STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of:	**MSD-17-0008**
Carlos A. Flores, Respondent.	**Order to Cease and Desist and Consent to Entry of Order**

The Director of the Department of Consumer and Business Services for the State of Oregon ("Director") conducted an investigation into the activities of Carlos A. Flores ("Respondent") and determined that Respondent engaged in activities constituting a violation of Oregon Revised Statutes ("ORS") 446.661 et seq. (hereinafter "Oregon Manufactured Structure Dealers and Dealerships Law"); and

WHEREAS Respondent wishes to resolve and settle this matter with the Director;

NOW THEREFORE, as evidenced by the authorized signature subscribed on this Consent Order, Respondent hereby consents to entry of this order upon the Director's Findings of Fact and Conclusions of Law as stated hereinafter:

FINDINGS OF FACTS

The Director finds that:

1. On or about October 25, 2016, the Division of Financial Regulation ("Division") was notified that Respondent was selling manufactured structures in Oregon but did not appear to have an Oregon manufactured structure dealers ("MSD") license.

2. The ensuing investigation by the Division revealed that Respondent sold at least three manufactured structures without the required MSD license.

3. On or about February 27, 2016, Respondent sold a manufactured structure, Home ID

Division of Financial Regulation
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387

No. 226187, to JV and BV for $17,800. The structure was located at 13531 Clairmont Way #182, Oregon City, OR 97405.

4. On or about April 28, 2016, Respondent sold a manufactured structure, Home ID No. 209965, to PS for $16,000. The structure was located at 23421 S. Hwy. 213 #37, Oregon City, OR 97405.

5. On or about August 19, 2016, Respondent sold a manufactured structure, Home ID No. 296295, to MO and CR for $30,000. The structure was located at 15758 SE Hwy. 224 #6, Clackamas, OR 97089.

CONCLUSIONS OF LAW

The Director concludes that:

1. By selling three manufactured structures without an Oregon MSD license, Respondent acted as an unlicensed manufactured structure dealer on three different occasions in violation of ORS 446.671(1)(a).

ORDER

NOW, THEREFORE, the director issues the following orders:

1. Pursuant to ORS 446.748, the Director hereby orders Respondent to cease and desist from violating the Oregon Manufactured Structure Dealers and Dealerships Law.

2. Pursuant to ORS 446.995, the Director may assess a civil penalty of up to $5,000 for each violation of the Oregon Manufactured Structure Dealers and Dealerships Law.

3. Pursuant to ORS 446.995, the Director orders Respondent to pay a civil penalty of $9,000 ($3,000 per violation) for three violations of ORS 446.671(1)(a).

   a. The Director hereby suspends payment of $4,500 of the civil penalty for a period of three years, so long as Respondent makes a full timely payment of the non-suspended portion of the civil penalty as provided by the terms of this order, and

Division of Financial Regulation
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387

so long as Respondent does not violate the Oregon Manufactured Structure Dealers and Dealerships Law.

b. If Respondent makes a full timely payment of the non-suspended portion of the civil penalty assessed herein and does not violate the Oregon Manufactured Structure Dealers and Dealerships Law or the terms of this order, then the suspended portion of the civil penalty will be waived three years from the date of this order.

c. Any violation of the terms and provisions of this Consent Order during the three year period will be deemed a material breach and the suspended portion of the civil penalties will become due and owing immediately.

d. Along with the signed consent order, Respondent agrees to submit $3,000 of the non-suspended portion of the civil penalty on or before Wednesday, February 15, 2017.

e. Respondent further agrees to submit the remaining $1,500 of the non-suspended portion of the civil penalty on or before Monday, April 24, 2017.

4. The entry of this order in no way further limits remedies that may be available to the Director under Oregon law.

Dated this 27th day of February, 2017.

PATRICK M. ALLEN, Director
Department of Consumer and Business Services

/s/ David Tatman
David C. Tatman, Chief Enforcement Officer
Division of Financial Regulation

Division of Financial Regulation
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387

CONSENT TO ENTRY OF ORDER

I, Carlos A. Flores, state that I have read the foregoing Order and that I know and fully understand the contents hereof; that the factual allegations stated herein are true and correct; that I have been advised of my right to a hearing, and that I have been advised of my right to be represented by counsel in this matter; that I voluntarily consent to the entry of this Order without any force or duress, expressly waiving any right to a hearing in this matter, as well as any rights to administrative or judicial review of this Order; that I understand that the Director reserves the right to take further actions against me to enforce this Order or to take appropriate action upon discovery of other violations of the Oregon Manufactured Structure Dealers and Dealerships Law by me; and that I will fully comply with the terms and conditions stated herein.

I understand that this Order is a public document.

/s/ Carlos A. Flores
Signature

ACKNOWLEDGEMENT

State of Oregon

County of Clackamas

Signed or attested before me on this 16th day of February, 2017 by Carlos A. Flores

/s/ Warren Kenneth Holzem
Notary Public

Division of Financial Regulation
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387