

1 **ORDER**

2 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Board assesses the following:

- 3 (1) a \$3,000 civil penalty for violating ORS 479.620(1)
4 (2) a \$1,000 civil penalty for violating ORS 479.550(1)

5 The civil penalties assessed total \$4,000.

6 Respondent and the Board agree to resolve this matter without hearing according to the
7 following terms:

8 (1) Respondent admits to committing the violations as alleged in the Findings of Fact and
9 Conclusions of Law and agrees the Board will issue an order imposing the proposed civil
10 penalties for such violations in order to resolve this matter.

11 (2) The Board agrees to suspend \$2,500 of the \$4,000 in civil penalties for a period of
12 five years under the following terms:

13 (a) Respondent agrees not to commit further violations of Building Codes
14 Division's statutes and/or rules.

15 (b) Respondent agrees to pay the remaining \$1,500 of the civil penalties or
16 \$1,000 with the remaining \$500 added to suspended amount under the
17 following conditions:

- 18 (1) Respondent submits a \$500 payment with this signed Consent Order
19 (2) Respondent pays the remaining \$500 by April 7, 2011

20 (c) If Respondent fails to make a payment within the time period stated on a Final
21 Demand, collection of the entire civil penalties, including any suspended
22 amount, will be initiated.

23 Payments are to be made to: DCBS Fiscal Services
24 P.O. Box 14610
25 Salem, OR 97309-0445

(d) Respondent understands and agrees any violation of the terms of this
Settlement Agreement and Consent Order will result in further enforcement
action.

(e) Respondent understands and agrees that any violations of Building Code
Division's statutes and/or rules not alleged in the Findings of Fact above,
whether committed before or after the execution of this Settlement Agreement
and Consent Order, shall be the basis for further enforcement action.

(f) Respondent understands the suspended civil penalty will be waived five years

1 after the execution of this Settlement Agreement and Consent Order, provided
2 Respondent complies with its terms and has not committed any further
violations of Building Codes Division's statutes and/or rules.

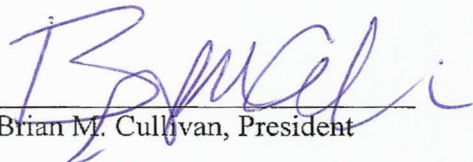
3 (g) Respondent states it has carefully read this Settlement Agreement and Consent
4 Order and understands the intent and content of the document, and signs
below under free will. Respondent waives any and all rights to appeal or
5 challenge of this Settlement Agreement and Consent Order.

6 (h) Respondent understands that, upon signature of all parties, this Settlement
7 Agreement and Consent Order will be a FINAL ORDER.

8 (i) Respondent understands once this Settlement Agreement and Consent Order
9 become a FINAL ORDER it becomes a public document.


10 It is so stipulated.

11 **FOR THE RESPONDENT**

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13 
14 Brian M. Cullivan, President

Date: Feb. 7, 2011

17 **FOR THE BOARD**

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19 
20 Elizabeth Brund for
21 Chairman
Electrical and Elevator Board
State of Oregon

Date: 2-10-11

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