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JUN 20 1997

BEFORE THE CONSTRUCTION CONTRACTORS BOARD
STATE OF OREGON
700 SUMNER STREET, SUITE 300
PORTLAND, OREGON 97208
PHONE: 503-482-1100 FAX: 503-482-1101

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In the Matter of the Imposition of
a Civil Penalty Against:

Shawn Earnest Johnson,
An Individual,
Dba Shawn Johnson Construction,
CCB Registration No. 111641
Respondent

SHAWN EARNEST JOHNSON
SHAWN JOHNSON CONSTRUCTION
3217 LAVERNE
KLAMATH FALLS OR 97603

File No. 25747 DHE

FINAL ORDER

On November 23, 1997, the board properly served notice on Shawn Earnest Johnson (hereinafter JOHNSON) that it intended to issue a civil penalty in the amount of \$2,000 for violation of ORS 701.135(1)(C) and OAR 812-003-0000(16). The Notice further granted to JOHNSON an opportunity for hearing, if requested within 21 days of service of the Notice. No such request for hearing has been received by the board. The Notice designated the board's file on this matter as the record for purposes of default.

FINDINGS OF FACT

1. Between the period of May 20, 1997 and July 7, 1997, JOHNSON's registration, number 111641, was active.
2. Between the period of May 20, 1997 and July 7, 1997, JOHNSON contracted with Lee's Listings Inc. and Pamela Lee to construct a carport at 3936 Homedale #59 in Klamath Falls, Oregon. JOHNSON received \$1,500 as a deposit. No work was performed, and the deposit was not returned.
3. Between the period of June 11, 1997 and July 7, 1997, JOHNSON contracted with Terry Smith to construct a pole building at Syron Shop Road in Beatty, Oregon, for approximately \$5,100. JOHNSON received \$1,700 as a down payment. No work was performed, and the deposit was not returned.

ULTIMATE FINDINGS OF FACT

JOHNSON engaged in dishonest conduct injurious to the public on two occasions by accepting money on a contract and performing no work, and failing to refund the money.

CONCLUSION OF LAW

JOHNSON violated OAR 812-003-0000(16) by engaging in dishonest activity as a contractor between the dates of May 20, 1997 and July 7, 1997.

ORDER

It is ordered that JOHNSON pay a civil penalty in the amount of \$2,000.

(CONSTRUCTION CONTRACTORS BOARD)

Executive Director (Name)

Box 10100

Portland, OR 97208-0100

ATTN: JAMES L. A. A. A. A.

Certified to be a true copy of
the original.

James L. A. A. A. A.
Collection

CONSTRUCTION CONTRACTORS BOARD
 Kenneth R. Kaufman, Administrator



Craig P. Smith, Deputy Administrator

NOTICE: Civil penalty amounts are established in Oregon Administrative Rule 812-05-005. Interest will accrue in accordance with Section 2, Chapter 734 Oregon Laws 1991 and ORS 12.061.

Unpaid civil penalties may be recorded and filed with county clerks as liens against property ten days after the expiration of the statutory appeals period. If you have any questions about payment or wish to make payment arrangements, please call 378-4621. Make checks payable to the Construction Contractors Board.

APPEAL RIGHTS: You are entitled to judicial review of this order in accordance with ORS Chapter 183.430. You may request a judicial review by filing a petition with the Court of Appeals in Salem, Oregon, within 60 days from the date of this order. Tape recordings of Administrative Hearings are retained 90 days after the date of the final order. Duplicate tape recordings cost \$10 per tape.

I hereby certify that this document was placed in regular and periodic mail by me on this 30th day of December, 1997.

Initialed A

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STATE OF OREGON: COUNTY OF CLATSOP

Filed for record at request of Construction Contractors Board on the 20th day of January A.D. 1999 at 3:14 o'clock P.M. and duly recorded in Vol. M99 of County Clerk Records on page 948.

Fee: \$10.00

by Linda Smith County Clerk