

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

MICHAEL O. EMERSON,  
dba MR. FIX IT

CASE NO. 2013-0206

RESPONDENT

The Oregon Electrical and Elevator Board (Board) conducted an investigation and determined that Respondent violated certain provisions of the Oregon Building Codes statutes, administrative rules, and specialty codes.

Respondent and the Board desire to settle this matter informally through the entry of this consent order. Respondent understands that he has the right to a hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes, and fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing and entry of this order in the Board's record. Respondent agrees to conduct all future business in compliance with the applicable statutes, administrative rules, and specialty codes. Respondent understands that, once final, this consent order is a public record.

FINDINGS OF FACT

1. At no relevant time did Respondent hold an active Oregon electrical contractor's license.
2. At no relevant time did Respondent hold an Oregon journeyman or supervising electrical license.
3. Beginning or about April 1, 2013, through October 2013, at the locations indicated and for the account of another, Respondent performed the following acts without first obtaining valid electrical permits:
  - a. Installation of lights, receptacles, switches, a baseboard heater, and a thermostat at 300 NW 14<sup>th</sup> Street, #2, Corvallis, Oregon, during or about April 2013.
  - b. Installation of a 30-inch range hood, lights, receptacles, switches, a baseboard heater, and a thermostat at 300 NW 14<sup>th</sup> Street, #16, Corvallis, Oregon, during or about April 2013.
  - c. Installation of a water heater power line and replacement of a light fixture, at 1570 SE Waverly Drive, Albany, Oregon, during or about October 2013.
4. An electrical contractor has obtained a permit for the above mentioned locations and the installations are now in compliance.

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## SETTLEMENT AGREEMENT

Respondent and the Board agree to resolve this matter, without a hearing, with the entry of this Consent Order subject to the following terms and conditions:

1. The Board assesses a civil penalty of \$8,000 for violating ORS 479.620(1) and 479.620(3), and 479.550(1), of which \$5,750 will be suspended for a period of five years under the following terms:
  - 1.1 Respondent agrees to pay the remaining \$2,250 of the civil penalty. *(The invoice will be included with Respondent's copy of the Final Order after it is signed by the Board.)*
  - 1.2 Respondent agrees to pay \$250 a month for five (5) months, beginning once the consent order becomes final. The monthly payments must be postmarked by the 25<sup>th</sup> day of each month.
  - 1.3 If payments are not received within five (5) business days after the 25<sup>th</sup> of each month, or Respondent falls behind in any other material way with this agreement, then the case will be turned over to the Department of Consumer and Business Services collections unit for collection of the entire \$8,000 civil penalty, along with interest and applicable fees.
2. Respondent agrees if a final order is issued by a board or the Director finding Respondent violated any Building Codes Division's statutes or rules within five years from the date this order was signed by the Board, then Respondent will pay any subsequent penalty and the suspended penalty from this order.
3. Respondent understands that if he fails to comply with any of the terms of this settlement agreement, then the entire civil penalty, including the amount suspended, will be immediately due and payable. Failure to comply includes failure to pay the civil penalty amount on the Final Demand Notice by the due date, or failure to make payments according to the terms of any payment arrangement or Final Demand Notice.
4. Respondent understands and agrees that any violation of the terms of this Consent Order will result in further enforcement action.
5. Respondent understands and agrees that any violation of the Building Code Division's statutes or rules not alleged in this Consent Order, whether committed before or after the execution of this order, may be the basis for further enforcement action.
6. Respondent understands that failure to comply with this settlement agreement may result in denial of future licensing applications and/or suspension of licensing or certification issued by the Building Codes Division and other state agencies.
7. Respondent understands the suspended civil penalty will be waived five (5) years after the execution of this Consent Order, provided there is compliance with the order's terms and has not committed any further violations of the Building Codes Division's statutes or rules.

- 1 8. Respondent agrees to cooperate with the Building Codes Division in any other cases related to  
the Respondent's case.
- 2 9. Respondent has read and fully understands the terms of this Consent Order, freely and  
3 voluntarily consents to the entry of this order without further hearing, without any force or  
4 duress, and expressly waives all rights to hearing or appeal in this matter.
- 5 10. Respondent understands that, upon signature of all parties, this Consent Order will be a  
FINAL ORDER.
- 6 11. Respondent understands that once this Settlement Agreement and Consent Order become a  
7 FINAL ORDER, the agreement and order becomes a public document.

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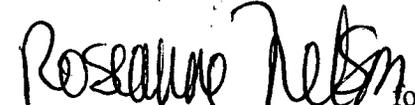
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12 **FOR THE RESPONDENT**

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15 Michael O. Emerson  
16 dba Mr. Fix It

Date: 7/16, 2014

17 **FOR THE BOARD**

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19 \_\_\_\_\_ for  
20 Chair  
21 Electrical and Elevator Board  
22 State of Oregon

Date: 7-22, 2014

## Moore Judith I

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**From:** Micheal Emerson <mr.fixit99@hotmail.com>  
**Sent:** Monday, July 28, 2014 5:17 PM  
**To:** Moore Judith I  
**Subject:** Re: C2013-0206 - Michael Emerson dba Mr. Fix It -- ADDENDUM to CONSENT ORDER

Yes!! I'm fine with everything.

Thanks  
Mike

Sent from my iPad

On Jul 28, 2014, at 4:28 PM, "Moore Judith I" <[judith.i.moore@state.or.us](mailto:judith.i.moore@state.or.us)> wrote:

Michael:

Do **not** send money until you receive the final, executed consent order AND an invoice. August 25, 2014 =1<sup>st</sup> payment due.

Are you okay with the addendum below? Please respond to all (me and Juliet) via email even if we spoke about it. Thanks.

-Judith

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**From:** Micheal Emerson [<mailto:mr.fixit99@hotmail.com>]  
**Sent:** Monday, July 28, 2014 4:19 PM  
**To:** Moore Judith I  
**Subject:** RE: C2013-0206 - Michael Emerson dba Mr. Fix It -- ADDENDUM to CONSENT ORDER

Judith,

got your e-mail. It is past the 25th but I will have a payment in the mail. Will you please send me the address to send it to.

I would like to say thank you so much for your help through this hard time.

Truly thank you!!  
Mike Emerson

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**From:** [judith.i.moore@state.or.us](mailto:judith.i.moore@state.or.us)  
**To:** [mr.fixit99@hotmail.com](mailto:mr.fixit99@hotmail.com)  
**CC:** [juliet.m.wiersma@state.or.us](mailto:juliet.m.wiersma@state.or.us)  
**Subject:** C2013-0206 - Michael Emerson dba Mr. Fix It -- ADDENDUM to CONSENT ORDER  
**Date:** Tue, 22 Jul 2014 22:30:12 +0000

Michael:

This email acts as an ADDENDUM to CONSENT ORDER for Building Codes Division Case 2013-0206.

Respondent (Michael Emerson dba Mr. Fix It) agrees with the following correction to Paragraph 1.2 of Consent Order for Case No. 2013-0206:

- 1.2 Respondent agrees to pay \$250 a month for ~~five (5)~~ **nine (9)** months, beginning once the consent order becomes final. The monthly payments must be postmarked by the 25<sup>th</sup> day of each month.

Please respond to this email indicating your (Respondent's) agreement to this addendum.

Thank you,  
Judith

Judith Ingram Moore  
Senior Policy Advisor, Statewide Services  
Building Codes Division, Oregon Department of Consumer & Business Services  
503-378-2775 / [Judith.I.Moore@state.or.us](mailto:Judith.I.Moore@state.or.us)