

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

2 **IN THE MATTER OF:**

3 **DARRELL SCOTT ANDERSON, AN**
4 **INDIVIDUAL**

5
6 **RESPONDENT (You)**

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

)
)
) **CASE NO. 2011-0077**

7 **FINAL ORDER**

As of 9/13/2011

8 Under ORS 455.895(1)(a) and OAR 918-001-0036, the Oregon Plumbing Board (Board)
9 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:

10 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

11 (1) On or about April 4, 2011, at 3947 N. Williams Street, Portland, Oregon, you installed
12 potable water piping and plumbing fixtures, for the account of another, without a journeyman's
plumber's license, in violation of ORS 693.030(1).

13 (2) Installing potable water piping and plumbing fixtures is a plumbing installation as
14 defined in ORS 447.010(6).

15 **WHAT THE LAW SAYS**

16 Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber
17 without a journeyman plumber license.

18 **ORDER**

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

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

22 //

23 //

24 //

25 //

//

1 **NOTICE OF RIGHT TO HEARING**

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

7 If a request for hearing is not received within 20 days, your right to a hearing shall be considered
8 waived unless the failure to request a hearing was beyond your reasonable control. Mail hearing
9 requests to Building Codes Division, Enforcement Section, P. O. Box 14470, Salem, Oregon,
10 97309.

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

15 **NOTICE OF FINAL ORDER**

16 If you do not request a hearing within 20 days, withdraw a hearing request, notify the Board or the
17 administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Board
18 will issue a Final Order by Default. If the Board issues a Final Order by Default, it designates the
19 file, including any materials submitted by you that relate to this matter, as the record for purpose of
20 proving a prima facie case.

21 You are entitled to judicial review of any final order issued in the matter of this Notice of Proposed
22 Civil Penalty. Judicial review may be obtained by filing a petition for review with the Oregon
23 Court of Appeals within 60 days after the Final Order is served. See ORS 183.482. If the Order was
24 served to you in person, the service date is the date you received the Order. If the Order was served
25 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.

26 Dated this 23rd day of August, 2011

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