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BEFORE THE PLUMBING BOARD OF THE STATE OF OREGON

**BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF
OREGON**

IN THE MATTER OF:)	CONSENT ORDER
)	
PLUMBING PERFECTION, INC, A FOREIGN CORPORATION)	
)	
)	CASE NO. 2010-0094
)	
RESPONDENT)	

The Plumbing Board of the State of Oregon (Plumbing Board) and the Electrical and Elevator Board of the State of Oregon (Electrical Board) has conducted an investigation of Respondent and determined that Respondent violated certain provisions of the Oregon Building Codes statutes, administrative rules, and specialty codes. The Board and Respondent wish to settle this matter informally. Respondent agrees to conduct all future business in compliance with the applicable statutes, administrative rules, and specialty codes. As evidenced by the authorized signatures on this Order, Respondent hereby consents to the entry of this Order and its following terms:

FINDINGS OF FACT and CONCLUSIONS OF LAW

(1) During or about January 2010, at 518 N. 3rd Street, Nyssa, Oregon, Respondent engaged in the business of installing potable water piping and a shut-off-valve, for the account of another, without an Oregon plumbing contractor's license, in violation of ORS 447.040(1).

(2) During or about February 2010, at 504 N. 8th Street, Nyssa, Oregon, Respondent engaged in the business of installing potable water piping, shut-off-valve and a tub/shower-valve for the account of another, without an Oregon plumbing contractor's license, in violation of ORS 447.040(1).

(3) The installations of a potable water piping, shut-off valves and a tub/shower-valve are plumbing installations as defined in ORS 447.010(6).

(4) During or about December 28, 2010, at 1374 Arata Way, Ontario, Oregon, Respondent engaged in the business of connecting electrical wiring to an electric water heater, for the account of another, without an Oregon electrical contractor's license, in violation of ORS 479.620(1).

1 (5) During or about December 28, 2010, at 1374 Arata Way, Ontario, Oregon,
2 Respondent connected electrical wiring to an electric water heater, for the account of another,
3 without first having obtained a valid permit, in violation of ORS 479.550(1).

4 (6) Connecting electrical wiring to an electrical water heater is an electrical installation as
5 defined in ORS 479.530(10).

6 WHAT THE LAW SAYS

7 (1) Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise
8 or purport to be a plumbing contractor, and a member or employee of a firm, partnership or
9 corporation may not engage in the layout or superintending of plumbing installations, without
10 having obtained a plumbing contractor's license.

11 (2) Under ORS 479.620(1), a person may not without an electrical contractor's license
12 engage in the business of making electrical installations.

13 (3) Under ORS 479.550(1), a person may not work on any new electrical installations for
14 which a permit has not been obtained.

15 ORDER

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

17 (1) For violating ORS 447.040(1) on two occasions, Respondent is assessed \$3,000 civil
18 penalty for each occasion, totaling \$6,000.

19 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical Board assesses the following:

20 (1) A \$3,000 civil penalty for violation of ORS 479.620(1).

21 (2) A \$1,000 civil penalty for violation of ORS 479.550(1).

22 The civil penalties assessed total \$10,000.

23 Respondent and the Board agrees to resolve this matter without hearing, according to the
24 following terms:

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

1 2. The Board agrees to suspend \$7,500 of the \$10,000 civil penalty for a period of five years
2 under the following terms:

3 (a) Respondent agrees not to commit further violations of Building Codes Division's
4 statutes and/or rules.

5 (b) Respondent agrees to pay the remaining \$2,500 of the civil penalties *or \$2,000 if full*
6 *payment is submitted by the due date on the invoice received with the Order signed by the*
7 *Board. The additional \$500 will then be added to the suspended amount.*

8 (c) If Respondent fails to make a payment within the time period stated on a Final Demand,
9 collection of the entire civil penalties, including any suspended amount, will be initiated.

10 **Payments are to be made to:**

DCBS Fiscal Services
P.O. Box 14610
Salem, OR 97309-0445

11
12 (d) Respondent understands and agrees any violation of the terms of this Settlement
13 Agreement and Consent Order will result in further enforcement action.

14 (e) Respondent understands and agrees that any violations of Building Code Division's
15 statutes and/or rules not alleged in the Findings of Fact above, whether committed before
16 or after the execution of this Settlement Agreement and Consent Order, shall be the basis
17 for further enforcement action.

18 (f) Respondent understands the suspended civil penalty will be waived five years after the
19 execution of this Settlement Agreement and Consent Order, provided Respondent
20 complies with its terms and has not committed any further violations of Building Codes
21 Division's statutes and/or rules.

22 (g) Respondent has read and fully understands the terms of this Consent Order, freely and
23 voluntarily consents to the entry of this Order without further hearing, without any force
24 or duress, and expressly waives all rights to hearing or appeal in this matter.

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

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

3 It is so stipulated.

4
5 **SIGNATURE FOR THE RESPONDENT**

7 Jennifer Boring
8 Representative for company (name)

Date: 2/28/11

9 Secretary
10 Title

11
12 **FOR THE BOARD**

14 Elizabeth Bond for
15 Chairman

Date: 3-7-11

16 Plumbing Board
17 State of Oregon

18
19 **FOR THE BOARD**

21 Elizabeth Bond for
22 Chairman

Date: 3-7-11

23 Electrical and Elevator Board
24 State of Oregon
25