

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
BUILDING CODES DIVISION  
OF THE STATE OF OREGON**

IN THE MATTER OF	)	
DWIGHT WEST,	)	BCD Case No: 2008-0203
an Individual,	)	
	)	OAH File No: 901112
Respondent.	)	
	)	<b>CONSENT ORDER</b>
	)	

On May 12, 2009, the Director of the Department of Consumer and Business Services of the State of Oregon (Agency) issued a Notice of Proposed Assessment of a Civil Penalty and Proposed Revocation of Oregon Inspector Certification No. OIC620, Manufactured Structure Installation Inspector Certification No. 309MHI, Manufactured Structure Construction Inspector Certification No. 207MCI, and Recreational Vehicle Inspector Certification No. 203RVI (Notice) to Dwight West (Respondent). On May 29, 2009, Respondent submitted a timely request for hearing. The Notice is incorporated by reference into this Consent Order.

On August 25, 2009, the Agency filed a Motion for Summary Determination with ALJ Jennifer Rackstraw, Office of Administrative Hearings. Respondent filed a Response to the Agency's Motion on September 9, 2009 and the Agency filed a Reply to Respondent's Response on September 18, 2009.

The ALJ issued a combined Ruling on Motion for Summary Determination and Proposed Order on October 6, 2009. Respondent filed no exceptions. Both parties agree to complete and final resolution of the matter via this Consent Order.

This Consent Order is a final order of the Agency and the Director and constitutes the final resolution of this contested case proceeding. Findings of fact and conclusions of law are not required to be made part of this Consent Order pursuant to ORS 183.417(3)(b).

NOW, THEREFORE, the parties agree to resolve the matter of 31 violations of law set out in the Notice on the following terms and conditions, pursuant to ORS 183.417:

1. Respondent admits that he committed the violations alleged in the Notice of Proposed Assessment of a Civil Penalty and Proposed Revocation of Oregon Inspector Certification No. OIC620, Manufactured Structure Installation Inspector Certification No. 309MHI, Manufactured Structure Construction Inspector Certification No. 207MCI, and Recreational Vehicle Inspector Certification No. 203RVI (Notice) and agrees that the Director and Agency may enter an order finding those violations were committed as alleged in the Notice and assessing civil monetary penalties against Respondent in the amount of \$250.

2. The Director and Agency find that the allegations in the Notice are true and hereby assess a civil monetary penalty against Respondent in the amount of \$250.

3. The Director and the Agency find revocation of Respondent's Oregon Inspector Certification No. OIC620, Manufactured Structure Installation Inspector Certification No. 309MHI, Manufactured Structure Construction Inspector Certification No. 207MCI, and Recreational Vehicle

Inspector Certification No. 203RVI is an appropriate remedy for the foregoing violations. However, the parties agree that in lieu of revocation, Respondent hereby voluntarily SURRENDERS his Oregon Inspector Certification No. OIC620, Manufactured Structure Installation Inspector Certification No. 309MHI, Manufactured Structure Construction Inspector Certification No. 207MCI, and Recreational Vehicle Inspector Certification No. 203RVI, and that the Director and Agency hereby accept such surrender.

4. Respondent agrees that the Director and the Agency may consider the violations resolved by this Consent Order in determining any appropriate sanctions for violations of ORS Chapter 446, 447, 455, 460, 479, or 480, OAR Chapter 918, the State Building Code, or any Oregon Specialty Codes by Respondent that occur after the execution of this Consent Order.

5. Respondent agrees to pay civil penalties of \$250. Payment in full of the civil penalties is due within 30 days of the execution of this Consent Order. Failure to pay the civil penalties within the time required shall be a violation of this Consent Order.

6. Respondent waives all rights to a contested case hearing, judicial review or any appeal.

7. The Director and the Agency acknowledge that this Consent Order resolves all issues alleged in the Notices and that the Director and Board will take no further disciplinary action based upon any of the facts alleged in the Notice.

8. The parties acknowledge that this Consent Order is a public document.

**IT IS SO ORDERED.**

SIGNED COPY ON FILE

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Patrick Allen, Administrator for  
Director of the Department of Consumer and  
Business Services, Building Codes Division

DATED this \_\_\_\_ day of November 2009.

**CONSENT TO ENTRY OF ORDER**

I, Dwight West, state that I am or represent Respondent in this matter and that: I have read the foregoing Order, and that I know and fully understand its contents; I consent to the entry of this Order, and admit the allegations contained herein; that I waive my right to a contested case hearing, judicial review or appeal and have elected not to be represented by legal counsel in this matter; that I freely and voluntarily consent to the entry of this Order without further hearing and without any force or duress.

I understand the Director or a Building Codes Division advisory board, as defined under ORS 455.010, may take further actions to enforce this Order, or upon discovery of other conduct in violation of the Oregon Building Codes statutes, administrative rules, and specialty codes. I will fully comply with the  
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terms and conditions stated in this order. I assure the Director that I will not perform work or conduct business in Oregon unless such activities are in full compliance with Oregon Building Codes statutes, administrative rules, building codes, and specialty codes. I understand this Consent Order is a public document.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2009

SIGNED COPY ON FILE

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Dwight West, RESPONDENT