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BUILDING CODES

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

2
3 **IN THE MATTER OF:**

)
) **CONSENT ORDER**
)
)

4 **DYNASTY CONCRETE CO.,**
5 **AN OREGON COMPANY**

6
7) **CASE NO. 2013-0159**
)
)

8 The Plumbing Board of the State of Oregon (Board) has conducted an investigation and
9 determined that you violated certain provisions of the Oregon Building Codes statutes,
administrative rules, and specialty codes.

10 You and the Board desire to settle this matter informally by the entry of this Consent Order. You
11 understand that you have the right to a hearing under the Administrative Procedures Act (Chapter
12 183), Oregon Revised Statutes, and fully and finally waive the right to a contested case hearing
13 and any appeal therefrom by the signing and entry of this Order in the Board's record. You agree
to conduct all future business in compliance with the applicable statutes, administrative rules,
and specialty codes. You understand that, once final, this Order is a public record.

14 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

- 15
16 1. On or about August 19, 2013, at 600 Waterford Way, Eugene, Oregon, you "engaged in
the business" of installing a double check valve, for the account of another, without
17 having an Oregon plumbing contractor's license.¹
18 2. Pat Claybaugh, your employee, installed the double check valve without having a
journeyman plumbing license.
19 3. The double check valve was installed without first obtaining a plumbing permit, violating
20 OAR 918-785-0200(1)(a).
21 4. Installing a double check valve, as outlined above, is plumbing as defined by ORS
447.010(6).
22 5. Respondent allowed Pat Claybaugh to install a double check valve without having a
23 journeyman plumbing license, violating ORS 693.030(2)(a).
24

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¹ OAR 918-030-0010(8) 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.

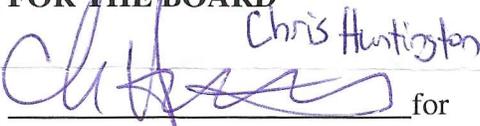
- 1 5. You understand and agree any violation of the terms of this Consent Order will result in
2 further enforcement action.
- 3 6. You understand and agree that any violations of Building Code Division's statutes or
4 rules not alleged in this Order, whether committed before or after the execution of this
5 Consent Order, may be the basis for further enforcement action.
- 6 7. You understand the suspended civil penalty will be waived five years after the execution
7 of this Consent Order, provided you comply with its terms and have not committed any
8 further violations of Building Codes Division's statutes or rules.
- 9 8. You have read and fully understand the terms of this Consent Order, freely and
10 voluntarily consent to the entry of this Order without further hearing, without any force
11 or duress, and expressly waive all rights to a hearing or appeal in this matter.
- 12 9. You understand that, upon signature of all parties, this Consent Order will be a FINAL
13 ORDER.
- 14 10. You further agree by signing this Consent Order that you are the Respondent or
15 authorized representative for the Respondent in this matter.

16 **FOR THE RESPONDENT**

17 
18 _____
19 Robert Wayne Tate
20 Dynasty Concrete Company

21 Date: 11/13/13

22 **FOR THE BOARD**

23 
24 _____ for
25 Chairman
State Plumbing Board
State of Oregon

Date: 12/2/13