

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

3 **IN THE MATTER OF:**) **ORDER TO**
4) **CEASE AND DESIST**
5 **LARRY O. ENGLER, dba DR. FIXALL,**)
6 **AN INDIVIDUAL**)
7 **RESPONDENTS**)

8
9 The Director of the Department of Consumer and Business Services for the State of
10 Oregon ("Director"), acting pursuant to ORS 455.775(2), hereby finds that the following
11 Findings of Fact and Conclusions of Law give the Director reasonable reason to believe
12 that Respondent has been engaging in, is engaging in, or is about to engage in violations
13 of the Oregon Electrical Safety Law (ORS 479.510-479.945), Plumbing Regulation (ORS
14 447.10-447.156 and 447.992) and the rules adopted thereunder (OAR Chapter 918).
15 Therefore the Director issues the following Order to *immediately* CEASE AND DESIST any
16 and all violations of ORS Chapter 479, 447 and the rules adopted thereunder.

17 **FINDINGS OF FACT**

- 18 1. At all relevant times, Respondent did not have a valid Oregon electrical contractor's
19 license, or an Oregon supervising or journeyman electrician's license.
- 20 2. At all relevant times, Respondent did not have a valid Oregon plumbing contractor's
21 license, or an Oregon journeyman plumber's license.
- 22 3. During or about January 1, 2010 through July 31, 2011, Respondent advertised in
23 Angie's List offering multiple services including but not limited to **electrical, lighting and**
24 **ceiling fan repairs and plumbing repairs.**
- 25 4. The advertisement included testimonials from alleged Angie's List customers that
indicated Respondent performed electrical and plumbing installations and repairs.

26 **APPLICABLE LAW**

27 (1) Under ORS 479.620(1), except as exempted in ORS 479.540, a person may not
28 engage in the business of an electrical contractor without an electrical contractor license.¹

29 ¹ For purposes of ORS 447.040, 479.620, 480.630 and any other license regulated by ORS chapter 455,
"engaging in the business" means to advertise or solicit, contract or agree to perform, or to perform, work for
which a license or permit is required under Oregon law, including but not limited to a single instance.

1 (2) Under ORS 479.620(3), except as exempted in ORS 479.540, a person may not
2 make an electrical installation without a supervising or journeyman electrician's license.

3 (3) Under ORS 447.040(1), a person may not work as a plumbing contractor, or
4 advertise or purport to be a plumbing contractor, and a member or employee of a firm,
5 partnership or corporation may not engage, in the layout or superintending of plumbing
6 installations, without having obtained the plumbing contractor license required under
7 ORS 447.010 to 447.156 as provided by State Plumbing Board rules adopted under
8 ORS 455.117. (See footnote #1)

9 (4) Under ORS 693.0301(1), a person may not engage in the trade of journeyman
10 plumber without a journeyman plumber license issued under this chapter.

11 ORDER

12 Pursuant to ORS 455.775(2), the Director ORDERS Respondent to immediately CEASE
13 AND DESIST from further violations of the Electrical Safety Law, Plumbing Specialty Code
14 and the rules adopted thereunder.

15 NOTICE OF RIGHT TO HEARING

16 You are entitled to a hearing as provided by the Administrative Procedures Act, Oregon
17 Revised Statutes, Chapter 183. If you request a hearing, the request must be in writing
18 and filed with the Division no later than 20 days from the date of service. If the Notice was
19 served on you in person, the date of service is the date Respondent received the Notice. If
20 the Notice was served through the mail, the date of service is the day the Notice was
21 mailed, not the day it was received by you. If a request for hearing is not received within
22 the 20-day period, your right to a hearing shall be considered waived unless the failure to
23 request a hearing was beyond your reasonable control. Hearing requests shall be mailed
24 to Building Codes Division, Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

25 You have the right to be represented by legal counsel. ORS 183.457 provides that a
corporation may be represented by an authorized representative at the hearing. If you
request a hearing the Board and the Director of the Department of Consumer and
Business Services (Director) will notify you of the time and place of the hearing. The
Board and Director will give you information on the procedures, right of representation and
other rights of parties relating to the conduct of the hearing before commencement of the
hearing.

