette, PE, SE President
Oregon State Board of Examiners for Engineering and Land Surveying
SETTLEMENT AGREEMENT

The Board, by and through its President, Shelly Duquette, PE, and Wis Macomson (Macomson) do hereby agree and stipulate as follows:

1. The Board and Macomson agree to settle this matter in accordance with ORS 183.417(3).


3. On January 7, 2019, the Board issued a Notice of Intent to refuse to renew the professional registration of Wis Macomson. The Board charged Macomson with violating OAR 820-010-0635(1) and 820-020-0015.

4. On January 16, 2019, Macomson requested an informal conference with the Law Enforcement Committee (LEC) of the Board on the matter.

5. On February 14, 2019, the LEC and Macomson had an informal conference to discuss the settlement. Macomson agreed to settle the matter, therefore no hearing is required.

6. The Board finds that Macomson committed the violations as alleged in the Notice.

7. Macomson did not submit a license renewal application to the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) for the 1/2015-12/2016 biennium.

8. On or about December 4, 2017, in mid-license cycle, Macomson submitted a request to renew his registration.
2013-2014 Professional Development

9. On or about December 7, 2017, a letter was sent to Macomson, notifying him that his application was incomplete and requesting he submit evidence of having fulfilled the required Continuing Professional Development hours for the January 1, 2013 to December 31, 2014 biennium (30 Professional Development Hours, or “PDH”).

10. OSBEELS did not already have a record of Macomson fulfilling any required PDH for the January 1, 2013 to December 31, 2014 biennium in its files because Macomson had not submitted a renewal application for the 1/2015-12/2016 biennium, and the information for the 2013-2014 PDH would normally have been included in the 2015-2016 renewal application.

11. On or about December 12, 2017, Macomson notified OSBEELS staff that he would not be able to provide evidence of having fulfilled any PDH for 2013 or 2014 due to a job change in 2014.

2015-2016 Professional Development

12. Macomson claimed he had obtained 60.33 PDH between May 6, 2016 and December 5, 2017, but did not provide supporting information to establish that he had, in fact, taken 60.33 PDH during that period, or that at least 30 of the 60.33 PDH he allegedly fulfilled were obtained between May 6, 2016 and December 31, 2016 (to satisfy the 30 PDH requirement for the 2015-2016 biennium).

13. On or about December 14, 2017, OSBEELS sent Macomson a follow-up email to the December 7, 2017 notification, advising Macomson about his deficient 30 PDH for the 1/2013-12/2014, but also explaining his deficiency of 30 PDH for the 1/2015-12/2016 biennium as this was not mentioned in the December 7, 2017 notification sent by OSBEELS. This follow-
up email also explained what PDH requirements would be necessary in order to renew his registration.

14. Macomson did not respond to the December 14, 2017 notification.

15. The Final Order Incorporating Settlement Agreement sets forth the entire agreement of the parties. Macomson agrees that the determination of any violation of this settlement agreement is entirely within the Board’s discretion.

16. All of Macomson’s renewal and delinquent fees currently due, in the amount of $730, must be paid in full prior to the renewal of his professional registration.

17. Macomson must complete and provide documentation verifying completion of his remaining delinquent Professional Development Hours (PDH) from the 2013-2014 and 2015-2016 biennia, in the amount of 58.5, by January 1, 2020. All of these hours must be obtained from January 1, 2019 forward.

18. Macomson must complete and provide documentation verifying completion of having obtained 30 PDH between January 1, 2017 and December 31, 2018. Up to 15 PDH in excess of the 30 biennial PDH required, which Macomson earned between January 1, 2015 and December 31, 2016, may be applied to Macomson’s 2017-2018 biennial requirements. None of the PDH Macomson uses to satisfy his delinquent PDH may also be used to satisfy his PDH requirements for the 2019-2020 biennium.

19. Macomson acknowledges that the Final Order Incorporating Settlement Agreement is a final order and public record, and may be disclosed in accordance with Oregon’s public records law.

20. Macomson represents that he has carefully read this Settlement Agreement and Consent Order, understands the intent and content of the document, and signs below of his own
free will, without coercion or duress. Respondent hereby waives any and all rights to appeal or challenge this Settlement Agreement and Consent Order.

WIS MACOMSON

Date

Shelly Duquette, PE, SE President
Oregon State Board of Examiners for Engineering and Land Surveying

Date