

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

2
3)
4 **IN THE MATTER OF:**) **NOTICE OF PROPOSED ASSESSMENT**
5 **ANATOLIY U. KACHANKOV, AN INDIVIDUAL**) **OF A CIVIL PENALTY AND FINAL**
6) **ORDER ON DEFAULT**

7 **RESPONDENT**

8) **CASE NO. 2013-0081**

FINAL ORDER

As of: June 25, 2013

9 Under ORS 455.895(1)(a) and OAR 918-001-0036, the Oregon Plumbing Board (Board)
10 proposes disciplinary action against you in the form of a \$3,000 civil penalty because you
11 violated Building Codes Division statutes and rules as follows:

12 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

13 (1) On or about April 30, 2013 and May 01, 2013, on www.craigslist.com you engaged or
14 purported to be in the business of a plumbing contractor by advertising plumbing services in
15 Oregon, without a plumbing contractor's license, in violation of ORS 447.040(1).

16 **WHAT THE LAW SAYS**

17 (1) Under ORS 447.040(1), except as exempted by OAR 918-695-0020, a person may not
18 advertise or purport to be a plumbing contractor, without a plumbing contractor's license.¹

19 **ORDER**

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

21 (1) a \$3,000 civil penalty for violating ORS 447.040(1).
22
23
24

25 ¹ Under OAR 918-030-0010(8), for the purposes of ORS 447.040 "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 **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. The postmarked date on the request for hearing must be no later than 20 days from the
5 date the Notice of Intended Action (Notice) is served to you. If this Notice was served to you in
6 person, the service date is the date you received this Notice. If this Notice was served through
7 the mail, the service date is the day the Notice was mailed, not the day you received it.

8 If a request for hearing is not received with a postmark dated within 20 days, your right to a
9 hearing is considered waived unless the failure to request a hearing was beyond your reasonable
10 control. Mail hearing requests to Building Codes Division, Enforcement Section, P.O. Box
11 14470, Salem, Oregon, 97309.

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

16 **NOTICE OF FINAL ORDER**

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

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

26 Dated this 30 day of May, 2013

27 Andrea Simmons for
28 Chairman
29 Plumbing Board
30 State of Oregon