

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

2)
3 **IN THE MATTER OF:**)

4 **HORIZON RESTORATION, A LIMITED**)
5 **LIABILITY CORPORATION**)

6 **RESPONDENT**)
7)

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

CASE NO. 2013-0127

FINAL ORDER

As of: January 29, 2014

8
9 Under ORS 455.895(1)(a) and OAR 918-001-0036, the Oregon Plumbing Board (Board)
10 proposes to take disciplinary action against Respondent in the form of civil penalties totaling \$6,000
11 for violation of Building Codes Division statutes and rules as follows:

11 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

12 (1) On or about June 13, 2013, at 33994 Seven Oaks Drive, Scappoose, Oregon, Respondent
13 installed a drain pipe for a shower, for the account of another, without a plumbing contractor's
14 license, in violation of ORS 447.040(1).

15 (2) Respondent made the installation at 33994 Seven Oaks Drive, Scappoose, without first
16 obtaining a plumbing permit, in violation of OAR 918-785-0200(1)(a).

17 (3) On or about June 13, 2013, Russell Stone was employed by Respondent. At no relevant
18 time did Russell Stone possess a valid journeyman plumber license.

19 (4) On or about June 13, 2013, at 33994 Seven Oaks Drive, Scappoose, Oregon, Respondent
20 permitted or suffered Russell Stone to install a drain pipe for a shower in violation of ORS
21 693.030(2)(a).

22 (5) Installing a drain pipe for a shower is plumbing as defined under ORS 447.010(6).

23 **WHAT THE LAW SAYS**

24 (1) Under ORS 693.030(2)(a), a licensed plumbing contractor or a person required under
25 ORS 447.010 to 447.156 to be licensed as a plumbing contractor may not permit or suffer any
person to work as a journeyman plumber who does not hold a valid journeyman plumber license.

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

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

5 (4) Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or
6 purport to be a plumbing contractor, and a member or employee of a firm, partnership or
7 corporation may not engage in the layout or superintending of plumbing installations, without
having obtained the plumbing contractor license required under ORS 447.010 to 447.156 as
provided by State Plumbing Board rules adopted under ORS 455.117.¹

8 **ORDER**

9 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Board assesses the following
10 sanctions:

11 (1) a \$1,000 civil penalty for violating OAR 918-785-0200(1)(a)

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

13 (3) a \$3,000 civil penalty for violating ORS 447.040(1)

14 The assessed penalties total \$6,000.

15 **NOTICE OF RIGHT TO HEARING**

16 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon
17 Revised Statutes, Chapter 183. If Respondent requests a hearing, the request must be in writing and
18 postmarked no later than 20 days from the date of service. If the Notice was served on Respondent
19 in person, the date of service is the date Respondent received the Notice. If the Notice was served
20 through the mail, the date of service is the day the Notice was mailed, not the day it was received by
21 the Respondent. If a request for hearing is not received within the 20-day period, Respondent's
right to a hearing shall be considered waived unless the failure to request a hearing was beyond
Respondent's reasonable control. Hearing requests shall be mailed to Building Codes Division,
Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

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25 ¹ OAR 918-030-0010(8) states that 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 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a
2 corporation may be represented by an authorized representative at the hearing. If Respondent
3 requests a hearing the Board and Director will notify Respondent of the time and place of the
4 hearing. The Board and Director will give Respondent information on the procedures, right of
5 representation and other rights of parties relating to the conduct of the hearing before
6 commencement of the hearing.

7 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

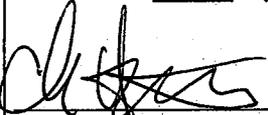
8 Active duty service members have a right to stay proceedings under the Federal Service Members
9 Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon Military Department
10 at 800-452-7500 for more information. If you need help finding legal assistance, visit the United
11 States Armed Forces Legal Assistance Legal Services Locator website at
12 <http://legalassistance.law.af.mil/content/locator.php>.

13 **NOTICE OF FINAL ORDER**

14 If Respondent does not request a hearing within 20 days, this Notice will become a final order,
15 effective 21 days after it was served on Respondent. If Respondent does not request a hearing or
16 fails to appear at a scheduled hearing, the Division's file on the matter becomes record.

17 Respondent is entitled to judicial review of this Order. Judicial review may be obtained by filing a
18 petition for review with the Oregon Court of Appeals within 60 days after the final order is served
19 upon Respondent. See ORS 183.482. If the Order was served on Respondent in person, the date of
20 service is the date Respondent received the Order. If the Order was served through the mail, the
21 date of service is the day the Order was mailed, not the day it was received by the Respondent. If
22 Respondent does not file a petition for judicial review within the 60 day time period, Respondent
23 will lose the right to appeal. The informational phone number for the Oregon Court of Appeals is
24 503-986-5555.

25 Dated this 7 day of January, 2014


Chris Huntington
Chairman
Plumbing Board
State of Oregon