

1 **BEFORE THE DIRECTOR OF THE DEPARTMENT OF**
2 **CONSUMER AND BUSINESS SERVICES**

3 **IN THE MATTER OF:**) **NOTICE OF INTENT TO SUSPEND**
4 **ROSE CITY PLUMBING,**) **PLUMBING CONTRACTOR'S**
5 **AN OREGON LIMITED LIABILITY**) **LICENSE**
6 **COMPANY**) **LICENSE NUMBER 3-551PB**
7 **RESPONDENT**) **Case # 2008-0074**

FINAL ORDER
As of: 5-8-08

8 The Director of the Department of Consumer and Business Services proposes to suspend for three
9 years Respondent's Oregon plumbing contractor's license number 3-551PB.

10 The authority of the Director to suspend this license is OAR 918-030-0015(4), furthermore, the
11 Director has the authority to suspend these licenses for violations of the Oregon Specialty Codes
12 under ORS 455.125(1).

13 The Director intends to suspend the aforementioned license for the following reasons:

14 1. Respondent has failed to maintain an active CCB License.

15 a. On March 21, 2008 a Special Notice was served upon the Respondent. That Notice
16 provided the Respondent with 15 days in which to contact the division to resolve the matter.
17 At the time of this Notice, Respondent has not contacted the division and a search of the
18 CCB database shows that the Respondent's CCB License remains suspended for lack of
19 bond.

20 2. Respondent has repeatedly violated the Oregon Specialty Codes as evidenced by the following:

21 a. Case #2006-0003 - On or about December 21, 2005, at 12388 Lance Ct., Happy Valley,
22 Oregon, Respondent permitted Michael Bondarenko to cut a potable water piping in
23 preparation for the installation of a backflow preventer, for the account of another. At the
24 time, Michael Bondarenko did not have an Oregon journeyman plumber's certificate of
25 competency while he was employed by Respondent. A hearing was held on April 27, 2006,
a proposed order was issued on June 6, 2006 and a final order was issued on June 7, 2006

b. Case #2006-0173 - On or about April 29, 2006, at 9510 Nicholas Dr., Happy Valley,
Oregon, Respondent permitted Arnold Khemchan to install PEX potable water piping for the
account of another. At the time, Arnold Khemchan did not have an Oregon journeyman
plumber's certificate of competency while he was employed by Respondent. A hearing was
scheduled for August 14, 2006. Respondent failed to appear and a default order was issued
on August 21, 2006.

2007-0221

1 c. Case #2006-0221- On or about August 15, 2007, at 886 NW 3rd Ave. Canby, Oregon,
2 Respondent permitted Andreas Wiebe to install PEX potable water piping for the account
3 of another. At the time, Andreas Wiebe did not have an Oregon journeyman plumber's
4 license while he was employed by Respondent. A hearing was held on February 5, 2008,
a proposed order was issued on March 25, 2008, and a final order will be issued in May
2008 pending the reconvening of the plumbing Board.

5 Based on the above-noted violations, the Director intends to suspend Respondent's plumbing
6 contractor's license for a period of three (3) years pursuant to OAR 918-030-0015(4) and ORS
455.125(1).

7 This period shall commence May 9, 2008 and end on May 9, 2011.

8 In the event Respondent requests a hearing, the license suspension period shall be stayed until the
9 conclusion of the contested case process, at which time the period of license suspension will be
delineated in the Final Order.

10 Definitions relevant to this Notice are contained in ORS 447.010, ORS 455.010 and ORS 693.010.

11 **NOTICE OF RIGHT TO HEARING**

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13 You are entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised
14 Statutes, Chapter 183. If you wish to receive a hearing you must file a written request for a hearing
15 with the Board no later than 20 days from the date of service of this notice. If a request for hearing
16 is not received within the 20-day period your right to a hearing shall be considered waived unless
17 the failure to request a hearing was beyond your reasonable control. Requests for hearing must be
sent to: Building Codes Division, Enforcement and Licensing Section, PO Box 14470, Salem,
Oregon, 97309.

18 You have the right to be represented by legal counsel. ORS 183.457 provides a corporation may be
19 represented by an authorized representative at the hearing. If you request a hearing the Board will
20 notify you of the time and place of the hearing.

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2 **NOTICE OF FINAL ORDER**

3 If you do not request a hearing within 20 days from the date of mailing of this notice or if you
4 withdraw a hearing request or fail to appear at a scheduled hearing, the Boards may issue a Final
5 Order by Default and revoke both your electrical contractor's licenses, your boiler/pressure vessel
6 business license, and your plumbing license. If the Boards issue a Final Order by Default against
7 you, it will designate the Building Codes Division's file on the matter as the record. You are
8 entitled to judicial review of this order. Judicial review may be obtained by filing for review within
9 80 days from the date this order was served. Judicial review is pursuant to the provisions of ORS
10 183.482 to the Court of Appeals.

11 Dated this 16 day of April, 2008

12 Jon Hills for
13 Director
14 Department of Consumer and Business Services
15 State of Oregon
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