

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

2
3 **IN THE MATTER OF:**

)
) **CONSENT ORDER**

4 **#1 NORTHWEST MOBILE HOME SERVICE, INC.,**
5 **AN OREGON CORPORATION**

6 **RESPONDENT**

)
) **CASE NO. 2010-0270**
)
)

7
8 The Plumbing Board of the State of Oregon has conducted an investigation of
9 Respondent and determined that Respondent violated certain provisions of the Oregon
10 Building Codes statutes, administrative rules, and specialty codes. The Board and
11 Respondent wish to settle this matter informally. Respondent agrees to conduct all
12 future business in compliance with the applicable statutes, administrative rules, and
13 specialty codes. As evidenced by the authorized signatures on this Order, Respondent
14 hereby consents to the entry of this Order and its following terms.

15 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

16 (1) During or about the period January 19, 2010 through March 31, 2010, at
17 11855 Chateau Drive NE, Woodburn, Oregon, you engaged in the business of installing
18 a shower, fixtures and fixture traps, for the account of another, without an Oregon
19 plumbing contractor's license, in violation of ORS 447.040(1).

20 (2) During or about the period January 19, 2010 through March 31, 2010, at
21 11855 Chateau Drive NE, Woodburn, Oregon, you installed a shower, fixtures and
22 fixture traps, for the account of another, without first obtaining a plumbing permit, in
23 violation of OAR 918-785-0200(1)(a).

24 (3) The installation of a shower, fixtures and fixture traps are plumbing
25 installations as defined under ORS 447.010(6)(a).

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 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.¹

¹ (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
2 plumbing work in the State of Oregon without first obtaining a plumbing permit or minor
3 label when required and paying the appropriate fees to the authorized permit issuing
4 agency.

5 ORDER

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

- 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 a hearing
13 according to the following terms:

14 (1) Respondent admits to committing the violations as alleged in the Findings of
15 Fact and Conclusions of Law and agrees the Board will issue an order imposing the
16 proposed civil 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
18 period of 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
22 *or \$1,000 if full payment is submitted within 30 days of the date the
23 Settlement Agreement is signed. The remaining \$500 will be added to
24 the suspended amount.*

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

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

(d) Respondent understands and agrees any violation of the terms of this
Settlement Agreement and Consent Order will result in further
enforcement action.

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

15 **FOR THE RESPONDENT**

16 
17 _____
18 Leonard M. Shreeve
19 Registered Agent

Date: 2-8-11

20 **FOR THE BOARD**

21 
22 _____ for
23 Chairman
24 Plumbing Board
25 State of Oregon

Date: 2-9-11