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State takes action against private building inspectors

Multiple companies operated without proper certification

(Salem) – The Oregon Building Codes Division recently finished a series of cases related to private inspection businesses that charged consumers unnecessary fees. The division’s latest action is the result of a four-year investigation of On the Level Inspection Concepts Inc. and owner Douglas Dick.

The investigation by the division, part of the Department of Consumer and Business Services, found that Wallowa County Health Care District paid multiple unnecessary fees for the same inspection services to different entities.

Some cities and counties contract out the entire building inspection program to private businesses that have the power to assess fees and start or stop the construction process. The state is concerned with this practice because customers may not have full access to due process where a private business is acting on behalf of government.

On the Level performed commercial inspections and plan reviews for a portion of the Wallowa County Health Care District’s residential care facility and for the City of Manzanita without the appropriate approvals and licenses.

On the Level also employed Timothy Gesler to perform commercial inspections, even though Gesler was not certified to perform these safety inspections. BCD fined Gesler for being unlicensed and On The Level for allowing an unlicensed person to perform inspections.

Overall, the Building Codes Division fined On the Level \$15,000 and revoked the certifications of its owner, Douglas Dick. The division also denied the third-party business applications of 3D Consulting LLC and King Consulting because King Consulting chose to use Mr. Dick as an employee of this new private inspection business. King Consulting was also fined \$6,000 for completing inspections and plan reviews for the City of Manzanita without a license. Mark Doud, the Wallowa County Building Official at the time, personally profited from overcharging the health care facility. He was fined \$18,913.45 (five times what he profited) and had all of his building code related licensing and certifications removed.

“The division is concerned because many Oregon communities contract their government function entirely to private businesses for building safety inspections,” said Enforcement

Manager, Andrea Simmons. “The practice of tying profit to building permit fees contradicts the state’s mission to protect the public.”

Since 2012, the Building Codes Division has taken action, including revoking certifications and licenses and assessing civil penalties, against 35 private businesses and individual building inspectors who work for the private firms or a local government. These inspectors operated without proper credentials or failed to act in the public’s best interest to ensure consumers with paid permit fees receive qualified inspections. In one case, building permit approval was based on payment to a private business.

For a full list of resolved cases, go to <http://www.oregon.gov/bcd/enforcement/Pages/final-orders.aspx> (most files are under the program “other”).

To find out if a building inspector is licensed, go to <http://www.oregon.gov/bcd/licensing/Pages/search.aspx> or call the division at 503-373-1268.

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The Building Codes Division (BCD) adopts statewide construction standards, which ensure a uniform and predictable regulatory environment in Oregon. For more information, visit www.oregon.gov/bcd.

The Department of Consumer and Business Services is Oregon's largest business regulatory and consumer protection agency. For more information, go to www.oregon.gov/dcbs.