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STIPULATED AGREEMENT

You 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 hereby assesses a civil penalty of \$4,000 for violating OAR 918-785-0200(1)(a) and 447.040(1), of which \$3,250 will be suspended for a period of five years under the following terms:

(1.1) You agree to pay the remaining \$750 of the civil penalty over a five (5) month period beginning January 2014.

(1.2) You will send a **\$200 payment** to The Department of Consumer and Business Services Fiscal Services Section, PO Box 14610, Salem, OR. 97309-0445 **no later than January 25, 2014.**

(1.3) Additional Payments will be due according to the following schedule:

- a. \$200 not later than February 25, 2014
- b. \$175 not later than March 25, 2014
- c. \$150 not later than April 25, 2014
- d. \$25 not later than May 25, 2014

2. You agree if a final order is issued by a Board or the Director finding you violated any of Building Codes Division's statutes or rules, within five years from the date this Order was signed by the Director, you will pay any subsequent penalty and the suspended penalty from this Order.

3. You agree not to commit further violations of Building Codes Division's statutes or rules.

4. You understand that if you fail to comply with any of the terms of this consent agreement, including failure to make a payment under subsection 1.2 or 1.3 within 10 days of due date, that 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.

5. You understand and agree any violation of the terms of this Consent Order will result in further enforcement action.

6. You understand and agree that any violations of Building Code Division's statutes or rules not alleged in this Order, whether committed before or after the execution of this Consent Order, may be the basis for further enforcement action.

7. You understand the suspended civil penalty will be waived five years after the execution of this Consent Order, provided you comply with its terms and have not committed any

1 further violations of Building Codes Division's statutes or rules.

2 8. You have read and fully understand the terms of this Consent Order, freely and
3 voluntarily consent to the entry of this Order without further hearing, without any force
4 or duress, and expressly waive all rights to a hearing or appeal in this matter.

5 9. You understand that, upon signature of all parties, this Consent Order will be a FINAL
6 ORDER.

7 10. You further agree by signing this Consent Order that you are the Respondent or
8 authorized representative for the Respondent in this matter.

9 **FOR THE RESPONDENT**

10 Mitch Johnson
11 Mitchell Johnson
12 MDK Construction LLC.

Date: 10/12/13

13 **FOR THE BOARD**

14 Andrea Simmons for
15 Chairman
16 Plumbing Board
17 State of Oregon

Date: 10/24/13