BEFORE THE PLUMBING BOARD OF THE STATE OF OREGON

IN THE MATTER OF:	**NOTICE OF PROPOSED ASSESSMENT OF A CIVIL PENALTY AND FINAL ORDER ON DEFAULT**
LUKE L. EK, AN INDIVIDUAL	
RESPONDENT	**CASE NO. 2013-0048**

FINAL ORDER
As of: June 25, 2013

Under ORS 455.895(1)(a) and OAR 918-001-0036, the Oregon Plumbing Board proposes disciplinary action against you in the form of a $2,000 civil penalty because you violated Building Codes Division statutes or rules as follows:

FINDINGS OF FACT and CONCLUSIONS OF LAW

(1) On or about February 28, 2013, at 11564 SE Aquila Street, Happy Valley, Oregon, you installed a toilet and pre-fabricated water supply piping for sinks, for the account of another, without a journeyman plumber license, in violation of ORS 693.030(1).

(2) Installing a toilet and pre-fabricating water supply piping is plumbing as defined in ORS 447.010(6).

WHAT THE LAW SAYS

(1) Under ORS 693.030(1), a person may not engage in plumbing without a journeyman plumber license issued under this chapter.

ORDER

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

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

NOTICE OF RIGHT TO HEARING

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

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

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

NOTICE OF FINAL ORDER

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

You are entitled to judicial review of any final order issued in the matter of this Notice of a Proposed Civil Penalty. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the Final Order is served. See ORS 183.482. If the Order was served in person, the service date is the date you received the Order. If the Order was served through the mail, the service date is the day the Order was mailed, not the day it was received by you. 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.

Dated this 30 day of May, 2013

Andrea Simmons for
Chairman
Plumbing Board
State of Oregon