

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

3
4 **IN THE MATTER OF:**

)
) **CONSENT ORDER**
)
)

5 **MRB GENERAL CONTRACTING, INC.,**
6 **A FOREIGN CORPORATION**

7 **RESPONDENT**

) **CASE NO. 2012-0208**
)

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9 The Director of the Department of Consumer and Business Services (Director) has conducted an
10 investigation and determined that you violated certain provisions of the Oregon Building Codes
11 statutes, administrative rules, and specialty codes.

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

15 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

16 (1) On or about May 18, 2012, at Pilot Travel Centers, LLC. (Store #195), 91485 Biggs
17 Rufus Highway, Wasco, Oregon, you submitted a bid to install plumbing piping, floor drains,
18 lavatories and toilets, electrical vanity lighting, recessed shower lighting, minor switches and
19 receptacles for the account of another, without a plumbing or electrical contractor's license, in
20 violation of ORS 447.140(1) and ORS 479.620(1).

20 **WHAT THE LAW SAYS**

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

23 (2) Under ORS 479.620(1), except as allowed by ORS 479.540, a person may not engage
24 in the business of an electrical contractor without an electrical contractor's license.

24 **STIPULATED AGREEMENT**

25 You and the Director agree to resolve this matter, without a hearing, with the entry of this
Consent Order subject to the following terms and conditions:

1 (1) The Director hereby assesses a combined civil penalty of \$3,000 for violating ORS
2 447.040(1) and 479.620(1), of which \$1,750 will be suspended for a period of five years under
the following terms:

3 (1.1) You agree to pay the remaining \$1,250 of the civil penalty.

4 (1.2) An additional \$500 of the total assessed penalties will be suspended if you are
5 able to pay \$750 by the date on the invoice. *(The invoice will be included with
6 your copy of the Final Order after it is signed by the Director.)*

7 (2) You agree if a final order is issued by a Board or the Director finding you violated any
8 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.

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

11 (4) You understand that if you fail to comply with any of the terms of this consent
12 agreement that the entire civil penalty, including the amount suspended, will be immediately due
13 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.

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

16 (6) You understand and agree that any violations of Building Code Division's statutes or
17 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.

18 (7) You understand the suspended civil penalty will be waived five years after the
19 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.

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

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

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

1 **FOR THE RESPONDENT**

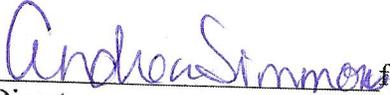
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3  Date: 9-25-13
4 Michael Baumgaertel
MRB General Contracting Inc.

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6 **FOR THE DIRECTOR**

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8  for Date: 9/30/13
9 Director
10 Department of Consumer and Business Services
State of Oregon

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