

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

3 **IN THE MATTER OF:**

4 **KELLY V. BOWEN, AN INDIVIDUAL**

5 **RESPONDENT**

)
) **NOTICE OF INTENT TO SUSPEND**
) **RESPONDENT'S OREGON**
) **JOURNEYMAN PLUMBER LICENSE,**
) **#6556JP, AND FINAL ORDER ON**
) **DEFAULT**
)
) **CASE NO. 2013-0141**
)
)

8 Pursuant to ORS 305.385, the Director of the Oregon Department of Revenue has requested that the
9 Oregon Department of Consumer and Business Services suspend your Oregon journeyman
plumber's license, #6556JP.

10 The Director of the Department of Revenue has determined that:

- 11 1. You have neglected or refused to file tax return(s) or pay tax, and
12 2. You have not filed a good-faith petition before the department, and
13 3. The Department of Revenue has been unable to obtain payment of the tax through other
14 collection methods.

FINAL ORDER
As of: 8/22/13

15 As described below, you are entitled to a hearing in this matter. Unless this matter is resolved,
16 your Oregon journeyman plumber's license will be suspended pursuant to ORS 305.385(4)(c) and
17 will remain suspended until the Department of Revenue certifies you are in good standing.

18 **NOTICE OF RIGHT TO HEARING**

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

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

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, Respondent will be notified of the time and place of the hearing and be given
4 information on procedures, right of representation and other rights of parties relating to the hearing
5 before it begins.

6 **NOTICE OF FINAL ORDER**

7 If Respondent does not timely request a hearing, withdraws a hearing request, notifies the Board or
8 the administrative law judge that they will not appear, or fails to appear at a scheduled hearing, the
9 Board will issue a Final Order by Default. If the Board issues a Final Order by Default, it designates
10 the file, including any materials submitted by Respondent that relate to this matter, as the record for
11 purpose of proving a prima facie case.

12 Respondent is entitled to judicial review of any final order issued in the matter of this Notice of a
13 Proposed Civil Penalty. Judicial review may be obtained by filing a petition for review with the
14 Oregon Court of Appeals within 60 days after the Final Order is served. See ORS 183.482. If the
15 Order was served in person, the service date is the date Respondent received the Order. If the Order
16 was served through the mail, the service date is the day the Order was mailed, not the day it was
17 received by Respondent. If Respondent does not file a petition for judicial review within 60 days,
18 Respondent will lose the right to appeal. The informational phone number for the Oregon Court of
19 Appeals is (503) 986-5555.

20 Dated this 31st day of July, 2013

21 Andrea Simmons for
22 Director
23 Department of Consumer and Business Services
24 State of Oregon
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