

1 THE PLUMBING BOARD OF THE STATE OF OREGON

2
3 IN THE MATTER OF:

4 MIGUEL MUNOZ-HERNANDEZ,
AN INDIVIDUAL

5 RESPONDENT

) NOTICE OF PROPOSED
) ASSESSMENT OF A CIVIL PENALTY
) AND FINAL ORDER UPON DEFAULT
)
)
) CASE NO. 2010-0239

6
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 \$2,000, 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 installed a sump pump and drain line, for the
14 account of another, without an Oregon journeyman plumber's license, in violation of ORS
15 693.030(1).

16 **WHAT THE LAW SAYS**

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

19 **ORDER**

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

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

FINAL ORDER

22 **NOTICE OF RIGHT TO HEARING**

As of: Nov 5, 2010

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

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

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

10 NOTICE OF FINAL ORDER

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

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

26 Dated this 11th day of October, 2010

27 Elizabeth Brown for
28 Chairman
29 Plumbing Board
30 State of Oregon