

STATE OF OREGON
Marion County Circuit Courts
OCT 10 2013
ENTERED

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FILED

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CIRCUIT COURT OF OREGON

4

MARION COUNTY

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IN THE MATTER OF:

Case No. 13C21559

6

RODNEY POWELL

ASSURANCE OF VOLUNTARY
COMPLIANCE

7

Respondent.

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Rodney Powell does business in Oregon and is the respondent herein. This agreement is
11 between respondent and the Oregon Department of Justice (DOJ) acting pursuant to ORS
12 646.632.

13

PROCEDURE

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This Assurance of Voluntary Compliance (AVC) is a settlement of a disputed matter. It
16 shall not be considered an admission of a violation for any purpose.

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Respondent acknowledges a notice from the State of Oregon pursuant to ORS
19 646.632(2) of the alleged unlawful trade practice and the relief to be sought.

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4.

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Respondent understands and agrees this AVC applies to respondent, his principals,
22 officers, directors, agents, employees, representatives, successors and assigns, jointly and
23 severally, while acting personally, or through any corporation or other business entities, whose
24 acts, practices or policies are directed, formulated or controlled by respondent.

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Respondent agrees and understands that following acceptance of the AVC by DOJ, DOJ may communicate directly with respondent for the purpose of executing and enforcing the terms of this agreement, resolving future complaints, and conducting undercover investigations of respondent.

6.

Respondent understands and agrees that if this AVC is accepted by DOJ, it will be submitted to the Circuit Court of the State of Oregon for Marion County for approval, and, if approved, will be filed with the court pursuant to ORS 646.632(2).

7.

Respondent waives any further notice of submission to and filing with the court of this AVC. Respondent agrees to accept service of a conformed or court certified copy by prepaid first class mail sent to the addresses following his signature.

8.

If monies which are ordered to be paid in this AVC are not paid timely, DOJ may convert the AVC to a money judgment under ORS 646.632(2) without notice to respondent. Respondent agrees a copy of the money judgment may be sent to respondent, first class mail to the addresses following his signature.

9.

Respondent understands that, in addition to any other sanctions which may be imposed under this AVC or under the law, violation of any of the terms of this AVC may result in contempt of court proceedings, civil penalties of up to \$25,000 for each violation, and such further relief as the court may deem appropriate. ORS 646.632(4), ORS 646.642(1) and ORS 646.642(2).

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10.

The parties acknowledge that no other promises, representations or agreements of any nature have been made or entered into by the parties. The parties further acknowledge that this AVC constitutes a single and entire agreement that is not severable or divisible, except that if any provision herein is found to be legally insufficient or unenforceable, the remaining provisions shall continue in full force and effect.

REMEDIES

11.

Respondent shall obey Oregon's Unlawful Trade Practices Act, ORS 646.605 to ORS 646.656.

12.

Respondent shall not represent or imply that DOJ acquiesces or approves of respondent's past business practices, current efforts to reform his practices, or any future practices which respondent may adopt or consider adopting. DOJ's decision to settle this matter or to otherwise unilaterally limit current or future enforcement action does not constitute approval or imply authorization for any past, present, or future business practice.

13.

Respondent shall pay full refunds to the following consumers by certified funds made payable to the individual consumers and delivered to DOJ within 548 days of the execution of this AVC:

- a) \$3,460 to John Pring;
- b) \$2,750 to Michael Whipple;
- c) \$4,033 to Franklyn Dunbar;
- d) \$2,155 to Michael Mawdsley;
- e) \$5,000 to Kevin Smallwood;
- f) \$2,650 to Charles Dobovich;

1 g) \$3,000 to Christopher Wood; and

2 h) \$2,000 to Jose Hernandez.

3 14.

4 Within 180 days of a consumer filing a good faith complaint with the Oregon
5 Department of Justice, which includes supporting documentation of payment, concerning
6 Respondent's failure to deliver goods, Respondent shall pay full restitution to the consumer by
7 delivering certified funds made payable to the individual consumer and delivered to the Oregon
8 Department of Justice.

9 15.

10 Respondent shall pay the sum of five thousand dollars [\$5,000] to DOJ for deposit to the
11 Department of Justice account established pursuant to ORS 180.095 to be used by DOJ as
12 provided by law. However, DOJ agrees to waive the payment provided Respondent complies
13 with each and every term and condition of this AVC. Should the DOJ determine, in good faith,
14 that respondent failed to comply with any condition of this AVC, the DOJ may convert any
15 unpaid balance due to any consumer listed in Paragraph 13 of this AVC, and five thousand
16 dollars [\$5,000] due to DOJ into a General Judgment, Money Award, as set forth in Paragraph 8
17 of this AVC.

18 16.

19 Effective immediately upon execution of this AVC, Respondent agrees to be
20 permanently enjoined from soliciting or providing metal fabrication services in the state of
21 Oregon, unless working as a bona fide employee of another company not owned or operated by
22 respondent.

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APPROVAL BY COURT

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APPROVED FOR FILING and SO ORDERED this 10th day of Oct, 2013

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Circuit Court Judge

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RESPONDENT'S SIGNATURES AND ACKNOWLEDGMENTS

Respondent has read and understands this agreement and each of its terms. Respondent agrees to each and every term.

Individual Respondent


Signature

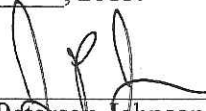
Rodney Powell
Print Name

Address 16108 SW 108th Ave Tigard
OR 97224

REVIEW BY RESPONDENT'S ATTORNEY

Approved and agreed to by local counsel for Respondent.

DATED this 1 day of October, 2013.


Justin Peterson-Johnson, OSB# 124196
Corbridge & Kroll Attorneys at Law, LLC
19075 NW Tanasbourne Dr. #100
Hillsboro, OR 97124

ACCEPTANCE OF DOJ

Accepted this 8th day of October, 2013.

ELLEN F. ROSENBLUM
Attorney General


ARIEL VEE, OSB #124853
Assistant Attorney General
Oregon Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
Phone: (503) 934-4400
Fax: (503) 378-5017
Email: Ariel.J.Vee@doj.state.or.us