

1 **BEFORE THE PLUMBING BOARD OF THE STATE OF OREGON**

2
3 **IN THE MATTER OF:**

)
) **CONSENT ORDER**

4 **BRYAN K. MEARS, AN INDIVIDUAL**

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)
)
) **CASE NO. 2010-0090**

6 **RESPONDENT (YOU)**

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8 The Plumbing Board of the State of Oregon (Board) acting according to authority set forth in
9 Oregon Revised Statutes Chapter 455, has determined that you have violated provisions of the
10 Oregon Building Code's statutes, administrative rules, and specialty codes.

11 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

12 (1) On or about February 25, 2010, at 1400 Dillon Road, Hood River, Oregon, you
13 engaged in the business of installing a drain pipe, for the account of another, without an Oregon
14 plumbing contractor's license, in violation of ORS 447.040(1).

15 (2) On or about February 25, 2010, at 1400 Dillon Road, Hood River, Oregon, you
16 installed a drain pipe, for the account of another, without a valid plumbing permit, in violation of
17 OAR 918-785-0200(1)(a).

18 (3) The installation of a drain pipe is a plumbing installation, as defined in ORS
19 447.010(6).

20 **WHAT THE LAW SAYS**

21 Under ORS 447.040(1), a person may not engage in the trade of a plumbing business
22 without a plumbing contractor's license.

23 (2) Under OAR 918-785-0200(1)(a), no person, firm or corporation shall do plumbing
24 work in the State of Oregon without first obtaining a plumbing permit or minor label.¹

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¹ OAR 918-780-0060(1), A plumbing permit shall be issued by the inspecting jurisdiction only in the name of the responsible person or firm performing the plumbing work.

1 **ORDER**

2 Under ORS 455.895(1)(a) and OAR 918-001-0036, the Board assesses the following:

- 3 (1) A \$3,000 civil penalty for violating ORS 447.040(1).
4 (2) A \$1,000 civil penalty for violating OAR 918-785-0200(1)(a).

5 The civil penalties assessed total \$4,000.

6 You and the Board agree to resolve this matter without hearing, according to the following
7 terms:

8 1. You admit to committing the violation as alleged in the Findings of Fact and Conclusions
9 of Law and agree the Board will issue an order imposing the proposed civil penalty for such
10 violation in order to resolve this matter.

11 2. The Board agrees to suspend \$2,500 of the \$4,000 civil penalty for a period of five years
12 under the following terms:

13 (a) You agree not to commit further violations of Building Codes Division's statutes and/or
14 rules.

15 (b) You agree to pay the remaining \$1,500 of the civil penalties *or \$1000 if full payment is*
16 *submitted within 30 days of the date this Settlement Agreement is signed.*

17 (c) If you fail to make a payment within the time period stated on a Final Demand, collection
18 of the entire civil penalties, including any suspended amount, will be initiated.

19 **Payments are to be made to:** DCBS Fiscal Services
20 P.O. Box 14610
21 Salem, OR 97309-0445

22 (d) You understand and agree any violation of the terms of this Settlement Agreement and
23 Consent Order will result in further enforcement action.

24 (e) You understand and agree that any violations of Building Code Division's statutes and/or
25 rules not alleged in the Findings of Fact above, whether committed before or after the
execution of this Settlement Agreement and Consent Order, shall be the basis for further
enforcement action.

(f) You understand the suspended civil penalty will be waived five years after the execution
of this Settlement Agreement and Consent Order, provided you comply with its terms and
have not committed any further violations of Building Codes Division's statutes and/or
rules.

1 (g) You have carefully read this Settlement Agreement and Consent Order and understand
2 the intent and content of the document, and sign below under free will. You waive any
and all right to appeal or challenge of this Settlement Agreement and Consent Order.

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

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

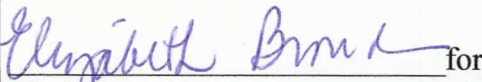
7 It is so stipulated.
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10 **FOR THE RESPONDENT (YOU)**

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12 
13 Bryan K. Mears

Date: 1-26-11

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16 **FOR THE BOARD**

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19 Elizabeth Brunk
Chairman
20 Plumbing Board
State of Oregon

Date: 2-3-11

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