

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

2  
3   **IN THE MATTER OF:**

4   **BRANDON VAN WEY, AN INDIVIDUAL**

5  
6                                   **RESPONDENT (YOU)**

)  
)   **CONSENT ORDER**  
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)  
)  
)   **CASE NO. 2010-0106**  
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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 May 06, 2010, at 1476 SW 4<sup>th</sup> Avenue, Ontario, Oregon, you installed  
13   drain/waste/vent (DWV) piping, for the account of another, without an Oregon journeyman  
14   plumber’s license, in violation of ORS 693.030(1).

15                   (3) The installation of DWV piping is a plumbing installation, as defined in ORS  
16   447.010(6).

17                                   **WHAT THE LAW SAYS**

18                   (1) Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber  
19   without a journeyman plumber’s license.

20  
21                                   **ORDER**

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

23                   (1) A \$2,000 civil penalty for violating ORS 693.030(1).  
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2 You and the Board agree to resolve this matter without hearing, according to the following terms:

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

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

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

10 (b) You agree to pay the remaining \$1,000 of the civil penalties *or \$500 if full payment is*  
11 *submitted within 30 days of the date this Settlement Agreement is signed.*

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

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

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

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

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

(g) You have carefully read this Settlement Agreement and Consent Order and understand  
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.

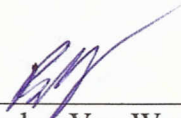
(h) You understand that, upon signature of all parties, this Settlement Agreement and  
Consent Order will be a FINAL ORDER.

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

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It is so stipulated.

**FOR THE RESPONDENT (YOU)**

  
\_\_\_\_\_  
Brandon Van Wey

Date: 1/2/11

**FOR THE BOARD**

  
\_\_\_\_\_  
Chairman  
Plumbing Board  
State of Oregon

Date: 1-24-11