

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

3 **BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF**
4 **OREGON**

5 **IN THE MATTER OF:**

6 **AZURE FARMS, INC,**
7 **AN OREGON CORPORATION**

8
9 **RESPONDENT**
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) **CONSENT ORDER**

) **CASE NO. 2010-0216**

11 The Director of the Department of Consumer and Business Services (Director) and the Electrical
12 and Elevator Board (Board) of the State of Oregon have conducted an investigation and
13 determined that Respondent violated certain provisions of the Oregon Building Codes statutes,
14 administrative rules, and specialty codes.

15 The Director, Board and Respondent wish to settle this matter informally. Respondent agrees to
16 conduct all future business in compliance with the applicable statutes, administrative rules, and
17 specialty codes. As evidenced by the authorized signatures on this Order, Respondent hereby
18 consents to the entry of this Order and its following terms:

17 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

18 (1) During or about May through September 2009, at 500 Azure Lane, Moro, Oregon
19 Respondent permitted or suffered Benjamin Brewer an unlicensed individual to install plumbing
20 piping and shower/tub enclosures, in violation of ORS 455.450(3).

21 (2) The installation of plumbing piping and shower/tub enclosures are plumbing
22 installations as defined in ORS 447.010(6).

23 (3) During or about May through September 2009, at 500 Azure Lane, Moro, Oregon,
24 Respondent permitted or suffered Benjamin Brewer an unlicensed individual to install electrical
25 wiring, outlets and a subpanel, in violation of ORS 479.620(6).

(4) The installation of electrical wiring, outlets and a subpanel is an electrical installation
as defined in ORS 479.530(10).

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WHAT THE LAW SAYS

(1) Under ORS 455.450(3), except as allowed by OAR 918-695-0020 and ORS 693.020, a person may not violate, or procure or assist in the violation of, any standard, specification, requirement, prohibition or other technical provision set forth in the state building code or in any rule or order of the Department of Consumer and Business Services, an advisory board, a local governing body or local building official.

(2) Under ORS 479.620(6), except as allowed by ORS 479.540 and ORS 479.940, a person may not permit or suffer any electrical installation on property which the person owns, controls, manages or supervises to be made by a person not licensed to make such an installation.

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ORDER

Under ORS 455.895(3) and OAR 918-001-0036, the Director assesses the following:

(1) A \$2,000 civil penalty for violating ORS 455.450(3).

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

(1) A \$2,000 civil penalty for violating ORS 479.620(6).

The civil penalties assessed total \$4,000.

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STIPULATED AGREEMENT

Respondent and the Director and Board agree to resolve this matter without hearing, according to the following terms:

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

2. The Director and Board agree to suspend \$2,000 of the \$4,000 civil penalty for a period of five years under the following terms:

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

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

It is so stipulated.

SIGNATURE FOR THE RESPONDENT

B. Brewer
Benjamin Brewer

Date: 5-3-11
B. Brewer

Project Manager
Title

FOR THE DIRECTOR

Elizabeth Brown for
Director
Department of Consumer and Business Services
State of Oregon

Date: 5-4-11

FOR THE BOARD

Elizabeth Brown for
Chairman
Electrical and Elevator Board
State of Oregon

Date: 5-4-11

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