

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

3 **IN THE MATTER OF:**

4 **BUILDTEK, INC., AN OREGON**
5 **CORPORATION**

6 **RESPONDENT**

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) **CONSENT ORDER**
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) **CASE NO. 2010-0087**

8 The Director of the Department of Consumer and Business Services of the State of Oregon
9 (Director) has conducted an investigation of Respondent and determined that Respondent
10 violated certain provisions of the Oregon Building Codes statutes, administrative rules, and
11 specialty codes. The Director and Respondent wish to settle this matter informally. Respondent
12 agrees to conduct all future business in compliance with the applicable statutes, administrative
13 rules, and specialty codes. As evidenced by the authorized signatures on this order Respondent
14 hereby consents to the entry of this order and the following terms.

12 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

13 (1) Between November 2009 and February 2010, at 14601 S. Quail Grove Circle, Oregon
14 City, Oregon, Respondent procured or assisted an unlicensed individual, Arnold Khmenchan, to
15 install potable water piping, a toilet, a sink, and a stand up shower, for the account of another, in
16 violation of ORS 455.450.(3).

17 (2) Installing potable water piping, a toilet, a sink, and a stand up shower are plumbing
18 installations as defined in ORS 447.010.

18 **WHAT THE LAW SAYS**

19 (1) Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber
20 without a journeyman plumber license issued under this chapter.

21 (2) Under ORS 455.450(3), a person may not violate, or procure or assist in the violation
22 of, any standard, specification, requirement, prohibition or other technical provision set forth in
23 the state building code or any rule or order of the Department of Consumer and Business
24 Services, and advisory Director, a local governing body or local building official.

23 **ORDER**

24 Under ORS 455.895(1)(a) and OAR 918-001-0036, the Director assesses the following
25 sanction:

1 (1) a \$2,000 civil penalty for violating ORS 455.450(3).

2 **STIPULATED AGREEMENT**

3 Respondent and the Director agree to resolve this matter without hearing according to the
4 following terms:

5 (1) Respondent admits to committing the violations as alleged in the Findings of Fact and
6 Conclusions of Law and agrees the Director will issue an order imposing the proposed civil
penalties for such violations in order to resolve this matter.

7 (2) The Director agrees to suspend \$750 of the \$2,000 in civil penalties for a period of
8 five years under the following terms:

- 9 (a) Respondent agrees not to commit further violations of Building Codes
Division's statutes and/or rules.
- 10 (b) Respondent agrees to pay the remaining \$1,250 of the civil penalties *or \$750*
11 *if full payment is submitted within 30 days of the date this Settlement*
12 *Agreement is signed. The remaining \$500 will be added to the suspended*
amount.
- 13 (c) If Respondent fails to make a payment within the time period stated on a Final
14 Demand collection of the entire civil penalties, including any suspended
amount will be initiated.

15 Payments are to be made to: DCBS Fiscal Services
16 P.O. Box 14610
Salem, OR 97309-0445

- 17 (d) Respondent understands and agrees any violation of the terms of this
18 Settlement Agreement and Consent Order will result in further enforcement
action.
- 19 (e) Respondent understands and agrees that any violations of Building Code
20 Division's statutes and/or rules not alleged in the Findings of Fact above,
21 whether committed before or after the execution of this Settlement Agreement
and Consent Order, shall be the basis for further enforcement action.
- 22 (f) Respondent understands the suspended civil penalty will be waived five years
23 after the execution of this Settlement Agreement and Consent Order, provided
24 you comply with its terms and have not committed any further violations of
Building Codes Division's statutes and/or rules.

25 (g) Respondent has read and fully understands the terms of this consent order,
freely and voluntarily consents to the entry of this order without further

1 hearing, without any force or duress, and expressly waives all rights to
2 hearing or appeal in this matter.

3 (h) Respondent understands that, upon signature of all parties, this Settlement
4 Agreement and Consent Order will be a FINAL ORDER.

5 (i) Respondent understands once this Settlement Agreement and Consent Order
6 become a FINAL ORDER it becomes a public document.


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9 **FOR THE RESPONDENT**

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11 ALEX ONISHCHENKO
12 (title)

11 Date: 2/15/11

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14 **FOR THE DIRECTOR**

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16 _____ for
17 Director
18 Department of Consumer and Business Services
19 State of Oregon

16 Date: 2/22/11

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