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BUILDING CODES

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

**IN THE MATTER OF:**

)  
) **CONSENT ORDER**  
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**IDEAL CUSTOM HOMES, LLC,  
A LIMITED LIABILITY COMPANY**

**RESPONDENT**

) **CASE NO. 2010-0185**  
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The Plumbing Board of the State of Oregon (Plumbing 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 parties 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 July 2010, at 8405 SW Carmel Court, Portland, Oregon, Respondent engaged in the business of installing two sinks and a toilet, for the account of another, without an Oregon plumbing contractor's license, in violation of ORS 447.040(1).

(2) During or about July 2010, at 8405 SW Carmel Court, Portland, Oregon, Respondent installed two sinks and a toilet, for the account of another, without first obtaining a valid permit, in violation of OAR 918-785-0200(1)(a).

(3) Installing two sinks and a toilet are plumbing installations as defined in ORS 447.010(6).

**WHAT THE LAW SAYS**

(1) Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or purport to be a plumbing contractor, and a member or an employee of a firm, partnership or corporation may not engage in the layout or superintending of plumbing installations, without having obtained the plumbing contractor license required under ORS 447.010 to 447.156 as provided by State Plumbing Board rules adopted under ORS 455.117.<sup>1</sup>

<sup>1</sup> Under OAR 918-030-0010(8), 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 (2) Under OAR 918-785-0200(1)(a), no person, firm, or corporation shall do plumbing  
2 or effective October 1, 2001, medical gas systems work in the State of Oregon without first  
3 obtaining a plumbing permit or minor label when required and paying the appropriate fees to the  
4 authorized permit issuing agency.

#### 5 ORDER

6 Under ORS 455.895(1)(a) and OAR 918-001-0036, the Plumbing Board assesses the following  
7 sanctions against you:

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

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

#### 11 STIPULATED AGREEMENT

12 Respondent and the Board agrees to resolve this matter without hearing according to the  
13 following terms:

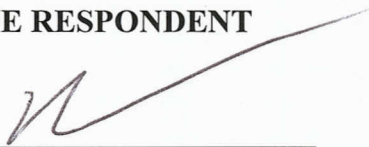
14 (1) Respondent admits to committing the violations as alleged in the Findings of Fact and  
15 Conclusions of Law and agrees the Boards will issue an order imposing the proposed civil  
16 penalties for such violations in order to resolve this matter.

17 (2) The Board agrees to suspend \$2,500 of the \$4,000 in civil penalties for a period of  
18 five years under the following terms:

- 19 (a) Respondent agrees not to commit further violations of Building Codes  
20 Division's statutes and/or rules.
- 21 (b) Respondent agrees to pay the remaining \$1,500 of the civil penalties *or*  
22 *\$1,000 if full payment is submitted within 30 days of the date this Settlement*  
23 *Agreement is signed. The remaining \$500 will be added to the suspended*  
24 *amount.*
- 25 (c) If Respondent fails to make a payment within the time period stated on a Final  
Demand collection of the entire civil penalties, including any suspended  
amount will be initiated.
- (d) Respondent understands and agree any violation of the terms of this  
Settlement Agreement and Consent Order will result in further enforcement  
action.
- (e) Respondent understands and agrees that any violations of Building Code  
Division's statutes and/or 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.

- 1
- 2 (f) Respondent understands the suspended civil penalty will be waived five years
- 3 after the execution of this Settlement Agreement and Consent Order, provided
- 4 Respondent complies with its terms and have not committed any further
- 5 violations of Building Codes Division's statutes and/or rules.
- 6
- 7 (g) Respondent has read and fully understands the terms of this Consent Order,
- 8 freely and voluntarily consents to the entry of this Order without further
- 9 hearing, without any force or duress, and expressly waives all rights to hearing
- 10 or appeal in this matter.
- 11
- 12 (h) Respondent understands that, upon signature of all parties, this Settlement
- 13 Agreement and Consent Order will be a FINAL ORDER.
- 14
- 15 (i) Respondent understands once this Settlement Agreement and Consent Order
- 16 become a FINAL ORDER it becomes a public document.
- 17
- 18 (j) Respondent further agrees by signing this Settlement Agreement and Consent
- 19 Order that he is the respondent and/or authorized representative for the
- 20 respondent in this matter.
- 21
- 22
- 23
- 24
- 25

**FOR THE RESPONDENT**



Date: \_\_\_\_\_

**FOR THE BOARD**

 for

Date: 3-7-11

Chairman  
Plumbing Board  
State of Oregon