

WHAT THE LAW SAYS

1. Under ORS 447.010(6), "plumbing" is the art of installing, altering or repairing pipes, fixtures and other apparatus in or adjacent to or serving buildings for bringing in the water supply and removing liquid and water-carried waste, including the water supply distributing pipes.
2. Oregon Administrative Rules (OAR) 918-785-0200(1)(a) prohibits a person, firm or corporation from doing plumbing in Oregon without first obtaining a plumbing permit or minor label when required and paying the appropriate fees to the authorized permit issuing agency.
3. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber without a journeyman plumber license.
4. Under ORS 693.030(2)(a), licensed plumbing contractor or a person required under 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.
5. Under ORS 455.129(1)(b), the board may issue additional sanctions, including suspension or conditioning of a license, for failure to comply with an order of the regulatory body or by the Director of the Department of Consumer and Business Services.

CONCLUSIONS OF LAW

1. Potable water piping, as described above, is a plumbing installation as defined in ORS 447.010(6).
2. By not obtaining a permit from the authorized permit issuing agency prior to performing a plumbing installation, Respondent violated OAR 918-785-0200(1)(a).
3. By permitting or suffering Richard Clifford to install potable water piping without a journeyman plumber's license, as outlined in the Findings of Fact (1), Respondent violated ORS 693.030(2)(a).
4. Because Respondent violated the Oregon Building Codes statutes and administrative rules within five years of December 1, 2012, in case number 2010-0267, Respondent violated ORS 455.129(1)(b) and the stayed civil penalty is now due and payable.
5. By failing to comply with rules adopted under ORS 693.030 to 693.105, as outlined above, the State Plumbing Board may suspend Respondent's plumbing contractor license number PB944.

SETTLEMENT AGREEMENT

Respondent and the State Plumbing Board agree to resolve this matter without a hearing according to the following terms:

1. The Board hereby assesses a \$2,500 civil penalty for violating OAR 918-785-0200(1)(a) and ORS 693.030(2)(a); and by violating ORS 455.129(1)(b), the \$2,750 previously stayed penalty

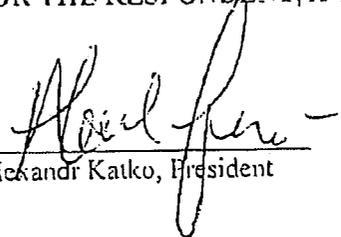
1 is due and payable. In lieu of suspending Respondent's plumbing contractor license number PB
2 944, Respondent shall comply with the following terms:

- 3 1.1. Respondent agrees to pay \$7,250, the total civil penalty due. *(An invoice will be*
4 *included with Respondent's copy of the final order after the Director signs it.)*
- 5 1.2. Respondent agrees to pay \$300 postmarked by the 25th day of each month once this
6 consent order is executed, for 24 months. The final, 25th payment will be \$50. As long
7 as the payments remain timely, there shall be no interest added to Respondent's
8 balance.
- 9 1.3. Respondent agrees to provide monthly reporting to the Building Codes Division, due
10 on the fifth day following each reporting month (example: the first report, due
11 September 5, 2014, will report on the Respondent's August 2014 activities). The
12 reporting shall include a list of all jobs worked in the month (even if reported in a
13 previous month's report, in the event that a job runs longer than one calendar month),
14 any and all invoices from the job, the names and license numbers of each employee or
15 subcontractor who worked on the job, and a copy of each permit received for the job.
16 The first reporting installment is due to the Building Codes Division postmarked (or
17 scanned documents emailed to Juliet Wiersma juliet.m.wiersma@state.or.us) by
18 September 5, 2014. Reporting shall continue for twelve (12) consecutive months.
19 Reporting will be considered complete with the final reporting due on August 5, 2015.
- 20 2. Respondent understands that a single failure to comply with any of the terms of this Settlement
21 Agreement results in the entire civil penalty being immediately due and payable and the
22 immediate suspension of Respondent's plumbing contractor license JP944. Failure to comply
23 includes failure to pay the civil penalty amount by the due date, and failure to timely remit
24 complete reporting materials.
- 25 3. Respondent agrees not to commit further violations of the Building Code Division's statutes
and rules.
4. Respondent understands and agrees that any violation of the terms of this consent order
will result in further enforcement action.
5. Respondent understands and agrees that any violation of the Building Code Division's statutes
or rules not alleged in this order, whether committed before or after the execution of this
consent order, may be the basis for further enforcement action.
6. Respondent understands that failure to comply with this settlement agreement may result in the
denial of future licensing applications and/or suspension of licensing or certification
issued by the Division and/or other state agencies.
7. Respondent understands the suspended civil penalty will be waived five years after the
execution of this consent order, provided Respondent complies with its terms and has not
committed any further violations of Building Code Division's statutes and rules.

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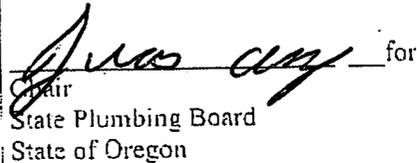
- 8. Respondent has read and fully understand the terms of this consent order, freely and voluntarily consents to the entry of this order without further hearing, without any force or duress and expressly waives all rights to hearing or appeal in this matter.
- 9. Respondent understands that, upon signature of all parties, this consent order will be a FINAL ORDER.
- 10. Respondent understands that once this settlement agreement and consent order becomes a FINAL ORDER, it becomes a public document.
- 11. The signatory for Respondent certifies that by signing the consent order, he is the Respondent or the authorized representative for the Respondent in this matter.

FOR THE RESPONDENT, A-1 AMERICAN CONTRACTORS, INC.


 Alexandr Katko, President

Date: 7/24/14, 2014

FOR THE STATE PLUMBING BOARD


 Chair
 State Plumbing Board
 State of Oregon

Date: 8-21, 2014