

1 **BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS**
2 **SERVICES OF THE STATE OF OREGON**

3 **IN THE MATTER OF:**)
4 **CHARLES T. WILSON, DBA WILSON**) **STIPULATED ORDER**
5 **TRANSPORT,**)
6 **RESPONDENT**) **CASE NO. C2014-0111**

7 The Director of the Department of Consumer and Business Services (Director) of the State
8 of Oregon conducted an investigation and determined that Respondent violated certain provisions of
9 the Oregon Building Codes statutes, administrative rules, and specialty codes.

10 The parties wish to settle this matter informally. Respondent understands that Respondent
11 has the right to a hearing under the Administrative Procedures Act (chapter 183), Oregon Revised
12 Statutes (ORS), and fully and finally waives the right to a contested case hearing and any appeal
13 therefrom by the signing and entry of this Order in the Director's records. Respondent agrees to
14 conduct all future business in compliance with the applicable statutes, Oregon Administrative Rules
15 (OAR), and specialty codes. Respondent understands that this order is a public record.

16 **FINDINGS OF FACT**

- 17 1. On or about April 10, 2014, at 1317 Clark St., Wasco, Oregon, Respondent employed
18 Russell Gascon, Bing Alford, and Baylan Springer to install a manufactured dwelling, for
19 the account of another.
- 20 2. At no relevant time did Russell Gascon, Bing Alford, and Baylan Springer hold
21 manufactured dwelling installer's licenses.
- 22 3. Respondent obtained a valid permit for the installation performed at 1317 Clark St., Wasco,
23 Oregon.

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APPLICABLE LAW

1. Under ORS 446.395(4), a person may not employ any individual to install a manufactured dwelling or cabana unless the individual is licensed by the department to perform the work and complies with ORS 446.003 to 446.240 and 446.395 to 446.420 and rules adopted under ORS 446.003 to 446.240, 446.395 to 446.420 and 455.117.
2. Under ORS 455.895(2) and OAR 918-001-0036, the Department may impose a civil penalty against any person who violates the state building code, which includes ORS 446.395.

CONCLUSIONS OF LAW

1. By employing three unlicensed individuals to install a manufactured dwelling at 1317 Clark St., Wasco, Oregon, Respondent violated ORS 446.395(4).
2. Due to Respondent's violation of ORS 446.395(4), the Department may impose a civil penalty against Respondent.

ORDER

The Respondent and the Director agree to resolve this matter without a hearing according to the following terms:

1. The Director hereby assesses a \$2,000 total civil penalty for violating ORS 446.395(4), of which \$1,250 will be suspended for a period of five years under the following terms:
 - 1.1. Respondent agrees to pay the remaining \$750 of the civil penalty. *(An invoice will be included with Respondent's copy of the Final Order after the Director signs it.)*
 - 1.2. Respondent agrees to make payments of \$250 per month for three months, beginning with the first payment due on October 25, 2014, and all payments due (postmarked) by the 25th day of each month thereafter. As long as the payments remain timely, there shall be no interest added to Respondent's balance. There are no early payoff penalties.

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- 1 2. Respondent understands that a single failure to comply with any of the terms of this
2 Stipulated Order could result in the entire civil penalty, including the suspended amount,
3 becoming immediately due and payable. Failure to comply includes, but is not limited to,
4 failure to pay the civil penalty amount on the Final Demand Notice by the due date.
- 5 3. Respondent agrees to fully cooperate with the Building Codes Division's enforcement
6 efforts in cases against other entities or individuals that rely on the underlying facts in this
7 case. Cooperation may include, but not be limited to, making sworn statements or testifying
8 in administrative hearings.
- 9 4. Respondent agrees not to commit violations of the Building Codes Division's statutes and
10 rules.
- 11 5. Respondent understands and agrees that any violation of the terms of this Stipulated Order
12 will result in further enforcement action.
- 13 6. Respondent understands and agrees that any violation of the Building Codes Division's
14 statutes or rules not alleged in this order, whether committed before or after the execution of
15 this Stipulated Order, may be the basis for further enforcement action.
- 16 7. Respondent understands that failure to comply with this Stipulated Order may result in the
17 denial of future licensing applications and/or suspension of licensing or certification issued
18 by the Division and/or other state agencies.
- 19 8. Respondent understands the suspended civil penalty will be waived five years after the
20 execution of this Stipulated Order, provided Respondent complies with its terms and has not
21 committed any further violations of Building Codes Division's statutes and rules.

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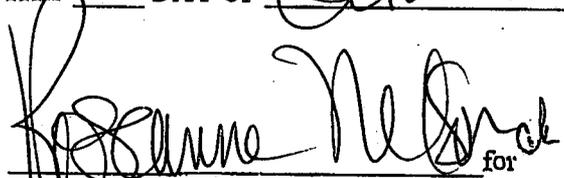
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- 9. Respondent has read and fully understands the terms of this Stipulated Order, freely and voluntarily consents to the entry of this order without further hearing, without any force or duress, and expressly waives all rights to hearing or appeal in this matter.
- 10. Respondent understands that, upon signature of all parties, this Stipulated Order will be a FINAL ORDER.

IT IS SO STIPULATED THIS 7 DAY OF Oct., 2014


_____ for
Charles T. Wilson

IT IS SO ORDERED THIS 14th DAY OF October, 2014


_____ for
Director
Department of Consumer and Business Services
State of Oregon