

1 **ORDER**

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

- 4 (1) a \$2,000 civil penalty for violating OAR 918-282-0120(1), on the first occasion.
5 (2) a \$2,000 civil penalty for violating OAR 918-282-0120(1), on the second occasion.
6 (3) a \$2,000 civil penalty for violating OAR 918-282-0120(1), on the third occasion.

6 Civil penalties assessed total, \$6,000.

7 **STIPULATED AGREEMENT**

8 Respondent and the Board agrees to resolve this matter without hearing according to the
9 following terms:

10 (1) Respondent makes no admission of guilt but agrees not to contest the Board's
11 findings that Respondent committed the violations as alleged in the Findings of Fact and
12 Conclusions of Law. Respondent agrees the Board will issue an order imposing the proposed
13 civil penalties for such violations in order to resolve this matter.

14 (2) The Board agrees to suspend \$4,000 of the \$6,000 in civil penalties for a period of
15 five years under the following terms:

- 14 (a) Respondent agrees not to commit further violations of Building Codes
15 Division's statutes and/or rules.
- 16 (b) Respondent agrees to pay the remaining \$2,000 of the civil penalties *or*
17 *\$1,500 if full payment is submitted within 30 days of the date this Settlement*
Agreement is signed.
- 18 (c) If Respondent fails to make a payment within the time period stated on a Final
19 Demand, collection of the entire civil penalties including any suspended
20 amount will be initiated.

20 Payments are to be made to: DCBS Fiscal Services
21 P.O. Box 14610
22 Salem, OR 97309-0445

- 22 (d) Respondent understands and agrees any violation of the terms of this
23 Settlement Agreement and Consent Order will result in further enforcement
24 action.
- 25 (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.

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- (f) Respondent understands the suspended civil penalty will be waived five years after the execution of this Settlement Agreement and Consent Order, provided Respondent complies with its terms and has not committed any further violations of Building Codes Division's statutes and/or rules.
- (g) Respondent has read and fully understands the terms of this Consent 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.
- (h) Respondent understands that, upon signature of all parties, this Settlement Agreement and Consent Order will be a FINAL ORDER.
- (i) Respondent understands once this Settlement Agreement and Consent Order becomes a FINAL ORDER it becomes a public document.

FOR THE RESPONDENT

Al Walker Inc Date: 3/14/11

FOR THE BOARD

E. Brown for Date: 3-16-11
Chairman
Electrical and Elevator Board
State of Oregon