

1 **BEFORE THE PLUMBING BOARD OF THE STATE OF OREGON**

2 **BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**

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5 **IN THE MATTER OF:**

) **CONSENT ORDER**

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7 **DYLAN MCDERMOTT CONTRACTING LLC,**  
**A LIMITED LIABILITY COMPANY**

8 **RESPONDENT**

) **CASE NO. C2013-0235**  
)  
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)  
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11 The State Plumbing Board and the Electrical and Elevator Board (Boards) conducted an  
12 investigation and determined that you violated certain provisions of the Oregon Building Codes  
statutes, administrative rules, and specialty codes.

13 The parties desire to settle this matter informally. You understand that you have the right to a  
14 contested case hearing under the Administrative Procedures Act (Chapter 183), Oregon Revised  
15 Statutes, and fully and finally waive the right to a hearing and any appeal therefrom by the signing  
16 and entry of this Order in the Boards' record. You agree to conduct all future business in  
compliance with the applicable statutes, administrative rules, and specialty codes. You understand  
that this Order, once final, is a public record.

17 As evidenced by the authorized signatures on this Order, the Boards find and you stipulate to the  
18 entry of this Order and its following terms.

19 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

- 20 1. On or about November 5, 2013, on [www.craigslist.com](http://www.craigslist.com), you advertised to perform plumbing  
21 work for the account of another, without an Oregon plumbing contractor's license, in  
violation of ORS 447.040(1).  
22 2. On or about November 5, 2013, on [www.craigslist.com](http://www.craigslist.com), you advertised to perform electrical  
23 work for the account of another, without an Oregon electrical contractor's license, in  
violation of ORS 479.620(1).  
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1 **WHAT THE LAW SAYS**

2 (1) Under ORS 447.040(1), except as exempted by OAR 918-695-0020, a person may not  
3 advertise or purport to be a plumbing contractor without a plumbing contractor's license.

4 (2) Under ORS 479.620(1), subject to ORS 479.540, a person may not advertise or purport  
5 to be an electrical contractor without an electrical contractor's license.

6 **STIPULATED AGREEMENT**

7 Respondent and the Boards agree to resolve this matter, without a hearing, by the entry of  
8 this Consent Order subject to the following terms and conditions:

9 (1) The Boards hereby assess a combined civil penalty of \$6,000 for violating ORS  
10 447.040(1) and 479.620(1), of which \$5,500 will be suspended for a period of five years under the  
11 following terms:

12 1. Respondent agrees to pay the remaining \$500 of the civil penalty. (An invoice  
13 will be included with the Respondent's copy of the Final Order after it is  
14 signed by the Boards.)

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

17 (4) You understand that if you fail to comply with any of the terms of this consent  
18 agreement, including failure to make a payment under this order within 10 days of due date, that the  
19 entire civil penalty, including the amount suspended, will be immediately due and payable. Failure  
20 to comply includes failure to pay the civil penalty amount on the Final Demand Notice by the due  
21 date, or failure to make payments according to the terms of any payment arrangement or Final  
22 Demand Notice.

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

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

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

1 (9) You understand that, upon signature of all parties, this Consent Order will be a FINAL  
2 ORDER.

3 (10) You further agree by signing this Consent Order that you are the Respondent or  
4 authorized representative for the Respondent in this matter.

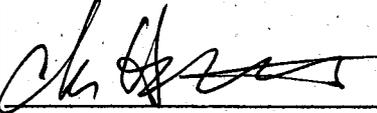
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6 **FOR THE RESPONDENT**

7  Date: December 20<sup>th</sup>, 2013  
8 Dylan McDermott Boroczi  
9 Dylan McDermott Contracting LLC

10 **FOR THE PLUMBING BOARD OF THE STATE OF OREGON**

11  for Date: 1/2/14  
12 Chairman  
13 State Plumbing Board  
14 State of Oregon

15 **FOR THE OREGON STATE ELECTRICAL AND ELEVATOR BOARD**

16  for Date: 1/2/14  
17 Chairman  
18 Electrical and Elevator Board  
19 State of Oregon