

1 **BEFORE THE BOARD OF BOILER RULES OF THE STATE OF OREGON**

2 **IN THE MATTER OF:**

3 **WILLAMETTE PLUMBING & MECHANICAL**  
4 **LLC., AN INACTIVE OREGON LIMITED**  
5 **LIABILITY COMPANY**

6 **RESPONDENT**

) **NOTICE OF INTENT TO REVOKE**  
) **BOILER BUSINESS LICENSE AND**  
) **FINAL ORDER ON DEFAULT**

) **CASE NO. C2013-0218**  
)  
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8 Under ORS 455.129(1)(b) the Board of Boiler Rules (Board) proposes to revoke Boiler Business  
9 License No. BB49 for failure to pay a civil penalty due and owing, and violation of Oregon Revised  
10 Statutes and Oregon Administrative Rule.

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

**FINAL ORDER**

**As of: December 20, 2013**

- 12 (1) Respondent holds suspended Boiler Business license No. BB49.
- 13 (2) On or about April 23, 2012 the Building Codes Division received a written request from  
14 the Oregon Department of Revenue requesting the division suspend Respondent's Boiler  
15 Business license No. BB49 because Respondent had neglected or refused to file any tax  
16 return or to pay any tax, had not filed in good faith a petition before the department  
17 contesting the tax, and the department had been unable to obtain payment of the tax  
18 through other methods of collection.
- 19 (3) On or about April 27, 2012, the Respondent was served, through certified and regular  
20 mail, a Notice of Proposed Suspension.
- 21 (4) Respondent did not request a hearing within 20 days as provided by ORS 183.745. On or  
22 about May 22, 2012, the proposed suspension became a final order through default.
- 23 (5) On or about February 27, 2013, Respondent was served, through certified and regular  
24 mail, a Notice of Proposed Civil Penalty for \$6,000 (case No: 2012-0179) for two  
25 instances of engaging in the business of making plumbing installations without a  
contractor's license.
- (6) Respondent did not request a hearing within 20 days as provided by ORS 183.745.
- (7) On March 21, 2013, the Oregon State Plumbing Board issued a Default Order for \$6,000  
in civil penalties.
- (8) The division sent a final demand notice on September 11, 2013. There has been no  
response from the Respondent.

BCD Case No: C2013-0218 / Willamette Plumbing and Mechanical LLC.

1 (9) Respondent has failed, and continues to fail, to make payments.  
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3 **WHAT THE LAW SAYS**

4 (1) Under ORS 455.129(1)(b) the Director of the Department of Consumer and Business  
5 Services may revoke a license if the licensee has failed to comply with an order of the  
6 Director including but not limited to failure to pay a civil penalty.

7 **ORDER**

8 Under ORS 455.129(1)(b) The Board of Boiler Rules revokes Respondent's Boiler Business license  
9 No. BB49.

10 **NOTICE OF RIGHT TO HEARING**

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

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

22 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a  
23 corporation may be represented by an authorized representative at the hearing. If Respondent  
24 requests a hearing, Respondent will be notified of the time and place of the hearing and be given  
25 information on procedures, right of representation and other rights of parties relating to the hearing  
before it begins.

**NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

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

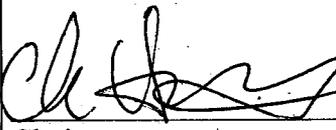
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1 **NOTICE OF FINAL ORDER**

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

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

15 Dated this 7 day of November, 2013

16  Chris Huntington for  
17 Chairman  
18 Board of Boiler Rules  
19 State of Oregon  
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