

1 (6) The installation of potable water pipe is a plumbing installation under ORS
2 447.010(6).

3 WHAT THE LAW SAYS

4 (1) Under ORS 479.620(1), a person may not, without an electrical contractor's license,
5 engage in the business of making electrical installations, advertise as or otherwise purport to be
6 licensed to make electrical installations or purport to be acting as a business that makes electrical
7 installations.¹

8 (2) Under ORS 479.550(1), no person shall work on any new electrical installation for
9 which a permit has not been issued.

10 (3) Under ORS 447.040(1), a person may not work as a plumbing contractor, or
11 advertise or purport to be a plumbing contractor, and a member or an employee of a firm,
12 partnership or corporation may not engage in the layout or superintending of plumbing
13 installations, without having obtained the plumbing contractor license required under ORS
14 447.010 to 447.156 as provided by State Plumbing Board rules adopted under ORS 455.117.

15 (4) Under OAR 918-785-0200(1)(a), no person, firm, or corporation shall do plumbing
16 or effective October 1, 2001, medical gas systems work in the State of Oregon without first
17 obtaining a plumbing permit or minor label when required and paying the appropriate fees to the
18 authorized permit issuing agency.

19 ORDER

20 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board assesses
21 the following sanctions against you:

- 22 (1) a \$3,000 civil penalty for violating ORS 479.620(1)
- 23 (2) a \$1,000 civil penalty for violating ORS 479.550(1)

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

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

The civil penalties assessed total \$8,000.

¹ 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
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STIPULATED AGREEMENT

Respondent and the Boards agree to resolve this matter without hearing according to the following terms:

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

(2) The Boards agree to suspend \$6,000 of the \$8,000 in civil penalties for a period of five years under the following terms:

- (a) Respondent agrees not to commit further violations of Building Codes Division's statutes and/or rules.
- (b) Respondent agrees to pay the remaining \$2,000 of the civil penalties *or \$1,500 if full payment is submitted within 30 days of the date this Settlement Agreement is signed. The remaining \$500 will be added to the suspended amount.*
- (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.
- (f) Respondent understands the suspended civil penalty will be waived five years after the execution of this Settlement Agreement and Consent Order, provided Respondent complies with its terms and have not committed any further violations of Building Codes Division's statutes and/or rules.
- (g) Respondent has read and fully understands the terms of this Consent Order, freely and voluntarily consents to the entry of this Order without further hearing, without any force or duress, and expressly waives all rights to hearing or appeal in this matter.
- (h) Respondent understands that, upon signature of all parties, this Settlement Agreement and Consent Order will be a FINAL ORDER.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

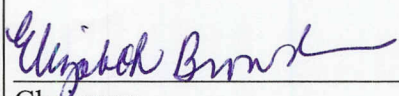
- (i) Respondent understands once this Settlement Agreement and Consent Order become a FINAL ORDER it becomes a public document.
- (j) Respondent further agrees by signing this Settlement Agreement and Consent Order that he is the respondent and/or authorized representative for the respondent in this matter.

FOR THE RESPONDENT



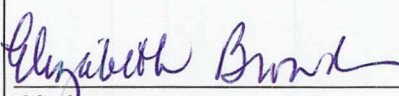
Date: 2-7-11

FOR THE BOARD


_____ for
Chairman
Plumbing Board
State of Oregon

Date: 2-22-11

FOR THE BOARD


_____ for
Chairman
Electrical Board
State of Oregon

Date: 2-22-11