

BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES OF THE STATE OF OREGON

IN THE MATTER OF:

) **FINAL ORDER**

ON THE LEVEL INSPECTION CONCEPTS, INC., AN OREGON CORPORATION,

RESPONDENT.

) **OAH CASE NO. 1403675**

) **CASE NO. C2014-0024**

HISTORY OF THE CASE

On March 20, 2014, the Director of the Department of Consumer and Business Services Building Codes Division (Division) issued a Notice of Proposed Assessment of a Civil Penalty, Notice of Application Denial, and Final Order on Default to On the Level Inspection Concepts, Inc. (Respondent). On March 26, 2014, Respondent filed a request for hearing.

On April 29, 2014, the Division referred the matter to the Office of Administrative Hearings (OAH). On July 1, 2014, the OAH assigned Administrative Law Judge (ALJ) Joe Allen to preside at a hearing scheduled for September 30, 2014. On July 31, 2014, the OAH reassigned the matter to ALJ Samantha Fair.

On September 9, 2014, the Division issued an Amended Notice of Proposed Assessment of a Civil Penalty, Notice of Application Denial, and Final Order on Default (Amended Notice) to Respondent.

On September 10, 2014, the Division requested postponement of the hearing. On September 11, 2014, ALJ Fair granted the request.

On December 24, 2014, the Division filed a Motion for Summary Determination (Motion). On January 8, 2015, Respondent filed a Response to Motion for Summary Determination (Response).

On January 16, 2015, ALJ Fair issued a ruling granting the Agency's Motion for Summary Determination and issuing a Proposed Order recommending that Respondent's application for Third Party Inspection agency certification (TPI) be denied, and that Respondent be assessed a civil penalty of \$5,000.

Respondent was provided 20 business days to file exceptions with the Agency and, on February 2, 2015, the Division received Respondent's exceptions to the Proposed Order. The Division has considered Respondent's exceptions, to the extent that they did not improperly attempt to introduce new evidence via assertion after the record had closed, but rejects them. The Division now issues its final order accepting ALJ Fair's recommendation of license denial and assessment of civil penalty, and has changed no findings of fact nor made any substantial changes to the Proposed Order's reasoning.

ISSUES

1. Whether Respondent engaged in the business of providing prefabricated structure plan approvals or inspections without an approval issued by the Division. ORS 455.705(2)(b).
2. Whether Respondent procured a person to engage in an activity for which a certificate is required without the person having obtained such certificate. ORS 455.450(2).
3. Whether Respondent should pay a civil penalty in the amount of \$5,000. ORS 455.895(2).
4. Whether Respondent's application for certification as a third-party agency should be denied. ORS 455.705(3) and OAR 918-674-0270(1).

EVIDENCE CONSIDERED

The following documents were admitted into the record and considered in this matter: Exhibits A, A1 through A4, C, C1, D through G, offered by the Division, were admitted into the record. Exhibits R1 through R10, offered by Respondent, were admitted into the record. The Affidavits of Ryan Hunt (Hunt Aff.) and Douglas Dick (Dick Aff.), offered by Respondent, were admitted into the record.

Respondent's hearsay objection to Exhibit B, offered by the Division, was overruled. Exhibit B was admitted into the record.

FINDINGS OF FACT

1. From 1989 until 1998, Douglas Dick was employed as a building inspector in California, a building official in Wyoming, a field inspection manager for the Division, and an inspector and plans examiner for a Salem company. In his resume, Dick noted that he had been the owner of Respondent since 1998. (Ex. A4 at 2.)
2. Dick first registered On the Level Inspection Concepts (Concepts), his assumed business name, with the Oregon Corporation Division on February 21, 1997. (Ex. A2 at 2.) Concepts performed prefabricated structural plan reviews and inspections. (Dick Aff. at 1.) Dick failed to renew Concepts' business registration on February 22, 2005. (Ex. A2 at 3.) Dick re-registered Concepts as an assumed business name on December 19, 2006. (*Id.* at 4.) He cancelled Concepts' business registration on June 7, 2007. (*Id.* at 5.)
3. On February 13, 2006, the Division certified Concepts as a third-party prefabricated structure plan review and inspection business.¹ On June 17, 2009, the Division renewed Concepts' certification. The certification expired on April 1, 2012, without being renewed. (Exs. A at 1; A2 at 1.) Concepts never received a renewal notice from the Division. (Dick Aff. at 1.)

¹ Neither party provided evidence regarding the existence of certification prior to this date. Such evidence is not relevant for this ruling.

1 4. Respondent, an Oregon corporation, has been registered with the Oregon Corporation
2 Division since June 7, 2007. Dick is the secretary, president and sole stockholder of Respondent. (Ex.
3 A1 at 3-4; Dick Aff. at 1.) Beginning in 2007, Respondent's communications with the Division noted
4 the name of the business as On the Level Inspection Concepts, Inc. Respondent's checks for payments
5 made to the Division noted the account name as being On the Level Inspection Concepts, Inc.
6 Monthly reports filed by Respondent with the Division included the designation of On the Level
7 Inspection Concepts, Inc. Respondent's letters to the Division were signed by Dick and noted his
8 position as the president of On the Level Inspection Concepts, Inc. (Exs. R2; R4; R5; R6; R10; Dick
9 Aff. at 2.)

6 5. Dick, as Respondent's president and owner, represented that Respondent is "one of
7 Oregon's oldest and most respected "Third Party Providers" of * * * field inspection, and plan review
8 services. Since 1995, [Respondent] has provided consultation, inspections and plan reviews * * *."
9 (Ex. A4 at 1.)

9 6. The Division has never certified Respondent as a third-party prefabricated structure plan
10 review and inspection business. (Ex. A at 1.)

10 7. On May 6, 2009, the Division concluded a monitoring process for Respondent regarding its
11 2008 records, advising Respondent that it must bring its "inspection and plan review services into
12 alignment with the state's regulatory processes in order to retain its approval as a third party inspection
13 and plan review agent." (Ex. R8 at 1.) In its report, the Division notified Respondent of some fiscal
14 and recordkeeping issues discovered during the monitoring process. (*Id.* at 2.)

14 8. Respondent contracted with Tim Gesler to have him conduct inspections, including
15 inspections of prefabricated structures, on its behalf. (Ex. B at 1.) In March 2007, Respondent
16 informed the Division that it was adding two inspectors and plans examiners, Garth King and Tim
17 Gesler, to its field inspection and plans examining team. (Ex. R10 at 1.)

16 9. The Division has never certified Gesler as a third-party prefabricated structure plan review
17 and inspection business, an A-Level inspector, plumbing inspector, electrical inspector, nor a
18 commercial building inspector. (Exs. A at 2; A3 at 2; C 1-2.) The Division never informed
19 Respondent that Gesler was not certified to perform prefabricated structure plan review and inspection.
20 (Dick Aff. at 3.)

19 10. Modern Building Systems (MBS) is a company that specializes in the design, engineering,
20 and manufacturing of factory-direct commercial mobile and modular buildings with a wide selection of
21 prefabricated designs. MBS constructs and assembles the building components on its premises and
22 then delivers and erects the buildings on the customer's land. (Ex. G at 2-3.) MBS contracted with
23 Respondent to provide inspections from January 2012 through December 2013. (Ex. F.)

22 11. On behalf of Respondent, Gesler performed the following inspections on commercial
23 prefabricated structures for MBS:

- 24 • A cover structural inspection performed in Aumsville, Oregon on April 27, 2012; (Exs. C at 1;
25 E at 1; F.)
- A final and re-inspection structural inspection performed in Aumsville, Oregon on May 7,
2012; (Exs. C at 1; E at 2; F.)

- 1 • A cover structural, plumbing and electrical inspection performed in Aumsville, Oregon on June 21, 2012; (Exs. C at 1; E at 3; F.)
- 2 • A cover structural inspection performed in Aumsville, Oregon on February 5, 2013; (Exs. C at 1; E at 4; F.)
- 3 • A cover structural inspection performed in Oregon City, Oregon on June 29, 2013; (Exs. C at 1; E at 5; F.)
- 4 • A cover structural inspection performed in Hillsboro, Oregon on July 22, 2013; (Exs. C at 1; E at 6; F.)
- 5 • A cover and re-inspection structural inspection performed in Hillsboro, Oregon on July 23, 2013; (Exs. C at 1; E at 7; F.)
- 6 • A fire alarm inspection performed in Hillsboro, Oregon on August 14, 2013; (Exs. C at 2; E at 8; F.)
- 7 • A cover structural and fire alarm inspection performed in Oregon City, Oregon on August 22, 2013; (Exs. C at 1-2; E at 9; F.)
- 8 • Two re-inspection structural inspections performed in Gervais, Oregon on September 5, 2013; (Exs. C at 1; E at 10-11; F.) and
- 9 • A final structural, mechanical, plumbing and electrical inspection performed in Aumsville, Oregon on October 9, 2013. (Exs. C at 1; E at 12; F.)

11 Dick verified all of Gesler's work. (Dick Aff. at 3.) For four of these inspections, Dick signed his name next to Gesler's signature but only Gesler's name was listed as the inspector on all of these inspections. (Ex. E.)

13 12. On behalf of Respondent, Dick performed the following inspections on commercial prefabricated structures for MBS:

- 14 • A cover structural inspection performed in Cloverdale, Oregon on May 2, 2012; (Exs. C at 1; D at 1; F.)
- 15 • A final plumbing and electrical inspection performed in Aumsville, Oregon on July 10, 2012; (Exs. C at 1; D at 2; F.)
- 16 • A final structural, mechanical, and electrical inspection performed in Aumsville, Oregon on August 15, 2012; (Exs. C at 1; D at 3; F.)
- 17 • A cover structural, mechanical, plumbing and electrical inspection performed in Aumsville, Oregon on February 5, 2013; (Exs. C at 1; D at 4; F.)
- 18 • A cover plumbing and electrical inspection performed in Aumsville, Oregon on February 19, 2013; (Exs. C at 1; D at 5; F.)
- 19 • A cover plumbing and electrical inspection performed in Aumsville, Oregon on February 26, 2013; (Exs. C at 1; D at 6; F.)
- 20 • A cover structural inspection performed in Hillsboro, Oregon on June 11, 2013; (Exs. C at 1; D at 7; F.)
- 21 • A final structural and mechanical inspection performed in Aumsville, Oregon on June 25, 2013; (Exs. C at 1; D at 8; F.)
- 22 • A final inspection on items such as the fire alarm and kitchen exhaust duct and light performed in Hillsboro, Oregon on July 16, 2013; (Exs. C at 1-2; D at 10; F.) and
- 23 • A cover plumbing and electrical inspection performed in Aumsville, Oregon on September 24, 2013. (Exs. C at 1; D at 9; F.)

1 13. On February 18, 2013, the Division sent a letter to “Mr. Doug Dick On the Level
2 Inspections Concepts, Inc.,” noting, “As a third party inspector, you may be involved in the inspections
3 of the repair work.” (Ex. R7 at 1.)

4 14. On January 14, 2014, Respondent filed an application for certification as a third-party
5 agency. (Exs. A at 1; A1 at 1.)

6 CONCLUSIONS OF LAW

7 1. Respondent engaged in the business of providing prefabricated structure plan approvals or
8 inspections without an approval issued by the Division.

9 2. Respondent procured a person to engage in an activity for which a certificate is required
10 without the person having obtained such certificate.

11 3. Respondent should pay a civil penalty in the amount of \$5,000 for violations of ORS
12 455.450(2) and 455.750(2).

13 4. Respondent’s application for certification as a third-party agency should be denied.

14 OPINION

15 Providing Plan Review and Inspection Services

16 The Division seeks to assess civil penalties against Respondent for performing third-party
17 agency plan reviews and inspections when it was not certified to do so and for procuring an uncertified
18 person to perform such inspections. As the proponent of the allegations, the Division had the burden
19 to establish, by a preponderance of the evidence, that the allegations are correct and that it may assess
20 the civil penalties. ORS 183.450(2) (“The burden of presenting evidence to support a fact or position
21 in a contested case rests on the proponent of the fact or position”); *Harris v. SAIF*, 292 Or 683, 690
22 (1982) (general rule regarding allocation of burden of proof is that the burden is on the proponent of
23 the fact or position). Proof by a preponderance of the evidence means that the fact finder is persuaded
24 that the facts asserted are more likely than not true. *Riley Hill General Contractor v. Tandy Corp.*, 303
25 Or 390, 402 (1987).

The Division also seeks to deny Respondent’s application for certification as a third-party
inspection agency (TPI) because Respondent violated state law in the manner asserted above. Because
this is an application proceeding, Respondent has the burden to establish, by a preponderance of the
evidence, its eligibility for certification. *Sobel v. Board of Pharmacy*, 130 Or App 374, 380 (1994)
(applicants have the burden of establishing their eligibility).

In its Amended Notice, the Division’s allegations involved Respondent’s performance of
inspections for MBS during the period April 27, 2012 and October 9, 2013 (period at issue).

///

1 ORS 455.010(6) provides, in part:

2 “Prefabricated structure” means a building or subassembly that has been in
3 whole or substantial part manufactured or assembled using closed construction
at an off-site location to be wholly or partially assembled on-site[.]

4 MBS constructs and assembles mobile and modular buildings on its premises and then delivers
5 and erects them on the customer’s land. MBS is a manufacturer of prefabricated structures. Pursuant
6 to OAR 918-674-0200(1), a manufacturer of prefabricated structures may contract with a certified
third-party agency to perform plan reviews and inspections.

7 OAR 918-674-0005(27) provides, in part:

8 “Third-Party Agency, Certified” means an independent contractor (private or
9 municipal) approved by the Division to provide prefabricated structure plan
approval or inspection services * * * [.]

10 ORS 455.705(2)(b) provides:

11 A person may not engage in the business of providing prefabricated structure
12 plan approvals or inspections without an approval issued by the Department of
Consumer and Business Services.

13 MBS contracted with Respondent² to perform prefabricated structure plan reviews and
14 inspections during the period at issue. Respondent, through Dick and Gesler, performed a total of 22
15 prefabricated structure inspections for MBS. The Division never certified Respondent as a third-party
agency. Respondent violated ORS 455.705(2)(b) by performing 22 prefabricated structure inspections
when it was not certified as a third-party agency.

16 Respondent asserts that the Division “essentially created these violations by failing to provide a
17 renewal notice to Mr. Dick * * *. It is improper for the [Division] to create violations by failing to
provide adequate renewal notices to Mr. Dick.” (Response at 4.) This argument is unpersuasive.
18 Respondent, the corporation, was never certified as a third-party agency. Only Concepts, the sole
proprietorship, was certified until its certification expired on April 1, 2012.³ Therefore, there was no
19 renewal notice to send to Respondent. Additionally, pursuant to OAR 918-674-0210 and OAR 918-
20 674-0260, it is the applicants and certified third-party agencies that “shall submit” requests for
certification and certification renewals. OAR 918-674-0210(1) and OAR 918-674-0260(1). There is
21 no legal obligation by the Division to provide renewal notices, advising of pending expirations of
certifications, to third-party agencies. A third-party agency’s obligation to renew its certification is not
22 contingent upon receipt of any renewal notice from the Division. Any such renewal notice would
merely be a courtesy extended by the Division to the third-party agency.

23 ² ORS 455.560(3) provides, in part: “Person” means an individual, * * *, private or public corporation[.] Although this
24 definition applies specifically to ORS 455.560 to ORS 455.580, ORS chapter 455 does not include any other definition for
“person.” Based upon the use of the term “person” in the context of this chapter, the same meaning would be applicable for
25 ORS 455.705(2)(b) and ORS 455.450(2)

³ At which point its business registration was already long cancelled, so Concepts could no longer perform any business in
Oregon. See ORS 648.007(1) (prohibiting transaction of business under an assumed business name unless registered).

1 Respondent also asserted that the Division “was well aware” of the change from Concepts, the
2 sole proprietorship, to Respondent, the corporation. (Response at 3.) Respondent further argues:

3 It is troubling that, despite Mr. Dick’s continued communication with the
4 [Division] about his change in designation from an assumed business name to
5 a corporation, the [Division] has chosen to propose assessment of civil
penalties and has suspended Mr. Dick’s ability to work in his trade by refusing
to process his recent application.

6 (Response at 3.) This argument is similarly unpersuasive. The evidence established that, after the
7 formation of Respondent, all communications made by Respondent with the Division included the
8 “Inc.” designation and named Dick as Respondent’s president. Therefore, Respondent is correct in his
9 assertion that he did not hide the formation of Respondent from the Division. However, as explained
10 above, the burden is on the applicants and certified third-party agencies to ensure that they obtain
11 proper certifications from the Division prior to the performance of the inspections. Although
Respondent does not specifically reference equitable estoppel in its Response, it appears to arguing for
the application of equitable estoppel in this matter, i.e., that the Division should not seek civil penalties
and should not deny the application because the Division had knowledge of and allowed the ongoing
violations.

12 Equitable estoppel is rarely applicable against state agencies and should be applied cautiously.
13 *Employment Div. v. Western Graphics Corp.*, 76 Or App 608, 612 (1985). Generally, equitable
14 estoppel has been applied “only in cases where the individual asserting estoppel has been deprived of a
15 benefit that would have been received but for the government’s misleading conduct.” *Id.* at 612-614.
16 An individual is not entitled to “a windfall as a result of the government’s mistake and erroneous
17 advice.” *Id.* No evidence was provided that the Division, in fact, did realize that Respondent’s
18 president had created Respondent and was operating a new entity and separate legal person under an
almost identical name to that of Dick as a sole proprietor. However, even assuming the Division was
aware of the change in business entity as early as the first correspondence it received with the “Inc.”
designation, the Division did not engage in any misleading conduct. At most, the Division made a
mistake by not thoroughly investigating the status of Respondent and potentially discovering its non-
certified status earlier.

19 *Procurement of a Person to Perform an Activity that Requires a License or Certificate*

20 ORS 455.450 provides, in part:

21 A person may not:

22 * * * * *

23 (2) Engage in, or procure or assist any other person to engage in, any conduct
24 or activity for which a permit, label, license, certificate, registration or other
25 formal authorization is required by any specialty code, any provision of ORS
446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to
446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 and 480.510 to

1 480.670, this chapter or ORS chapter 447, 460 or 693, or any rule adopted or
2 order issued for the administration and enforcement of those provisions,
3 without first having obtained such permit, label, license, certificate, registration
4 or other formal authorization[.]

5 OAR 918-674-0220(1) provides, in part:

6 An Oregon certified third-party agency shall employ inspectors and plans
7 examiners who are certified by the Division in accordance with OAR Chapter
8 918, Division 098, 918-281-0030, 918-695-0400 and the following:

9 (a) Each inspector or plans examiner working for or as a third-party agency
10 shall be certified for the specific type of inspections or plan reviews that person
11 will be performing[.]

12 Pursuant to authority granted by ORS 455.020, the Division promulgated a state building code
13 to establish uniform performance standards to provide safeguards for the health, safety, welfare,
14 comfort and security of occupants and users of buildings. The state building code includes the Oregon
15 Structural Specialty Code that regulates commercial structures.⁴ Before he performed his inspections,
16 Gesler would have needed certifications as an A-level inspector, plumbing inspector, electrical
17 inspector, and commercial building inspector. See OAR 918-098-1005(1); OAR 918-098-1015; OAR
18 918-695-0400 and OAR 918-281-0020. Gesler did not have such certifications. Therefore,
19 Respondent procured Gesler to perform inspections when he was not certified for such inspections in
20 violation of ORS 455.450(2).

21 Respondent made similar arguments for Gesler as it did for its lack of certification as a third-
22 party agency because it advised the Division that it was adding Gesler to its inspection team and the
23 Division failed to notify it that Gesler was not certified to perform such inspections. As explained
24 above, those arguments are unpersuasive. The statutes and administrative rules place affirmative
25 duties on the individual and/or entity seeking to perform inspections in this state to ensure they hold
proper certification before engaging in such inspections.

Assessment of Civil Penalties

ORS 455.895 provides, in part:

(2) The Department of Consumer and Business Services, or an appropriate
advisory board, if any, may at its discretion impose a civil penalty against any
person who violates the state building code * * *, or this chapter * * *, or any
rule adopted or order issued for the administration and enforcement of those
statutes. Except as provided in subsections (3), (4) and (9) of this section or
ORS 446.995, a civil penalty imposed under this section must be in an amount

⁴ The various state building codes are available at the Division's website: <http://www.bcd.oregon.gov/>.

1 determined by the appropriate advisory board or the department of not more
2 than \$5,000 for each offense * * * [.]

3 * * * * *

4 (6) Civil penalties under this section shall be imposed as provided in ORS
5 183.745[.]

6 During the period in issue, Respondent provided prefabricated structure plan review and
7 inspection services without certification in violation of ORS 455.705(2)(b). Because Respondent,
8 while lacking certification, had 22 inspections performed during the period in issue, the Division is
9 entitled to assess \$5,000 for each violation, or a total maximum civil penalty of \$110,000.

10 During the period in issue, Respondent procured Gesler on 12 occasions to perform inspections
11 when he was not certified to perform such inspections in violation of ORS 455.450(2). The Division is
12 entitled to assess \$5,000 for each violation, or a total maximum civil penalty of \$60,000.

13 In its Amended Notice, the Division seeks to assess a civil penalty of \$3,000 against
14 Respondent for violations of ORS 455.705(2)(b) and a civil penalty of \$2,000 against Respondent for
15 violations of ORS 455.450(2). Because the amount of the proposed civil penalties are within the limits
16 set by ORS 455.895 and there is no evidence that the Division has abused its discretion in assessing
17 such reasonable amounts, Respondent must pay civil penalties in the amount of \$3,000 for violations
18 of ORS 455.705(2)(b) and \$2,000 for violations of ORS 455.450(2). Pursuant to ORS 183.745(2), the
19 civil penalties are due and payable 10 days after the final order imposing the civil penalties becomes
20 final by operation of law or on appeal.

21 Denial of Application

22 Pursuant to the authority granted by ORS 455.705(3), the Division has promulgated
23 administrative rules regarding the issuance of certifications for third-party agencies. OAR 918-674-
24 0270(1) provides, in part:

25 The Division may deny, suspend, revoke or cancel a third-party agency's
certification if the Division finds the third-party agency has violated Oregon
law, the **Oregon Specialty Codes**, these rules or has:

(a) Employed or contracted with uncertified inspectors and plans examiners[.]

(emphasis in original.) As previously discussed, the Division alleged and proved that Respondent
provided prefabricated structure plan review and inspection services without certification in violation
of ORS 455.705(2)(b) and procured Gesler to perform inspections when he was not certified to
perform them in violation of ORS 455.450(2). Because Respondent has violated Oregon law and
contracted with an uncertified inspector, the Division is entitled to deny Respondent's application for
certification as a third-party agency.

The Division's decision to deny the application is supported by the evidence of the number of
violations, the period over which the violations occurred, and the nature of the violations, especially

1 the violations involving Gesler. Respondent's assertion that it provided inspection and plan review
2 services since 1995 is incorrect because Respondent was not formed as a legal entity until 2007.
3 However, that assertion was based upon the experience of Dick, its president and sole shareholder.
4 Because of Dick's extensive experience as an inspector and plan examiner, which experience may be
5 imputed to Respondent, Respondent must have known that any person with whom it contracted to
6 perform inspections must be properly certified. Respondent was negligent in contracting with Gesler
7 to perform inspections without first verifying that he held the appropriate certificates. Dick's assertion
8 that he verified all of Gesler's work does not change the fact that Gesler, the individual listed as the
9 named inspector, should not have performed the inspections without proper certifications from the
10 Division.

11 Respondent's application for certification as a third-party agency is denied.

12 In its exceptions, Respondent again asserted its pseudo-estoppel argument, which has
13 been addressed above and which the Division again rejects for the reasons set forth above.
14 Respondent also appears to have attempted to include exceptions to the first Notice issued
15 by the Division, rather than to ALJ Fair's Proposed Order, or even to the allegations within
16 the Division's Amended Notice; as there is no basis in law or rule to file exceptions to a
17 Notice, much less an obsolete one, the Division again rejects Respondent's argument.

18 * * * * *

19 **ORDER**

20 The Respondent is hereby assessed a civil penalty in the amount of \$3,000 for violations of ORS
21 455.705(2)(b), and a civil penalty in the amount of \$2,000 for violations of ORS 455.450(2), for a
22 **TOTAL CIVIL PENALTY of \$5,000.**

23 Respondent's application for certification as a third-party inspection agency is hereby **DENIED.**

24 Dated this 24 day of March, 2015

25 Andrea Simmons for

Director

Department of Consumer and Business Services
State of Oregon

CIVIL PENALTIES

Civil penalties, if unpaid, may be recorded and filed with the county clerks as liens against property 10 days after the expiration of the statutory appeals period (70 days after issuance of this order).

APPEAL RIGHTS

Respondent is entitled to judicial review of this Final Order pursuant to ORS 183.482. Judicial review may be initiated by filing a petition for review with the Oregon Court of Appeals within sixty (60) days from the date this Final Order was mailed to Respondent.