

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

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3 **IN THE MATTER OF:**)


4 **MICHAEL S. WADDELL, AN INDIVIDUAL**)

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**NOTICE OF PROPOSED ASSESSMENT
OF A CIVIL PENALTY AND FINAL
ORDER ON DEFAULT**

CASE NO. 2010-0186

FINAL ORDER

As of: November 12, 2010 

Under ORS 455.895(1)(a) and OAR 918-001-0036, the Oregon Plumbing Board (Board) proposes to take disciplinary action against you in the form of a civil penalty, totaling \$2,000, because you violated Building Codes Division statutes and/or rules as follows:

FINDINGS OF FACT and CONCLUSIONS OF LAW

(1) During or about July 2010, at 8405 SW Carmel Court, Portland, Oregon, you installed two sinks and a toilet, for the account of another, without an Oregon journeyman plumber's license, in violation of ORS 693.030(1).

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

WHAT THE LAW SAYS

Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber without a journeyman plumber license issued under this chapter.

ORDER

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

(1) a \$2,000 civil penalty for violating ORS 693.030(1).

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NOTICE OF RIGHT TO HEARING

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

If a request for hearing is not received within 20 days, your right to a hearing shall be considered waived unless the failure to request a hearing was beyond your reasonable control. Mail hearing requests to Building Codes Division, Enforcement Section, P. O. Box 14470, Salem, Oregon, 97309.

You have the right to be represented by legal counsel. ORS 183.457 provides that a corporation may be represented by an authorized representative at the hearing. If you request a hearing, you will be notified of the time and place of the hearing and be given information on the procedures, right of representation, and other rights of parties relating to the hearing before it begins.

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NOTICE OF FINAL ORDER

If you do not request a hearing within 20 days, withdraw a hearing request, notify the Board or the administrative law judge that you will not appear, or fail to appear at a 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 materials submitted by you that relate to this matter, as the record for purpose of proving a prima facie case.

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

Dated this 20th day of October, 2010

Elizabeth Browder for
Chairman
Plumbing Board
State of Oregon