

1 THE PLUMBING BOARD OF THE STATE OF OREGON

2  
3 IN THE MATTER OF: ) NOTICE OF PROPOSED  
4 THE MG GROUP, LLC ) ASSESSMENT OF A CIVIL PENALTY  
A LIMITED LIABILITY COMPANY ) AND FINAL ORDER UPON DEFAULT  
5 RESPONDENT )  
6 ) CASE NO. 2010-0123

7 Under ORS 455.895(1)(a) and OAR 918-001-0036, the Oregon Plumbing Board (Board)  
8 proposes disciplinary action against Respondent in the form of civil penalties, totaling  
9 \$4,000, because Respondent violated Building Codes Division statutes and/or rules as  
10 follows:

11 FINDINGS OF FACT and CONCLUSIONS OF LAW

12 (1) During or about the period of March 1, 2010 through March 31, 2010, at 4251  
13 Marmot Ct NE, Salem, Oregon, Respondent engaged in the business of installing a sump  
14 pump and drain line, for the account of another, without an Oregon plumbing contractor's  
15 license, in violation of ORS 447.040(1).

16 (2) During or about the period of March 1, 2010 through March 31, 2010, at 4251  
17 Marmot Ct NE, Salem, Oregon, Respondent installed a sump pump and drain line, for the  
18 account of another, without first obtaining a valid plumbing permit, in violation of OAR 918-  
19 785-0200(1)(a).

20 (3) Installing a sump pump and drain line are plumbing installations as defined in  
21 OAR 447.010(6)(a).

22 WHAT THE LAW SAYS

**FINAL ORDER**  
As of: Nov 5, 2010

23 (1) Under ORS 447.040(1)<sup>1</sup>, a person may not work as a plumbing contractor, or  
24 advertise or purport to be a plumbing contractor, and a member or employee of a firm,  
25 partnership or corporation may not engage in the layout or superintending of plumbing  
installations, without having obtained the plumbing contractor's license.

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

<sup>1</sup> For purposes of ORS 447.040, 479.620, 480.630 and any other license regulated by ORS chapter 455,  
"engaging in the business" means to advertise or solicit, contract or agree to perform, or to perform, work for  
which a license or permit is required under Oregon law, including but not limited to a single instance.

1 **ORDER**

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

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

6 The penalties assessed total \$4,000

7 **NOTICE OF RIGHT TO HEARING**

8 Respondent is entitled to a hearing as provided by the Administrative Procedures Act,  
9 Oregon Revised Statutes, Chapter 183. If Respondent requests a hearing, the request  
10 must be in writing and filed with the Division no later than 20 days from the date of service.  
11 If this Notice was served on Respondent in person, the service date is the date  
12 Respondent received this Notice. If this Notice was served through the mail, the service  
13 date is the day the Notice was mailed, not the day the Respondent received it.

14 If a request for hearing is not received within 20 days, Respondent's right to a hearing is  
15 considered waived unless the failure to request a hearing was beyond Respondent's  
16 reasonable control. Mail hearing requests to Building Codes Division, Enforcement  
17 Section, PO Box 14470, Salem, Oregon, 97309.

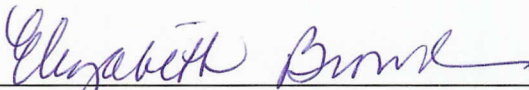

18 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that  
19 a corporation may be represented by an authorized representative at the hearing. If  
20 Respondent requests a hearing, Respondent will be notified of the time and place of the  
21 hearing and be given information on the procedures, right of representation, and other  
22 rights of parties relating to the hearing before it begins.

23 **NOTICE OF FINAL ORDER**

24 If Respondent does not request a hearing within 20 days, withdraws a hearing request,  
25 notifies the Board or the administration law judge that they will not appear, or fails to  
appear at the scheduled hearing, the Board will issue a Final Order by Default. If the  
Board issues a Final Order by Default, it designates the file, including any material  
submitted by the Respondent that relate to this matter, as the record for purpose of proving  
a prima facie case.

1 Respondent is entitled to judicial review of any final order issued in the matter of this  
2 Notice of a Proposed Civil Penalty. Judicial review may be obtained by filing a petition for  
3 review with the Oregon Court of Appeals within 60 days after the final order is served. See  
4 ORS 183.482. If the Order was served in person, the service date is the date the  
5 Respondent received the Order. If the Order was served through the mail, the service  
6 date is the day the Order was mailed, not the day it was received by the Respondent. If  
7 the Respondent does not file a petition for judicial review within 60 days, Respondent will  
8 lose the right to appeal. The informational phone number for the Oregon Court of Appeals  
9 is (503) 986-5555.

10 Dated this 11<sup>th</sup> day of October, 2010

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13 Chairman  
14 Plumbing Board  
15 State of Oregon